# FEDERAL REGISTER

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Pages 4931–4997

**Agencies in this issue—**

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Army Department
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Engineers Corps
Federal Aviation Administration
Federal Communications Commission
Federal Trade Commission
Federal Water Pollution Control Administration
Interior Department
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Maritime Administration
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Small Business Administration
State Department

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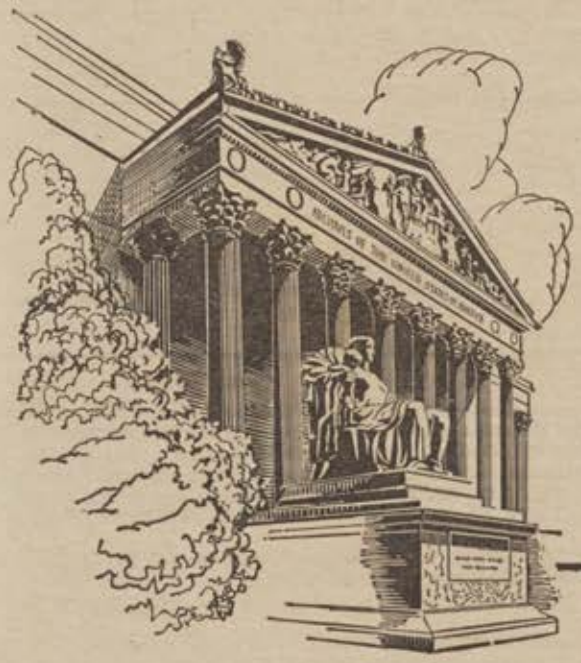

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### LAW DAY, U.S.A., 1969

**By the President of the United States of America**

**A Proclamation**

The first day of May has been set aside by the Congress of the United States as LAW DAY, U.S.A. It is a special day to be observed by the American people in appreciation of their liberties and national independence. It is an occasion for rededication to the ideals of equality and justice under law.

There was never a greater need for such rededication. Events of recent years—rising crime rates, urban rioting, and violent campus protests—have impeded rather than advanced social justice.

We must reverse the upward trend of lawlessness in our land. We must bring forward in America our faith in ourselves and in our country and its future. We must move forward to a new era of peace and progress in which our great resources can be utilized to end poverty and injustice and to achieve greater opportunities for all Americans.

Achievement of these goals does not depend upon the acts of government alone; it depends in substantial part upon the attitude and actions of each of us. We must recognize a clear duty to obey the laws, to respect the rights of others, to resolve controversies by lawful means, to become responsive and responsible citizens.

Unequal justice is no justice at all, unenforced laws are worse than no laws at all; that is why equal justice under law is the bedrock of the American system.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby urge the people of the United States to observe Thursday, May 1, 1969, as Law Day in the United States of America with appropriate public ceremonies and by the reaffirmation of their dedication to our form of government and the supremacy of law in our lives. I especially urge the legal profession, the schools and educational institutions, civic and service organizations, all media of public information, and the courts to take the lead in sponsoring and participating in appropriate observances throughout the Nation.

And, as requested by the Congress, I direct the appropriate Government officials to display the flag of the United States on all public buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of March, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-2893; Filed, Mar. 6, 1969; 10:30 a.m.]

## Executive Order 11458

### PRESCRIBING ARRANGEMENTS FOR DEVELOPING AND COORDINATING A NATIONAL PROGRAM FOR MINORITY BUSINESS ENTERPRISE

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Functions of the Secretary of Commerce.* (a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall—

(1) Coordinate as consistent with law the plans, programs, and operations of the Federal Government which affect or may contribute to the establishment, preservation and strengthening of minority business enterprise.

(2) Promote the mobilization of activities and resources of State and local governments, businesses and trade associations, universities, foundations, professional organizations and volunteer and other groups towards the growth of minority business enterprises and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies.

(3) Establish a center for the development, collection, summarization and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting the establishment and successful operation of minority business enterprises.

(b) The Secretary, as he deems necessary or appropriate to enable him to better fulfill the responsibