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[1968]

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Grade Designations and Section Numbers

Pursuant to the administrative procedure provisions of 5 U.S.C., section 553, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 864) on January 18, 1969, regarding proposed revisions of §§ 26.101 through 26.603 of the Official Grain Standards of the United States (7 CFR Part 26, Subpart B) promulgated under the authority of the U.S. Grain Standards Act, 39 Stat. 482, as amended (7 U.S.C. 71 et seq.).

Statement of considerations. Interested persons were given 20 days in which to submit written data, views, or recommendations regarding the proposed revisions to renumber certain sections and to provide the prefix "U.S." to the official grain grades. Only one comment was received favoring the proposal and none in opposition to it. Accordingly the revisions are hereby adopted without change and are set forth below.

Effective date. The U.S. Grain Standards Act requires that the effective date of any change in the grain standards be not less than 1 year after promulgation, unless in the judgment of the Secretary the public health, interest, or safety requires an earlier effective date. The effective dates for the revisions shall be as follows:

(1) The revision in section numbers shall become effective 30 days after publication in the FEDERAL REGISTER. The revision provides for a change in codification in the Code of Federal Regulations to avoid a duplication of the section numbers in the standards and in the regulations. It is therefore considered to be in the public interest to make the revision effective after due notice has been given to interested parties.

(2) The revision to add the prefix "U.S." to each of the official grain grades shall become effective 1 year after publication in the FEDERAL REGISTER.

For a reasonable period after the effective date, grain inspectors will, upon request, show on inspection certificates the grades under both the new and the old standards.

Done at Washington, D.C., this 24th day of February 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

In § 26.201, paragraphs (c) (1) and (f) are amended to read:

§ 26.201 Terms defined.

* * * * *

(c) (1) *Malting Barley.* The subclass Malting Barley shall be six-rowed barley of the class Barley which has 90 percent or more of the kernels with white aleurone layers; which is not semisteely in mass; which after the removal of dockage, contains not more than 5 percent of the two-rowed and/or other types or varieties of barley unsuitable for malting (such as Trebi), 4 percent damaged kernels, 3 percent foreign material, 8 percent skinned and broken kernels, 15 percent thin barley, 2 percent black barley, and 5 percent other grains; which has a minimum test weight per bushel of 43 pounds; which contains a minimum of 90 percent sound barley; which does not contain barley injured by frost or heat; and which is not smutty, garlicky, weevily, ergoty, or bleached; and which otherwise meets the requirements of grades U.S. Nos. 1 to 3, inclusive, of the subclass Barley.

* * * * *

(f) *Grades.* Grades shall be the U.S. numerical grades, U.S. Sample grade, and special grades provided for in § 26.203.

* * * * *

In § 26.203, paragraphs (a), (b), (c), (e), and (g) (4) (i) and (5) (i) are amended to read:

§ 26.203 Grades, grade requirements, and grade designations.

* * * * *

(a) *Grades and grade requirements for the subclass Barley of the class Barley.* (See also paragraph (g) of this section.)

Grade	Minimum limits of—		Maximum limits of—					
	Test weight per bushel	Sound barley	Total damaged kernels	Heat-damaged kernels	Foreign material	Broken kernels	Thin barley	Black barley
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	47	97	2.0	0.2	1.0	5.0	10.0	0.5
U.S. No. 2	45	94	4.0	.3	2.0	10.0	15.0	1.0
U.S. No. 3	43	90	6.0	.5	3.0	15.0	25.0	2.0
U.S. No. 4 [1]	40	80	8.0	1.0	4.0	20.0	35.0	5.0
U.S. No. 5	36	70	10.0	3.0	6.0	30.0	75.0	10.0
U.S. Sample grade	U.S. Sample grade shall include barley of the class Barley, which does not come within the grade requirements of any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.							

[1] Barley that is badly stained or materially weathered, shall not be graded higher than U.S. No. 4.

(b) *Grades and grade requirements for the subclasses Malting Barley and Blue Malting Barley of the class Barley.* (See also paragraph (g) of this section.)

Grade	Minimum limits of—		Maximum limits of—					
	Test weight per bushel	Sound barley	Damaged kernels	Foreign material	Skinned and broken kernels	Thin barley	Black barley	Other grains
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	47	97	2.0	1.0	4.0	7.0	0.5	2.0
U.S. No. 2	45	94	3.0	2.0	6.0	10.0	1.0	3.0
U.S. No. 3	43	90	4.0	3.0	8.0	15.0	2.0	5.0

NOTE: Barley of the class Barley which does not meet the requirements of any of the grades U.S. No. 1 to U.S. No. 3, inclusive, for the subclasses Malting Barley and Blue Malting Barley shall be classified and graded according to the grade requirements for the subclass Barley.

(c) *Grades and grade requirements for Western Barley.* (See also paragraph (g) of this section.)

Grade	Minimum limits of sound barley	Maximum limits of— Heat-damaged kernels (barley, other grains, and wild oats)	Wild oats	Foreign material	Broken kernels	Black barley
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	98	0.1	1.0	0.5	3.0	0.5
U.S. No. 2	96	.2	2.0	1.0	6.0	1.0
U.S. No. 3	93	.3	3.0	2.0	10.0	2.0
U.S. No. 4	88	.5	5.0	3.0	15.0	5.0
U.S. No. 5	80	1.0	10.0	4.0	25.0	10.0
U.S. Sample grade	U.S. Sample grade shall include barley of the class Western Barley which does not come within the grade requirements of any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 15 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which contains the seeds of wild brome grasses of a character and in a quantity sufficient to cause the grain to be of low quality for feeding purposes; or which is otherwise of distinctly low quality.					

* * * * *

(e) *Grade designations for barley.* The grade designations for barley shall include the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the name of the class or subclass; the name of each applicable special grade; and when applicable the word "dockage" together with the percentage thereof. In the case of the class Mixed Barley, the grade designation shall also include, following the name of the class, the approximate percentage of Barley, Western Barley, and black barley in the mixture.

* * * * *

(g) *Special grades, special grade requirements and special grade designations for barley.* * * *

(4) *Choice Malting Two-rowed Barley*—(i) *Requirements.* Choice Malting Two-rowed Barley shall be two-rowed barley of the class Barley which consists of the Betzes varietal type or two-rowed barley of the class Western Barley which consists of the Hannchen or Hanna varietal type; which does not contain more than 3 percent of varietal types of barley other than Betzes, Hannchen, or Hanna; which meets the requirements for grade U.S. No. 1 Western Barley except that the class requirements for Western Barley and the limitation on seeds of wild brome grasses shall be disregarded in determining the U.S. numerical grade; which has a test weight per bushel of 52 pounds or more; which contains 90 percent or more of mellow kernels; which is not semisteely in mass; which does not contain more than 5 percent of thin barley; which does not contain more than 5 percent of skinned and/or broken kernels; and which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, smutty, garlicky, weevily, ergoty, or bleached.

* * * * *

(5) *Malting Two-rowed Barley*—(i) *Requirements.* Malting Two-rowed Barley shall be two-rowed barley of the class Barley which consists of the Betzes varietal type or two-rowed barley of the class Western Barley which consists of the Hannchen or Hanna varietal types; which does not contain more than 5 percent of varietal types of barley other than Betzes, Hannchen, or Hanna; which meets the requirements for any of the grades U.S. No. 1 to U.S. No. 3 Western Barley, inclusive, except that the class requirements for Western Barley and the limitation on seeds of wild brome grasses shall be disregarded in determining the U.S. numerical grade; which does not meet the requirements for the special grade Choice Malting Two-rowed Barley; which has a test weight per bushel of 50 pounds or more; which contains 70 percent or more of mellow kernels; which is not semi-steely in mass; which does not contain more than 10 percent of thin barley; which does not contain more than 10 percent of skinned and/or broken kernels; and which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, blighted, smutty, garlicky, weevily, ergoty, or bleached: *Provided*, That Malting Two-rowed Barley of the grade U.S. No. 1 shall contain not less than 80 percent of mellow kernels; and may not contain more than 3 percent of varietal types of barley other than Betzes, Hannchen, or Hanna, or more than 7 percent of thin barley, or more than 7 percent of skinned and/or broken kernels.

* * * * *

Section 26.251(h) is amended to read:

§ 26.251 Terms defined.

* * * * *

(h) *Grades.* Grades shall be the U.S. numerical grades, U.S. Sample grade, and special grades provided for in § 26.253.

* * * * *

In § 26.253, paragraphs (a) and (b) are amended to read:

§ 26.253 Grades, grade requirements, and grade designations.

* * * * *

(a) *Grades and grade requirements for Oats.* (See also paragraph (c) of this section.)

Grade	Minimum limits of— Test weight per bushel	Sound cultivated oats	Maximum limits of— Heat-damaged kernels	Foreign material	Wild oats
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1[1]	34	97	0.1	2.0	2.0
U.S. No. 2[2]	32	94	.3	3.0	3.0
U.S. No. 3[3]	30	90	1.0	4.0	5.0
U.S. No. 4[4]	27	80	3.0	5.0	10.0
U.S. Sample grade	U.S. Sample grade shall be oats which do not meet the requirements for any of the grades U.S. No. 1 to U.S. No. 4, inclusive; or which contain more than 16.0 percent of moisture; or which contain stones; or which are musty, or sour, or heating; or which have any commercially objectionable foreign odor except of smut or garlic; or which are otherwise of distinctly low quality.				

[1] The oats in grades U.S. No. 1 White Oats may contain not more than 5.0 percent of red oats, gray oats, and black oats, singly or in combination, of which not more than 2.0 percent may be black oats.
[2] The oats in grade U.S. No. 2 White Oats may contain not more than 3.0 percent of black oats.
[3] Oats that are slightly weathered shall be graded not higher than U.S. No. 3.
[4] Oats that are badly stained or materially weathered shall be graded not higher than U.S. No. 4.

(b) *Grade designations for oats.* The grade designations for oats shall include the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the name of the applicable class; and the name of each applicable special grade.

* * * * *

§§ 26.301–26.329 [Redesignated]

Sections 26.101 through 26.129 are renumbered as §§ 26.301 through 26.329, respectively.

Renumbered § 26.326 is amended to read:

§ 26.326 Grades.

Grades shall be the U.S. numerical grades, U.S. Sample grade, and special grades provided for in §§ 26.327 and 26.328.

Renumbered § 26.327 is amended to read:

§ 26.327 Grades and grade requirements.

(a) *Grades and grade requirements for all classes of Wheat except Mixed wheat.* (See also § 26.328.)

Grade	Minimum test weight per bushel		Maximum limits of—						
			Defects					Wheat of other classes [1]	
	Hard Red Spring Wheat	All other classes	Heat-damaged kernels	Damaged kernels (total)	Foreign material	Shrunken and broken kernels	Defects (total)	Contrasting classes	Wheat of other classes (total)
	Pounds	*Pounds*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	58.0	60.0	0.1	2.0	0.5	3.0	3.0	1.0	3.0
U.S. No. 2	57.0	58.0	.2	4.0	1.0	5.0	5.0	2.0	5.0
U.S. No. 3	55.0	56.0	.5	7.0	2.0	8.0	8.0	3.0	10.0
U.S. No. 4	53.0	54.0	1.0	10.0	3.0	12.0	12.0	10.0	10.0
U.S. No. 5	50.0	51.0	3.0	15.0	5.0	20.0	20.0	10.0	10.0
U.S. Sample grade.	U.S. Sample grade shall be wheat which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.								

[1] Red Durum Wheat of any grade may contain not more than 10.0 percent of wheat of other classes.

(b) *Grades and grade requirements for Mixed Wheat.* (See also § 26.328.) Mixed Wheat shall be graded according to the U.S. numerical and U.S. Sample grade requirements of the class of wheat which predominates in the mixture, except that the factor "wheat of other classes" shall be disregarded.

In renumbered § 26.328, subparagraphs (f)(1) and (g)(1) are amended to read:

§ 26.328 Special grades, special grade requirements, and special grade designations.

* * * * *

(f) *Treated wheat*—(1) *Requirements.* Treated wheat shall be wheat which has been scoured, limed, washed, sulfured, or treated in such a manner that the true quality is not reflected by either the U.S. numerical grade or the U.S. Sample grade designation alone.

* * * * *

(g) *Heavy wheat*—(1) *Requirements.* Heavy wheat shall be (i) Hard Red Spring Wheat of grade U.S. No. 1, U.S. No. 2, or U.S. No. 3 which has a test weight per bushel of 60 pounds or more, or (ii) any other class of wheat of grade U.S. No. 1, U.S. No. 2, or U.S. No. 3 which has a test weight per bushel of 62 pounds or more.

* * * * *

Renumbered § 26.329 is amended to read:

§ 26.329 Grade designations for wheat.

(See also § 26.328.) The grade designations for wheat shall include the letters "U.S."; the number of the grade or the words "Sample grade", as the case may be; the name of the applicable subclass, or in the case of Red Durum Wheat, Soft Red Winter Wheat, and Mixed Wheat, the name of the class; the name of each applicable special grade; and when applicable the word "dockage" together with the percentage thereof. In the case of Western White Wheat, the grade designation shall also include, following the name of the subclass, the name and percentage of white club wheat and other white wheat in the mixture. In the case of Mixed Wheat, the grade designation shall also include, following the name of the class, the name and percentage of Hard Red Spring, Durum, Red Durum, Hard Red Winter, Soft Red Winter, and White Wheat, if any, contained in the mixture.

§§ 26.351–26.353 [Redesignated]

Sections 26.151 through 26.153 are renumbered as §§ 26.351 through 26.353, respectively, and renumbered § 26.351(f) is amended to read:

§ 26.351 Terms defined.

* * * * *

(f) *Grades.* Grades shall be the U.S. numerical grades, U.S. Sample grade, and special grades provided for in § 26.353.

* * * * *

In renumbered § 26.353, paragraphs (a) and (b) are amended to read:

§ 26.353 Grades, grade requirements, and grade designations.

* * * * *

(a) *Grades and grade requirements for Corn.* (See also paragraph (c) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—			
		Moisture	Broken corn and foreign material	Damaged kernels	
				Total	Heat-damaged kernels
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	56	14.0	2.0	3.0	0.1
U.S. No. 2	54	15.5	3.0	5.0	.2
U.S. No. 3	52	17.5	4.0	7.0	.5
U.S. No. 4	49	20.0	5.0	10.0	1.0
U.S. No. 5	46	23.0	7.0	15.0	3.0
U.S. Sample grade	U.S. Sample grade shall be corn which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which is otherwise of distinctly low quality.				

(b) *Grade designations for corn.* The grade designations for corn shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the name of the applicable class; and the name of each applicable special grade.

* * * * *

Section 26.401(b) is amended to read:

§ 26.401 Terms defined.

* * * * *

(b) *Grades.* Rye shall be graded and designated according to the respective grade requirements of the U.S. numerical grades and U.S. Sample grade of these standards, and according to the special grades when applicable.

Section 26.402 is amended to read:

§ 26.402 Grades, grade requirements, and grade designations.

(a) *Grades and grade requirements for Rye.* (See also §§ 26.403(a) through 26.408.)

Grade No.	Minimum test weight per bushel	Maximum limits of—			
		Damaged kernels (rye and other grains)		Foreign material	
		Total	Heat-damaged	Total	Foreign matter other than wheat
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1[1]	56	2	0.1	3	1
U.S. No. 2[1]	54	4	.2	6	2
U.S. No. 3[1]	52	7	.5	10	4
U.S. No. 4	49	15	3.0	10	6
U.S. Sample grade	U.S. Sample grade shall include rye which does not come within the requirements of any of the grades from U.S. No. 1 to U.S. No. 4, inclusive; or which contains more than 16 percent of moisture; or which contains inseparable stones and/or cinders; or which is musty, or sour, or heating, or hot; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.				

[1] The rye in grade U.S. No. 1 may contain not more than 10.0 percent, in grade U.S. No. 2 not more than 15.0 percent, and in grade U.S. No. 3 not more than 25.0 percent of "thin" rye, which "thin" rye shall consist of rye and other matter that will pass readily through a sieve 0.032 inch thick with perforations 0.064 by 0.375 inch.

(b) *Grade designations for rye.* The grade designations for rye shall include the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the word "Rye"; the name of each applicable special grade; and when applicable the word "dockage" together with the percentage thereof.

Section 26.451(b) is amended to read:

§ 26.451 Terms defined.

* * * * *

(b) *Grades.* Grades shall be "U.S. Mixed Grain," "U.S. No. 1 Mixed Feed Oats," "U.S. No. 2 Mixed Feed Oats," "U.S. Sample grade Mixed Grain," and special grades provided for in § 26.453.

* * * * *

In § 26.453, paragraphs (a), (b), and (c) (7) (i) are amended to read:

§ 26.453 Grades, grade requirements, and grade designations.

* * * * *

(a) *Grades and grade requirements for U.S. Mixed Grain.* (See also paragraph (c) of this section.)

(1) *U.S. Mixed Grain (Grade).* The grade "U.S. Mixed Grain" shall be mixed grain with not more than 15 percent of damaged kernels, and not more than 3 percent of heat-damaged kernels, and which otherwise does not meet the requirements for mixed feed oats, or the requirements for the grade "U.S. Sample grade Mixed Grain."

(2) *U.S. No. 1 Mixed Feed Oats.* The grade U.S. No. 1 Mixed Feed Oats shall be mixed grain which meets the requirements for mixed feed oats; which contains not more than 5 percent of foreign material, not more than 10 percent of damaged kernels, and not more than 2 percent of heat-damaged kernels; which has a test weight per bushel of not less than 32 pounds; and which otherwise does not meet the requirements for the grades U.S. Mixed Grain, U.S. No. 2 Mixed Feed Oats, or U.S. Sample grade Mixed Grain.

(3) *U.S. No. 2 Mixed Feed Oats.* The grade U.S. No. 2 Mixed Feed Oats shall be mixed grain which meets the requirements for mixed feed oats; which contains not more than 7 percent of foreign material, not more than 15 percent of damaged kernels, and not more than 3 percent of heat-damaged kernels; which has a test weight per bushel of not less than 29 pounds; and which otherwise does not meet the requirements for the grades U.S. Mixed Grain, U.S. No. 1 Mixed Feed Oats, or U.S. Sample grade Mixed Grain.

(4) *U.S. Sample grade Mixed Grain.* The grade "U.S. Sample grade Mixed Grain" shall be mixed grain which does not meet the requirements for mixed feed oats, or the requirements for the grade U.S. Mixed Grain; or which contains more than 16 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor, except of smut or garlic; or which is otherwise of distinctly low quality.

(b) *Grade designations for U.S. Mixed Grain.* The grade designation for mixed grain shall include the words "U.S. Mixed Grain," "U.S. No. 1 Mixed Feed Oats," "U.S. No. 2 Mixed Feed Oats," or "U.S. Sample grade Mixed Grain," as the case may be, and the name of each applicable special grade. In the case of the grades "U.S. Mixed Grain" and "U.S. Sample grade Mixed Grain" the grade designation shall also include the name and approximate percentage of each kind of grain, including wild oats, which constitutes 10 percent or more of the mixture, in the order of predominance and, when applicable, the words "other grains" followed by a statement of the percentage of the combined quantity of those kinds of grains, including wild oats, each of which is present in a quantity less than 10 percent; and the words "Foreign Material" together with a statement of the percentage thereof.

(c) *Special grades, special grade requirements and special grade designations for mixed grain.* * * *

(7) *Treated mixed grain*—(i) *Requirements.* Treated mixed grain shall be mixed grain which has been scoured, limed, washed, sulfured, or treated in such a manner that its true quality is not reflected by the grade designation "U.S. Mixed Grain," "U.S. No. 1 Mixed Feed Oats," "U.S. No. 2 Mixed Feed Oats," or "U.S. Sample grade Mixed Grain."

* * * * *

Section 26.512 is amended to read:

§ 26.512 Grades.

Grades shall be the U.S. numerical grades and U.S. Sample grade provided for in § 26.513.

Section 26.513 is amended to read:

§ 26.513 Grades and grade requirements for flaxseed.

Grade	Minimum test weight per bushel	Maximum limits of—	
		Heat-damaged flaxseed	Damaged flaxseed (total)
	Pounds	*Percent*	*Percent*
U.S. No. 1	49	0.2	10.0
U.S. No. 2	47	.5	15.0
U.S. Sample grade	U.S. Sample grade shall be flaxseed which does not meet the requirements for grade U.S. No. 1 or U.S. No. 2; or which contains more than 9.5 percent of moisture; or which contains castor beans (*Ricinus communis*), crotalaria seeds (Crotalaria *spp.*), stones, unknown foreign substances, or commonly recognized harmful or toxic substances; or which is musty, sour, or heating; or which has any commercially objectionable foreign odor; or which is otherwise of distinctly low quality.	

Section 26.514 is amended to read:

§ 26.514 Grade designations for flaxseed.

The grade designation for flaxseed shall include in the order named, the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the word "Flaxseed"; and, when applicable, the word "dockage" together with the percentage thereof.

Section 26.551(c) is amended to read:

§ 26.551 Terms defined.

* * * * *

(c) *Grades.* Grades shall be the U.S. numerical grades, U.S. Sample grade, and special grades provided for in § 26.553.

* * * * *

In § 26.553, paragraphs (a) and (b) are amended to read:

§ 26.553 Grades, grade requirements, and grade designations.

* * * * *

(a) *Grades and grade requirements for Grain Sorghum.* (See also paragraph (c) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—			
		Moisture	Damaged kernels		Broken kernels, foreign material, and other grains
			Total	Heat-damaged kernels	
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	57	13.0	2.0	0.2	4.0
U.S. No. 2	55	14.0	5.0	.5	8.0
U.S. No. 3[1]	53	15.0	10.0	1.0	12.0
U.S. No. 4	51	18.0	15.0	3.0	15.0
U.S. Sample grade	U.S. Sample grade shall be grain sorghum which does not meet the requirements of any of the grades from U.S. No. 1 to U.S. No. 4, inclusive; or which contains stones; or which is musty, or sour, or heating; or which is badly weathered; or which has any commercially objectionable foreign odor except of smut; or which is otherwise of distinctly low quality.				

[1] Grain sorghum which is distinctly discolored shall not be graded higher than U.S. No. 3.

(b) *Grade designations for grain sorghum.* The grade designations for grain sorghum shall include in the order named, the letters "U.S."; the number of the grade or the words "Sample grade", as the case may be; the name of the class; the name of each applicable special grade; and when applicable the word "dockage" together with the percentage thereof. In the case of the class Mixed Grain Sorghum, the grade designation shall also include, following the name of the class, the approximate percentages of yellow grain sorghum, white grain sorghum, and brown grain sorghum, if any, in the mixture.

* * * * *

Section 26.601(h) is amended to read:

§ 26.601 Terms defined.

* * * * *

(h) *Grades.* Grades shall be the U.S. numerical grades, U.S. Sample grade, and special grades provided for in § 26.603.

* * * * *

In § 26.603, paragraphs (a) and (b) are amended to read:

§ 26.603 Grades, grade requirements, and grade designations.

* * * * *

(a) *Grades and grade requirements for Soybeans.* (See also paragraph (c) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—					
		Moisture	Splits	Damaged kernels		Foreign material	Brown, black, and/or bicolored soybeans in yellow or green soybeans
				Total	Heat damaged		
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	56	13.0	10	2.0	0.2	1.0	1.0
U.S. No. 2	54	14.0	20	3.0	0.5	2.0	2.0
U.S. No. 3[1]	52	16.0	30	5.0	1.0	3.0	5.0
U.S. No. 4[2]	49	18.0	40	8.0	3.0	5.0	10.0
U.S. Sample grade	U.S. Sample grade shall be soybeans which do not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 4, inclusive; or which are musty, sour, or heating; or which have any commercially objectionable foreign odor; or which contain stones; or which are otherwise of distinctly low quality.						

[1] Soybeans which are purple mottled or stained shall be graded not higher than U.S. No. 3.
[2] Soybeans which are materially weathered shall be graded not higher than U.S. No. 4.

(b) *Grade designations for soybeans.* The grade designations for soybeans shall include in the order named, the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade. In the case of mixed soybeans, the grade designation shall also include, following the name of the class, the approximate percentages of yellow, green, brown, black, and bicolored soybeans in the mixture.

* * * * *

(Sec. 8, 39 Stat. 485, 7 U.S.C. 84; 29 F.R. 16210, as amended; 33 F.R. 10750)

[F.R. Doc. 69-2446; Filed, Feb. 27, 1969; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1438—NAVAL STORES

Subpart—1969 Gum Naval Stores Price Support Loan Program

Statement with respect to the Gum Naval Stores Price Support Loan Program for the calendar year 1969, formulated by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (hereinafter referred to as "CCC" and "ASCS").

Sec.

AUTHORITY: The provisions of this Part 1438 issued under sec. 4(d), 62 Stat. 1070, sec. 5(a), 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1421, 1447.

§ 1438.1636 General statement and administration.

CCC and ASCS will make price support available to producers of gum naval stores during the calendar year 1969 through the American Turpentine Farmers Association Cooperative (hereinafter referred to as ATFA), under the terms and conditions in this statement. The Producer Associations Division, ASCS, will supervise the administration of the program. The Data Processing Center, Kansas City, Mo., will perform accounting functions.

§ 1438.1637 Definitions.

(a) *"Eligible producer"* means a producer who (1) is a member of ATFA in good standing under membership requirements approved by CCC (no producer who is otherwise eligible may be excluded from membership in ATFA), (2) is a participant in the 1969 Naval Stores Conservation Program of the U.S. Department of Agriculture or otherwise follows one or more forestry conservation practices established by State and Federal Forestry services, as determined by ATFA, (3) has made satisfactory arrangements to pay any indebtedness to the U.S. Department of Agriculture or any of its agencies, as evidenced by the debt records maintained by the Agricultural Stabilization and Conservation County Committee of the U.S. Department of Agriculture, and (4) has executed, and has not breached his obligations under, the Producer's Marketing Agreement (ATFA Form 1—1969), or any other similar agreement.

(b) *"Eligible naval stores"* means eligible rosin and the rosin content in eligible oleoresin.

(c) *"Eligible oleoresin"* means oleoresin (1) which was produced in 1969 in the United States by an eligible producer, (2) which is free and clear from all liens and encumberances, (3) the rosin content in which has not been theretofore delivered for an advance under this or any similar program and in which the beneficial interest is and always has been in the producer, and (4) which will yield rosin of the grades and quality prescribed in paragraph (d) of this section.

(d) *"Eligible rosin"* means gum rosin which (1) was processed by the Olustee or a similar method from eligible oleoresin, (2) grades "K" or better, (3) is free and clear from all liens and encumbrances, (4) has not previously been delivered for an advance under this or any similar program, and in which the beneficial interest is and always has been in the producer: *Provided*, That, when a producer's eligible oleoresin was commingled in the processing operation with oleoresin produced in the United States by other producers, the rosin tendered for advance by the producer, as representing the processed equivalent of his eligible oleoresin, will be deemed to be, if otherwise eligible, eligible rosin produced by such producer, (5) is packed to a net weight of 517 pounds, in eligible metal drums, (6) is transparent, (7) is free from visible foreign materials and contains no extraneous matter resulting from chemical or other treatment of the rosin, or of the oleoresin or the trees from which it came, and (8) conforms as to softening point to not less than Federal Specifications LLL-R-626b, to wit: 158° Fahrenheit (American Society for Testing and Materials Method No. E-28-58T). Rosin must be federally inspected and weighed or the weights checked prior to delivery for an advance.

(e) *"Eligible metal drums"* means drums conforming to the specifications for metal drums approved by CCC, obtainable from and on file in the office of ATFA.

§ 1438.1638 Loan to ATFA.

Under a Loan Agreement, CCC will make a loan to ATFA which will enable ATFA to make price support advances or to make price support advances available to eligible producers on eligible naval stores. As security for such loan ATFA will pledge such naval stores to CCC. The loan will be in an amount equal to (a) the amount of the price support advances made by ATFA to producers, except that loan will be made only on full drums of eligible naval stores, (b) the administrative and operating expenses, approved by CCC, incurred by ATFA in making advances to producers and in making such advances available, and in the handling, preservation, and redemption of pledged naval stores, and (c) storage charges or other charges on pledged naval stores.

§ 1438.1639 Advances to producers.

ATFA will make advances to eligible producers on eligible naval stores only when such naval stores have been (a) processed (except where CCC and ATFA determine that unprocessed rosin content in oleoresin may be offered for advance), (b) placed in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement (ATFA Form 2—1969) with ATFA, or in the custody of ATFA acting under a Storage Agreement with CCC, and (c) offered for advance on a Producer's Offer (ATFA Form 4). No warehouseman will be authorized to store pledged unprocessed rosin except upon approval by CCC of ATFA's written recommendation therefor and written demonstration by ATFA that there exists an immediate and substantial need for such storage. If there are any liens or encumbrances on the naval stores offered for advance, proper waivers are required on a Lienholders' Waiver and Agreement (ATFA Form 3). All processing charges, including the cost of the eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for advance will be borne by the producer.

§ 1438.1640 Rate of advance to producers.

ATFA will make advances to eligible producers on eligible rosin or rosin content only, based on the support level of $39.76 per standard barrel (435 lbs. net weight each) of oleoresin (crude pine gum), processed basis. Although no advance is made on turpentine, an allowance is made for the estimated 1969 market value of the turpentine content in a barrel of oleoresin in determining the advance rate for rosin or rosin content. The price support advance rates on rosin are $10.01 for grade WG, $10.66 for grades X and WW, $9.31 for grade N, $9.21 for grade M, and $9.11 for grade K, per hundred pounds net, packed in eligible metal drums. CCC reserves the right to reduce rosin support rates if the actual turpentine market price during 1969, when added to such rosin support rates, results in a support level for crude pine gum in excess of 90 percent of parity. Also, CCC may increase or decrease grade premiums and discounts whenever market conditions warrant. ATFA will advance to any eligible producer on the basis of the applicable advance rates in effect on the date of the applicable Producer's Offer.

§ 1438.1641 Maturity of loan.

The loan made by CCC to ATFA will be due and payable upon demand.

§ 1438.1642 Redemption by ATFA.

ATFA's right to redeem naval stores pledged by ATFA to CCC shall be subject to the terms and conditions of the Loan Agreement and any amendments thereto. Redemption shall be made upon application to CCC therefor, prior to maturity of the loan, and upon payment of the redemption cost. The redemption cost will be determined by CCC and will be the amount outstanding under the Loan Agreement, including any unpaid accrued expenses and charges, plus interest, applied ratably to the naval stores to be redeemed. Any naval stores redeemed will not be thereafter eligible for price support.

§ 1438.1643 Net gains.

ATFA will disburse in cash on a fair and equitable basis to participating producers all net gains, less cost of disbursements, resulting from ATFA's sale of redeemed naval stores, unless a disposition other than cash disbursement has been approved by CCC. For example, when net gains are insufficient to justify disbursement expense, ATFA may upon request to and approval of CCC, utilize such net gains for and in behalf of all of its producer-members.

§ 1438.1644 Right of CCC upon maturity.

Upon maturity and nonpayment of the loan, CCC will take title to any unredeemed naval stores, without a sale thereof, and CCC will have no obligation to pay or account to ATFA for any market value which such naval stores may have in excess of the amount of the loan, plus interest and charges.

§ 1438.1645 Personal liability.

Any fraudulent representation by ATFA or the producer in the program documents will render it or him subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the naval stores involved are less than the amount of indebtedness incurred by ATFA with respect to such naval stores.

Effective date: Date of filing with office of Federal Register.

Signed at Washington, D.C., on February 24, 1969.

LIONEL C. HOLM,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-2467; Filed, Feb. 27, 1969; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that two additional positions of Assistant to the Secretary and two additional positions of Assistant to the Secretary for Special Programs are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (23) of paragraph (a) is amended and subparagraph (32) is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(23) Three Assistants to the Secretary for Special Programs.

* * * * *

(32) Two Assistants to the Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-2445; Filed, Feb. 27, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Confidential Assistant to the Assistant Secretary for Community and Field Services is excepted under Schedule C and to reflect the Assistant Secretary's current title. Effective on publication in the FEDERAL REGISTER, the headnote and subparagraphs (1) and (2) of paragraph (n) of § 213.3316 are amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Community and Field Services.* (1) Two Confidential Secretaries to the Assistant Secretary for Community and Field Services.

(2) Two Confidential Assistants to the Assistant Secretary for Community and Field Services.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–2444; Filed, Feb. 27, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69–EA–13, Amdt. 39–728]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive requiring inspection and, when necessary, replacement of parts of the DeHavilland DHC–6 airplanes.

There has been a report of a cracked control column lower subassembly in the DHC–6 aircraft. Since this condition is likely to exist or develop in other airplanes of the same type design, this airworthiness directive is being issued to require repetitive inspection of the subassembly P/N C3CF39–17 for cracks and replacement when cracks are found.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Applies to DeHavilland DHC–6 airplanes certificated in all categories:

(a) Prior to next flight unless accomplished within the last 50 hours time in service, and at intervals thereafter not to exceed 50 hours time in service from the last inspection, visually inspect the control column lower subassembly, P/N C3CF39–17 for cracks. Replace cracked parts before further flight with a part of the same part number or with an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) The repetitive inspection interval required by (a) may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region upon receipt of substantiating data submitted through an FAA maintenance inspector.

(c) Report the results of the initial inspection findings required by this AD to the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region (reporting approved by the Bureau of the Budget under B.O.B. No. 04–R0174).

This amendment is effective March 5, 1969, and was effective upon receipt for all recipients of the telegram dated January 31, 1969, which contained this amendment.

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

Issued in Jamaica, N.Y., on February 18, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69–2439; Filed, Feb. 27, 1969; 8:47 a.m.]

[Docket No. 69–EA–8, Amdt. 39–726]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations so as to revise AD 68–5–1 applicable to Piper type airplanes.

Since the publication of AD 68–5–1, experience has indicated a justification for relaxing the restrictions of the directive to permit deletion of certain Piper airplanes. However, the airworthiness directive reduces the inspection times of PA–24–260 airplanes until the installation of approved devices which will permit a termination of the required inspections.

In view of the potential effect on air safety and the resultant need for prompt implementation of the stricter inspection, a situation exists that requires immediate adoption of this regulation. Notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

1. Delete the applicability paragraph and insert in lieu thereof:

PIPER. Applies to Piper J3, J4, J5, PA–11, PA–12, PA–14, PA–15, PA–16, PA–17, PA–18, PA–19, PA–20, PA–22, and PA–24 type airplanes, except PA–24–400 and PA–24–260 aircraft serial Nos. 24–4783, 24–4804, and subsequent.

2. Delete paragraphs (a) and (b) and insert in lieu thereof:

(a) For all airplanes except Models J3, J4, J5, PA–11, and those referenced in paragraphs (i) and (j), which have exhaust mufflers with 950 or more hours time in service on the effective date of this AD, comply with paragraph (e) within the next 50 hours time in service and thereafter at intervals not to exceed 50 hours time in service from the last inspection.

(b) For all airplanes except Models J3, J4, J5, PA–11, and those referenced in paragraphs (i) and (j), which have exhaust mufflers with less than 950 hours time in service on the effective date of this AD, comply with paragraph (e) within the next 50 hours time in service, and thereafter at intervals not to exceed 100 hours time in service from the last inspection. After the exhaust muffler has accumulated 950 hours time in service, comply with the inspection requirements of paragraph (a).

3. Add the following new paragraphs.

(i) The repetitive inspection of paragraph (a) and (b) may be discontinued when hollow muffler P/N 24506 or P/N 26385 is installed on Model PA–24 aircraft; and on Model PA–24–250 aircraft when installed in combination with muffler support Kit No. 756775 (Service Letter No. 412A) or Kit No. 757058 (Service Letter No. 481) as applicable, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(j) For applicable PA–24–260 airplanes, the repetitive inspections of paragraph (b) must be accomplished at 50-hour intervals in lieu of 100-hour intervals until a barrier device is installed in each muffler in accordance with Piper Service Letter No. 518 or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. Upon installation of the barrier devices, the repetitive inspections of paragraph (a) and (b) may be discontinued. (Piper Service Letters Nos. 324B, 324C, 412A, 481 and 518 cover this same subject).

This amendment is effective March 5, 1969.

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

Issued in Jamaica, N.Y. on February 18, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69–2440; Filed, Feb. 27, 1969; 8:47 a.m.]

[Docket No. 69–EA–12, Amdt. 39–727]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 68–13–3 applicable to Piper airplanes.

The subject AD 68-13-3 required repetitive inspections of the fuel cells of the Piper PA-24 and PA-24-250 type airplanes as well as the fuel cell filler caps. It has been determined that with the installation of modification kits for the cells, the inspections may be discontinued. The AD will thus be amended to permit the alternative method of compliance.

Since this amendment is relaxatory in nature and imposes no additional burden on any person, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive.

1. Delete in the applicability description the figures 24-3530 and insert in lieu thereof the figures 24-3529.

2. In the Compliance sentences, delete the period and add after word "indicated" the following:

below until Piper fuel cell vent and drain tube modification kits are installed (Kit No. 760277 for main tanks and Kit No. 760281 for auxiliary tanks if installed) in accordance with Piper Service Letter No. 516 or a later approved revision or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

3. In the note in parenthesis add after the figure "367" the word and figures "and 516".

This amendment is effective March 5, 1969.

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

Issued in Jamaica, N.Y., on February 18, 1969.

R. M. BROWN,
Acting, Director, Eastern Region.

[F.R. Doc. 69-2441; Filed, Feb. 27, 1969; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9428; Amdt. 638]

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:

Pocatello, Idaho—Pocatello Municipal, ADF 1, Amdt. 9, 2 Apr. 1966 (established under Subpart C).
Henderson, Ky.—Henderson, VOR 1, Amdt. 3, 19 Sept. 1964 (established under Subpart C).
Millbrook, N.Y.—Sky Acres, VOR-1, Amdt. 1, 6 Jan. 1968 (established under Subpart C).
Mobile, Ala.—Bates Field, VOR Runway 9, Amdt. 17, 9 Jan. 1969 (established under Subpart C).
Plymouth, Mass.—Plymouth Municipal, VOR 1, Amdt. 1, 8 Oct. 1966 (established under Subpart C).
Pocatello, Idaho.—Pocatello Municipal, VOR 1, Amdt. 8, 2 Apr. 1966 (established under Subpart C).

2. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Ithaca, N.Y.—Tompkins County, TerVOR-14, Amdt. 5, 22 Jan. 1966 (established under Subpart C).

3. By amending § 97.17 of Subpart B to amend 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. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SJC VOR	Lick Int	Direct	4000	T-dn%*	300-1	300-1	200-½
Morgan Int	Lick Int	Direct	4000	C-dn	600-1	600-1	600-1½
				S-dn-30L#$	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 122° Outbnd, 302° Inbnd, 4000' within 10 miles of Lick Int.
Minimum altitude at glide slope intercept ion Inbnd, 3700'.
Altitude of glide slope and distance to approach end of runway at OM, 1734'—5.1 miles; at MM, 202'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on NW crs of SJC ILS within 15 miles.
AIR CARRIER NOTES: (1) Reduction in visibility by sliding scale not authorized for landing. (2) Reduction in visibility by sliding scale or local condition not authorized for takeoff on Runways 12 R/L.
%RVR 2400 authorized Runway 30L.
*400-1 required for takeoff on Runways 12 R/L.
#700-1 required of glide slope not utilized. Glide slope altitude at Lick Int, 4434'. Pilots executing approach without glide slope must cross Lick Int at 4000'.
$RVR 2400. Descent below 256' not authorized unless approach lights are visible.

City, San Jose; State, Calif.; Airport name, San Jose Municipal; Elev., 56'; Fac. Class., ILS; Ident., I-SJC; Procedure No. ILS-30L, Amdt. 5; Eff. date, 20 Mar. 69; Sup. Amdt. No. 4; Dated, 14 Nov. 64

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

Pocatello, Idaho—Pocatello Municipal, ILS-2, Amdt. 9, 2 Apr. 1966 (established under Subpart C).

5. 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: 8.1 miles after passing EVV VORTAC.
R 229°, EVV VORTAC CW	R 329°, EVV VORTAC (NOPT)	7-mile DME Arc	2000	Make right-climbing turn to 2000' and return to EVV VORTAC.
R 081°, EVV VORTAC CCW	R 329°, EVV VORTAC (NOPT)	7-mile DME Arc	2000	

Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 2000' within 10 miles of EVV VORTAC.
FAF, EVV VORTAC. Final approach crs, 149°. Distance FAF to MAP, 8.1 miles.
Minimum altitude over EVV VORTAC, 2000'; over 6-mile DME Fix, 960'.
MSA: 000°–180°—2500'; 180°–360°—1900'.
NOTE: Use Evansville, Ind., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	960	1	575	960	1	575	NA	NA
	VOR/DME Minimums:							
	MDA	VIS	HAA	MDA	VIS	HAA		
C	820	1	435	820	1	435	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Henderson; State, Ky.; Airport name, Henderson; Elev., 385'; Facility, EVV; Procedure No. VOR-1, Amdt. 4; Eff. date, 20 Mar. 69; Sup. Amdt. No. VOR 1, Amdt. 3, Dated, 19 Sept. 64

Terminal routes			Missed approach
From	To—	Via	Minimum altitudes (feet)	MAP: Ithaca VOR.
				Climbing left turn to 3500' on ITH VOR, R 315° within 10 miles, direct to ITH VOR and hold.
				Supplementary charting information: Hold NW, 1 minute, left turns, Inbnd crs 135°. Final approach crs, 300' left runway centerline at 3000'. 2112' tower plus high terrain, 3.3 miles SE of airport. TDZ Elevation, 1082'.

Procedure turn E side of crs, 315° Outbnd, 135° Inbnd, 2600' within 10 miles of ITH VOR.
Final approach crs, 135°.
MSA: 000°–270°—3300'; 270°–360°—3200'.
NOTE: Use Chemung County Airport altimeter setting when control zone not effective.
*Circling and straight-in MDA increases 100' and alternate minimums not authorized when control zone not effective.
%IFR departure: Runway 14 departure requires 320'/mile climb rate to 2200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-14*	1480	1	398	1480	1	398	1480	1	398	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1480	1	382	1560	1	462	1560	1½	462	NA
A	Standard.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Ithaca; State, N.Y.; Airport name, Tompkins County; Elev., 1098'; Facility, ITH; Procedure No. VOR Runway 14, Amdt. 6; Eff. date, 20 Mar. 69; Sup. Amdt. No. Ter VOR-14, Amdt. 5; Dated, 22 Jan. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing IGN VOR.
Pawling VORTAC	Kingston VOR	Direct	3000	Climbing left turn to 2300' direct to IGN VOR and hold. Supplementary charting information: Hold SW, 1 minute, left turns, 069° Inbd. Unicom available, 122.8.

Procedure turn not authorized. One minute holding pattern, SW of IGN VOR, 069° Inbnd, left turns, 2300'.
FAF, IGN VOR. Final approach crs, 069°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over IGN VOR, 2300'.
MSA: 000°–090°—3400'; 090°–180°—2600'; 180°–270°—2800'; 270°–360°—4200'.
NOTES: (1) Use Poughkeepsie FSS altimeter setting. (2) Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D	
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS	
C	1380	1	680	1380	1	680	NA		NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Millbrook; State, N.Y.; Airport name, Sky Acres; Elev., 700'; Facility, IGN; Procedure No. VOR-1, Amdt. 2; Eff. date, 20 Mar. 69; Sup. Amdt. No. 1; Dated, 6 Jan. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.3 miles after passing MOB VORTAC.
MOB, R 219° CW	MOB, R 288°	MOB 7-mile DME Arc	1800	Climb to 1800' via R 140° MOB VORTAC to Theodore Int and hold.
MOB VORTAC, R 028° CCW	MOB, R 288°	MOB 7-mile DME Arc	1800	Supplementary charting information: Hold S, 1-minute/4-mile, right turns, 320° Inbnd. HIRL Runways 14/32. TDZ Elevation, 216'.
7-mile Arc	MOB VORTAC (NOPT)	R 288°	1800	

Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 1800' within 10 miles of MOB VORTAC.
FAF, MOB VORTAC. Final approach crs, 108°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over MOB VORTAC, 1800'.
MSA: 000°–180°—2400'; 180°–270°—1500'; 270°–360°—1700'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	620	1	404	620	1	404	620	1	404	620	1	404
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	462	680	1	462	680	1¼	462	780	2	562
A	Standard.		T 2-eng. or less—RVR 24', Runway 14; Standard all other runways.				T over 2-eng.—RVR 24', Runway 14; Standard all other runways.					

City, Mobile; State, Ala.; Airport name, Bates Field; Elev., 218'; Facility, MOB; Procedure No. VOR Runway 9, Amdt. 18; Eff. date, 20 Mar. 69; Sup. Amdt. No. 17; Dated, 9 Jan. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10 miles after passing HTM VOR.
				Make left-climbing turn to 2000' direct to HTM VOR and hold. Supplementary charting information: Hold SW of HTM VOR, 1 minute, right turns, 060° Inbnd.

Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000' within 10 miles of HTM VOR.
FAF, HTM VOR. Final approach crs, 144°. Distance FAF to MAP, 10 miles.
Minimum altitude over HTM VOR, 2000'.
MSA: 000°–090°—1900'; 090°–180°—1600'; 180°–270°—2200'; 270°–360°—2400'.
NOTES: (1) Radar vectoring. (2) Use NAS South Weymouth altimeter setting.
%Night operations Runways 6/24 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS	
C%	800	1	651	800	1	651	800	1¼	651	NA	
A	Not authorized.		T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Plymouth; State, Mass.; Airport name, Plymouth Municipal; Elev., 149'; Facility, HTM; Procedure No. VOR Runway 15, Amdt. 2; Eff. date, 20 Mar. 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 8 Oct. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing PIH VOR TAC.
R 269°, PIH VORTAC CCW	R 235°, PIH VORTAC	10-mile Arc PIH, R 248° lead radial.	6800	Climb to 7000', left turn, direct to PIH VORTAC, continue climb on R 269° within 10 miles.
R 235°, 15-mile DME Fix, PIH VORTAC	R 235°, 10-mile DME Fix, PIH VOR TAC.	Direct	6800	
R 235°, 10-mile DME Fix, PIH VORTAC	PIH VORTAC (NOPT)	Direct	5200	Supplementary charting information: TDZ Elevation, 4442'.

Procedure turn N side of crs, 235° Outbnd, 055° Inbnd, 6800' within 10 miles of PIH VORTAC.
FAF, PIH VORTAC, Final approach crs, 033°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over PIH VORTAC, 5200'.
MSA: 000°–180°—10300'; 180°–270°—9300'; 270°–360°—6500'.
NOTES: (1) Final approach from holding pattern at PIH VOR not authorized. Procedure turn required. (2) Inoperative table does not apply to HIRL Runway 3.
#Circling not authorized SE of Runways 3–21.
%IFR departure procedures: Climb direct to PIH VORTAC; southeastbound V21/V257 continue climb on R 235° PIH VORTAC within 10 miles so as to cross PIH VORTAC at or above 7300'; all maneuvering N of R 235°.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	4900	1	458	4900	1	458	4900	1	458	4900	1	458
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	4900	1	452	4900	1	452	4900	1¼	452	5000	2	552
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4448'; Facility, PIH VORTAC; Procedure No. VOR Runway 3, Amdt. 9; Eff. date, 20 Mar. 69; Sup. Amdt. No. VOR 1, Amdt. 8; Dated, 2 Apr. 66

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: 14.5 mile DME Fix, R 144° HTM VORTAC.
				Make left-climbing turn to 2000' direct to HTM VORTAC and hold. Supplementary charting information: Hold SW, HTM VORTAC, 1 minute, right turns, 060° Inbnd.

Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000' within 10 miles of HTM VORTAC.
Final approach crs, 144°.
Minimum altitude over HTM VORTAC, 2000'; over 10-mile DME Fix, 800'.
MSA: 000°–090°—1900'; 909°–180°—1600'; 180°–270°—2200'; 270°–360°—2400'.
NOTES: (1) Radar vectoring. (2) Use NAS South Weymouth altimeter setting.
%Night operations Runways 6/24 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-13%#	600	1	451	600	1	451	600	1	451	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C%	600	1	451	600	1	451	600	1¼	451	NA
A	Not authorized.		T over 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Plymouth; State, Mass.; Airport name, Plymouth Municipal; Elev., 149'; Facility, HTM; Procedure No. VOR/DME Runway 15, Amdt. Orig.; Eff. date, 20 Mar. 1969

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5-mile DME Fix, R 031°.
R 358°, PIH VORTAC CW	R 031°, PIH VORTAC (NOPT)	15-mile Arc PIH, R 023° lead radial.	7100	Climb direct to PIH VORTAC, continue climb to 7000' on R 269° within 10 miles. Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. TDZ Elevation, 4448'.

Procedure turn W side of crs, 031° Outbnd, 211° Inbnd, 7100' within 10 miles of PIH VORTAC R 031°/5-mile DME.
Final approach crs, 211°.
Minimum altitude over PIH VORTAC R 031°/11, 6500'; over PIH VORTAC R 031°/8, 5000'.
MSA: 000°–180°—10,300'; 180°–270°—9300'; 270°–360°—6500'.
NOTE: Inoperative table does not apply to HIRL or SALS, Runway 21.
#Circling not authorized SE of Runways 3-21.
% IFR departure procedures: Climb direct to PIH VORTAC; southeastbound V21/V257, continue climb on R 235° PIH VORTAC within 10 miles so as to cross PIH VORTAC at or above 7300'. All maneuvering N of R 235°.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-21	4820	1	372	4820	1	372	4820	1	372	4820	1	372
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	4820	1	372	4900	1	452	4900	1½	452	5000	2	552
A	Standard.			T 2-eng. or less—Standard. %					T over 2-eng.—Standard. %			

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4448'; Facility, PIH; Procedure No. VOR/DME Runway 21, Amdt. Orig.; Eff. date, 20 Mar. 69

6. 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: 5.1 miles after passing AUS VORTAC.
Georgetown Int	AUS VORTAC (NOPT)	R 007°	1800	Climb to 3000', right turn to AUS VORTAC R 189° within 15 miles or, when directed by ATC, climb to 2000' turn left to AUS VORTAC R 125° within 15 miles. Supplementary charting information: Depict 845' tower, 2.2 miles N of airport. TDZ Elevation, 632'.

Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2500' within 10 miles of AUS VORTAC.
FAF, AUS VORTAC. Final approach crs, 175°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over AUS VORTAC, 1800'; over 2.9 DME or Radar Fix R 175°, 1280'.
MSA within 25 miles of AUS VORTAC: 000°–090°—2100'; 090°–360°—3000'.
NOTE: ASR.
Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16R	1280	1	648	1280	1	648	1280	1¼	648	1280	1½	648
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-16R	1280	1	648	1280	1	648	1280	1½	648	1280	2	648
	Radar or VOR/DME minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16R	1040	1	408	1040	1	408	1040	1	408	1040	1	408
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1060	1	428	1100	1	468	1100	1½	468	1200	2	568
A	Standard.			T 2-eng. or less—RVR 24', Runway 30L; others Standard.					T over 2-eng.—RVR 24', Runway 30L; others Standard.			

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632'; Facility, AUS; Procedure No. VOR Runway 16R, Amdt. 20; Eff. date, 20 Mar. 69; Sup. Amdt. No. 19; Dated, 26 Sept. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.5 miles after passing CAM VOR.
Glen Falls VOR	CAM VOR (NOPT)	Direct	3500	Make left-climbing turn to 3500' direct CAM VOR and hold.
Griswoldville Int	CAM VOR	Direct	4600	Supplementary charting information: Hold N of CAM VOR, 1 minute, right turns, 159° Inbnd, 2340' terrain 1.6 miles S of airport.

Procedure turn W side of crs, 339° Outbnd, 159° Inbnd, 3500' within 10 miles of CAM VOR.
FAF, CAM VOR. Final approach crs, 159°. Distance FAF to MAP, 7.5 miles.
Minimum altitude over CAM VOR, 3500'.
MSA: 000°–090°—5000'; 090°–180°—5000'; 180°–270°—4700'; 270°–360°—3000'.
NOTE: Radar vectoring: (1) Use Albany altimeter setting; (2) Approach from a holding pattern not authorized. Procedure turn required.
%IFR departure: Depart over airport at 1400' on heading 339°, climb to 3500' on CAM VOR, R 159° direct CAM VOR. Depart CAM VOR at MEA for route of flight.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	2800	3	1979	2800	3	1979	NA	NA
A	Not authorized.		T 2-eng. or less—1500-2.%*				T over 2-eng.—1500-2.%*	

City, Bennington; State, Vt.; Airport name, Municipal; Elev., 821'; Facility, CAM; Procedure No. VOR-1, Amdt. 1; Eff. date, 20 Mar. 69; Sup. Amdt. No. Orig.; Dated 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMG VOR.
Scotland VOR	BMG VOR	Direct	2400	Climb to 2400' on R 055° and return to BMG VOR
Spencer Int	BMG VOR	Direct	2400	Supplementary charting information: TDZ Elevation, 833'.
Paragon Int	BMG VOR	Direct	2400	
Wilbur Int	BMG VOR	Direct	2400	
Freetown Int	BMG VOR	Direct	2400	

Procedure turn S side of crs, 235° Outbnd, 055° Inbnd, 2400' within 10 miles of BMG VOR.
Final approach crs, 055°.
MSA: 000°–090°—3100'; 090°–270°—2400'; 270°–360°—2200'.
NOTES: (1) Use Indianapolis altimeter setting when control zone not effective. (2) Circling and straight-in MDA becomes 1520' when control zone not effective except operators with approved weather reporting service.
CAUTION: 90' lighted hill approximately 2500' SW of airport.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-6	1340	1	507	1340	1	507	1340	1	507	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1340	1	493	1340	1	493	1340	1¼	493	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847'; Facility, BMG; Procedure No. VOR Runway 6, Amdt. 6; Eff. date, 20 Mar. 69; Sup. Amdt. No. 5; Dated, 7 Mar. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMG VOR.
Scotland VOR	BMG VOR	Direct	2400	Climb to 2400' on BMG VOR, R 160° and return to VOR.
Spencer Int	BMG VOR	Direct	2400	
Paragon Int	BMG VOR	Direct	2400	Supplementary charting information: 1090' unmarked and unlighted tower, 4 miles NNW of airport, 39°12'39" and 86°38'31", TDZ Elevation, 847'.
Wilbur Int	BMG VOR	Direct	2400	
Freetown Int	BMG VOR	Direct	2400	

Procedure turn W side of crs, 340° Outbnd, 160° Inbnd, 2400' within 10 miles of BMG VOR.
Final approach crs, 160°.
MSA: 315°-135°—3100'; 135°-225°—2300'; 225°-315°—2200'.

NOTES: (1) Use Indianapolis altimeter setting when control zone not effective. (2) Circling and straight-in MDA becomes 1580' when control zone not effective except for operators with approved weather reporting service.
CAUTION: 90' lighted hill approximately 2500' SW of airport.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-17	1400	1	553	1400	1	553	1400	1	553	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1400	1	553	1400	1	553	1400	1¼	553	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847'; Facility, BMG; Procedure No. VOR Runway 17, Amdt. 1; Eff. date, 20 Mar. 69; Sup. Amdt. No. Orig.; Dated, 7 Mar. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMG VOR.
Scotland VOR	BMG VOR	Direct	2400	Climb to 2400' on BMG, R 251° and return to VOR.
Spencer Int	BMG VOR	Direct	2400	
Paragon Int	BMG VOR	Direct	2400	Supplementary charting information: TDZ Elevation, 841'.
Wilbur Int	BMG VOR	Direct	2400	
Freetown Int	BMG VOR	Direct	2400	

Procedure turn N side of crs, 071° Outbnd, 251° Inbnd, 2400' within 10 miles of BMG VOR.
Final approach crs, 251°.
MSA: 315°-135°—3100'; 135°-225°—2300'; 225°-315°—2200'.
NOTES: (1) Use Indianapolis altimeter setting when control zone not effective. (2) Circling and straight-in MDA becomes 1640' control zone not effective except for operators with approved weather reporting service.
CAUTION: 90' lighted hill approximately 2500' SW of airport.
*Alternate minimums not authorized with control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-24	1460	1	619	1460	1	619	1460	1	619	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1460	1	613	1460	1	613	1460	1¼	613	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng. —Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847'; Facility, BMG; Procedure No. VOR Runway 24, Amdt. 5; Eff. date, 20 Mar. 69; Sup. Amdt. No. 4; Dated, 7 Mar. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BMG VOR.
Scotland VOR	BMG VOR	Direct	2400	Climb to 2400' on BMG, R 360° and return to VOR.
Spencer Int	BMG VOR	Direct	2400	
Paragon Int	BMG VOR	Direct	2400	Supplementary charting information: TDZ Elevation, 838'.
Wilbur Int	BMG VOR	Direct	2400	
Freetown Int	BMG VOR	Direct	2400	

Procedure turn W side of crs, 180° Outbnd, 360° Inbnd, 2400' within 10 miles of BMG VOR.
Final approach crs, 360°.
Minimum altitude over Stanford Int, 1540' (1720' when control zone not effective).
MSA: 315°-135°—3100'; 135°-225°—2300'; 225°-315°—2200'.
NOTES: (1) Use Indianapolis altimeter setting when control zone not effective. (2) Circling and straight-in MDA increased 180' when control zone not effective except for operators with approved weather reporting service.
CAUTION: 90' lighted hill approximately 2500' SW of airport.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-35	1540	1	702	1540	1	702	1540	1¼	702	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1540	1	693	1540	1	693	1540	1¼	693	NA
	Dual VOR Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-35	1300	1	462	1300	1	462	1300	1	462	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1300	1	453	1300	1	453	1300	1¼	453	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 847'; Facility, BMG; Procedure No. VOR Runway 35, Amdt. 1; Eff. date, 20 Mar. 69; Sup. Amdt. No. Orig.; Dated, 7 Mar. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing Lancaster Int.
GSW VORTAC	Lancaster Int	Direct	2500	Climbing right turn to 2500' on R 125° within 20 miles. Supplementary charting information: Tower 2 miles S of airport, 1015'. TDZ elevation, 658'.

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 2000' within 10 miles of Lancaster Int.
FAF, Lancaster Int. Final approach crs, 305°. Distance FAF to MAP, 4 miles.
Minimum altitude over Lancaster Int, 2000'.
MSA: 090°-180°—3400'; 180°-270°—2800'; 270°-090°—2300'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-31	1280	1	622	1280	1	622	1280	1	622	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1280	1	620	1280	1	620	1280	1¼	620	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Dallas; State, Tex.; Airport name, Redbird; Elev., 660'; Facility, GSW; Procedure No. VOR Runway 31, Amdt. 3; Eff. date, 20 Mar. 69; Sup. Amdt. No. 2; Dated, 23 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing ISN VOR.
				Climb to 4000' on R 122° ISN VOR within 10 miles, return to VOR. Supplementary charting information: LR CO 123.6 (MOT). TDZ elevation, 1957'.

Procedure turn S side of crs, 302° Outbnd, 122° Inbnd, 4000' within 10 miles of ISN VOR.
FAF, ISN VOR. Final approach crs, 122°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over ISN VOR, 3700'.
MSA: 000°-180°—3800'; 180°-270°—4300'; 270°-360°—3500'.
CAUTION: Runways 3/21 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	2560	1	603	2560	1	603	2560	1	603	2560	1¼	603
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2560	1	603	2560	1	603	2560	1½	603	2560	2	603
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Williston; State, N. Dak.; Airport name, Sloulin Field-International; Elev., 1957'; Facility, ISN; Procedure No. VOR Runway 11, Amdt. 4; Eff. date 20 Mar. 69; Sup. Amdt. No. 3; Dated, 27 June 68

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: PYM NDB.
Whitman VOR	Plymouth NDB	Direct	1800	Make a right-climbing turn to 1800', return to Plymouth NDB and hold.
Duxbury Int	Plymouth NDB	Direct	1800	
Turner Int	Plymouth NDB	Direct	1800	Supplementary charting information: Hold SW of PYM NDB, 039° Inbnd, 1 minute, right turns. Final approach crs intercepts runway centerline 3512' from threshold.

Procedure turn E side of crs, 219° Outbnd, 039° Inbnd, 1800' within 10 miles of Plymouth NDB.
Final approach crs, 039°.
MSA: 000°-090°—1600'; 090°-180°—1600'; 180°-270°—2200'; 270°-360°—2200'.
NOTES: (1) Radar vectoring. (2) Use NAS South Weymouth altimeter setting. (3) Facility must be monitored aurally during the approach.
%Night operations Runways 6/24 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6%%	600	1	451	600	1	451	600	1	451		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C%%	600	1	451	600	1	451	600	1½	451		NA	
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Plymouth; State, Mass.; Airport name, Plymouth Municipal; Elev., 149'; Facility, PYM; Procedure No. NDB (ADF) Runway 6, Amdt. Orig.; Eff. date, 20 Mar. 69

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.8 miles after passing PI LOM.
PIH VORTAC	PI LOM	Direct	7000	Climb to 7000', right turn to PI LOM and hold.$
Falls Int	PI LOM	Direct	7000	Supplementary charting information: $Hold NE, 1 minute, right turns, 208° Inbnd. TDZ Elevation, 4448'.

Procedure turn W side of crs, 028° Outbnd, 208° Inbnd, 7000' within 10 miles of PI LOM.
FAF, PI LOM. Final approach crs, 208°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over PI LOM, 5700'.
MSA: 000°-180°—10,300'; 180°-270°—9300'; 270°-360°—6500'.
NOTES: (1) Final approach from holding pattern at PI LOM not authorized. Procedure turn required. (2) Inoperative table does not apply to SALS Runway 21.
#Circling not authorized SE of Runway 3-21.
%IFR departure procedures: Climb direct to PIH VORTAC, Southeastbound V21/V257, continue climb on R 235° PIH VORTAC within 10 miles so as to cross PIH VORTAC at or above 7300'; all maneuvering N of R 235°.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-21	4880	1	432	4880	1	432	4880	1	432	4880	1	432
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	4880	1	432	4900	1	452	4900	1¼	452	5000	2	552
A	Standard.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4448'; Facility, PI; Procedure No. NDB (ADF) Runway 21, Amdt. 10; Eff. date, 20 Mar. 69; Sup. Amdt. No. ADF 1, Amdt. 9; Dated, 2 Apr. 66

8. By amending § 97.27 of Subpart C to amend 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: AAF NDB.
Wilma Int	Apalachicola NDB	Direct	2000	Right-climbing turn to 1500' to AAF NDB and hold.
				Supplementary charting information: Hold NW, 1 minute, right turns, 140° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold.

Procedure turn E side of crs, 320° Outbnd, 140° Inbnd, 1500' within 10 miles of AAF NDB.
Final approach crs, 140°.
MSA: 000°-270°—1400'; 270°-360°—1500'.
NOTES: (1) Night operations Runways 13/31 only. (2) Use Tyndall AFB altimeter setting when local altimeter setting not available.
*Circling and straight-in MDA becomes 860'; Category B circling and straight-in visibility 1¼; Category C straight-in visibility 1½ when local altimeter setting not available.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-13*	720	1	700	720	1	700	720	1¼	700	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	720	1	700	720	1	700	720	1½	700	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Apalachicola; State, Fla.: Airport name, Municipal; Elev., 20'; Facility, AAF; Procedure No. NDB (ADF) Runway 13, Amdt. 1; Eff. date, 20 Mar. 69; Sup. Amdt. No. Orig.; Dated, 9 Jan. 69

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AAF NDB.
Wilma Int	Apalachicola NDB	Direct	2000	Right-climbing turn to 1500' to AAF NDB and hold. Supplementary charting information: Hold N, 1 minute, right turns, 190° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold.

Procedure turn W side of crs, 010° Outbnd, 190° Inbnd, 1500' within 10 miles of AAF NDB.
Final approach crs, 190°.
MSA: 000°-270°—1400'; 270°-360°—1500'.
NOTES: (1) Night operations Runways 13/31 only. (2) Use Tyndall AFB altimeter setting when local altimeter setting not available.
*Circling and straight-in MDA becomes 860'; Category B circling and straight-in visibility 1¼; Category C straight-in visibility 1½ when local altimeter setting not available.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-18*	720	1	700	720	1	700	720	1¼	700	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	720	1	700	720	1	700	720	1½	700	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Apalachicola; State, Fla.; Airport name, Municipal; Elev., 20'; Facility, AAF; Procedure No. NDB (ADF) Runway 18, Amdt. 1; Eff. date, 20 Mar. 69; Sup. Amdt. No. Orig.; Dated, 9 Jan. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AAF NDB.
Wilma Int	Apalachicola NDB	Direct	2000	Left-climbing turn to 1500' to AAF NDB and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 227° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold.

Procedure turn N side of crs, 047° Outbnd, 227° Inbnd, 1500' within 10 miles of AAF NDB.
Final approach crs, 227°.
MSA: 000°-270°—1400'; 270°-360°—1500'.
NOTES: (1) Night operations Runways 13/31 only. (2) Use Tyndall AFB altimeter setting when local altimeter setting not available.
*Circling and straight-in MDA becomes 860'; Category B circling and straight-in visibility 1¼; Category C straight-in visibility 1½ when local altimeter setting not available.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-24*	720	1	700	720	1	700	720	1¼	700	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	720	1	700	720	1	700	720	1½	700	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Apalachicola; State, Fla.; Airport name, Municipal; Elev., 20'; Facility, AAF; Procedure No. NDB (ADF) Runway 24, Amdt. 1; Eff. date, 20 Mar. 69; Sup. Amdt. No. Orig.; Dated, 9 Jan. 69

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing MO LOM.
MOB VORTAC	MO LOM	Direct	1800	Climb to 1800′ on bearing 140° from MO LOM within 15 miles.
BFM VORTAC	MO LOM	Direct	1800	Supplementary charting information: HIRL Runways 14/32. TDZ Elevation, 212′.

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1800′ within 10 miles of MO LOM.
FAF, MO LOM. Final approach crs, 140°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over MO LOM, 1800′.
MSA: 000°-180°—2400′; 180°-270°—1500′; 270°-360°—1700′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14	600	RVR 40	388	600	RVR 40	388	600	RVR 40	388	600	RVR 50	388
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	* 442	680	1	462	680	1¼	462	780	2	562
A	Standard.		T 2-eng. or less—RVR 24′, Runway 14; Standard all other runways.				T over 2-eng.—RVR 24′, Runway 14; Standard all other runways.					

City, Mobile; State, Ala.; Airport name, Bates Field; Elev., 218′; Facility, MO; Procedure No. NDB (ADF) Runway 14, Amdt. 19; Eff. date, 20 Mar. 69; Sup. Amdt. No. 18; Dated, 9 Jan. 69

9. 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: DH 4698′; LOC 3.8 miles after passing PI LOM.
PIH VORTAC	PI LOM	Direct	7000	Climb direct to PIH VORTAC, continue climb to 7000′ on R 209° within 10 miles; Supplementary charting information: TDZ Elevation, 4448′.
R 358°, PIH VORTAC CW	R 029°, PIH VORTAC	18-mile Arc PIH, R 023° lead radial.	7000	
R 029°, 18-mile DME Fix, PIH VORTAC	PI LOM (NOPT)*	NE crs PIH LOC	7000	
IDA VOR	PI LOM (NOPT)*	IDA VOR, R 189° and NE crs PIH LOC.	7400	

Procedure turn W side of crs, 028° Outbnd, 208° Inbnd, 7000′ within 10 miles of PI LOM.
FAF, PI LOM. Final approach crs, 208°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over PI LOM, 5700′.
Minimum glide slope interception altitude, 6500′. Glide slope altitude at OM, 5608′; at MM, 4663′.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.6 mile.
MSA: 000°-180°—10,300′; 180°-270°—6500′; 270°-360°—6500′.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
*Procedure turn required when glide slope not operative; OM altitude, 5700′.
%IFR departure procedures: Climb direct to PIH VORTAC; southeastbound V21/V257 continue climb on R 235° PIH VORTAC within 10 miles so as to cross PIH VORTAC at or above 7300′; all maneuvering N of R 235°.
#Circling not authorized SE of Runway 3-21.
$Increase visibility ¼ mile for inoperative SALS.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-21$	4698	½	250	4698	½	250	4698	½	250	4698	½	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-21$	4720	¾	272	4720	¾	272	4720	¾	272	4720	¾	272
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	4800	1	352	4900	1	452	4900	1¼	452	5000	2	552
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4448′; Facility, I-PIH; Procedure No. ILS Runway 21, Amdt. 10; Eff. date, 20 Mar. 69; Sup. Amdt. No. ILS-21, Amdt. 9; Dated, 2 Apr. 66

10. By amending § 97.29 of Subpart C to amend 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 412'. LOC 4.6 miles after passing MO LOM.
MOB VORTAC	MO LOM	Direct	1800	Climb to 1800' via R 140° MOB VORTAC to Theodore Int and hold.
BFM VORTAC	MO LOM	Direct	1800	Supplementary charting information: Hold S, 1 minute/4-mile right turns, 320° Inbnd. Localizer BC unusable. HIRL Runways 14/32. TDZ Elevation, 212'.

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1800' within 10 miles of MO LOM.
FAF, MO LOM. Final approach crs, 140°. Distance FAF to MAP, 4.6 miles.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1326'; at MM, 429'.
Distance to runway threshold at OM, 4.6 miles; at MM, 0.6 mile.
MSA: 000°–180°—2400'; 180°–270°—1500'; 270°–360°—1700'.
NOTE: ASR.
*Military requirement.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-14	412	RVR 24	200	412	RVR 24	200	412	RVR 24	200	412	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14	560	RVR 24	348	560	RVR 24	348	560	RVR 24	348	560	RVR 40	348
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	442	680	1	462	680	1½	462	780	2	562
	Category E:*											
	DH	VIS	HAT									
S-14	412	RVR 24	200									
LOC:	MDA	VIS	HAT									
S-14	560	RVR 40	348									
	MDA	VIS	HAA									
C	780	2	562									
A	Standard.		T 2-eng. or less—RVR 24', Runway 14; Standard all other runways.				T over 2-eng.—RVR 24', Runway 14; Standard all other runways.					

City, Mobile; State, Ala.; Airport name, Bates Field; Elev., 218'; Facility, I-MOB; Procedure No. ILS Runway 14, Amdt. 20; Eff. date, 20 Mar. 69; Sup. Amdt. No. 19; Dated, 9 Jan. 69

11. By amending § 97.31 of Subpart C to amend 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	
As established by Mobile APC ASR minimum altitude vectoring charts. Radar azimuths are clockwise with distance and altitudes based on antenna located at Brookley AFB.										Minimum radar vectoring altitude 1600' authorized within 10-mile radius of Bates Field. Aircraft on radar vector to Bates Field in a sector 000° CW to 360° may descend to authorized circling minimums after passing 5-mile Radar Fix to Bates Field. Supplementary charting information: Hold W, MOB VORTAC 108° Inbnd, 1 minute, right turns.

Missed approach: Execute climb over airport to 1800' direct to MOB VORTAC and hold.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
G	680	1	462	680	1	462	680	1¼	462	780	2	562
A	Standard.			T 2-eng. or less—RVR 24', Runway 14; Standard all other runways.			T over 2-eng.—RVR 24', Runway 14; Standard all other runways.					

City, Mobile; State, Ala.; Airport name, Bates Field; Elev., 218'; Facility, Brookley AFB Radar; Procedure No. Radar-1, Amdt. 1; Eff. date, 20 Mar. 69; Sup. Amdt. No. Orig.; Dated, 9 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 February 11, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-2021; Filed, Feb. 27, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-560, Amdt. 8]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Split Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1969.

In Regulation ER-532, effective April 28, 1968, the Board amended § 214.2(b)(2) to authorize split charters of not more than three groups each consisting of 40 or more passengers, in place of the requirement that each group must comprise one-half the capacity of the aircraft. Other sections of Part 214 that refer to the one-half-capacity restriction were not amended. This regulation remedies that oversight.

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50–385.54).

Accordingly, the Board hereby amends Part 214 (14 CFR Part 214), effective March 20, 1969, as follows:

1. Amend § 214.13 to read as follows:

§ 214.13 Tariffs to be on file.

Prior to performing any foreign air transportation governed by this part, a foreign air carrier shall have on file with the Board a currently effective tariff filed in accordance with Part 221 of the Economic Regulations (Part 221 of this subchapter) showing all rates, fares, and charges for the use of the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft in such foreign air transportation and showing all rules, regulations, practices and services in connection with such foreign air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

2. Amend paragraphs (a) and (c) of § 214.14 to read as follows:

§ 214.14 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight, and the contract must be for the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

* * * * *

(c) In the case of a round-trip charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5 percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each planeload group, or less than planeload group as defined in § 214.2(b)(2), shall move as a unit in both directions.

3. Amend § 214.31 to read as follows:

§ 214.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 214.32), may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[3] Where the charterer is engaging round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 214.14(c). When more than one trip is contracted for, intermingling between flights or reforming of planeload groups, or less than planeload groups as defined in § 214.2(b)(2), shall not be permitted and each such group must move as a unit in both directions.

4. Amend § 214.41 to read as follows:

§ 214.41 Terms of service.

The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity, or less than the entire capacity as defined in § 214.2(b)(2), of one or more aircraft.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN, *General Counsel.*

[F.R. Doc. 69-2457; Filed, Feb. 27, 1969; 8:48 a.m.]

[Reg. ER-561, Amdt. 3]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Split Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1969.

In Regulation ER-531, effective April 28, 1968, the Board amended § 295.2(b)(2) to liberalize the definition of split charter. A maximum of three groups each consisting of 40 or more passengers was substituted for the previous requirement that each group must comprise one-half the capacity of an aircraft. Other sections of Part 295 that refer to the one-half-capacity restriction were not amended. This amendment remedies that oversight.

This regulation is issued by the undersigned, pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50-385.54).

Accordingly, the Board hereby amends Part 295 (14 CFR Part 295), effective March 20, 1969, as follows:

1. Amend § 295.13 to read as follows:

§ 295.13 Tariffs to be on file.

No air carrier shall perform any supplemental air transportation unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity, or less than the entire capacity as defined in § 295.2(b)(2), of one or more aircraft in such supplemental air transportation and showing all rules, regulations, practices, and services in connection with such supplemental air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

2. Amend paragraphs (a) and (f) of § 295.14 to read as follows:

§ 295.14 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight, and the contract must be for the entire capacity, or less than the entire capacity as defined in § 295.2(b)(2), of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

* * * * *

(f) In the case of a round trip charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each planeload group, or less than planeload group as defined in § 295.2(b)(2), shall move as a unit in both directions.

3. Amend § 295.31 to read as follows:

§ 295.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 295.32), may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or board representative, which shows the date each person became a member.[3] Where the charterer is engaging round trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 295.14(f). When more than one round trip is contracted for, intermingling between flights or reforming of planeload or less than planeload groups shall not be permitted and each charter group shall move as a unit in both directions.

4. Amend paragraph (a) of § 295.41 to read as follows:

§ 295.41 Terms of service.

(a) The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity, or less than the entire capacity as defined in § 295.2(b)(2), of one or more aircraft.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN, *General Counsel.*

[F.R. Doc. 69-2458; Filed, Feb. 27, 1969; 8:48 a.m.]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-33, Amdt. 8]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegations to Rates Division, Bureau of Economics

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of February 1969.

This regulation expands the scope of authority delegated to the Chief, Rates Division in the following respects:

1. *IATA agreements.* Authority is granted to dispose of additional types of International Air Transport Association (IATA) agreements relating to rates, fares, or charges in air transportation, where such agreements amend, implement, or extend approved resolutions and are uncontested. Agreements establishing fares and rates directly applicable in air transportation concluded at regular or special traffic conferences are expressly excluded from the delegation.

2. *Travel agents.* The present delegation of authority to grant applications for permission to furnish free or reduced-rate transportation to travel agents is expanded to include overseas and foreign air transportation.

3. *Holiday gifts collected for U.S. troops.* For the past 3 years the Board has granted carrier requests to furnish free transportation for holiday gifts collected or donated by civic, charitable and other public-spirited groups for distribution to the U.S. armed forces in South Vietnam. The Board is delegating authority to approve future requests of this nature.

Since these amendments involve rules of agency organization, practice and procedure, notice, and public procedure hereon are unnecessary and the rules

[3] Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency, or college will suffice to meet this requirement.

[3] Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency, or college will suffice to meet this requirement.

may be made effective on less than 30 days' notice.

Accordingly, the Board hereby amends Part 385 of the Organization Regulations (14 CFR Part 385), effective March 1, 1969, as follows:

1. Amend § 385.14 by revising paragraphs (a) and (e) and adding new paragraph (h) to read:

§ 385.14 Delegation to the Chief, Rates Division, Bureau of Economics.

The Board hereby delegates to the Chief, Rates Division, Bureau of Economics, the authority to:

(a) With respect to International Air Transport Association (IATA) agreements filed with the Board pursuant to section 412 of the Act or pursuant to Board Order E-9305 of June 15, 1955:

(1) In the absence of a protest from a person disclosing a substantial interest—

(i) Disclaim jurisdiction with respect to IATA agreements which do not affect air transportation within the policy set forth in Order E-12304, dated March 31, 1958;

(ii) Approve agreements which do not directly apply in air transportation.

(2) Issue (i) tentative orders proposing to approve, disapprove, or approve subject to conditions IATA agreements relating to fare and rate matters, other than those establishing fares and rates directly applicable in air transportation as agreed at regular and special traffic conferences, and (ii) orders making final uncontested tentative orders, with respect to the following:

(*a*) Agreements naming additional specific commodity rates (rates below general cargo rates) under new, existing, or amended descriptions; amending descriptions; and/or extending or canceling existing specific commodity rates.

(*b*) Agreements reached by unprotested notice pursuant to previously approved resolutions.

(*c*) Agreements establishing or amending proportional or constructed fares or rates.

(*d*) Agreements naming specified fares or rates to be integrated into previously approved fare or rate structures.

(*e*) Agreements amending or extending application of construction rules.

(*f*) Agreements amending application of special (reduced) fare resolution provisions.

(*g*) Agreements providing for delays in inaugurals.

(*h*) Agreements establishing, amending, or terminating charges for nontransportation services and other ancillary fare or rate agreements involving administrative, procedural, or technical provisions, not affecting fare or rate levels.

* * * * *

(e) Approve or disapprove applications for permission to furnish free or reduced-rate air transportation to travel agents.

* * * * *

(h) Grant applications for permission to furnish free transportation for holiday gift packages collected or donated by civic, charitable, or other groups for distribution to U.S. Armed Forces in South Vietnam.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-2456; Filed, Feb. 27, 1969; 8:48 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1241—CONTRACT APPEALS

Subpart 1241.1—General Procedures

New Subpart 1241.1 added:

Sec.

AUTHORITY: The provisions of this Subpart 1241.1 issued under 42 U.S.C. 2473(b)(1).

§ 1241.100 Scope of subpart.

This subpart prescribes the procedures for the adjudication of appeals before the NASA Board of Contract Appeals arising from NASA contracts.

§ 1241.101 Authority.

Under provisions of Subpart 1209.1 of this chapter, the Board of Contract Appeals is authorized to act for the Administrator in hearing, considering, and deciding appeals by NASA contractors from the findings of fact and final decisions of NASA contracting officers or their authorized representatives made under the color of the "Disputes" clause of a NASA contract. Under § 1209.102(b) of this chapter, the Board is granted the authority to issue its rules of procedure.

§ 1241.102 Notice of appeal.

An appeal from the findings of fact and final decision of a NASA contracting officer (or his representative if such representative has been authorized by the contracting officer to make final decisions pursuant to the "Disputes" clause) shall be made by submitting a notice in writing addressed to the Board of Contract Appeals (hereinafter referred to as the Board), National Aeronautics and Space Administration, Washington, D.C. 20546. Such notice shall be filed within 30 days from the date of receipt of the written decision of the contracting officer or his authorized representative, unless otherwise provided in the contract. The original notice, together with two copies thereof, shall be mailed to or filed with the contracting officer from whose final decision the appeal is taken. The notice of appeal shall indicate that an appeal is thereby intended, and shall identify the contract (by number), the contracting officer, and specify the portion of the findings of fact and final decision from which the appeal is taken; however, an appeal shall not be deemed invalid if the notice expresses a desire for a review of a final adverse decision. The notice shall be signed by the contractor or his representative. A suggested form of notice of appeal is set forth in § 1241.124. Upon receipt of the notice of appeal from the contracting officer, the Board shall notify the contractor that the appeal has been docketed and shall furnish the contractor with a copy of these rules.

§ 1241.103 Action by contracting officer.

(a) When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing or the date of receipt if otherwise filed, and shall forward the original of such notice immediately to the Chairman of the Board for docketing. The notice of appeal shall be accompanied with a copy of the contracting officer's final decision. Within 20 days from the date of receipt of the notice of appeal, the contracting officer shall transmit one copy of the notice of appeal to the General Counsel for use of Government counsel and one copy to the Board. The Board's copy shall be accompanied with a file consisting of:

(1) The findings of fact and the final decision from which the appeal is taken;

(2) All documents relied upon in making the findings and final decision;

(3) A copy of the contract and specifications, pertinent plans, amendments, and change orders;

(4) All correspondence between the parties relating to the dispute;

(5) Transcripts of any testimony taken in connection with the dispute and any affidavits or statements of any witnesses that were made prior to the notice of appeal; and

(6) Such additional information as the contracting officer may consider material.

(b) True copies may be substituted for originals in this file. The file shall be appropriately indexed, and three copies of the index shall accompany the file. The Board shall forward a copy of the index to the Appellant.

§ 1241.104 Designation of Government counsel.

Upon receipt of the copy of notice of appeal from the contracting officer, the

General Counsel shall promptly designate counsel to represent the interests of the Government. Government counsel shall file a notice of appearance with the Board, and notice thereof shall be given promptly to the contractor by the Board.

§ 1241.105 Petition.

(a) A petition in support of the appeal shall be filed by the appellant with the Board within 30 days after receipt of notice from the Board that the appeal has been docketed or within such longer period of time as may be allowed by the Board. A supporting brief may also be filed. The petition shall set forth:

(1) A summary of the decision of the contracting officer on the dispute from which the appeal is taken; and

(2) A simple, concise, and direct statement of each claim upon which the contractor relies and the reasons why the findings or decision are deemed erroneous.

(b) Documentary evidence in support of claims may be filed as exhibits to the petition. Exhibits shall be plainly listed and identified in the petition. An original and two copies of the petition and exhibits shall be filed. Upon receipt thereof the Board shall forward a copy of the petition to counsel for the Government and a copy to the contracting officer.

§ 1241.106 Answer.

(a) Within 30 days after receipt of the petition, or within such longer period of time as may be allowed by the Board, counsel for the Government shall prepare and file with the Board an answer thereto. The answer shall set forth simple, concise, and direct statements of the Government's position on each claim asserted by the contractor. A supporting brief may also be filed.

(b) Documentary evidence in support of the Government's position may be filed as exhibits to the answer. All documents filed as exhibits to the answer shall be plainly listed and identified in the answer. An original and two copies of the answer and exhibits shall be filed with the Board. Upon receipt thereof the Board shall forward a copy of the answer to the contractor or his attorney and a copy to the contracting officer.

§ 1241.107 Reply.

The contractor may file a reply within 15 days after receipt of the answer of counsel for the Government.

§ 1241.108 Appeal file—inspection of file.

The appeal file shall consist of the notice of appeal, documents required to be filed pursuant to § 1241.103, the petition and exhibits thereto, the answer and exhibits attached thereto, all papers filed by the parties with the Board pursuant to instructions contained herein, and all correspondence exchanged between the Board and the parties or their attorneys. The appeal file shall be available for inspection by the appellant and Government counsel at the offices of the Board or the office of the contracting officer.

§ 1241.109 Amendments to petition and answer.

At any time before oral hearing or before submission of a case by the parties without an oral hearing, the Board at its discretion may permit a party, within the proper scope of the appeal, to amend its petition or answer, upon conditions just to both parties. The Board, at its discretion or upon application by a party, may order a party to make a more definite statement of its petition or answer, or to reply to an answer. When issues within the proper scope of the appeal but not raised by the petition and answer are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised therein. If evidence is objected to at the hearing on the ground that it is not within the issues made by the petition and answer, the Board may allow the pleadings to be amended within the proper scope of the appeal and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the Board that the admission of such evidence would prejudice him in maintaining his case or defense upon the merits. The Board may, however, grant a continuance to enable the objecting party to meet such evidence.

§ 1241.110 Trial briefs.

The Board at its discretion may order the submission of trial briefs prior to oral hearing.

§ 1241.111 Motions to dismiss for lack of jurisdiction.

Defenses which go to the jurisdiction of the Board shall be raised by motion. However, the Board shall be deemed to have jurisdiction over any appeal, if timely filed, arising from the findings of fact and final decision of a NASA contracting officer or his authorized representative pursuant to the "Disputes" clause of a NASA contract. Filing of motions to dismiss for lack of jurisdiction shall not be unreasonably delayed. Motions to dismiss for lack of jurisdiction shall, upon application of either party, be heard and determined before oral hearings on the merits. The Board, however, has the right at any time to recognize its lack of jurisdiction to proceed in a particular case.

§ 1241.112 Failure to state a case.

If, after completion of the pleadings, the Board finds that the appellant has failed to state a case on which any relief could be granted by the Board, the Board may give notice to the appellant to show cause why the appeal should not be dismissed on the ground that no useful purpose would be served by setting the case for oral hearing on the merits. The appellant, in such event, will be afforded an opportunity to be heard orally for the purpose of showing cause why the appeal should not be dismissed on that ground and, if the appellant so desires, to move to amend the petition within the proper scope of the appeal. If the Board thereafter finds that the appellant has failed to show cause, and finds that the petition, with such amendments as may be offered by the appellant, fails to state a case on which the Board could grant relief, the appeal shall be dismissed.

§ 1241.113 Depositions and discovery.

(a) *Depositions*—(1) *When depositions may be taken.* After an appeal has been filed with the Board, either party, upon notice, may take the testimony of any person by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence or for both purposes.

(2) *Scope for examination; cross-examination.* The deponent may be examined regarding any matter, not privileged, which is relevant and provided only that the testimony sought appears reasonably calculated to provide admissible evidence. The deponent may be cross-examined with respect to the subject matter of the deposition.

(3) *Before whom taken.* Depositions shall be taken before an officer authorized to administer oaths at the place of examination.

(4) *Notice.* Except as otherwise agreed to by the parties, the party taking the deposition shall give the opposing party at least a 15-day written notice of the time and place where the deposition is proposed to be taken, the name and address of the witness, if known, and if the name is not known, a general description sufficient to identify him for the particular class or group to which he belongs.

(5) *Deposition upon written interrogatories.* If the deposition is to be upon written interrogatories, the notice shall be accompanied with a copy of the interrogatories; and within 10 days after receipt of the notice, the party served may serve cross-interrogatories to be propounded to the witness by forwarding them to the party proposing to take the deposition.

(6) *Form and return of deposition.* Each deposition should show the docket number and caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The person before whom the deposition is taken shall certify thereon that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and he shall enclose the original deposition and exhibits in a sealed prepaid package and forward same to the Board. The Board shall give notice of its filing to the parties.

(7) *Use of deposition.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless such testimony is offered and received in evidence at the hearing. Depositions may be used for any purpose, except that depositions will not ordinarily be received in evidence in lieu of testimony if the deponent is present and can testify personally at the hearing, or if the party seeking its admission failed to make reasonable efforts to secure the presence of the deponent at the hearing. If the appeal is to be submitted without a hearing, all depositions shall be deemed to be a part of the

record before the Board, except that either party may move to strike all or any portion thereof.

(8) *Expenses.* The party taking the deposition shall pay his expenses and those of his witness and the cost of the original record. Copies of the deposition will be made available to either party by the officer before whom the deposition is taken upon the payment of a reasonable fee.

(b) *Interrogatories to parties.* After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath, and returned within 15 days. Upon timely objection by the party on whom the interrogatories are served, the Board will determine the extent to which the interrogatories will be permitted. The scope and use of interrogatories will be determined by paragraph (a) (2) and (7) of this section.

(c) *Discovery and production of documents and tangible things for inspection, copying, or photographing.* Upon motion of any party showing good cause therefor, and upon notice, the Board may order the other party to produce and permit the inspection and copying or photographing of any designated documents, papers, books, accounts, letters, photographs, objects or tangible things, not privileged, which are reasonably calculated to lead to the discovery of admissible evidence. If the parties cannot themselves agree thereon, the Board shall specify just terms and conditions of making the inspection and taking the copies and photographs.

(d) *Admission of facts and of genuineness of documents.* A party may make a written request for admission by the other party of the genuineness of documents or of the truth of facts. Each of the matters for which an admission is requested shall be deemed admitted unless specifically denied or objected to within 20 days after receipt of the request, or as otherwise directed by the Board. Copies of any such request and the response thereto shall be furnished to the Board.

(e) *Orders for the protection of parties and deponents.* After discovery proceedings have been initiated pursuant to this § 1241.113, upon motion seasonably made by a party or by the person to be examined and upon notice and for good cause shown, the Board may make any order which justice requires to protect the party or witness.

(f) *Refusal to make discovery.* The Board, on its own motion or upon the motion of a party, may enter such orders as are just under the circumstances to ensure compliance with this section. Such orders may include, but are not limited to:

(1) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or the physical or mental condition of the party, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of physical or mental condition;

(3) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof.

§ 1241.114 Stipulations.

The parties may stipulate in writing to any facts that are relevant and material to the issues involved, and to those documents or facts which may be received in evidence without formal proof.

§ 1241.115 Prehearing conference.

(a) The Board, upon its own initiative or upon application of one of the parties, may direct the parties or their attorneys to appear before the Board or a member designated by the Chairman at a specified time and place for a conference to consider:

(1) Simplification of the issues;

(2) The possibility of obtaining stipulations as to admissions of fact and introduction of documents which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, if a hearing is to be held; and

(4) Such other matters as may aid in the disposition of the appeal.

(b) The results of the conference shall be reduced to writing by the Board or the member designated by the Chairman and made part of the record.

§ 1241.116 Settlement.

A dispute may be settled at any time by the contractor's filing written notice withdrawing his appeal or by written stipulation between the contractor and the Government counsel filed with the Board settling either the entire dispute or any part thereof. If only part of the dispute is settled, the appeal shall continue as to any issues remaining in dispute.

§ 1241.117 Filing of papers.

The parties shall file with the Board an original and two copies of all papers, subsequent to the petition and answer. Upon receipt thereof, the Board shall forward a copy to the opposing party.

§ 1241.118 Hearing.

(a) The contractor may submit the case on the record or request a hearing. The Board shall, at the request of either party within 15 days after the answer is filed, grant a hearing. The parties shall be given at least a 15-day written notice of the time and place of hearing.

(b) Hearings will be held at NASA Headquarters, Washington, D.C., unless otherwise ordered by the Board.

(c) Hearings shall be as informal as may be reasonably allowable and appropriate under all the circumstances. Both parties may offer oral and written evidence, subject to the exclusion by the Chairman of any irrelevant, immaterial, or repetitious evidence. The general procedure as to the introduction of evidence and the calling of witnesses shall be at the discretion of the Chairman.

(d) Testimony shall be under oath or affirmation, unless the facts are stipulated or the Chairman shall otherwise order. Attention of witnesses shall be invited to the provisions of 18 U.S.C. 1621 relating to false testimony under oath. If the testimony of a witness is not given under oath the Board shall invite the attention of the witness to the provisions of 18 U.S.C. 287 and 1001; section 19 of the Contract Settlement Act of 1944 (41 U.S.C. 119); and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(e) The Board shall make provision for a verbatim transcript of the hearing.

(f) After a decision has become final, the Board may, upon request and after notice to the other party, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board at its discretion as a condition of granting permission for such withdrawal.

§ 1241.119 Optional accelerated procedure.

Should an appeal involve $5,000 in amount or less, it may at the option of appellant be processed under this section. In the event of such election, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and/or elect to waive the hearing and submit on the record. In all other respects, these rules will apply.

§ 1241.120 Representation of the contractor.

An individual appellant may appear before the Board in person; a corporation may be represented by an officer thereof; a partnership or joint venture by a member thereof; or an organization may be represented by an attorney at law duly licensed in any State, Commonwealth, or in the District of Columbia. In special cases, the Board may authorize contractors to be represented by persons other than those mentioned.

§ 1241.121 Decisions.

Decisions of the Board shall be made in writing and shall reflect the opinion of a majority of the members deciding the appeal. Copies of the decision shall be forwarded simultaneously to both parties. All final orders and decisions (except those required for good cause to be held confidential) shall be available for public inspection at the offices of the Board

of Contract Appeals, National Aeronautics and Space Administration, Washington, D.C. 20546.

§ 1241.122 Reconsideration.

A request for reconsideration by the Board may be filed within 30 days after the date of the decision. Such request shall set forth specifically the ground or grounds relied upon to sustain the request.

§ 1241.123 Standards of conduct.

No member of the Board shall consider an appeal if he has participated in the award or administration of the contract in question. There shall be no communication between a party or other person having an interest in the outcome of the appeal and a Board member or Board employee concerning the merits of the appeal, unless such communication is also formally served upon the other party (or parties) to the appeal, or is made in their presence.

§ 1241.124 Format for notice of appeal.

The following is a suggested format for notice of appeal:

Board of Contract Appeals,
National Aeronautics and Space Administration,
Washington, D.C. 20546

Appeal of _____
(Name of Contractor)
Address _____
(Street No.) (City) (State/ZIP code)
Contract No. (Invitation No.) _____
Specification No. _____
_____
(Name and location of project)
_____
(Name of NASA office or field installation)
The undersigned contractor appeals to the NASA Board of Contract Appeals from the decision or findings of fact dated _____
by _____
(Name of Contracting Officer)

The decision or findings of fact is erroneous because:

(State specific facts and circumstances and the contractual provisions involved. Use additional pages as necessary.)

_____
(Signature)
_____
(Title)

Effective date: This Subpart 1241.1 shall be effective upon publication in the FEDERAL REGISTER.

ERNEST W. BRACKETT,
Chairman,
NASA Board of Contract Appeals.

[F.R. Doc. 69-2442; Filed, Feb. 27, 1969; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

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

MODIFIED CERTIFIED BRUCELLOSIS AREAS

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

§ 78.13 Modified certified brucellosis areas.

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

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. Honolulu, Kauai, and Maui Counties;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Claiborne, East Baton Rouge, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, Lincoln, Livingston, Natchitoches, Orleans, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sherman, Sioux, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Canadian, Carter, Cherokee, Choctaw, Cimarron, Coal, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, LeFlore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Beadle, Bennet, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmonds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines,

Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Morris, Motley, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorten, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Yoakum, Young, Zapata, and Zavala Counties;

Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): the entire State of Alaska; the entire State of Mississippi; Broward and Okeechobee Counties in Florida; Avoyelles, Beauregard, and Natchitoches Parishes in Louisiana; Box Butte, Dawes, Garden, and Scotts Bluff Counties in Nebraska; Custer, Jefferson, Love, Roger Mills, Stephens, and Tillman Counties in Oklahoma; Lyman and Stanley Counties in South Dakota; Bee, Brazos, Ellis, Gregg, Harrison, and Jasper Counties in Texas.

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

Done at Washington, D.C., this 25th day of February 1969.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-2464; Filed, Feb. 27, 1969; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Regs., Amdt. 20]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Parts 370, 373, 379, 381, and 384 of the Code of Federal Regulations are amended to read as follows:

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: February 20, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

In § 370.1 paragraph (n) is hereby amended to read as follows:

§ 370.1 Definitions.

* * * * *

(n) *Export control document*. "Export control document" includes: a validated Export License, an Application for Export License (including any supporting documents), an ultimate consignee or purchaser statement, a Statement by Foreign Importer of Aircraft or Vessel Repair Parts, an Application for Import Certificate, an Import Certificate, a Request for Authorization to Distribute U.S. Origin Commodities Stocked Abroad to Approved Customers, a Multiple Transactions Statement by Customer of Distributor of U.S. Commodities Stocked Abroad, a Hong Kong Import License, a Swiss Blue Import Certificate, a Yugoslav End-Use Certificate, and a Delivery Verification, or other like document as specified in Parts 368 and 373; a Shipper's Export Declaration presented to a Customs Officer or Postmaster in connection with the clearance of any shipment for export to Canada or, under validated or general license, to any other foreign destination, whether or not authenticated by a Customs Officer or Postmaster; a Dock Receipt or Bill of Lading issued by any carrier in connection with any export subject to the Export Regulations; a U.S. exporter's report of request received for information, certification, or other action indicating a restrictive trade practice or boycott against a foreign country, submitted to the U.S. Department of Commerce in accordance with the provisions of Part 369; Customs Form 7512, Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit, when used for Transportation and Exportation (T. & E.) or Immediate Exportation (I.E.); a power-of-attorney or other written authority from the exporter authorizing a forwarding agent to clear shipments for export, or any redelegation of such forwarding agent's authority, executed under the provisions of § 379.4(f) of this chapter; and any other document issued by a U.S. Government agency pursuant to the Export Regulations as evidence of the existence of an export license for the purpose of loading onto an exporting carrier or otherwise facilitating or effecting an export from the United States of any commodity or technical data requiring an export license, or the reexport of any such commodity or technical data.

* * * * *

§ 370.5 [Amended]

In § 370.5 *Exports authorized by U.S. Government agencies other than Office of Export Control*, Category VIII, paragraph (h) of the Note following paragraph (a) is hereby amended to read as follows:

(h) Components, parts, accessories, attachments, and associated equipment, including propellers and airfield matting, specifically designed or modified for the articles specified in paragraphs (a) through (g) of this Category.

PART 373—LICENSING POLICY AND RELATED SPECIAL PROVISIONS

In § 373.4 paragraphs (e)(3) and (h)(3) are hereby amended to read as follows:

§ 373.4 Distribution of U.S. commodities by foreign-based subsidiary, affiliate or branch.

* * * * *

(e) * * *

(3) In addition, where the customer is located in Switzerland or in Yugoslavia, the exporter or his distributor must obtain for each transaction a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate showing the United States as the country of origin of the commodities to be distributed. The Swiss Blue Import Certificate shall be retained by the distributor in accordance with the provisions of paragraph (h) of this section. The original of each Yugoslav End-Use Certificate issued, or a reproduced copy if the original is required by the government of the country in which the distributor is located, shall be immediately forwarded by the distributor to the U.S. exporter. The originals or reproduced copies received from the distributor shall be submitted by the U.S. exporter, on a monthly basis, to the Office of Export Control (Attn: 852), U.S. Department of Commerce, Washington, D.C. 20230, with a letter identifying the customer's assigned "C" number. This number is entered by the Office of Export Control

on the reverse of approved Forms FC–243 immediately below the U.S. Department of Commerce validation stamp in the "Validation" box.

* * * * *

(h) * * *

(3) All records regarding a distribution, sale, or reexport from a foreign-based stock under this Form FC–243 procedure (including distributions to Government agencies under the provisions of paragraph (e) (4) of this section) shall be retained at the office from which the distribution is controlled for a period of 3 years from the date of distribution. In addition, the original of Swiss Blue Import Certificates and reproduced copies of the original of Yugoslav End-Use Certificates obtained in accordance with the requirements of this procedure shall also be retained by the distributor for a period of 3 years from the date the commodities are distributed. As a minimum, these records shall contain for each distribution the following:

(i) Validated Form FC–243 number assigned to the customer;

(ii) Full description of each commodity distributed from the foreign-based stock;

(iii) Units of quantity or value of each commodity distributed; and

(iv) Date of shipment.

* * * * *

In § 373.20 paragraph (b) is hereby revised to read as follows:

§ 373.20 Copper ores, concentrates, matte, ash, residues, waste, scrap, and blister copper.

* * * * *

(b) *Copper and copper-base alloy waste and certain nickel scrap*—(1) *Scope.* The following commodities are subject to the provisions of this paragraph (b):

Export Control Commodity Number and Commodity Description	
28401	Copper bearing ash and residues.
28402	Copper or copper-base alloy waste and scrap.
28403	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.

(2) *Shipments to Canada*—(i) *Basis for exporter's eligibility.* Any of the above commodities or copper-base alloy ingots, Export Control Commodity No. 68212, that are licensed for export to Canada during January–June 1969 will be charged against the quota for Canada. To qualify for a share of this quota, an exporter shall submit to the Office of Export Control no later than February 11, 1969: (*a*) A written statement setting forth the aggregate quantity of copper-base scrap and ingots (in copper content short tons) for which he has outstanding orders for Canada (see subdivision (ii) of this subparagraph); and (*b*) a copy of each such order. If the exporter did not receive a written order, he may furnish a certification from the Canadian purchaser giving the details of the order, such as quantity, date of order, whether the order is still outstanding, etc.

(ii) *"Outstanding export order."* For purposes of this regulation the copper described on an "outstanding export order" shall not have been exported before midnight January 3, 1969, and such order shall:

(*a*) Provide for export of copper base scrap or copper-base alloy ingots from the United States to Canada during January 1–June 30, 1969;

(*b*) Be dated on or before December 31, 1968; and

(*c*) Not have been canceled by either party to the transaction.

(3) *Shipments not commercially processable in the United States.* An application for a license to export any of the commodities described above that for any technological or economic reasons cannot be processed commercially in the United States will be considered for licensing without a charge against the copper export quota. Where an application covers commodities that cannot be processed for a technological reason, such application shall be accompanied by a copy(ies) of a letter(s) received by the applicant from a recognized scrap processor(s) who has (have) declined to process the scrap described on the application. Additionally, such an application shall be accompanied by the documentation set forth in paragraph (a) (2) of this section. An application for license to export any of the commodities described above that cannot be processed for an economic reason shall include a statement setting forth such reason in full detail.

(4) *Other shipments.* Commodities described in paragraph (b) (1) of this section that cannot be licensed under the provisions of paragraph (b) (2) or (3) of this section will be considered for licensing under the Past Participation in Exports licensing method (see § 373.8). To qualify as a historical exporter, an exporter shall submit a statement of past participation in exports. The statement shall set forth the quantity (in copper content pounds) and total dollar value, by country of ultimate destination, exported by the exporter during the calendar year 1964 and during the first three calendar quarters of 1965, i.e., January–March, April–June, and July–September, as well as the grand totals for the period January 1, 1964, through September 30, 1965. However, the statement shall not include the types of shipments set forth in § 373.8 (c) (1), or a shipment that was not commercially processable in the United States as described more fully in paragraph (b) (3) of this section.

In addition, the foreign consumer shall be identified on the license application in the manner set forth in paragraph (a) (2) (iii) of this section; and if the proposed shipment, regardless of value, is destined for the Republic of Vietnam, the application shall be supported by a Single Transaction Statement, Form FC–842, endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in paragraph (a) (2) (iv) of this section.

NOTE

1. See § 373.43 for special provisions covering other copper commodities.
2. See §§ 373.18 and 373.39 for special provisions covering other nickel commodities.

In § 373.43 paragraph (c) (2) is hereby revised to read as follows:

§ 373.43 Blister and refined copper, copper base alloy ingots, master alloys, and semifabricated copper products.

* * * * *

(c) * * *

(2) *Licensing method*—(i) *Canada.* Copper-base alloy ingots will be considered for export licensing to Canada in accordance with § 373.20(b) (2).

(ii) *Other destinations.* Copper-base alloy ingots will be licensed for export to destinations other than Canada under the Past Participation in Exports method of licensing (see § 373.8).

In order to qualify as a historical exporter, an exporter shall submit a statement of past participation in exports. The statement shall set forth the quantity (in copper content pounds) and total dollar value exported by the applicant during the base period January 1, 1963 through June 30, 1965. In addition, the foreign consumer shall be identified on each license application in the manner set forth in § 373.20(a) (2) (iii); and for an export to the Republic of Vietnam, regardless of value, the license application shall be supported by a Single Transaction Statement, endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in paragraph (b) (2) (iii) of this section.

Supplement No. 1 to Part 373 is hereby revised to read as follows:

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR CERTAIN COMMODITIES

Export control commodity No.	Commodity	Submission dates for nonhistorical applicants (no later than date shown below)	Submission dates for historical applicants (no later than date shown below)
28401	Copper metalliferous ash and residues [1]	Feb. 7, 1969	May 29, 1969
28402	Copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.[1]	do	Do.
28403	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.[1]	do	Do.
68212	Refined copper of domestic origin, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms.	do	Do.
68212	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: Beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc.[1]	do	Do.

[1] These time schedules do *not* apply to applications for exports to Canada, which should be submitted in accordance with § 373.20(b)(2).

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

In § 379.4 paragraphs (d) (3) and (f) is hereby amended to read as follows:

§ 379.4 **Authentication of declaration.**

* * * * *

(d) *Additional information required for commodities moving in transit.* * * *

(3) The commodities to be exported shall be described in terms of Schedule B, including the appropriate Schedule B number; and shall be entered in item 4 of the Declaration.

* * * * *

(f) *Forwarding agent*—(1) *Definition of "forwarding agent."* For the purpose of this Part 379, a "forwarding agent" is defined as a person authorized by a named exporter to perform for the exporter actual services which facilitate the export of the commodities or technical data described in the Declaration. These services include preparing the Declaration, attending to clearance of the shipment by submission of documents to the Customs Officers or export control officers, securing cargo space, or delivering the commodities or technical data to the exporting carrier, obtaining Bills of Lading in connection with the exportation, and attending to the formalities of consular invoices, certificates of origin, and other like documents. A "forwarding agent" need not be a person regularly engaged in the freight forwarding business. A "forwarding agent" shall be designated by the exporter in writing in the power-of-attorney set forth on the Declaration or in a general power-of-attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee of the exporter.

(2) *Forwarding agent as true agent.* (i) Unless the exporter shall otherwise state in writing in the power-of-attorney or other written form, the forwarding agent named by the exporter shall be deemed to be the true agent of the exporter for port control and customs purposes. However, it is not intended that the power-of-attorney or other authorization designating a forwarding agent should constitute such agent the sole and exclusive forwarding agent of the exporter for all exports. Exporters may execute powers-of-attorney or other authorizations for any and all of the forwarding agents whom they employ.

(ii) Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in the United States) a form of designation on the Declaration which limits the authority granted to the particular transaction involved would be appropriate. The seller may, however, insist that the agent for the foreign buyer apply for the license. (See § 372.4(a) (1) (iv) of this chapter.)

(3) *Form of powers-of-attorney.* The sample form, "Power-of-Attorney—Designation of Forwarding Agent" is designed to fix responsibility of the exporter for exports made through a freight forwarder or other forwarding agent. The form (see Supplements S–8 and S–9 for facsimiles) while not mandatory, is suggested since it conforms to usual business practice in establishing agency relationship. However, flexibility in the form is permitted and the exporter may use any written form of designation, provided it is subscribed and sworn to before a notary public, or other person authorized to administer oaths, by a duly authorized officer or employee of the licensed exporter. Such authorization shall clearly indicate that the firm or person named is authorized to represent the licensed exporter for export control and customs purposes. The extent of the authority, as in the power of attorney, may be restricted, however, with respect to time, country, commodity, specific license, or other matter. It is also intended to permit the use of such documents to designate one or more employees, or other persons, such as an export manager or agent, to, in turn, appoint as many freight forwarders or other forwarding agents as may be required.

(4) *Redelegation of agent's authority.* (i) If a forwarding agent signs and swears to a Declaration which is intended for clearance of an export through a port where he has no office, he shall furnish to the person who will arrange physically to present the Declaration to the Customs Office, an authorization in writing for that purpose. He may also redelegate to another forwarding agent his authority to sign and swear to Declarations and to present Declarations for authentication at such port; provided that the power-of-attorney or other authorization from the exporter permits such redelegation or he obtains written evidence of consent of the exporter to such redelegation.

(ii) Proof of the authority of any such person signing a power-of-attorney or other authorization may be required. In general, however, such proof will be required only when there is some reason to doubt the authority of the person involved.

(5) *Record and proof of agent's authority.* (i) The power-of-attorney or other authorization from the exporter shall be retained on file in the forwarding agent's office while this delegation of authority remains in force and for a period of 3 years after the last action taken by the forwarding agent under the authority. During this retention period, the forwarding agent shall make his delegation of authority from the exporter available for inspection on demand, in accordance with the provisions of § 381.11(f) of this chapter.

(ii) This recordkeeping and inspection requirement also applies to any redelegation of the forwarding agent's authority and to any person to whom the forwarding agent redelegates his authority.

(The Export Regulations contain further recordkeeping requirements. See § 381.11 of this chapter.)

PART 381—ENFORCEMENT PROVISIONS

In § 381.11 paragraph (c) is hereby amended to read as follows:

§ 381.11 **Recordkeeping.**

* * * * *

(c) *Records to be kept.* The records to be kept pursuant to this section shall include memoranda, notes, correspondence, books, export control documents, and other written matter pertaining to the transactions described in paragraph (a) of this section, which may be made or obtained by a person described in paragraph (b) of this section. In addition to the records required to be kept by this section, the provisions of §§ 368.1, 372.4, 372.9, 373.3, 373.4, 373.48, 376.3, 377.3, 378.11, 379.4, 379.10, and 380.1 of this chapter of the Export Regulations require certain records to be made and kept by persons in the United States or abroad in connection with export transactions. The revocation or revision of any such provision of the Export Regulations which requires the making and keeping of records shall not be retroactive in effect unless specifically provided and shall not affect the original requirement to keep such records for the prescribed period.

* * * * *

PART 384—GENERAL ORDERS

Section 384.7 is hereby deleted and Section 384.8 is redesignated 384.7.

[F.R. Doc. 69-2450; Filed, Feb. 27, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 241—GUIDES FOR THE DOG AND CAT FOOD INDUSTRY

Statement by the Commission. Guides for the Dog and Cat Food Industry as hereinafter set forth were adopted by the Commission to afford guidance as to the legal requirements applicable to the advertising and labeling of industry products in the interest of protecting the public and effecting more widespread and equitable observance of the laws administered by the Commission.

Proposed guides for the Dog and Cat Food Industry were originally made public by the Commission on September 26, 1967, with an invitation to industry members and other interested parties to submit written comments. Based on the information received the proposed guides were revised and released again for comment on July 18, 1968. After full consideration of all comments received concerning the proposed guides, the Commission adopted the guides in their present form.

A number of the provisions of the guides provide that industry members, in advertising their products, distinguish meat from meat byproducts. Industry members are specifically advised that they should not designate as "meat" a product or ingredient thereof which is composed of meat and meat byproducts.

A number of industry members objected to such provisions in the proposed guides on the grounds that members of the public did not understand the meaning of the term "meat byproducts" and in fact considered as meat a number of portions of an animal such as the liver, kidney, lungs, brains, and intestines, which are in fact classified as meat byproducts. As the definitions of ingredient terms used in the guides are those formulated by the Association of American Feed Control Officials and the Department of Agriculture, and as those terms must be employed in the labeling of industry products, the Commission is of the opinion that deception can best be avoided by requiring the use of the same terminology in advertising. Industry members who believe that they are adversely affected by these directions may disclose the actual composition of the meat byproduct ingredient in their products or if that is not practicable inform the consumer of the meaning of the term.

While the guides are interpretive of laws administered by the Commission and thus are advisory in nature, proceedings to enforce the requirements of law explained in the guides may be brought under the Federal Trade Commission Act (15 U.S.C. secs. 41–58). Briefly stated, the Act makes it illegal for one to engage in unfair methods of competition and unfair or deceptive acts or practices in commerce as well as false advertising of food including animal food.

Industry members should endeavor to conform the advertising and labeling of their respective products to the provisions of the guides at the earliest practicable date. However, the provisions of the guides respecting labeling become effective 1 year after the date of promulgation of the guides, except that with respect to new labeling (labels for new products introduced on the market after the date of promulgation of these guides, or revised labels for products already on the market on that date) such provisions become effective 6 months after the date of promulgation. All other provisions of the guides become effective 6 months after the date of promulgation.

Inquiries and requests for copies of the guides should be directed to the Bureau of Industry Guidance, Federal Trade Commission, Washington, D.C. 20580.

Sec.

AUTHORITY: The provisions of this Part 241 issued under 38 Stat. 717, as amended; 15 U.S.C. 41–58.

§ 241.1 Definitions.

For the purpose of this part the following definitions shall apply:

(a) "Industry product" means a food for dogs or cats and includes all types of dry, semimoist, frozen, canned, and other commercial foods manufactured or marketed for consumption by domesticated dogs or cats. The term also includes special "candy" for such dogs and cats but does not include animal medicines or remedies.

(b) "Industry member" means a person, firm, corporation, or organization engaged in the importation, manufacture, sale or distribution of an industry product.

(c) "Ingredients" are the constituent materials making up a food for dogs or cats. Except as otherwise prescribed in this part the names and definitions of ingredients adopted by the Association of American Feed Control Officials will be used in the administration of this part, except that with respect to products which have been certified by the Department of Agriculture under the provisions of 9 CFR 355.1–355.42, the definitions set forth in those regulations will be used. [Guide 1]

§ 241.2 Misuse of terms.

Industry products and their respective ingredients should be identified and designated in accordance with the provisions of paragraph (c) of § 241.1, or if no name or definition has been established for an ingredient, it should be designated or identified by its common or usual name. The names of ingredients should not be used in advertising, labeling, brand or trade name, or otherwise, so as to misrepresent directly or by implication the identity of an ingredient or the composition of an industry product. [Guide 2]

§ 241.3 Misrepresentation in general.

Industry members should not use or cause or promote the use of any promotional materials, advertising, labels, insignia, brand or trade names which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers:

(a) With respect to the composition, substance, content, identity, quantity, appearance, consistency, form, shape, color, flavor, cost, value, origin, grade, quality, suitability, nutritional properties, methods of manufacture, manner of processing, or novelty of an industry product or ingredient thereof; or

(b) In any other material respect. [Guide 3]

§ 241.4 Misrepresenting composition, form, suitability, or quality in labeling.

An industry member should not use on the label of an industry product a statement of identity, vignette, or any other representation, pictorial or otherwise, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the composition, form, suitability, quality, color, or flavor of the product or any of its ingredients. More specifically:

(a) A label should contain sufficient information to enable a purchaser or prospective purchaser to determine the nature and composition of the product and the purposes for which it is suitable. As a prospective purchaser usually cannot ascertain by inspection whether an industry product will satisfy all of the nutritional requirements of a dog or cat, labeling respecting a product which is suitable only for particular purposes, e.g., as an intermittent or supplemental food, a special food for puppies, a protein supplement, or as a maintenance food for mature dogs, or is otherwise not a complete food, should not contain direct or implied representations which are misleading with respect to the purposes for which the product is suitable. To avoid misleading prospective purchasers in this respect it is generally necessary to disclose clearly and conspicuously the particular purposes for which the product is suitable or that the product is not a complete food.

(b) When used as part of a product name or statement of identity, the name of a particular ingredient should not be set forth in such a manner as to mislead prospective purchasers into believing that there is a greater proportion of such ingredient in the product than there is in fact. For example, if a product is composed of 80 percent meat byproducts and 15 percent beef, and 5 percent other ingredients, and is designated as "meat by-products and beef", the word "beef" in the product name or statement of identity should not be more conspicuous than the words "meat by-products." [Guide 4]

§ 241.5 Misrepresenting composition, form, suitability, or quality in advertising.

An industry member should not make any representation in an advertisement[1] which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the composition, appearance, form, suitability or

[1] The word "advertising" or "advertisement" as used in this part includes any written or verbal statement, notice presentation, illustration, or depiction, other than labeling, which is directly or indirectly designed to effect the sale of any industry product, or to create an interest in the purchase of any such product, whether same appears in a newspaper, magazine, or other periodical, in a catalog, letter, or sales promotional literature, in a radio or television broadcast, or in any other media.

quality of an industry product or of any ingredient thereof. More specifically:

(a) A product should not be described in advertising as "all meat" or "100 percent meat," or "all tuna," or "all chicken," or otherwise represented as being composed wholly of a named ingredient if it contains other ingredients such as the byproducts of meat, poultry, or fish. However, for the purpose of this provision, water sufficient for processing, required decharacterizing agents, and trace amounts of preservatives and condiments shall not be considered ingredients.

(b) The name or names of ingredients derived from animals, poultry or fish, such as "meat," "beef," "tuna," or "chicken and eggs" should not be used as a complete description of the composition of an industry product unless the product contains at least 95 percent by weight of the named ingredient or combination of such ingredients. If the product contains more than one ingredient derived from animals, poultry, or fish, the name of a preferred ingredient should not be given precedence or undue prominence so as to create the impression that the product contains a greater amount of that ingredient than it does in fact. For example, if a product contains 70 percent eggs and 25 percent chicken it should be described as "eggs and chicken."

(c) The names of ingredients derived from animals, poultry or fish or words or terms suggestive thereof, or representations that a product contains such ingredients, should not be used in advertising respecting an industry product unless the ingredients so named, represented, or suggested are present in the product in substantial amounts and the name, word, term, or representation is accompanied by a clear and conspicuous disclosure of the nature of the other ingredients contained in the product. The disclosure contemplated by this provision does not necessitate a complete listing of ingredients but only such description as is necessary to remove any likelihood of deception as to the general nature and composition of the product. However, no ingredient should be given undue emphasis so as to create the impression that it is present in the product in a larger amount than is the fact. This provision is not intended to preclude the use of such names or terms as descriptive of the flavor of a product which has the flavor represented and is immediately followed by the word "flavor" (see § 241.7), or to affect the use in advertising of product names or statements of identity which conform to the provisions of § 241.4. The following are examples of appropriate disclosures under this paragraph:

(1) "A meaty mixture of vegetables, cereals, and other nutritional ingredients."

(2) "Contains cereals, vegetables, and meat."

(d) Such terms as "stew," "hash," or other human food terms should not be used to describe an industry product or an ingredient thereof which is not so constituted as to conform to Federal standards of identity established for such foods. However, the specified percentages of meat, poultry, or fish ingredients may properly be composed of the named ingredient or of a combination of that ingredient and the parts of poultry or fish, or the byproducts of animals, poultry, or fish from which the ingredient was derived. For example, a product described as "Meat Stew for Dogs" should contain not less than 25 percent meat and meat byproducts, or a product described as "Chicken Stew for Dogs" should contain not less than 25 percent chicken and chicken parts, or a product described as "Pet Stew for Dogs" should contain not less than 25 percent meat and meat byproducts, or poultry products, and a variety of vegetables and other nutritional ingredients.

(e) Representations that a product contains or is fortified with fresh eggs should not be made if the product in fact contains no fresh eggs or an inappreciable amount thereof, or only dried or powdered eggs or egg yolks or egg whites, or only such eggs as may be found in the carcasses of poultry.

(f) Representations that an industry product contains whole fresh milk should not be made if the product in fact contains reconstituted milk, skimmed milk, buttermilk, or dry powdered whole or skimmed milk.

(g) Representations that a product or an ingredient thereof is "moist in its own juices" or otherwise that the moisture therein is the natural juices contained in the product or ingredients should not be made if water or other liquids have been added thereto.

(h) Vignettes and graphic and pictorial illustrations of an industry product or the contents, ingredients on immediate container thereof, which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the appearance, substance, condition, or composition of the product or its ingredients should not be used. A pictorial or other depiction of a product which has the appearance of being composed entirely of meat or of other ingredients derived from animals, poultry or fish, but which in fact is not so composed, should be accompanied by a clear and conspicuous disclosure of the nature of the ingredients contained in the product.

(i) Terms such as "burger," "chunk," "patty," "cubes," "loaf," "croquettes," and others of similar import, should not be used to describe a product or an ingredient thereof which does not have substantially the shape or form so represented when it is sold to the retail purchaser. Terms denoting shape or form which also suggest ingredients derived from animals, poultry, or fish are subject to the provisions of this part relating to misrepresentation of content.

(j) The quality of an industry product from the nutritional standpoint is not necessarily dependent upon its meat content, or upon the amount or nature of other ingredients derived from animals, poultry or fish which it may contain. Accordingly, it is improper to represent that a dog or cat has a nutritional requirement for such an ingredient, or that solely because a particular industry product contains, for example, a specified percentage of meat it is nutritionally superior to products having a lesser quantity of meat, or to those which contain other and different ingredients. Such advertising is deceptive because it does not take into consideration the nutritional properties of various ingredients or combinations thereof used in the formulation and processing of industry products.

(k) Representations or claims by an industry member that a product is superior to other products from the standpoint of quality, composition, nutritional properties or method of manufacture should not be made unless the advertiser has established on the basis of accurate comparative analyses or scientifically valid tests that such is the fact. Comparatives such as "meatier," "higher meat protein," and "greater meat content" should not be used as descriptive of an industry product or an ingredient thereof without disclosing the basis of comparison, e.g., "meatier than our other products."

(l) It is deceptive to offer for sale or sell an industry product which is not suitable for use as a food for dogs or cats. As a prospective purchaser usually cannot ascertain by inspection whether an industry product will satisfy all of the nutritional requirements of a dog or cat, advertising respecting a product which is suitable only for particular purposes, e.g., as an intermittent or supplemental food, a special food for puppies, a protein supplement, or as a maintenance food for mature dogs, or is otherwise not a complete food, should not contain direct or implied representations which are misleading with respect to the purposes for which the product is suitable. To avoid misleading prospective purchasers in this respect it is generally necessary to disclose clearly and conspicuously the particular purposes for which the product is suitable or that the product is not a complete food. This disclosure is especially necessary where in the absence thereof purchasers would be led by the advertising to believe that the product is nutritionally complete.

(m) Advertising should not contain any representation with respect to the identity, composition, or suitability of any industry product or an ingredient thereof, which contradicts, negates or is otherwise inconsistent with any representation, statement, direction for use, or other information which appears in the labeling of such a product.

(n) In advertisements pertaining to more than one of its products an industry member should use only such terms as are properly applicable to all of the products so advertised, unless the advertisement specifically identifies the particular products to which certain representations are applicable. For example, if "Y Company" has on the market an "all meat" product for dogs, an "all tuna" products for cats, and two separate, complete ration-type foods for dogs and cats respectively, it should not in a single

advertisement represent that Y products are complete foods, or that they are "all meat." [Guide 5]

§ 241.6 Misrepresentation of color in advertising.

An industry member should not misrepresent directly or indirectly, in advertising, the actual color of an industry product. More specifically, it should not represent that the color of a product is its natural color when such color has been established by artificial means; or that a product does not contain an artificial coloring ingredient unless this is true in fact; or that the color of a product is of any particular significance to a dog or to a cat. [Guide 6]

§ 241.7 Misrepresentation of flavor in advertising.

An industry member should not represent directly or indirectly, in advertising, that a product has a particular flavor unless the product has that flavor and the designated or named flavor is detectable by a recognized test method, or provides a characteristic distinguishable by the animal for which the product is intended. If the advertisement contains representations respecting flavor and the flavor has been derived from artificial sources that fact should be disclosed. [Guide 7]

§ 241.8 Diet and nutrient misrepresentation.

An industry member should not represent directly or indirectly, in advertising, labeling, brand or trade name, or otherwise:

(a) That an industry product, or a recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific, or balanced ration for dogs or cats unless such product or feeding:

(1) Contains ingredients in quantities sufficient to satisfy the estimated nutrient requirements established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences; or

(2) Contains a combination of ingredients which, when fed to a normal animal as the only source of nourishment, will provide satisfactorily for fertility of the male and female, gestation and lactation, normal growth from weaning to maturity without supplementary feeding and will maintain the normal weight of an adult animal whether working or at rest, and has had its capabilities in this regard demonstrated by adequate testing.

(b) That any listing of nutrients is equal to or exceeds the amounts recommended by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, unless such listing utilizes the same units of measure, and lists in equal or excess amounts all of the essential nutrients contained in the most recent nutrient list of that authority; or

(c) That a product or ingredient thereof contains vitamins, minerals, or other nutrients in excess of the actual content thereof, as for example, by comparing the vitamins, minerals, or other nutrients of a product or ingredient thereof with the nutrient content of a food deficient in such nutrients; or

(d) That any product or ingredient thereof provides "super protein richness," or a complete source of protein in that it contains the essential body building amino acids, inferably in the proper amount and proportion for proper nutrition, when such is not the fact. [Guide 8]

§ 241.9 Misrepresentation of medicinal and therapeutic benefits.

An industry member should not represent directly or indirectly in advertising, labeling, brand or trade name, or otherwise, that a product or ingredient thereof will:

(a) Prevent, cure, correct, tend to correct, eliminate, remove, or provide resistance to any disease, condition, disorder, infection, or parasite, or in any way improve the health or condition of any animal, when such is not the fact; or

(b) Provide any therapeutic benefit which it is capable of providing only in instances where the consuming animal's ordinary diet is deficient in elements supplied by the product or ingredient, unless due notice or qualification is made to that effect. [Guide 9]

§ 241.10 Human food representation.

An industry member should not misrepresent directly or indirectly, in advertising, labeling, brand or trade name or otherwise, that a product is fit for human consumption or made under the same sanitary conditions as food for humans. [Guide 10]

§ 241.11 Misrepresentation of processing methods.

An industry member should not, in advertising, labeling or otherwise, misrepresent the methods used in the manufacture or processing of an industry product. More specifically: Representations that a product has been broiled, braised, baked, or otherwise cooked, preserved or processed in a specific manner should not be made unless such is the fact. As the word "canned" when applied to an industry product may constitute a representation as to the manner in which a product has been processed as well as to the nature of the container in which it is packaged, a product should not be described without qualification as "canned" unless it has been both thermally processed and packed in a can. [Guide 11]

§ 241.12 Defamation of competitors or false disparagement of their products.

An industry member should not directly or indirectly in advertising, labeling, or otherwise:

(a) Engage in the defamation of its competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by making other false representations about them; or

(b) Falsely disparage the quality, grade, origin, appearance, composition, suitability, nutritional properties, cost, value, type, consistency, form, color, flavor, method of manufacture, manner of preparation, or lack of novelty of its competitors' products. [Guide 12]

§ 241.13 Misrepresentation of the character and size of business, extent of testing, etc.

An industry member should not misrepresent directly or indirectly in company, brand or trade name, or in advertising, labeling, or otherwise:

(a) The length of time it has been in business; or

(b) The extent of its sales; or

(c) Its rank in the industry as a producer or distributor of a product or type of product; or

(d) That it is a manufacturer or packer of industry products; or

(e) That it owns or operates a laboratory, breeding or experimental kennel, or that its products have been tested in any particular manner or for any period of time or with any particular results; or

(f) That a product, ingredient, or manufacturing process is new or exclusive; or

(g) Any other material aspect of its business or products. [Guide 13]

§ 241.14 Deceptive endorsements, testimonials, and awards.

An industry member should not deceptively represent directly or indirectly by endorsement, testimonial, award, advertising, labeling, brand or trade name, or otherwise:

(a) That a product or ingredient thereof has been prepared according to the formula, direction, or personal supervision of, or is prescribed by, or is the first choice of, or has been inspected, guaranteed, recognized, approved or used by; or meets or exceeds the specifications or standards of; or is otherwise endorsed by a particular individual or class of individuals, or by a governmental or nongovernmental agency, or by professionals such as veterinarians, chemists, physicists, or psychiatrists, or by organizations, breeders, kennels, sportsmen, hunt clubs, or animal hospitals; or

(b) That a product is the recipient of a bona fide merit award or seal of approval; or

(c) That a product or an ingredient thereof has been inspected by the U.S. Government or any agency thereof and that it has passed that inspection. [Guide 14]

§ 241.15 Bait advertising.

An industry member should not offer for sale any industry product when the offer is not a bona fide effort to sell the product so offered as advertised and at the advertised price.

NOTE: In determining whether there has been compliance with this section, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products

other than the product offered. Among acts or practices which will be considered in making that determination are the following:

(a) The creation, through the initial offer or advertisement, of a false impression of the product offered in any material respect;

(b) The refusal to show, demonstrate or sell the product offered in accordance with the terms of the offer;

(c) The disparagement by acts or words of the product offered or the disparagement of the guarantee, or in any other respect in connection with it;

(d) The showing, demonstrating, and in the event of sale, the delivery of a product which is unsuitable for the purpose represented or implied in the offer;

(e) The failure, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter;

(f) The failure to have available a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands.

It is not necessary that each act or practice set forth above be present in order to establish that a particular offer does not comply with this section.

NOTE: The Commission's Guides Against Bait Advertising furnish additional guidance respecting bait advertising. See 16 CFR Part 238 for the Guides Against Bait Advertising.

[Guide 15]

§ 241.16 Guarantees, warranties, etc.

(a) An industry member should not represent in advertising or otherwise that a product is guaranteed without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee; and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor; and

(3) The manner in which the guarantor will perform thereunder; and

(4) The identity of the guarantor. (The necessary disclosure requires that any guarantee made by the dealer or vendor which is not backed up by the manufacturer must make it clear that the guarantee is offered by the dealer or vendor only.)

(b) A seller or manufacturer should not advertise or represent that a product is guaranteed when he cannot or does not promptly and scrupulously fulfill his obligations under the guarantee.

(c) A specific example of refusal to perform obligations under the guarantee would arise in connection with the use of the phrase "Satisfaction or your money back" if the guarantor does not promptly make a full refund of the purchase price upon request, irrespective of the reason for such a request.

(d) This section has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty."

NOTE: The Commission's Guides Against Deceptive Advertising of Guarantees furnish additional guidance respecting guarantee representations. See 16 CFR Part 239 for Guides Against Deceptive Advertising of Guarantees.

[Guide 16]

§ 241.17 Deceptive pricing.

An industry member should not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: The Commission's Guides Against Deceptive Pricing furnish additional guidance respecting price savings representations. See 16 CFR Part 233 for the Guides Against Deceptive Pricing.

[Guide 17]

Promulgated by the Federal Trade Commission February 28, 1969.

Adopted: February 4, 1969.

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

[F.R. Doc. 69-2395; Filed, Feb. 27, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl) Phosphorothioate

A petition (PP 8FO686) was filed with the Food and Drug Administration by the Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on the raw agricultural commodities almonds (meat plus shell) at 3 parts per million (of which not more than 0.75 part per million shall be in the nut meats after shell is removed); lespedeza at 1 part per million; cottonseed and mustard greens at 0.25 part per million; and cowpeas, filberts, pecans, soybeans, and walnuts at 0.1 part per million.

Subsequently, the petitioner amended the petition to propose tolerances instead in or on lespedeza at 1 part per million; dandelions and mustard greens at 0.75 part per million; almonds, filberts, pecans, and walnuts (in or on nut meats after shell is removed) at 0.5 part per million; cottonseed at 0.25 part per million; cowpea forage, cowpeas, soybean forage, and soybeans at 0.1 part per million; and in eggs, meat, and fat of poultry at 0.05 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes:

1. That since the proposed usage is not reasonably expected to result in residues of the pesticide occurring in the edible tissues and byproducts of poultry or animals fed the above-named commodities, tolerances are unnecessary regarding eggs, meat, and fat of poultry. The usage is classified in the category specified in § 120.6(a)(3).

2. That residues of the insecticide in cottonseed from the proposed use will not exceed 0.2 part per million; therefore, a tolerance of 0.2 part per million in cottonseed is adequate and appropriate.

3. That the tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.153 is amended by revising the portion from "1 part per million * * *" to the end of the section to read as follows:

§ 120.153 *O,O*-Diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate; tolerances for residues.

* * * * *

1 part per million in or on lespedeza and olives.

0.75 part per million in or on apples, apricots, beans (snaps), beet roots, beet tops, blackberries, blueberries, boysenberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, cherries, citrus, collards, corn (kernels and cob with husks removed), cranberries, cucumbers, dandelions, dewberries, endive (escarole), figs, grapes, hops, kale, lettuce, lima beans, loganberries, melons, mustard greens, nectarines, onions, parsley, parsnips, peaches, peanuts, pears, peas with pods (determined on peas after removing any shell present when marketed), peppers, pineapples, plums (fresh prunes), radishes, raspberries, sorghum grain, spinach, strawberries, sugar beet roots, sugarcane, summer squash, Swiss chard, tomatoes, turnip roots, turnip tops, watercress, and winter squash.

0.75 part per million in or on the fat, meat, and meat byproducts of cattle and sheep from preslaughter application.

0.5 part per million in or on almonds, filberts, pecans, and walnuts.

0.2 part per million in or on bananas (of which not more than 0.1 part per million shall be present in the pulp after peel is removed) and cottonseed.

0.1 part per million in or on cowpea forage, cowpeas, potatoes, soybean forage, soybeans and sweetpotatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue

SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 406(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-2461; Filed, Feb. 27, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 197—FLEXIBILITY IN THE MANAGEMENT OF RESEARCH AND DEVELOPMENT

The Deputy Secretary of Defense approved the following on January 14, 1969:

Sec.
197.1 Purpose.
197.2 Applicability and scope.
197.3 Definitions (as used in this part)
197.4 Background.
197.5 Policy.
197.6 Principles.
197.7 Practices.

AUTHORITY: The provisions of this Part 197 are issued under 5 U.S.C. 301.

§ 197.1 Purpose.

The purpose of this part is to incorporate within the DoD Directives System the attitude governing flexibility in the application of management systems and techniques to research and development (R. & D.) projects. Its objective is to provide an environment in which a project manager is given the opportunity to select and tailor to the specific needs of his project those management systems and techniques that will help his project.

§ 197.2 Applicability and scope.

(a) The provisions of this part apply to the conduct of R&D within and for the DoD. They apply only to management systems and techniques that are directly related to the needs of a project manager, including those levied by:

(1) The Office of the Secretary of Defense (OSD) on the DoD Components:

(2) Higher levels of authority in the DoD Components on project managers in these Components; and

(3) DoD Components on their contractors.

(b) They apply to all categories of research and development (Research through Operational Systems Development) without limitation as to size and scope of the R&D effort (work unit through project and program element, hereinafter referred to as "projects"). See DoD Instructions 3200.6,[1] 7720.13,[1] and 7045.7[1] for definitions of the terms used here.

§ 197.3 Definitions (as used in this part).

(a) DoD Components are the Military Departments and the Defense Agencies.

(b) Management systems include planning systems, control systems, and other systems used to manage projects (both in-house and under contract) that satisfy the sense of the definition of "management control systems" provided in DoD Instruction 7000.6, "The Development of Management Control Systems for Use in the Acquisition Process," June 6, 1968.[1] An example of a management system which might be used on an R&D project is a technical performance measurement system or a design control system. To come under the purview of this part, such systems must be described in a published document (either regulatory or permissive), such as a regulation, directive, instruction, handbook, manual, standard, specification, or similar document.

(c) Management techniques are similar to management systems, but tend to be formal, proceduralized methods which project managers use to achieve the objectives of their management systems. For example, PERT[2] is a technique (but only one technique) for achieving the objectives of a schedule performance measurement system. To come under the purview of this part, management techniques too must be described in a published document (either regulatory or permissive).

(d) Project manager includes any individual who satisfies the sense of the definition of "system/project manager" of DoD Directive 5010.14, "System/Project Management," May 4, 1965,[1] without any connotation as to size of project, kind of project, size of his staff, or absence of responsibilities for other projects.

§ 197.4 Background.

(a) There are numerous project management systems and techniques (hereafter referred to as "systems") currently used within DoD, or on its contracts, such as: Contract Definition, Integrated Logistics Support, PERT[2] and PERT/Cost, Systems Engineering Management, Total Package Procurement, Configuration Management, and Work Breakdown Structures. The characteristics of R&D projects are such that flexibility is demanded in the application of such management systems, both with regard to the selection of the systems to be used on a particular project and the tailoring of those which are used. No one system or combination thereof should, therefore, be applied automatically to all R&D projects. To do so would abrogate management judgment and responsibility. It could also result in management attention being diverted from providing answers to more critical project questions such as "What are the objectives of the project?", "How can they best be achieved?", and "How can unnecessary project costs be avoided?". Management systems are intended to help project managers answer such questions on a regular basis—not as a substitute for project management. Thus, they should collectively be considered to be a "chest of management tools" from which project managers draw.

(b) This part is closely related and complementary to DoD Instruction 7000.7, "The Selection and Application of Management Control Systems in the Acquisition Process," June 6, 1968.[1] However, Instruction 7000.7 is directed solely to contractual effort and principally to production and the later categories of development (Engineering and Operational Systems Development). This part, in contrast, applies to in-house as well as to contractual effort, and to all categories of research and development. Also, in consonance with its focus on the in-house R&D project manager, this Part emphasizes the establishment of an environment conducive to the exercise of judgment by the project manager in selecting and tailoring his use of available management systems to the specific needs of his project. In contrast, DoD Instruction 7000.7, "The Selection and Application of Management Control Systems in the Acquisition Process," June 6, 1968,[1] provides a formal procedure for selection and application of management systems to be used on contracts. The guidelines, principal considerations, and standards of DoD Instruction 7000.7, "The Selection and Application of Management Control Systems in the Acquisition Process," June 6, 1968,[1] and the Management Control Systems List of DoD Instruction 7000.6, "The Development of Management Control Systems for Use in the Acquisition Process," June 6, 1968,[1] should be useful to the R&D project manager in selecting and tailoring his management systems, but they do not comprise all of the tools for this task.

§ 197.5 Policy.

(a) The application of management systems to research and development projects shall be mandatory only when such systems are required by law or by the Armed Services Procurement Regulation.

(b) In all other cases, management systems shall be applied selectively, on the basis of the following criteria:

[1] Filed as part of original document. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

[2] Program Review and Evaluation Technique.

(1) When the application of such systems will substantially benefit an individual project, or

(2) When it has been determined at a level above the project manager that there are benefits to be gained by their application which extend beyond the project itself.

(c) Formal waiver approval by an appropriate authority shall be obtained for complete or partial deviation from any management system that is required by an OSD or DoD Component Directive, Instruction, Regulation, or other regulatory document.

§ 197.6 Principles.

(a) Each management system (and part thereof), whether DoD Component or OSD sponsored, should be considered in the light of its total possible influence (pro and con) before application to each individual project.

(b) Each project manager has the responsibility for overall management of his project, including responsibility for selection and tailoring of management systems to be used for his project. Functional managers (e.g., configuration management, reliability, logistics support, and systems engineering) have the right and the responsibility to recommend the application of a specific management system (or part thereof) to a project manager, but not the right to decide whether it will be applied.

(c) Project managers are expected to employ those management systems whose subject matter and objectives make it obvious that they are intended to apply across the complete spectrum of DoD activities, and whose objectives would suffer if exceptions were made to their application (for example, certain routine administrative management systems, the DoD Programing System, budgeting systems, accounting and fiscal control procedures, security systems, and information systems using standard data elements and codes).

§ 197.7 Practices.

(a) *Provisions for flexibility in policy/procedure instructions.* Provisions for flexibility in the selection and application of management systems should be included in policies and procedures promulgated by the R&D organizations of the DoD Components and OSD, as well as those promulgated by non-R&D organizations when they have application to R&D. Instructions, regulations, and like documents concerning management systems should clearly specify the conditions that must exist for the instructions to apply. These conditions should be defined so as to maintain maximum flexibility. Such instructions should include procedures for tailoring management systems to particular projects or for waiving them altogether. The instructions should reference this part or the implementing instructions of the DoD Component.

(b) *Permissiveness in procedures.* Whereas it is appropriate for policy regarding management systems to be reasonably firm and directive in nature, detailed procedures for management systems should, to the maximum extent practicable, be permissive rather than mandatory. For such details, guides, handbooks, and like documents are thus preferred to instructions, regulations and other regulatory documents. The latter documents are likely to result in:

(1) Erroneous application in toto, when not appropriate;

(2) Unnecessary waiver requests;

(3) Time delays; and

(4) Increased costs.

(c) *Management systems under the authority of a DoD component.* (1) For Advanced, Engineering and Operational Systems Development, each DoD Component should grant waivers on a project-by-project basis from management systems that are directive on project managers or intended for contractual application when such waivers are in consonance with the policy of § 197.5. For Research and Exploratory Development, each DoD Component should grant such waivers on either a project-by-project basis, or on a group basis (e.g., all Research projects), as appropriate.

(2) For individual projects, each DoD Component may review and grant waivers on a case-by-case (i.e., individual management system) basis or may use an alternative method that considers groups of management systems, or all of those intended to be applied to a single project. For example, the Component may provide for review and approval of the overall management plan portion of the Development Plan[3] without the necessity for separate waiver of individual management systems. Whether or not this means is used for selection and tailoring management systems, the management plan portion of the Development Plan[3] should summarize the management systems that will be used; should specify waivers that are requested, indicating whether DoD Component or OSD waiver is required; and should provide the rationale for the waivers.

(3) Each DoD Component should, to the extent practicable, permit waiver requests to be generated by any project manager; and it should process such requests expeditiously.

(4) If DoD Components' regulatory documents require a rationale to justify waivers, it should be obvious in them that the requirement for the rationale is not intended to discourage requests for waiver.

(d) *Management systems under the authority of OSD.* (1) For Advanced, Engineering and Operational Systems Development projects, waiver of management systems may be requested on a project-by-project basis, either by memorandum addressed to the Director of Defense Research and Engineering (DDR&E) or by inclusion of the request in the management plan portion of the Development Plan (DP) that is provided in support of a program approval request to DDR&E, e.g., a request for approval to initiate Contract Definition. When the request for waivers is included in the DP (see (c)(2) of this section), the program approval request should highlight the requests for waiver that are included in the accompanying DP. In all cases, requests should indicate the specific waiver requested and provide a simple rationale for the requests.

(2) For Research and Exploratory Development, waiver of management systems may be requested (normally by memorandum to DDR&E) on either an individual project basis, or on a grouping-of-projects basis.

(3) The DDR&E will act on requests for waiver from OSD policies and procedures on an R&D project or on groups of R&D projects. When waiver is requested of a management system that is the functional responsibility of another OSD office, concurrence of that office will be obtained by DDR&E.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-2411; Filed, Feb. 27, 1969; 8:45 a.m.]

[3] DoD Instruction 3200.6, "Reporting of Research, Development and Engineering Program Information," June 7, 1962, will be used until the Development Plan is issued.

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

APPENDIX—DIRECTORY OF INTERNATIONAL MAIL

In the appendix to Subchapter C the following changes are made:

1. In country item *Malaysia*, under Parcel Post, the paragraph beginning "Sabah (North Borneo and Labuan)" which appears under *Insurance*, is amended by deleting "Jesselton" and by adding "Kota Kinabalu".

2. Under *Netherlands* the paragraph headed *Import restrictions*, which appears under Parcel Post, is amended to read as follows:

Import restrictions. Authorization from the "Nederlandsche Bank" is required to be obtained by the addressee for the importation of current instruments of payment; securities; acknowledgments of debt; and shares of stock.

3. Under *Saudi Arabia*, Postal Union Mail, delete "Restricted delivery permitted", which appears under *Registration*.

4. In *Uruguay* the item under Parcel Post captioned *Air parcel rates* is amended to read as follows:

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces or fraction, 56 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.86	2	0	$5.78	3	12	$9.70
0	8	2.42	2	4	6.34	4	0	10.26
0	12	2.98	2	8	6.90	4	4	10.82
1	0	3.54	2	12	7.46	4	8	11.38
1	4	4.10	3	0	8.02	4	12	11.94
1	8	4.66	3	4	8.58	5	0	12.50
1	12	5.22	3	8	9.14			

5. Under *Australia* the following changes are made under Parcel Post:

a. Under *Insurance*, the limit of indemnity $165 should be $170.

b. In *Prohibitions*, make the following changes:

1. Add the following to the item *For sanitary reasons:*

Used clothing not for the personal use of the addressee or his family, unless authorized by the Australian quarantine authorities.

2. Insert the following new item immediately above the item captioned *For other reasons:*

Arms, etc. Silencers for firearms.

c. Under *Import restrictions* the paragraph beginning "Used Clothing" is amended to read as follows:

Second-hand carpets must be submitted to disinfection on arrival in Australia at the addressee's expense.

6. New country item *Botswana* is added to the listing of countries, to be inserted in proper alphabetical order, with accompanying data as follows:

BOTSWANA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See 171.2 of this chapter.

Prohibitions and import restrictions. The articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail, except that diamonds and other precious stones are admitted in registered letter packages.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	2	0	$7.29	3	12	$12.89
0	8	2.49	2	4	8.09	4	0	13.69
0	12	3.29	2	8	8.89	4	4	14.49
1	0	4.09	2	12	9.69	4	8	15.29
1	4	4.89	3	0	10.49	4	12	16.09
1	8	5.69	3	4	11.29	5	0	16.89
1	12	6.49	3	8	12.09			

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Used clothing for sale; used boats and shoes.

Diamonds and precious stones; coins; gold dust or nuggets.

Butane gas cigarette lighters.

Honey and preparations of honey including "royal jelly", preserves sweetened with honey, and flypaper.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressee:

Special permission is needed to import the following:

Deadly weapons including knives having blades 4 inches or more in length, except those normally employed in household use, farming, or meat cutting; also imitation firearms, devices for discharging gas, harpoon guns, and air pistols.

Sera, vaccines, and pathogenic cultures for human or veterinary use.

Military equipment including uniforms, altered or not; footwear; blankets; ground sheets; ordnance bags and haversacks.

Cheese of all kinds; yeast; beeswax; rice.

7. In country item *Cambodia*, make the following changes:

a. Under Postal Union Mail amend the *Prohibitions* item to read as follows:

Prohibitions and import restrictions. Perishable biological materials.

Articles restricted as parcel post are restricted in the postal union mail.

b. Under Parcel Post amend the *Prohibitions* item to read as follows:

Prohibitions and import restrictions. Addressees in Cambodia are required to obtain import licenses for all commercial importations. Noncommercial shipments of 1,000 riels ($28.30) or less in value; samples; articles addressed to the Red Cross; clothing or other personal effects; and returned Cambodian goods are exempt.

8. In country item *Czechoslovakia*, under Parcel Post, the first sentence of *Observations* is changed to read as follows:

Used clothing and used footwear are prohibited, except for articles belonging to persons traveling to Czechoslovakia, or articles inherited by or bequeathed to persons residing there.

9. In *Great Britain* under Parcel Post, *Prohibitions*, the paragraph relating to unmanufactured sweetened tobacco, appearing under "For other reasons", is amended to read as follows:

Cigars and other tobacco products containing any nontobacco material or ingredient. Mentholated or flavored cigarettes and "Cavendish" or "Negrohead" pipe tobacco are admitted.

10. New country item *Lesotho* is added to the listing of countries, to be inserted in proper alphabetical order, and containing the information set out below.

LESOTHO

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV).

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 75 cents. Maximum indemnity, $8.17. Return receipt; 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown in § 221.3 of this chapter apply.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	2	0	$7.29	3	12	$12.89
0	8	2.49	2	4	8.09	4	0	13.69
0	12	3.29	2	8	8.89	4	4	14.49
1	0	4.09	2	12	9.69	4	8	15.29
1	4	4.89	3	0	10.49	4	12	16.09
1	8	5.69	3	4	11.29	5	0	16.89
1	12	6.49	3	8	12.09			

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. No list furnished, but the general prohibitions and restrictions shown in § 231.2 of this chapter apply.

11. In country item *Mauritania (Islamic Republic)*, make the following changes:

a. Under Postal Union Mail amend Prohibitions to read as follows:

Prohibitions. Watches. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

b. Under Parcel Post add item *Prohibitions*, reading as follows:

Prohibitions. For reasons of public safety: Printed or written matter, including designs or emblems, capable of promoting crime or public disorder.

Radioactive materials unless imported by an officially recognized organization with authorization of the Government of Mauritania.

Arms, etc.: Switchblade knives, blackjacks, daggers and other concealable offensive weapons.

Firearms, except for government use.

State monopolies: Weighing and measuring instruments not calibrated in the metric system.

Tobacco or cigarettes, unless the packages bear the words "Vente en République Islamique de Mauritanie" printed in letters at least 1¼ inches high below the trade mark.

Articles of precious metal, jewelry, and coins. Rough diamonds.

12. In *South Africa (Republic of)* the following changes are made:

a. The parenthetical listing of places shown under the country caption is amended to read as follows:

(Including South-West Africa).

b. Under Postal Union Mail delete "and coins", which appears under *Prohibitions and import restrictions.*

c. Under Parcel Post amend the *Weight limit* item to read as follows:

Weight limit. 22 pounds to Republic of South Africa; 11 pounds to South-West Africa.

13. Country item *Southern Yemen (People's Republic of)*, is inserted in the listing of countries in proper alphabetical order, with accompanying data as follows:

SOUTHERN YEMEN (PEOPLE'S REPUBLIC OF) (INCLUDING KAMARAN AND PERIM)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 of reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Gold and silver coins, precious metals, jewels and precious stones, watches of gold, silver, or platinum, and other valuable manufactured articles.

Articles prohibited as parcel post are prohibited in postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.78; each additional 4 ounces or fraction, 69 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.78	2	0	$6.61	3	12	$11.44
0	8	2.47	2	4	7.30	4	0	12.13
0	12	3.16	2	8	7.99	4	4	12.82
1	0	3.85	2	12	8.68	4	8	13.51
1	4	4.54	3	0	9.37	4	12	14.20
1	8	5.23	3	4	10.06	5	0	14.89
1	12	5.92	3	8	10.75			

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Arms, etc.: Arms and military supplies, unless imported by or on behalf of the Government of Aden.

Imitation and toy pistols and revolvers.

State monopolies, etc.: Coin or bullion exceeding £5 in value.

All goods manufactured outside Her Majesty's dominions and marked with the British Royal Arms, or imitations.

Fictitious stamps.

14. New country Swaziland is inserted in proper order, with accompanying information as follows:

SWAZILAND

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Insurance. Not applicable to postal union mail.

Special handling. Available to U.S. exchange office for surface AO packages. See Chart 6 for fees.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See 171.2 of this chapter.

Prohibitions and import restrictions. The articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail, except that diamonds and other precious stones are admitted in registered letter packages.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	2	0	$7.29	3	12	$12.89
0	8	2.49	2	4	8.09	4	0	13.69
0	12	3.29	2	8	8.89	4	4	14.49
1	0	4.09	2	12	9.69	4	8	15.29
1	4	4.89	3	0	10.49	4	12	16.09
1	8	5.69	3	4	11.29	5	0	16.89
1	12	6.49	3	8	12.09			

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. No provision.

Insurance. No provision.

Prohibitions. Used clothing for sale; used boots and shoes.

Diamonds and precious stones; coins; gold dust or nuggets.

Butane gas cigarette lighters.

Honey and preparations of honey including "royal jelly," preserves sweetened with honey, and flypaper.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressee:

Special permission is needed to import the following:

Deadly weapons including knives having blades 4 inches or more in length, except those normally employed in household use, farming, or meat cutting; also imitation firearms, devices for discharging gas, harpoon guns, and air pistols.

Sera, vaccines, and pathogenic cultures for human or veterinary use.

Military equipment including uniforms, altered or not; footwear; blankets; ground sheets; ordnance bags and haversacks.

Cheese of all kinds; yeast; beeswax; rice.

15. At the end of the appendix, under "Places Not Included In Alphabetical List of Countries", the following deletions are made in the listing of places:

a. In connection with Basutoland and Bechuanaland Protectorate delete "(South Africa)".

b. Delete Botswana (South Africa); Lesotho (South Africa); and Swaziland (South Africa).

c. Delete Territory of Ifni (Spanish West Africa).

16. The following amendments reflect the establishment of the new country Equatorial Guinea, formed recently by the combination of the former Spanish territories of Fernando Po and Rio Muni.

1. At the beginning of the appendix, under Chart 1—Postal Union Mail, amend Table II by striking out Fernando Po and Rio Muni in the listing of countries therein.

2. In the listing of countries in the appendix make the following changes:

a. Delete country item "Fernando Po (Including Annobon Island)", and the regulations thereunder.

b. Change the country item *Rio Muni* to read as set out below; and transfer the new designation (with accompanying regulations) to its proper alphabetical place in the listing of countries in the appendix.

EQUATORIAL GUINEA (INCLUDING ANNOBON, CORISCO, AND THE ELOBEY ISLANDS)

c. Under the country item *Spain* amend the parenthetical reference appearing immediately above Postal Union Mail to read as follows:

(For Spanish Sahara and Ifni, see Spanish West Africa.)

3. At the end of the appendix, under "Places Not Included In Alphabetical List of Countries", make the following changes:

a. Insert Equatorial Guinea as the country reference, in place of the present designations, in the following places shown in the listing:

Annobon Island.
Corisco Island.
Elobey Islands.
Spanish Guinea.

b. Insert in proper alphabetical order the following places:

Fernando Po (Equatorial Guinea).
Rio Muni (Equatorial Guinea).

(5 U.S.C. 301, 39 U.S.C. 501, 505)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-2383; Filed, Feb. 27, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 18—National Aeronautics and Space Administration

PART 18-54—CONTRACT APPEAL PROCEDURE

Deletion of Part

Part 18-54 titled "Contract Appeal Procedure" deleted in its entirety. (This part is revised and transferred to 14 CFR Subpart 1241.1.)

ERNEST W. BRACKETT,
Chairman,
NASA Board of Contract Appeals.

[F.R. Doc. 69-2429; Filed, Feb. 27, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-5]

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

Surety Bond, Certificate of Insurance, or Other Securities

At a session of the Interstate Commerce Commission, the Insurance Board, held at its office in Washington, D.C., on the 14th day of February 1969.

In the Matter of Security for the Protection of the Public as Provided in Part II of the Interstate Commerce Act, and of Rules and Regulations Covering Filing of Surety Bonds, Certificates of Insurance, Qualifications as a Self-Insurer, or Other Securities and Agreements by Motor Carriers and Brokers Subject to Part II of the Interstate Commerce Act.

It appearing, that amendment of § 1043.1(b) of Part 1043 of Title 49 of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 215 of the Interstate Commerce Act (49 Stat. 557, as amended; 49 U.S.C. 315) is warranted, and good cause appearing therefor;

It further appearing, that pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553) for good cause it is found that notice of proposed rulemaking is unnecessary;

It is ordered, That paragraph (b) of § 1043.1 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 1043.1 Surety bond, certificate of insurance, or other securities.

* * * * *

(b) Common carriers—cargo insurance; exempt commodities. Except as provided in paragraph (c) of this section, no common carrier by motor vehicle subject to part II of the Interstate Commerce Act shall engage in interstate or foreign commerce, nor shall any certificate be issued to such a carrier or remain in force unless and until there shall have been filed with and accepted by the Commission, a surety bond, certificate of insurance, proof of qualifications as a self-insurer, or other securities or agreements in the amounts prescribed in § 1043.2, conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation service: *Provided*, That the requirements of this paragraph shall not apply in connection with the transportation of the following commodities:

Agricultural ammonium nitrate.
Agricultural nitrate of soda.
Anhydrous ammonia—used as a fertilizer only.
Ashes, wood or coal.
Bituminous concrete (also known as blacktop or amosite), including mixtures of asphalt paving.
Cement, dry, in containers or in bulk.
Cement, building blocks.
Charcoal.
Chemical fertilizer.
Cinder blocks.
Cinders, coal.
Coal.
Coke.
Commercial fertilizer.
Concrete materials and added mixtures.
Corn cobs.
Cottonseed hulls.
Crushed stone.
Drilling salt.
Dry fertilizer.
Fish scrap.
Fly ash.
Forest products; viz: Logs, billets, or bolts, native woods, Canadian wood or Mexican pine; pulpwood, fuel wood, wood kindling; and wood sawdust or shavings (shingle tow) other than jewelers' or paraffined.
Foundry and factory sweepings.
Garbage.
Gravel, other than bird gravel.
Hardwood and parkay flooring.
Haydite.
Highway construction materials, when transported in dump trucks and unloaded at destination by dumping.
Ice.
Iron ore.
Lime and limestone.
Liquid fertilizer solutions, in bulk, in tank vehicles.
Lumber.
Manure.
Meat scraps.
Mud drilling salt.
Ores in bulk, including ore concentrates.
Paving materials, unless contain oil hauled in tank vehicles.
Peat moss.
Peeler cores.
Plywood.
Poles and piling, other than totem poles.
Potash, used as commercial fertilizer.
Pumice stone, in bulk in dump vehicles.
Salt, in bulk or in bags.
Sand, other than asbestos, bird, iron, monazite, processed, or tobacco sand.
Sawdust.
Scoria stone.
Scrap iron.
Scrap steel.
Shells, clam, mussel, or oyster.
Slag, other than slag with commercial value for the further extraction of metals.
Slag, derived aggregates—cinders.
Slate, crushed or scrap.
Slurry, as waste material.
Soil, earth or marl, other than infusorial, diatomaceous, tripoli, or inoculated soil or earth.
Stone, unglazed and unmanufactured, including ground agricultural limestone.
Sugar beet pulp.
Sulphate of ammonia, in bulk, used as fertilizer.
Surfactants.
Trap rock.
Treated poles.
Veneer.
Volcanic scoria.
Water, other than mineral or prepared water.
Wood chips, not processed.
Wooden pallets, unassembled.
Wrecked or disabled motor vehicles.

Other materials or commodities of low value, upon specific application to and approval by the Commission.

* * * * *

(Sec. 215, 49 Stat. 557, as amended; 49 U.S.C. 315)

It is further ordered, That this amendment herein prescribed is to become effective upon publication in the FEDERAL REGISTER.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Insurance Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2452; Filed, Feb. 27, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

GOLDEN NEMATODE

Notice of Public Hearing

Notice is hereby given in accordance with sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), that the Administrator of the Agricultural Research Service has information that the Golden Nematode (*Heterodera rostochiensis*), a dangerous pest of potatoes and certain other plants, has been found to exist in certain parts of Delaware and New York and proposes to quarantine such States. The proposed regulations would be applied to the movement from areas regulated within those States, of (1) soil, compost, humus, muck, peat, and decomposed manure, separately or with other things; (2) plants with roots; (3) grass sod; (4) plant crowns and roots for propagation; (5) true bulbs, corms, rhizomes, and tubers, of ornamental plants; (6) Irish potatoes and other root crops; (7) soybeans; (8) hay, straw, fodder, and plant litter, of any kind; (9) ear corn, except shucked ear corn; (10) used crates, boxes, burlap bags, and other used farm products containers; (11) used farm tools; (12) used mechanized cultivating and used harvesting machinery; (13) used mechanized soil-moving equipment; (14) any other products, articles, or means of conveyance of any character whatsoever when it is determined by an inspector that they present a hazard of spread of golden nematode and the person in possession thereof has been so notified.

If it is decided that a Federal quarantine and regulations should be established, most of the restrictions would apply to the movement of regulated articles from regulated areas. Regulated areas would be restricted to portions of a State in which infestations have been found or which it is deemed necessary to regulate because of their proximity to infestation. Less than an entire State would be designated as a regulated area only if the State is undertaking sufficient quarantine action to prevent the intrastate spread of the golden nematode and if the regulation of less than the entire State would otherwise be sufficient to prevent the interstate spread of the pest. Effective and practical treatments or other procedures have been developed to allow the interstate movement of regulated articles from regulated areas. The only restriction which would apply to the interstate movement of regulated articles from nonregulated portions of the quarantined States would relate to proof of origin of the regulated articles and to safeguarding the articles from infestation if they traverse a regulated area.

A public hearing to consider the above proposal will be held before a representative of the Agricultural Research Service in the Chantilly Room, Manger Hamilton Hotel, 14th and K Streets NW., Washington, D.C., at 10 a.m., e.s.t., on April 17, 1969, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before April 16, 1969, or with the presiding officer at the hearing. All written submissions received pursuant to this notice and the oral hearing record will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 25th day of February 1969.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-2465; Filed, Feb. 27, 1969; 8:49 a.m.]

Consumer and Marketing Service

[7 CFR Part 52]

CERTAIN PROCESSED CITRUS JUICES

U.S. Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering similar amendments to the U.S. Standards for Grades of:

Canned Blended Grapefruit Juice and Orange Juice (7 CFR 52.1281–52.1293).
Canned Orange Juice (7 CFR 52.1551–52.1562).
Canned Tangerine Juice (7 CFR 52.2071–52.2082).
Pasteurized Orange Juice (7 CFR 52.5641–52.5652).
Orange Juice From Concentrate (7 CFR 52.5681–52.5692).
Dehydrated Grapefruit Juice (7 CFR 52.3021–52.3032).

The proposed amendments, if made effective, would change the method of expressing the quantity of acid in each affected standard from—grams per 100 milliliters of juice—to—grams per 100 grams of juice. These actions would be taken pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same in duplicate not later than May 1, 1969, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed amendments. The relationship of sweetness to acidity is an important indicator of the maturity of citrus fruits and of the flavor of processed citrus juices. This relationship is referred to in grade standards and maturity laws as the "Brix-acid ratio."

Degrees "Brix" by definition is a percentage (by weight) of soluble solids, principally sugars, in the juice. Citric acid is traditionally calculated as "grams per 100 milliliters" in connection with processed single strength juices and as "grams per 100 grams" (percent by weight) in connection with most fresh citrus fruit deliveries, and with processed juice concentrates. Acid calculated on the basis of grams per 100 grams results in slightly lower acid values than when calculated as grams per 100 milliliters; and the resulting Brix-acid ratios become slightly higher, for the same juice. Because the Brix-acid ratios resulting from these two methods of expressing acid content vary, it is difficult to relate the quality of the various juice forms. Also, under a dual system of reporting acid a juice may be changed in grade merely by having been changed in form—from a concentrate, for example, to a reconstituted juice.

In consideration of the foregoing matters, it would appear proper to report both sweetness and acidity as percentages by weight so that resulting Brix-acid ratios, regardless of the product form, would be on the same basis.

Because the proposed method of calculating acid does result in slightly lower acid values and slightly higher Brix-acid ratio values for the same quality juice, approximate compensatory changes for those currently specified have been made in the proposed amendments. These changes in numerical values do not alter the quality levels of the current standards in any substantial amount.

The changes in acid and Brix-acid ratio values as now proposed were obtained by calculations involving the

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

specific gravity of the juice being considered. Minimum specified Brix values were used where appropriate. Where higher than minimum Brix values were required most calculations were based on 15° Brix.

The proposed revisions of the standards for Canned Orange Juice and for Pasteurized Orange Juice contain additional Brix-acid ratio values so that juices complying with minimum ratio weight/weight values, as proposed, would also comply with minimum Brix-acid ratio weight/volume requirements of the Food and Drug Standards of Identity for Canned Orange Juice (21 CFR 27.108) and Pasteurized Orange Juice (21 CFR 27.107).

Part 52 of Chapter I of Title 7 of the Code of Federal Regulations would be amended as follows:

Subpart—U.S. Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice would be amended as follows:

1. In § 52.1289, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.1289 Flavor.

(a) *(A) Classification.* * * *

(1) *Style I, unsweetened.*

	Minimum	Maximum
Brix (degrees)	10.0°	
Acid (per 100 grams)	0.75 gm.	1.63 gms.
Brix-acid ratio:		
If Brix is less than 11.5°	9.4:1	18:1.
If Brix is 11.5° or more	8.4:1	18:1.

(2) *Style II, sweetened.*

	Minimum	Maximum
Brix (degrees)	11.5°	
Acid (per 100 grams)	0.75 gm.	1.62 gms.
Brix-acid ratio:		
If Brix is less than 15°	10.5:1	18:1.
If Brix is 15° or more	No minimum.	18:1.

(b) *(C) Classification.* * * *

(1) *Style I, unsweetened.*

	Minimum	Maximum
Brix (degrees)	9.5°	
Acid (per 100 grams)	0.61 gm.	1.73 gms.
Brix-acid ratio	7.8:1	

(2) *Style II, sweetened.*

	Minimum	Maximum
Brix (degrees)	11.5°	
Acid (per 100 grams)	0.61 gm.	1.72 gms.
Brix-acid ratio:		
If Brix is less than 15°	10.5:1	
If Brix is 15° or more	No minimum.	

* * * * *

2. In § 52.1290 paragraph (b) is revised to read as follows and a new paragraph (c) is added:

§ 52.1290 Definition of terms.

* * * * *

(b) "Acid" means grams of total acidity calculated as anhydrous citric acid, per 100 grams of the canned blended juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) The "brix-acid ratio" is the ratio of the degrees Brix of the canned blended grapefruit juice and orange juice to the grams of anhydrous citric acid per 100 grams of the juice.

3. In § 52.1293, score sheet, the sentence beginning on the 10th line of the score sheet is changed to read:

§ 52.1293 Score sheet for canned blended grapefruit juice and orange juice.

* * * * *

Acid (grams/100 grams: Calculated as anhydrous citric acid.

* * * * *

Subpart—U.S. Standards for Grades of Canned Orange Juice would be amended as follows:

1. In § 52.1559, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.1559 Flavor.

(a) *(A) Classification* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.5	
Acid (per 100 grams):		
California or Arizona	0.71 gm.	1.39 gms.
Outside California or Arizona.	0.61 gm.	1.39 gms.
Brix-acid ratio:		
If Brix is less than 11.5°	10.4:1	20.7:1.
If Brix is 11.5° to 12.2°	9.4:1	20.7:1.
If Brix is 12.3° to 14.8°	9.5:1	20.7:1.
If Brix is 14.9° to 17.4°	9.6:1	20.7:1.

(2) *With sweetener styles.*

	Minimum	Maximum
Brix (degrees)	10.5	
Acid (per 100 grams):		
California or Arizona	0.71 gm.	1.39 gms.
Outside California or Arizona.	0.61 gm.	1.39 gms.
Brix-acid ratio:		
If Brix is less than 15°	12.5:1	20.7:1.
If Brix is 15° to 17.4°	9.6:1	20.7:1.

(b) *(C) Classification* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.0°	
Acid (per 100 grams)	0.52 gm.	1.54 gms.
Brix-acid ratio:		
If Brix is 10° to 12.2°	9.4:1	20.7:1.
If Brix is 12.3° to 14.8°	9.5:1	20.7:1.
If Brix is 14.9° to 17.4°	9.6:1	20.7:1.

(2) *With sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.5	
Acid (per 100 grams):		
California or Arizona	0.61 gm.	1.58 gms.
Outside California or Arizona.	0.57 gm.	1.58 gms.
Brix-acid ratio:		
If Brix is less than 15°	12.5:1	20.7:1.
If Brix is 15° to 17.4°	9.6:1	20.7:1.
If Brix is 17.5° to 19.9°	9.7:1	20.7:1.

* * * * *

2. In § 52.1560, paragraph (b) and (c) are revised to read as follows:

§ 52.1560 Definitions of terms and methods of analyses.

* * * * *

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of canned orange juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) *Brix-acid ratio.* The "brix-acid ratio" is the ratio of the degrees Brix of the canned orange juice to the grams of anhydrous citric acid per 100 grams of the juice.

* * * * *

3. In § 52.1562, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read as follows:

§ 52.1562 Score sheet for canned orange juice.

* * * * *

Acid (grams/100 grams: Calculated as anhydrous citric acid).

* * * * *

Subpart—U.S. Standards for Grades of Canned Tangerine Juice would be amended as follows:

1. In § 52.2078, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.2078 Flavor.

(a) *(A) Classification.* (1) Canned tangerine juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned tangerine juice flavor which is free from traces of scorching, caramelization, oxidation, or terpene; is free from off flavors of any kind; and meets the following requirements:

	Minimum	Maximum
Brix (degrees)	10.5°	
Acid (per 100 grams)	0.66 gm.	1.34 gms.
Brix-acid ratio	10.4:1	19:1.

(2) Canned tangerine juice is considered "sweet" if the juice possesses a very good flavor and falls within the range of the following requirements:

	Minimum	Maximum
Brix (degrees)	12.5°	
Acid (per 100 grams)	0.66 gm.	1.33 gms.
Brix-acid ratio:		
If less than 16° Brix	11.6:1	19.1:1.
If 16° Brix or more	No minimum.	19.1:1.

(b) *(C) Classification.* (1) If the canned tangerine juice possesses a good flavor, a score of 28 to 33 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned tangerine juice flavor which may have a slightly caramelized or slightly oxidized flavor but is free from off flavors of any kind and meets the following requirements:

	Minimum	Maximum
Brix (degrees)	10.0°	
Acid (per 100 grams)	0.52 gm.	1.54 gms.
Brix-acid ratio	9.4:1	

(2) Canned tangerine juice is considered "sweet" if the juice possesses a good flavor and falls within the range of the following requirements:

	Minimum	Maximum
Brix (degrees)	12.5°	
Acid (per 100 grams)	0.61 gm.	1.52 gms.
Brix-acid ratio:		
If less than 16° Brix	11.6:1	
If 16° Brix or more	No minimum.	

* * * * *

2. In § 52.2079, paragraph (b) is revised to read as follows and new paragraph (c) is added.

§ 52.2079 Definitions of terms.

* * * * *

(b) "Acid" means grams of total acidity calculated an anhydrous citric acid per 100 grams of juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) "Brix-acid ratio" is the ratio of the degrees Brix of the canned tangerine juice to the grams of anhydrous citric acid per 100 grams of the juice.

3. In § 52.2082, score sheet, the seventh line of the score sheet is changed to read:

§ 52.2082 Score sheet for canned tangerine juice.

* * * * *

Acid (anhydrous citric: Grams per 100 grams).

* * * * *

Subpart—U.S. Standards for Grades of Pasteurized Orange Juice would be amended as follows:

1. In § 52.5649, paragraphs (a) (1) and (2), and (b) (1) and (2), are revised to read:

§ 52.5649 Flavor.

(a) *(A) Classification.* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	11°	
Brix-acid ratio:		
From fruit grown predominantly in California or Arizona.	11.5:1	18:1.
From fruit grown predominantly outside California or Arizona.	12.5:1	20.7:1.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange juice solids (percent by weight of finished product).	11%	
Brix-acid ratio	12.5:1	20.7:1.

(b) *(B) Classification* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	10.5°	
Brix-acid ratio:		
If Brix is 10.5° to 11.0°	10.4:1	23.3:1.
If Brix is 11.1° to 13.4°	10.5:1	23.3:1.
If Brix is 13.5° to 15.7°	10.6:1	23.3:1.
If Brix is 15.8° or more	10.7:1	23.3:1.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange solids (percent by weight of finished product).	10.5%	
Brix-acid ratio:		
If Brix is 10.5° to 11.0°	10.4:1	23.3:1.
If Brix is 11.1° to 13.4°	10.5:1	23.3:1.
If Brix is 13.5° to 15.7°	10.6:1	23.3:1.
If Brix is 15.8° or more	10.7:1	23.3:1.

* * * * *

2. In § 52.5650, paragraph (b) is revised to read:

§ 52.5650 Definitions of terms and methods of analysis.

* * * * *

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of pasteurized orange juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

* * * * *

3. In § 52.5652, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read:

§ 52.5652 Score sheet for pasteurized orange juice.

* * * * *

Acid (grams/100 grams: Calculated as anhydrous citric acid).

* * * * *

Subpart—U.S. Standards for Grades of Orange Juice from Concentrate, would be amended as follows:

1. In § 52.5689 paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.5689 Flavor.

(a) *(A) Classification* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	11.5°	
Brix-acid ratio:		
From fruit grown predominantly in California or Arizona.	11.5:1	18:1.
From fruit grown predominantly outside California or Arizona.	12.6:1	20.7:1.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange juice solids (percent by weight of finished product).	11.8%	
Brix-acid ratio	12.6	20.7:1.

(b) *(B) Classification.* * * *

(1) *Without sweetener style.*

	Minimum	Maximum
Brix (degrees)	11.8°	
Brix-acid ratio	11.01:1	23:3.

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange juice solids (percent by weight of finished product).	11.8%	
Brix-acid ratio	11.0:1	23:3.

* * * * *

2. In § 52.5690, paragraph (b) is revised to read as follows:

§ 52.5690 Definitions of terms and methods of analysis.

* * * * *

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

* * * * *

3. In § 52.5692, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read:

§ 52.5692 Score sheet for orange juice from concentrate.

* * * * *

Acid (grams per 100 grams: Calculated as anhydrous citric acid).

* * * * *

Subpart—U.S. Standards for Grades of Dehydrated Grapefruit Juice would be amended as follows to correct a printing error. No other change is made.

In § 52.3028, paragraphs (a) (2) and (b) (2) are revised to change "ml." to "grams." As amended these paragraphs read:

§ 52.3028 Flavor.

(a) * * *

(2) Acid—not less than 0.85 gram per 100 grams

* * * * *

(b) * * *

(2) Acid—not less than 0.70 gram per 100 grams.

* * * * *

(Sec. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: February 20, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-2404; Filed, Feb. 27, 1969; 8:45 a.m.]

Consumer and Marketing Service

[7 CFR Part 1103]

[Docket No. AO-346-A9]

MILK IN MISSISSIPPI MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn Southwest, 2649 Highway 80 West, Jackson, Miss., beginning at 10 a.m. on March 5, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Mississippi marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen, Inc.:

Proposal No. 1. Delete effective March 1, 1969, the provisions of the Mississippi order relating to the seasonal base and excess plan of payment to producers.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Cleo C. Taylor, 322 North Mart Plaza, Post Office Box 9747, Northside Station, Jackson, Miss. 39206, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on February 25, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-2473; Filed, Feb. 27, 1969; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[No. MC-C-6168]

TRANSPORTATION IN INTERSTATE OR FOREIGN COMMERCE OF HAZARDOUS MATERIALS BY MOTOR VEHICLE OVER DIRECT ROUTES

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of February 1969.

The transportation of hazardous materials, including explosives and other dangerous articles, in interstate or foreign commerce, by motor vehicle, is circumscribed with special safeguards for the protection of life and property. Safety in the transportation of these materials is extremely important to this Commission, to the motor carriers involved, and to the general public. In addition, the State and local authorities play a necessary and vital role in the overall scheme of regulation pertaining to the safe transportation of hazardous materials within their respective jurisdictions. In this posture, State and local authorities, to the extent consistent with their powers, may adopt such laws and regulations governing the transportation of this traffic through or within their territories and in and over their facilities. See Riss & Co., Inc., Extension—Explosives, 64 M.C.C. 299 (1955); and Wisconsin Public Service Comm. v. Ace Doran, 96 M.C.C. 347 (1964). However, the adoption of such laws or regulations by State or local authorities may not be at variance with specific regulations of this Commission which generally impose a greater affirmative obligation or restraint. In addition, the authorization of direct routes for the for-hire transportation of hazardous materials by motor vehicle, in interstate or foreign commerce, in lieu of circuitous routes, is within the exclusive jurisdiction of this Commission.

Cognizant of this situation, the State of California, by and through the California Highway Patrol, on August 12, 1968, filed a petition in No. MC-C-6168, requesting the institution of a rulemaking proceeding for the purpose of adopting a rule or regulation of general applicability which would require, or at least permit, common carriers of hazardous materials, as classified by the U.S. Department of Transportation, to transport such hazardous materials from the point of origin to the point of destination by the nearest, direct route approved by State and local authorities for the transportation of such materials. The adoption of such a rule or regulation is requested to reduce the danger and risk of injury to the public which petitioner and its supporters believe is inherent in the movement of hazardous materials over circuitous routes. Notice of the filing of this petition, together with the regulation proposed by the petitioner, was given by publication in the FEDERAL REGISTER of August 28, 1968, 32 F.R. 12153. Representations both supporting and opposing the institution of a rulemaking proceeding have been received from interested persons.[1]

The formulation of regulations pertaining to the safe transportation within the United States of hazardous materials including explosives and other dangerous articles has been transferred to and vested in the Secretary of Transportation pursuant to section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1655(e)(4) (Supp. III, 1965-1967)) which embraces the provisions of law relating generally to explosives and other dangerous articles in sections 831-835 of title 18, United States Code, as amended. Regulations formulated under these provisions of law are required to be in accord with the best-known practical means for securing safety in transit, covering the packaging, marking, loading, and handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport. Notwithstanding this transfer of the functions, powers, and duties of the Interstate Commerce Commission under the aforesaid provisions of law, section 6(f)(1) of the Department of Transportation Act (49 U.S.C. 1655(f)(1) (Supp. III, 1965-1967)) provides that nothing in subsection (e) shall diminish the functions, powers, and duties of the Interstate Commerce Commission under sections 1(6), 206, 207, 209, 210a, 212, and 216 of the Interstate Commerce Act, as amended (49 U.S.C. 1(6), 306 et seq.), or under any other section of that act not specifically referred to in subsection (e).

In view of the foregoing and upon consideration of the above-described petitions and representations; and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act, and more specifically sections 204(a)(1) and (6), 206, 207, 208, and 209 thereof, and sections 4 and 12 of the Administrative Procedure Act, for the purposes (1) of inquiring into the facts and circumstances attendant to the safe transportation—in relation to the pertinent motor carrier operating

[1] The U.S. Department of Transportation; Carolina Freight Carriers Corp.; and Western Gillette, Inc., separately, filed representations in support of the petition. American Trucking Associations, Inc.; Munitions Carriers Conference, Inc.; National Tank Truck Carriers, Inc.; Commerce Law Committee—Eastern Railroads; Western Railroads; Compressed Gas Association; California Fertilizer Association; California Manufacturers Association; and Blackball Freight Service, separately, filed representations in opposition; and Chemical Leaman Tank Lines, Inc., filed a representation as its interest may appear.

authorities—of hazardous materials, including explosives and other dangerous articles, by motor vehicle, in interstate or foreign commerce, over regular and irregular routes, within the United States; (2) of determining the necessity for adopting a rule or regulation of general applicability which would require or permit for-hire motor carriers of hazardous materials to utilize the nearest, direct route in the movement of such materials from origin to destination as approved by State and local authorities in lieu of circuitous routes; (3) of considering the lawfulness and propriety of the regulation described in (2) above or whether there should be adopted other regulations that may be found necessary or warranted in the premises; and (4) of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all for-hire carriers of hazardous materials, including explosives and other dangerous articles, by motor vehicle operating in interstate or foreign commerce subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that carriers or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertinent to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days of the service date of this order, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list the Commission will fix the time within which initial statements and the replies must be filed.

And it is further ordered, That a copy of this order be served on petitioner, and upon all parties listed in footnote 1 hereof; that copies be mailed to the Governor of every State and to the Public Utilities Commissions or boards of each State having jurisdiction over motor transportation; that a copy be posted in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to respondents and to all other interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2453; Filed, Feb. 27, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

TETRACYCLINE PRODUCTS

Antidumping Proceeding Notice

FEBRUARY 20, 1969.

On December 26, 1968, information was received indicating a possibility that tetracycline products manufactured by Carlo Erba S.p.A., Milan, Italy, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information is in proper form pursuant to sections 53.26 and 53.27 of the Customs Regulations (19 CFR 53.26, 53.27).

The information was submitted by Alan Stamm, Esq., Los Angeles, Calif., on behalf of Rachelle Laboratories, Long Beach, Calif.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices for home consumption are higher than the prices of the merchandise sold for exportation to the United States.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

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

[F.R. Doc. 69-2451; Filed, Feb. 27, 1969; 8:48 a.m.]

[461.161]

SECOND CLEAR WHEAT FLOUR

Notice of Proposed Classification

FEBRUARY 25, 1969.

In a ruling published November 2, 1967 (32 F.R. 15186), second clear wheat flour was reclassified from the provision for animal feed obtained as a byproduct of the milling of grain, in item 184.70, Tariff Schedules of the United States (TSUS), to the provision for milled grain products in item 131.40, TSUS, if fit for human consumption, or in item 131.72, TSUS, if unfit for human consumption. A notice published July 23, 1968 (33 F.R. 10463), indicated that the Bureau was further considering the validity of the ash content test theretofore used as one of the tests of the fitness of wheat flour, including second clears, for human consumption.

In response to the latter notice, the Bureau has received numerous representations concerning the classification of this product. All data, views, and arguments so presented have been carefully considered.

In the light of the information presented, the Bureau has concluded tentatively that second clear wheat flour is, as previously decided, no longer chiefly used in the United States as an animal feed. However, the Bureau also concluded that this merchandise is, in the tariff sense, a byproduct, rather than a product, of the milling of grain.

On the above basis, second clear wheat flour is not classifiable under the provisions for milled grain products since byproducts are expressely excluded therefrom. Nor is second clear wheat flour classifiable under the provision for animal feeds or ingredients since this no longer represents its chief use.

The Bureau has, therefore, tentatively concluded that, there being available no other more specific provision in the tariff schedules, second clear wheat flour is classifiable in item 799.00, TSUS, under the provision for nonenumerated products not provided for elsewhere, with duty at 8 percent ad valorem.

Pursuant to § 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau of Customs the existing established and uniform practice of classifying second clear wheat flour under the provision for milled grain products in item 131.72, TSUS, with duty at 2.5 percent ad valorem, if unfit for human consumption, and in item 131.40, TSUS, with duty at 52 cents per 100 pounds, if fit for human consumption.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 15 days from the date of publication of this notice. No material submitted under a previous notice need be resubmitted. No hearing will be held.

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

[F.R. Doc. 69-2548; Filed, Feb. 27, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

GLEN CANYON NATIONAL RECREATION AREA

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Fort Lee Co., authorizing it to provide concession facilities and services for the public at Glen Canyon National Recreational Area, Lee's Ferry Site for a period of 20 years from January 1, 1969 through December 31, 1988.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: February 19, 1969.

R. B. MOORE,
Director
National Park Service.

[F.R. Doc. 69-2428; Filed, Feb. 27, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NEW MEXICO AND NORTH CAROLINA

Notice of Authorization for Grazing and Harvesting of Hay on Diverted Acreage in Designated Counties

Notice is hereby given that the Secretary of Agriculture has authorized the grazing or harvesting of hay, as indicated, on acreage designated as diverted from the production of crops under the Soil Bank Program (7 CFR Part 750), the

Cropland Adjustment Program (7 CFR Part 751), the Cropland Conversion Program (7 CFR Part 751), the Feed Grain Program (7 CFR Part 775), and the Upland Cotton Program (7 CFR Part 722), in the counties specified in this notice. The grazing and harvesting of hay on the diverted acreage shall be subject to the terms and conditions in the regulations for each program and instructions issued with respect thereto, which are available in the county ASCS offices. The designated counties are as follows:

NEW MEXICO

Colfax.	Quay.
Harding.	Union.

NORTH CAROLINA

Durham.	Wake.

Signed at Washington, D.C., on February 19, 1969.

CHARLES L. FRAZIER,
Acting Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-2466; Filed, Feb. 27, 1969; 8:49 a.m.]

Commodity Credit Corporation

BYLAWS OF CORPORATION

Revision

The bylaws of the Commodity Credit Corporation, revised February 20, 1969, are as follows:

OFFICES

1. The principal office of the Corporation shall be in the city of Washington, District of Columbia, and Corporation shall also have offices at such other places as it may deem necessary or desirable in the conduct of its business.

SEAL

2. There is impressed below the official seal which is hereby adopted for the Corporation. Said seal may be used by causing it or a facsimile thereof to be impressed or affixed or reproduced.[1]

MEETINGS OF THE BOARD

3. Regular meetings of the Board shall be held without notice in the Board meeting room in the U.S. Department of Agriculture in the city of Washington, D.C., on Tuesday of each week, or if that day be a legal holiday, on the next succeeding business day, at 10 a.m., unless notice of another hour is given.

4. Special meetings of the Board may be called at any time by the Chairman or by the President or the Executive Vice President and shall be called by the Chairman, the President, or the Executive Vice President at the written request of any four directors. Notice of special meetings shall be given either personally or by mail (including the intradepartmental mail channels of the Department of Agriculture or interdepartmental mail channels of the Federal Government) or by telegram, and notice by telephone shall be personal notice. Any Director may waive in writing such notice as to himself, whether before or after the time of the meeting, and the presence of a Director at any meeting shall constitute a waiver of notice of such meeting. No notice of an adjourned meeting need be given. Any and all business may be transacted at any special meeting unless otherwise indicated in the notice thereof.

5. The Secretary of Agriculture shall serve as Chairman of the Board. In the absence or unavailability of the Chairman, the President of the Corporation shall preside at meetings of the Board. In the absence or unavailability of the Chairman and the President, the Directors present at the meeting shall designate a Presiding Officer.

6. At any meeting of the Board a quorum shall consist of four Directors. The act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board.

7. The General Counsel of the Department of Agriculture, whose office shall perform all legal work of the Corporation, and the Deputy General Counsel of the Department of Agriculture shall, as General Counsel and Deputy General Counsel of the Corporation, respectively, attend meetings of the Board.

8. The Executive Vice President, the Vice President who is the Associate Administrator of the Agricultural Stabilization and Conservation Service, the General Sales Manager, the Secretary and the Controller shall attend meetings of the Board. Each of the other Vice Presidents and Deputy Vice Presidents shall attend meetings of the Board during such times as the meetings are devoted to consideration of matters as to which they have responsibility.

9. Other persons may attend meetings of the Board upon specific authorization by the Chairman or the President.

COMPENSATION OF BOARD DIRECTORS

10. The compensation of each Director shall be prescribed by the Secretary of Agriculture. Any director who holds another office or position under the Federal Government, the compensation for which exceeds that prescribed by the Secretary of Agriculture for such Director, may elect to receive compensation at the rate provided for such other office or position in lieu of compensation as a Director.

OFFICERS

11. The officers of the Corporation shall be a President, Vice Presidents, and Deputy Vice Presidents as hereinafter provided for, a General Sales Manager, a Secretary, a Controller, a Treasurer, a Chief Accountant, and such additional officers as the Secretary of Agriculture may appoint.

12. The Assistant Secretary of Agriculture for International Affairs and Commodity Programs shall be ex officio President of the Corporation.

13. The following officials of the Agricultural Stabilization and Conservation Service (referred to as ASCS), Foreign Agricultural Service (referred to as FAS), and Consumer and Marketing Service (referred to as C&MS) shall be ex officio officers of the Corporation:

Administrator, ASCS; Executive Vice President.
Administrator, FAS; Vice President.
Administrator, C&MS; Vice President.
Associate Administrator, ASCS; Vice President.
Deputy Administrator, Commodity Operations, ASCS; Deputy Vice President.
Deputy Administrator, State and County Operations, ASCS; Deputy Vice President.
Deputy Administrator, Management, ASCS; Deputy Vice President.
Executive Assistant to the Administrator, ASCS; Secretary.
Director, Fiscal Division, ASCS; Controller.
Deputy Director (in Charge of Finance), Fiscal Division, ASCS; Treasurer.
Deputy Director (in Charge of Accounting), Fiscal Division, ASCS; Chief Accountant.

The person occupying, in an acting capacity, the office of any person designated ex officio by this paragraph 13 as an officer of the Corporation, shall, during his occupancy of such office, act as such officer.

14. Officers who do not hold office ex officio shall be appointed by the Secretary of Agriculture and shall hold office until their respective appointments shall have been terminated.

THE PRESIDENT

15. The President shall be Vice Chairman of the Board and shall have general supervision and direction of the Corporation, its officers and employees.

THE VICE PRESIDENTS

16. (a) The Executive Vice President shall be the chief executive officer of the Corporation and shall be responsible for submission of all policies and programs to the Board. Except as provided in paragraphs (b) and (c) below, the Executive Vice President shall have general supervision and direction of the preparation of policies and programs for submission to the Board, of the administration of the policies and programs approved by the Board, and of the day-to-day conduct of the business of the Corporation and of its officers and employees.

(b) The Vice President who is the Administrator, Foreign Agricultural Service, shall be responsible for preparation for submission by the Executive Vice President to the Board of those policies and programs of the Corporation which are for performance through the facilities and personnel of the Foreign Agricultural Service. He shall also have responsibility for the administration of these operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Foreign Agricultural Service. He shall also perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, or the President of the Corporation.

(c) The Vice President who is Administrator, Consumer and Marketing Service, shall be responsible for the administration of those operations of the Corporation under policies and programs

[1] Seal filed as part of the original document.

approved by the Board relating to food distribution, which are carried out through facilities and personnel of the Consumer and Marketing Service. He shall also perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, or the President of the Corporation.

17. The Vice President who is the Associate Administrator, Agricultural Stabilization and Conservation Service, and the Deputy Vice Presidents shall assist the Executive Vice President in the performance of his duties and the exercise of his powers to such extent as the President or the Executive Vice President shall prescribe, and shall perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, the President of the Corporation, or the Executive Vice President of the Corporation.

THE GENERAL SALES MANAGER

18. The General Sales Manager shall perform such duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

THE SECRETARY

19. The Secretary shall attend and keep the minutes of all meetings of the Board; shall attend to the giving and serving of all required notices of meetings of the Board; shall sign all papers and instruments to which his signature shall be necessary or appropriate; shall attest the authenticity of and affix the seal of the Corporation upon any instrument requiring such action; and shall perform such other duties and exercise such other powers as are commonly incidental to the office of Secretary as well as such other duties as may be prescribed from time to time by the President or the Executive Vice President.

THE CONTROLLER

20. The Controller shall have charge of all fiscal and accounting affairs of the Corpoartion, including all borrowings and related financial arrangements, claims activities, and formulation of prices in accordance with established policies; and shall perform such other duties as may be prescribed from time to time by the President or the Executive Vice President.

THE TREASURER

21. The Treasurer, under the general supervision and direction of the Controller, shall have charge of the custody, safekeeping and disbursement of all funds of the Corporation; shall designate qualified persons to authorize disbursement of corporate funds; shall direct the disbursement of funds by disbursing officers of the Corporation or by the Treasurer of the United States, Federal Reserve Banks and other fiscal agents of the Corporation; and shall issue instructions incidental thereto; shall be responsible for documents relating to the general financing operations of the Corporation, including borrowings from the U.S. Treasury, commercial banks and others; shall arrange for the payment of interest on and the repayment of such borrowings; shall arrange for the payment of interest on the capital stock of the Corporation; shall coordinate and give general supervision to the claims activities of the Corporation and shall have authority to collect all monies due the Corporation, to receipt therefor and to deposit same for the account of the Corporation; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

THE CHIEF ACCOUNTANT

22. The Chief Accountant, under the general supervision and direction of the Controller, shall have charge of the general books and accounts of the Corporation and the preparation of financial statements and reports. He shall be responsible for the initiation, preparation, and issuance of policies and practices related to accounting matters and procedures, including official inventories, records, accounting, and related office procedures where standardized, and adequate subsidiary records of revenues, expenses, assets, and liabilities; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

OTHER OFFICIALS

23. Except as otherwise authorized by the Secretary of Agriculture or the Board, the operations of the Corporation shall be carried out through the facilities and personnel of the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, and the Consumer and Marketing Service, in accordance with any assignment of functions and responsibilities made by the Secretary of Agriculture and, within his respective agency, by the Administrator of the Agricultural Stabilization and Conservation Service, the Administrator of the Foreign Agricultural Service, or the Administrator of the Consumer and Marketing Service.

24. The Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service shall be contracting officers and executives of the Corporation in general charge of the activities of the Corporation carried out through their respective divisions or offices. The responsibilities of such Directors in carrying out activities of the Corporation, which shall include the authority to settle and adjust claims by and against the Corporation arising out of activities under their jurisdiction, shall be discharged in conformity with these bylaws and applicable programs, policies, and procedures.

BONDS

25. Such officers and employees of the Corporation, including officers and employees of the Department of Agriculture who perform duties for the Corporation, as may be specified by the Secretary of Agriculture, shall be bonded in such manner, upon such conditions, and in such amounts as the Secretary of Agriculture may determine. The Corporation shall pay the premium of any bond or bonds.

CONTRACTS OF THE CORPORATION

26. Contracts of the Corporation relating to any of its activities may be executed in its name by the Secretary of Agriculture or the President. The Vice Presidents, the Deputy Vice Presidents, the General Sales Manager, the Controller, the Treasurer, the Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service may execute contracts relating to the activities of the Corporation for which they are respectively responsible.

27. The Executive Vice President who is the Administrator of ASCS and, subject to the written approval of appointment by such Executive Vice President, the Vice Presidents, the Deputy Vice Presidents, the Sales Manager, the Controller, and the Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service may appoint, by written instrument or instruments, such Contracting Officers as they deem necessary, who may, to the extent authorized by such instrument or instruments, execute contracts in the name of the Corporation. A copy of each such instrument shall be filed with the Secretary.

28. Appointments of Contracting Officers may be revoked by written instrument or instruments by the Executive Vice President or by the official who made the appointment. A copy of each such instrument shall be filed with the Secretary.

29. In executing a contract in the name of the Corporation, an official shall indicate his title.

ANNUAL REPORT

30. The Executive Vice President shall be responsible for the preparation of an annual report of the activities of the Corporation, which shall be filed with the Secretary of Agriculture and with the Board.

AMENDMENTS

31. These bylaws may be altered or amended or repealed by the Secretary of Agriculture, or subject to his approval by action of the Board at any regular meeting of the Board or at any special meeting of the Board, if notice of the proposed alteration, amendment, or repeal be contained in the notice of such special meeting.

APPROVAL OF BOARD ACTION

32. The actions of the Board shall be subject to the approval of the Secretary of Agriculture or the Assistant Secretary for International Affairs and Commodity Programs.

The foregoing bylaws of the Commodity Credit Corporation are hereby issued and made effective this 20th day of February 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-2468; Filed, Feb. 27, 1969; 8:50 a.m.]

Office of the Secretary

EXPORT MARKETING SERVICE

Notice of Proposed Transfer of Assignments of Functions and Delegations of Authority

In accordance with Reorganization Plan No. 2 of 1953, and in order to afford interested persons and groups an opportunity to place before the Department their views with respect to the proposed actions, the Department is giving advance public notice of a proposed transfer of assignment of functions and delegations of authority.

1. *Purpose.* The Department is concerned with expanding exports of agricultural commodities and with participation in international agricultural development work. It is well understood that the potential for abundant agricultural production in the United States should have adequate outlets for exports to other nations. It is also true that aside from the humanitarian values involved in assisting less developed nations, such aid helps them become economically viable nations and potential buyers of our commodities.

2. *Functions shifted between agencies.* In order to provide a balanced recognition of the principles expounded above, certain reorganizations are needed. To furnish a strong attention to Government programs provided to assist exports of agricultural commodities, it is proposed to create an Export Marketing Service, under the supervision of a General Sales Manager, reporting to the Secretary through the Assistant Secretary for International Affairs and Commodity Programs. To provide a close coordination with other Federal agencies concerned with foreign aid and foreign policy, it is proposed to move the functions of the International Agricultural Development Service into the Foreign Agricultural Service. The Foreign Agricultural Service will be the USDA agency primarily concerned with coordination of foreign policy, foreign aid and other government-to-government issues. The Foreign Agricultural Service will also report to the Secretary through the Assistant Secretary for International Affairs and Commodity Programs.

The Department proposes to transfer to the new Export Marketing Service the following functions and delegations of authority:

From the Foreign Agricultural Service—all of the functions administered by the General Sales Manager, The Barter and Stockpiling Manager, The Program Operations Division, and The Ocean Transportation Division; from the Agricultural Stabilization and Conservation Service—all of the functions administered by the Wheat Subsidy and Market Branch of the Commodity Operations Division.

The Department proposes to transfer to the Foreign Agricultural Service all of the functions and delegations of authority administered by the International Agricultural Development Service.

3. *Management support activities.* The Foreign Agricultural Service will continue to provide for the Export Marketing Service such accounting, budget, personnel, and other administrative services as are required by the new agency. Also the ASCS will continue to perform accounting and contract administration services previously furnished these functions.

Changes of functional assignments are made effective by publication in the FEDERAL REGISTER of an appropriate amendment of the Secretary's order, dated December 3, 1964 (29 F.R. 16210), as amended.

In order to be considered, views and comments of interested persons and groups must be received by the Secretary by March 14, 1969.

Done at Washington, D.C., this 25th day of February 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-2449; Filed, Feb. 27, 1969; 8:48 a.m.]

ARKANSAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Arkansas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Lafayette.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of February 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-2469; Filed, Feb. 27, 1969; 8:49 a.m.]

CALIFORNIA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of California, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

CALIFORNIA

San Diego.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C. this 25th day of February 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-2470; Filed, Feb. 27, 1969; 8:49 a.m.]

MISSISSIPPI AND NEW JERSEY

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Mississippi and New Jersey, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Calhoun. Jefferson.
Greene.

NEW JERSEY

Atlantic. Salem.
Cumberland.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of February 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-2471; Filed, Feb. 27, 1969; 8:50 a.m.]

SOUTH DAKOTA, TENNESSEE, AND UTAH

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of South Dakota, Tennessee, and Utah, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Brookings.

TENNESSEE

Bradley. Marshall.
Gibson. Polk.
Hamilton.

UTAH

Washington.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C. this 25th day of February 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-2472; Filed, Feb. 27, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ACCREDITING BODIES AND STATE AGENCIES RECOGNIZED BY THE COMMISSIONER OF EDUCATION AS RELIABLE AUTHORITY FOR THE APPROVAL OF NURSE EDUCATION

List

Pursuant to the Nurse Training Act, as amended (42 U.S.C. 298(b)), the U.S. Commissioner of Education hereby publishes a list of recognized accrediting bodies, and of State Agencies, which he determines to be reliable authority as to the quality of training offered.

REGIONAL ACCREDITING ASSOCIATIONS

Middle States Association of Colleges and Secondary Schools.
New England Association of Colleges and Secondary Schools.
North Central Association of Colleges and Secondary Schools.
Northwest Association of Secondary and Higher Schools.
Southern Association of Colleges and Schools.
Western Association of Schools and Colleges.

NATIONAL SPECIALIZED ACCREDITING ASSOCIATIONS

National League for Nursing, Inc.

STATE AGENCIES

None recognized at present.

Any other association or State agency which desires to be included on the list should request inclusion in writing. Each recognized accrediting body or State agency listed will be reevaluated pursuant to the appropriate criteria: 34 F.R. 643, 644, January 16, 1969.

Dated: February 20, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[F.R. Doc. 69-2427; Filed, Feb. 27, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20019]

MOHAWK CHICAGO ENTRY CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 31, 1969, at 10 a.m., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 25, 1969.

[SEAL] L. W. SORNSON,
Hearing Examiner.

[F.R. Doc. 69-2459; Filed, Feb. 27, 1969; 8:49 a.m.]

[Docket No. 18884]

PACIFIC NORTHWEST-CALIFORNIA INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 25, 1969, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Orders E-25504, dated August 8, 1967, and 68-9-78, dated September 18, 1968, the prehearing conference report, served November 6, 1968, the supplemental prehearing conference report, served November 25, 1968, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 24, 1969.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 69-2460; Filed, Feb. 27, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF NEW YORK AND PORT OF NEW YORK AUTHORITY

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 12 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Patrick J. Falvey, Assistant General Counsel, The Port of New York Authority, 111 Eighth Avenue, at 15th Street, New York, N.Y. 10011.

Agreement No. T-2271 between the city of New York (City) and the Port of New York Authority (Authority) provides for a cooperative working arrangement for the planning, construction and operation of a marine terminal to be used for waterborne passenger travel in the Port of New York. City leases to the Authority (1) a certain area (permanent premises) upon which will be constructed the marine terminal and (2) certain piers (interim premises) which will be used pending completion of the new terminal. The permanent premises and the interim premises are collectively called "the premises." Except as expressly provided in the agreement, the Authority will have full and complete control of management and operation of the premises. Rental for the permanent premises shall be pursuant to a schedule set forth in the agreement. Rental for the interim premises shall be a fixed basic sum. The parties agree that they will cooperate in their efforts to effectuate the consolidation of passenger vessel service at the marine terminal, including, where possible, the termination of existing leases and/or agreements authorizing the use of waterfront property for passenger vessel operations. Also, neither party will enter into any agreement for the use of property for passenger vessel operations not containing the provision that any passenger vessel use shall expire within thirty (30) days after the commencement of operation of the marine terminal covered by this agreement. Further, except as required by existing agreements, statute or Court order, neither party will consent to or approve any construction or alteration of other facilities for use in passenger vessel service. So long as the consolidated terminal is able to provide adequate service to passengers and vessels, neither party will construct, operate or maintain a passenger terminal or authorize other parties to do so. The agreement will not become effective until the

parties have entered into a companion agreement with steamship operators intending to use the facility; the latter agreement will provide that (1) neither the Authority nor the city will permit the use of any properties under their control for marine passenger terminal operations except as required by emergencies or Federal governmental order and (2) the steamship operators will operate their New York passenger service only to the interim or permanent terminals during the term of the lease. The Authority will establish charges for users of the marine terminal and all rates, charges and fees will be incorporated in published tariffs. The Authority will have an option to renew the lease of the permanent premises on terms set forth in the agreement.

Dated February 25, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2462; Filed, Feb. 27, 1969; 8:49 a.m.]

CITY OF NEW YORK ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 12 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Patrick J. Falvey, Assistant General Counsel, The Port of New York Authority, 111 Eighth Avenue at 15th Street, New York, N.Y. 10011.

Agreement No. T-2272 between the city of New York (City), the Port of New York Authority (Authority) and various steamship operators and agents providing seagoing passenger service to New York (the Carriers), covers steamship service to a new passenger terminal (the Permanent Terminal) to be located on the Hudson River, New York City. City agrees to finance construction of the new facility and cancel any existing leases and permits it now has with the Carriers. Authority will construct and operate the terminal and, during the construction period, will operate certain existing pier facilities for passenger vessel terminal use (the Interim Terminal). Upon the date of commencement of a basic agreement between the City and Authority (FMC No. T-2271), the Carriers agree to operate all passenger vessel service to and from the Port of New York only to and from the Interim Terminal (except as may be required by existing agreements) and, upon its completion of construction, to and from the Permanent Terminal only. Use of other facilities under circumstances deemed to be emergencies shall not be considered as a breach of this obligation. All Carriers will operate at the Interim Terminal on a tariff basis and will pay to the Port Authority charges as set forth in a tariff to be published by the Port Authority and filed with the Federal Maritime Commission. With respect to operations at the Permanent Terminal, in addition to dockage and wharfage charges, the Carriers will collect and pay to the Authority fees on passengers ticketed to and from the Port of New York. The Authority will also collect revenues from parking, and other sources as set forth in the agreement. The agreement sets forth the understanding of the parties with respect to the revenues required for the construction, operation and maintenance of the Permanent Terminal, and of the financial obligations of the parties. The Carriers acknowledge that for the first year of Permanent Terminal operations the tariff shall be calculated upon a requirement of revenue from specified sources in the estimated amount of $8,750,000, and on an assumed 700,000 passengers. Revenue requirements for succeeding years will consider the estimated number of passengers handled as well as other economic factors. In no event will Authority be entitled to tariff increases or passenger fees which will produce a total return in revenue to the Authority in excess of $20 multiplied by the number of passengers actually utilizing the Permanent Terminal in any year. The Authority and the City agree that they will make no arrangement with operators of passenger vessels other than the Carriers, granting more favorable economic or other provisions than those contained in this agreement. No operator of passenger vessels shall be permitted to utilize the Interim or Permanent Terminal except as signatories of this agreement, or under other contractual arrangement having the identical effect as this agreement.

Dated February 25, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2463; Filed, Feb. 27, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-218]

CIMARRON TRANSMISSION CO.

Notice of Application

FEBRUARY 18, 1969.

Take notice that on February 13, 1969, Cimarron Transmission Co. (Applicant), 1012 West 10th Street, Amarillo, Tex. 79101, filed in Docket No. CP69-218 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period from March 15, 1969, and operation of various gas-purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate gas-purchase facilities to enable Applicant to act with reasonable dispatch in connecting new sources of natural gas as they become available in the areas generally coextensive with Applicant's transmission system.

The total estimated cost of the proposed facilities is $50,000, with no single project to exceed a cost of $12,500. The facilities will be financed from cash generated from normal operations and internal sources.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest, and, therefore, protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 27, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2412; Filed, Feb. 27, 1969; 8:45 a.m.]

[Docket No. CP69-220]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

FEBRUARY 20, 1969.

Take notice that on February 14, 1969, East Tennessee Natural Gas Co. (East Tennessee), Post Office Box 10245, Knoxville, Tenn. 37919, filed in Docket No. CP69-220, an application pursuant to section 7(c) of the Natural Gas Act for authorization to construct and operate certain facilities at the Cordell Hull

Reservoir on the Cumberland River, Tenn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to replace with thicker pipe two sections of its present 22-inch pipeline which will be inundated by the Cordell Hull Reservoir. The application shows the two sections totaling 0.82 mile in length. Applicant states that the present pipe will be kept in place for use during outages of the new pipe, and that the capacity of the system will remain the same.

Applicant estimates the cost for which the United States will reimburse Applicant will be about $254,000, and that Applicant will spend approximately an additional $45,000. Applicant represents that service will not be interrupted.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 20, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-2413; Filed, Feb. 27, 1969; 8:45 a.m.]

[Docket No. RP69-23]

HUMBLE GAS TRANSMISSION CO.

Notice of Proposed Change in Rates and Charges

FEBRUARY 18, 1969.

Notice is hereby given that Humble Gas Transmission Co. (Humble) on February 7, 1969, filed proposed changes in its FPC Gas Tariff, Original Volume No. 3, and seeks waiver of the 30-day notice requirements (§ 154.22 of the Commission's regulations) to permit such to be effective as of October 1, 1968. The proposed change would increase the rate charged to United Fuel Gas Co., for gas sold under Rate Schedule F-4 from 16.8 cents per Mcf at 15.025 p.s.i.a. to 18.5 cents.

Humble alleges that the increase is the periodic type is permitted by the contract dated May 23, 1957, and provides a total rate equal to the level established by Commission's Opinion No. 546.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure on or before March 24, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2414; Filed, Feb. 27, 1969; 8:45 a.m.]

[Docket No. CP69-214]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 20, 1969.

Take notice that on February 10, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-214 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and is open to public inspection.

Specifically, Applicant proposes to construct approximately 13.5 miles of 10¾-inch pipeline, a side tap connection on its existing 24-inch line, a 1,000 BHP compressor station, a meter station, and miscellaneous appurtenant facilities to receive natural gas from Warren Petroleum Corp., in Lea County, N. Mex.

Applicant states that it has entered into a contract with Warren dated January 1, 1969, in which Warren will provide for delivery to Applicant all residue gas from Warren's Vada processing plant. The estimated average residue volume available under this contract will be at least 20,000 Mcf per day during the first 6 years of plant operation with substantial volumes of gas being available thereafter.

The total estimated cost of the proposed facilities is $878,000, which cost is to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 20, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-2415; Filed, Feb. 27, 1969; 8:45 a.m.]

[Docket No. CP69-215]

NORTH PENN GAS CO.

Notice of Application

FEBRUARY 18, 1969.

Take notice that on February 5, 1969, the North Penn Gas Co. (applicant), 76-80 Mill Street, Port Allegany, Pa. 16743, filed in Docket No. CP69-215 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, purchase, and operation of certain facilities for natural gas transmission in Potter County, Pa., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to purchase and operate 23,198 feet of 8⅝-inch O.D. pipeline running from the Wharton Storage Field in Potter County, Pa., to Costello, Pa. This line would be purchased from United Natural Gas Co., which has applied for permission to abandon the line. Also, Applicant would construct approximately 4,000 feet of 8⅝-inch O.D. pipeline to connect this line to Applicant's present line near Costello.

Applicant states that the proposed facilities will be used to transport an additional 3,600,000 Mcf of natural gas annually, which Applicant recently agreed to take from Transcontinental Gas Pipeline Corp.

Applicant estimates the total cost of the proposed acquisition and construction at $54,797.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 17, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2416; Filed, Feb. 27, 1969; 8:45 a.m.]

[Docket No. E-7465]

NORTHERN ELECTRIC COOPERATIVE ASSOCIATION

Notice of Application

FEBRUARY 20, 1969.

Take notice that on February 6, 1969, Northern Electric Cooperative Association (Applicant), incorporated under the laws of the State of Minnesota, with its principal place of business at Virginia, Minn., filed an application in Docket No. E-7465 for authorization, pursuant to section 202(e) of the Federal Power Act, to transmit electric energy from the United States to Canada. The energy proposed to be exported will be sold by Applicant to Lac La Croix Power Authority (Power Authority), Fort Frances, Ontario, Canada, in accordance with the Agreement for Electric Service between Applicant and Power Authority, a copy of which agreement was filed as an exhibit to the application. The energy which Applicant proposes to transmit to Canada will be purchased by Applicant from Northern Minnesota Power Association. Such energy will be delivered by Applicant to Power Authority by means of a single phase, 14.4-kv., 60-cycle transmission line connecting with Power Authority's facilities at the border between United States and Canada in Government lot 1, sec. 6, T. 67 N., R. 16 W., St. Louis County, Minn. Power Authority will utilize the energy purchased from Applicant to supply the electric needs of an Indian Settlement. The amount of energy proposed to be exported will not exceed 360,000 kw.-hr. per year at a maximum rate of transmission of 100 kw.

Concurrently with the filing of its application for authorization in Docket No. E-7465, Applicant filed an application in Docket No. E-7466 for a permit, pursuant to Executive Order No. 10485, dated September 3, 1953, to construct, operate, maintain, and connect the above-described electric transmission line at the United States-Canadian border in St. Louis County, Minn., for the transmission of electric energy between the United States and Canada.

Any person desiring to be heard or to make any protest with reference to the application filed in Docket No. E-7465 should on or before March 14, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-2417; Filed, Feb. 27, 1969; 8:45 a.m.]

[Docket No. CP69-219]

NORTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 20, 1969.

Take notice that on February 14, 1969, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in docket No. CP69-219 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of natural gas to an existing customer, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, applicant requests authority to transport and sell 900 Mcf per day initial firm service to Iowa Public Service Co. for Salsbury Laboratories at Charles City, Iowa. Applicant states the gas will be used primarily for processing farm-feed additives and pharmaceuticals, that Iowa Public Service will use its existing allocation of contract demand to provide this service, and that no new facilities will be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 20, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-2418; Filed, Feb. 27, 1969; 8:45 a.m.]

[Docket No. CP68-166]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

FEBRUARY 18, 1969.

Take notice that on February 10, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-166 a petition to amend the order of the Commission issued in that docket on May 1, 1968, to change the type and size of the compressor authorized for Applicant's Station No. 527, near Port Sulphur, La., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of May 1, 1968, the Commission authorized Petitioner to construct and operate certain pipeline and compression facilities allegedly needed to meet its customers' natural gas requirements. Among these facilities was an addition of 4,000 horsepower for Station No. 527, near Port Sulphur, La., estimated to cost $610,000.

Petitioner asks that this be amended to authorize the construction and operation of an 8,000 horsepower compression unit at Station No. 527. Petitioner states that the substitution of larger facilities is necessary in order to provide the necessary horsepower at Station No. 527 and to overcome certain construction problems which were attendant to the installation of the 4,000 horsepower unit.

Petitioner estimates the additional cost to be $198,522.00.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 17, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2419; Filed, Feb. 27, 1969; 8:45 a.m.]

[Docket No. CP69-217]

UNITED NATURAL GAS CO.

Notice of Application

FEBRUARY 19, 1969.

Take notice that United Natural Gas Co. (Applicant), a Pennsylvania corporation having its principal place of business at 308 Seneca Street, Oil City, Pa. 16301, filed an application on February 12, 1969, for permission and approval to abandon approximately 4.4 miles of 8-inch pipeline and related facilities in Wharton and Sylvania Townships, Potter County, Pa., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission to abandon 23,198 feet of 8⅝-inch O.D. pipeline running from the Wharton Storage Field, in Potter County, Pa., to Costello, Pa.

Applicant states that the above-noted segment of pipeline has been severed from its system and replaced with a pipeline of larger capacity authorized by order of the Commission in Docket No. CP68-302, dated July 2, 1968. Applicant states it will sell said pipeline facilities to North Penn Gas Co., of Port Allegany, Pa., which has applied in Docket No. CP69-215 for a certificate of public convenience and necessity to acquire and operate this line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 19, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-2420; Filed, Feb. 27, 1969; 8:45 a.m.]

[Docket No. RI69-431]

MOBIL OIL CORP.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates

FEBRUARY 20, 1969.

On December 6, 1968, Mobil Oil Corp. (Mobil), filed with the Commission a proposed change in rate from 13 cents to 15.0619 cents per Mcf, designated as Supplement No. 8 to Mobil's FPC Gas Rate Schedule No. 427, which pertains to Mobil's jurisdictional sales of natural gas from the Flora Vista Field, San Juan County, N. Mex. (San Juan Basin Area). The Commission by order issued December 31, 1968, in Docket No. RI69-431, suspended for 5 months Mobil's rate filing until June 6, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On January 23, 1969, Mobil filed two amendments adding acreage acquired from Texas Eastern Transmission Corp. which were excluded from the rate increase because the acquired acreage had not been certificated. Mobil now has filed the same rate increase for such acreage as it previously filed for under Supplement No. 8 with respect to other acreage and requests that the proposed rate, if suspended, be made subject to the existing suspension proceeding in Docket No. RI69-431, with the suspension period to terminate on June 6, 1969, the date of termination of the existing suspension period in Docket No. RI69-431.[1] In support of such request, Mobil states that it filed the amendments together with an application to amend certificate on May 3, 1968, and that a certificate covering the two amendments was not issued until January 14, 1969. Because of these circumstances, we conclude that Mobil's proposed increase should also be suspended in Docket No. RI69-431, with the suspension period of such rate filing to terminate concurrently with the suspension period (June 6, 1969) for its Supplement No. 8.

The Commission orders:

(A) The suspension order issued December 31, 1968, in Docket No. RI69-431, is amended only so far as to permit Mobil's contract amendments adding acquired acreage and proposed rate increase, designated as Supplement No. 9 to Mobil's FPC Gas Rate Schedule No. 427, to be filed and suspended in Docket No. RI69-431. The suspension period for such filing shall terminate concurrently with the suspension period (June 6, 1969) in effect in said docket for Supplement No. 8 to Mobil's FPC Gas Rate Schedule No. 427.

(B) In all other respects, the order issued by the Commission on December 31, 1968, in Docket No. RI69-431, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] The details of Mobil's rate filing is set forth in Appendix A hereto.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-431..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	427	[1] 9	El Paso Natural Gas Co. (Flora Vista Field, San Juan County, N. Mex.) (San Juan Basin Area).	$1,393	1-23-69	[2] 2-23-69	[3] 6-6-69	13.0	[4] [5] 15.0619	

[1] Applicable only to acreage added by Supplements Nos. 5 and 6.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] End of the suspension period for the previously filed rate in Docket No. RI69-431.
[4] Periodic rate increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] Includes partial reimbursement for 0.55 percent New Mexico Emergency School Tax.

[F.R. Doc. 69-2423; Filed, Feb. 27, 1969; 8:45 a.m.]

[Docket No. RI69-539 etc.]

MOBIL OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 18, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made

[1] Does not consolidate for hearing or dispose of the several matters herein.

effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 2, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf at 14.65 p.s.i.a. Rate in effect	Cents per Mcf at 14.65 p.s.i.a. Proposed increased rate
RI69-539..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 7701, Attention: R. D. Haworth, Esq.	276	9	Coastal States Gas Producing Co. (East Mathis Field, San Patricio County, Tex. R.R. District No. 4).[2]	$17,921	1-24-69	2-24-69	7-24-69	[3] [4] 12.3676	[3] [5] 13.3772
RI69-540..	Texaco, Inc., Post Office Box 430, Bellaire, Tex. 77401, Attention: Mr. J. L. Sleeper, Jr.[6]	319	3	Natural Gas Pipeline Co. of America (Eubank and Hostetter Fields, Duval and McMullen Counties, Tex., R.R. District Nos. 1 and 4).	2,200	1-27-69	2-27-69	7-27-69	[7] 16.0	[7] [8] 17.0

[2] Coastal States resells gas involved to Natural Gas Pipeline Co. of America under Coastal's R/S No. 23 at a rate of 14.5 cents per Mcf, which rate is effective subject to refund in Docket No. G-17733.
[3] Subject to downward B.t.u. adjustment.
[4] Effective subject to refund in Docket No. RI64-360.
[5] Periodic rate increase.
[6] cc: Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052; Attention: Mr. R. R. Wright and W. R. Slye, Esquire.
[7] Effective subject to refund in Docket No. RI68-574 for sales from District No. 1 only. A 16 cent per Mcf permanently certificated rate applies to sales from District No. 4.
[8] Increased rate applies to sales from both Districts Nos. 1 and 4.

Mobil Oil Corp. (Mobil) proposes a periodic rate increase, from a rate of 12.3676 cents which is currently in effect subject to refund in Docket No. RI64-360, to 13.3772 cents per Mcf for the subject sale to Coastal States Gas Producing Co. (Coastal). Coastal gathers the subject gas and resells it to Natural Gas Pipeline Company of America under Coastal's FPC Gas Rate Schedule No. 23 at a rate of 14.5 cents per Mcf which is in effect subject to refund in Docket No. G-17733. Both Mobil's contract and Coastal's contract provide for periodic increases on December 1, 1968. Coastal, as yet, has not filed for its December 1, 1968, contractually provided for increase. Such increase, if filed for, would be suspended as exceeding the applicable area increased rate ceiling. Although Mobil's subject increased rate proposal does not exceed the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 4 as announced in the Commission's statement of general policy No. 61-1, as amended, it should be suspended because such ceiling is applicable to Coastal's resale rate, not to Mobil's rate.

The sale related to Texaco Inc.'s rate increase from gas produced in Texas Railroad District No. 1 is presently being made pursuant to a temporary certificate issued in Docket No. CI64-375 which contained a Condition (2) provision prohibiting changes in the rate specified in the temporary certificate until changed by further Commission order in the related certificate proceeding. Although Texaco has not requested waiver of Condition (2), waiver thereof is appropriate and consistent with previous Commission action involving similar sales being made pursuant to a temporary certificate containing a Condition (2) provision where the sales involved commenced more than 3 years ago. Accordingly, Condition (2) in Texaco Inc.'s temporary certificate issued in Docket No. CI64-375 is waived.

Texaco's proposed increased rate for the subject sale from both Texas Railroad Districts Nos. 1 and 4 exceeds the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56). Mobil's increased rate proposal is suspended for the reason set forth above.

[F.R. Doc. 69-2424; Filed, Feb. 27, 1969; 8:46 a.m.]

[Docket No. CP69-218]

CIMARRON TRANSMISSION CO.

Notice of Extension of Time

FEBRUARY 26, 1969.

Notice is hereby given that the time is extended to and including March 10, 1969, within which protests or petitions to intervene may be filed in the above-designated matter.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-2574; Filed, Feb. 27, 1969; 11:04 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-3040 etc.]

ASAMERA OIL CORP. LTD., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 24, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Asamera Oil Corp., Ltd.	7-3040
Associated Oil & Gas Co.	7-3041
Denny's Restaurants, Inc.	7-3042
Kawecki Berylco Industries, Inc. (Pennsylvania)	7-3043
Siboney Corp.	7-3045

Upon receipt of a request, on or before March 11, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-2430; Filed, Feb. 27, 1969; 8:46 a.m.]

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

FEBRUARY 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Comstock-Keystone Mining Co., now known as Memory Magnetics International, 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 February 25, 1969, through March 6, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-2431; Filed, Feb. 27, 1969; 8:46 a.m.]

DYNA RAY CORP.

Order Suspending Trading

FEBRUARY 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Dyna Ray Corp., New York, N.Y., and all other securities of Dyna Ray Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordererd, 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 February 25, 1969, through March 6, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-2432; Filed, Feb. 27, 1969; 8:46 a.m.]

[File No. 7-3044]

LING-TEMCO-VOUGHT, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 24, 1969.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Ling-Temco-Vought, Inc., Warrants; File No. 7-3044.

Upon receipt of a request, on or before March 11, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-2433; Filed, Feb. 27, 1969; 8:46 a.m.]

MICROBIOLOGICAL SCIENCES, INC.

Order Suspending Trading

FEBRUARY 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Microbiological Sciences, Inc., 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 12 noon, e.s.t., February 20, 1969, through March 1, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-2434; Filed, Feb. 27, 1969; 8:46 a.m.]

MOONEY AIRCRAFT, INC.

Order Suspending Trading

FEBRUARY 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Mooney Aircraft, Inc., 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 February 25, 1969, through March 6, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-2435; Filed, Feb. 27, 1969; 8:47 a.m.]

[81-94]

UNIQUE FROZEN FOODS, INC.

Notice of Application and Opportunity for Hearing

FEBRUARY 24, 1969.

Notice is hereby given that Unique Frozen Foods, Inc. ("Unique") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act") for an order of the Commission exempting Unique from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting the company from sections 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of any class of equity security from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of its fiscal year, has total assets exceeding $1 million and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemption from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application of Unique and documents attached thereto state in part:

(1) Unique was incorporated under the laws of Washington on August 11, 1966, and was prior to November 1, 1968, engaged in the business of processing potatoes. As of the end of its fiscal year on July 31, 1968, Unique had 753 shareholders of its outstanding common stock and had assets of $1,574,204, of which $611,257 represented property rights to leased equipment. Unique had a net loss from its operations for the fiscal year ended July 31, 1968 of $1,275,158, and it had a deficit in retained earnings as of that date of $1,432,022.

(2) On November 1, 1968, Lamb-Weston, Inc. ("Lamb"), incorporated under the laws of Oregon on July 24, 1950, in order to obtain Unique's Connell, Washington plant facilities, made a tender offer to Unique stockholders and thereby became the owner of 85,255 shares of the 106,222 shares of Unique's outstanding common stock. As of January 28, 1969, there were 115 shareholders of Unique including Lamb, which owned as of February 3, 1969, 100,909 of the 106,022 Unique common shares outstanding on that date. Lamb had, as of February 7, 1969, 92 shareholders of its common stock and 7 shareholders of its cumulative preferred stock, and is not registered

pursuant to section 12(g) of the Securities Exchange Act of 1934.

(3) There is no firm making a public market in Unique stock, and at the present time there is no quoted market for such stock. There have been no shares of Unique stock publicly traded since October 1, 1968, and apparently there was no such trading for a considerable period of time before that date.

(4) Unique's identity has substantially diminished since Lamb acquired more than 95 percent of its outstanding stock in that Unique's financial statements will be consolidated with Lamb's financial statements at the end of Lamb's fiscal year on April 30, 1969, and Unique's name has been changed to "Lamb-Weston, Inc., of Connell."

For a more detailed statement of matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than March 17, 1969, submit to the Commission, in writing, his views or any additional facts bearing upon the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application be issued upon request or upon the Commission's own notice.

By the Commission.

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

[F.R. Doc. 69-2436; Filed, Feb. 27, 1969; 8:47 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

FEBRUARY 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., 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 February 25, 1969, through March 6, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-2437; Filed, Feb. 27, 1969; 8:47 a.m.]

[70-4709]

JOHN H. WARE

Notice of Proposed Acquisition of Shares of Capital Stock of a Nonassociate Public-Utility Company

FEBRUARY 24, 1969.

Notice is hereby given that John H. Ware ("Ware"), 55 South Third Street, Oxford, Pa. 19363, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 thereof as applicable to the proposed acquisition by Ware and associates of common stock of North Penn Gas Co. ("North Penn"), a nonassociate utility company. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Ware owns or controls, directly or indirectly, approximately 90 percent of the outstanding common stock of Penn Fuel Gas, Inc. ("Penn Fuel"), and 100 percent of the stock of Oxford Gas Co. ("Oxford"), both of which are Pennsylvania corporations. Penn Fuel, a public-utility holding company which has been granted an exemption from the Act pursuant to section 3(a)(1) thereof (Holding Company Act Release No. 15839 (Aug. 30, 1967)), has 26 public-utility subsidiary companies, of which 25 are gas utility companies incorporated in and doing business solely in Pennsylvania and one is a gas utility company incorporated and doing business in Maryland and in an adjacent portion of Pennsylvania. Oxford is a gas utility company incorporated and doing business solely in Pennsylvania.

Ware and certain persons associated with him propose to acquire from Kewanee Oil Co. ("Kewanee") 232,478 or more of the shares of common stock, $5 par value, of North Penn for $18.50 per share. At least $1,988,343 of the purchase price will be paid in cash, and the balance will be represented by Ware's 5-year note, payable to Kewanee.

North Penn is a gas utility company incorporated in Pennsylvania and is engaged in supplying gas in portions of counties in northern Pennsylvania. Some communities served by North Penn are approximately 15 to 30 miles north and northwest of the service areas of Jersey Shore Gas Co., Lock Haven Gas Co., and Renovo Gas Co., all of which are subsidiary companies of Penn Fuel. North Penn's authorized capital consists of 800,000 shares of the common stock, of which 450,000 shares are outstanding. The stock is traded in the over-the-counter market, and for the year 1968, through December 27, high and low bids of 18 and 13¼ were reported. Kewanee owns 257,478 shares, or approximately 57 percent of the total number of shares outstanding. Kewanee acquired the major portion of its holdings of North Penn stock at $18.25 per share pursuant to a tender offer in November 1965. Kewanee has pending before the Commission an application for exemption pursuant to section 3(a)(3) of the Act.

As at June 30, 1968, North Penn's plant and property was stated at $18,926,885. Its net plant as of said date was $11,222,823, after deducting $7,704,062 reserve for depreciation. North Penn's operating revenues for the 12 months ending June 30, 1968, were $13,276,494, and its net income for that period was $501,978, or $1.12 per share. The price of $18.50 per share to be paid by Ware amounts to 16.5 times North Penn's earnings. The book value of North Penn's common stock on June 30, 1968, was $12.82 per share.

Ware presently owns directly 3,450 shares of common stock of North Penn, and members of his family and others whose ownership might be attributed to Ware own an aggregate of 17,850 shares. The purchase by Ware and such other persons of the proposed 232,478 or more shares would result in their owning in the aggregate more than 56 percent of the North Penn stock. It is represented that in the event that 232,478 or more shares of the stock of North Penn are purchased from Kewanee by Ware and his associates, Ware will eliminate the publicly held minority interest in North Penn within 2 years after the date of such purchase unless, upon application to the Commission for good cause, the time is extended by order.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred will be filed by amendment.

Notice is further given that any interested person may, not later than March 17, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided

in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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. 69-2438; Filed, Feb. 27, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 786]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 25, 1969.

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 33037 (Sub-No. 12 TA), filed February 19, 1969. Applicant: STUDER TRUCK LINE, INC., Beattie, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as common carrier, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from the plantsite of Doughboy Industries, Inc., at or near Ames, Iowa, to points in Kansas lying on or east of U.S. Highway 81, restricted to traffic originating at said plantsite and destined to said destination points, for 180 days. Supporting shipper: Doughboy Industries, Inc., New Richmond, Wis. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 73165 (Sub-No. 260 TA), filed February 20, 1969. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, 830 North 33d Street, Birmingham, Ala. 35201. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manganese metals*, from the plantsite of Kemco Division, Foote Mineral Co., New Johnsonville, Tenn., to points in Alabama, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Texas, and West Virginia, for 180 days. Supporting shipper: KEMCO Division & Extractive Metals, Foote Mineral Co., Route 100, Exton, Pa. 19341; Attention: R. B. Banghart, Transportation Manager. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 106398 (Sub-No. 390 TA), filed February 19, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from the plantsite of Stirling Homex Corp., Avon, N.Y., to points in Michigan, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Gordon Sharun, Director of Purchases, Stirling Homex Corp., 1150 East River Road, Avon, N.Y. 14414. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 107496 (Sub-No. 707 TA), filed February 20, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third At Keosauqua Way, Post Office Box 855, 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint resins*, in bulk, in tank vehicles, from Fort Wayne, Ind., to Minneapolis, Minn., for 150 days. Supporting shipper: Minnesota Paints, Inc., 1101 Third Street South, Minneapolis, Minn. 55415. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 111785 (Sub-No. 40 TA), filed February 19, 1969. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Marlinton (Pocahontas County), W. Va., to New York, N.Y., Washington, D.C., Wilmington, Del., and points in New Jersey, Pennsylvania, Maryland, and Virginia, for 180 days. Supporting shipper: Marlinton Furniture Manufacturing Co., Inc., Post Office Box 85, Marlinton, W. Va. 24954. Attention: Mr. John F. Boswell, Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 115716 (Sub-No. 15 TA), filed February 20, 1969. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, 3650 Chestnut Place, Denver, Colo. 80216. Applicant's representative: Henry S. Orender, 3650 Chestnut Place, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, commodities in bulk and household goods as defined by the Commission, between Eads, Colo., and Keyes, Okla., serving all intermediate points except Springfield and Campo, Colo., from Eads, over U.S. Highway 287 to the junction U.S. Highway 287 and U.S. Highway 56, thence over U.S. Highway 56 to Keyes, and return over the same route, for 180 days. NOTE: Applicant intends to tack with authority held by it at Eads, Colo., and proposes to interline with other carriers at Lamar, Colo., and Boise City, Okla. Supporting shippers: There are approximately 29 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 119777 (Sub-No. 139 TA), filed February 19, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Manganese metals*, from the plantsite of Kemco Division, Foote Mineral Co., New Johnsonville, Tenn., to points in Alabama, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Texas, and West Virginia, for 180 days. Supporting shipper: R. B. Banghart, Transportation Manager, Kemco Division & Extractive Metals, Foote Mineral Co., Route 100, Exton, Pa. 19341. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 125871 (Sub-No. 5 TA), filed February 19, 1969. Applicant: CHESTER FRY AND MARIE E. FRY, a partnership, doing business as FRY TRUCKING, Wilton Junction, Iowa 52778. Applicant's representative: Kenneth F. Dudley, 901

South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, laboratory feed, and feed ingredients*, between Winfield, Iowa, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Wintek, Inc., Winfield, Iowa 52659. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 127049 (Sub-No. 2 TA), filed February 19, 1969. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Grafton, Wis. 53624. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molded plastic products*, from Milwaukee, Pewaukee, and West Bend, Wis., to points in the United States (except Alaska, Hawaii, and Wisconsin); and (2) *expandable polystyrene*, from Leominster, Mass., Kobuta, Pa., Peru, Ill., and Midland, Mich., to Milwaukee and West Bend, Wis., for the account of Spectrum, Inc., Milwaukee, Wis.; for 180 days. Supporting shipper: Spectrum, Inc., 2226 North 31st Street, Milwaukee, Wis. 53208 (Gustave H. Falkenberg, President). Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129645 (Sub-No. 7 TA), filed February 19, 1969. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Basil J. Smeester (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper cakes and copper scrap*, between plantsite of White Pine Copper Co., Ontonago County, White Pine, Mich., and plantsite of Hussey Metals Division, Copper Range Co., Leetsdale, Pa., for 90 days. Supporting shipper: R. W. Richardson, Director of Traffic, White Pine Copper Co., White Pine, Mich. 49971. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133366 (Sub-No. 1 TA), filed February 19, 1969. Applicant: MILLER TRUCKING, INC., 11318 Pressburg Street, New Orleans, La. 70128. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs, margerine, mayonnaise, cooking oils, shortening, coffee, and matches*, from New Orleans, La., to points in Louisiana, Mississippi, Alabama, Arkansas, Florida, and Texas, and Memphis, Tenn., for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., Post Office Box 61770, New Orleans, La. 70160. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-40009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133489 TA, filed February 19, 1969. Applicant: FORREST V. POORE, doing business as CIRCLE NORTH AMERICAN MOVING & STORAGE CO., 602 South G Street, San Bernardino, Calif. 92410. Applicant's representative: Floyd C. Ellis, 727 West Seventh Street, Suite 757, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between San Bernardino, Calif., on the one hand, and, on the other, points within the counties of San Bernardino, Riverside, Imperial, San Diego, and Los Angeles Counties, Calif., for 180 days. Supporting shipper: Home-Pack Transport, Inc., 57-48 49th Street, Maspeth, N.Y. 11378. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, Los Angeles, Calif. 90012.

No. MC 133490 TA, February 19, 1969. Applicant: LEE'S TRUCKING, INC., 1 19th Avenue South, Minneapolis, Minn. 55403. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut homes*, knocked down, and *finishing materials therefor*, from Minneapolis, Minn., to points in Wisconsin, Illinois, Upper Peninsula of Michigan, Iowa, Missouri, Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: President Homes, Division of Harvey Builders, Inc., 1220 South Fourth Street, Minneapolis, Minn. 55415. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-2454; Filed, Feb. 27, 1969; 8:48 a.m.]

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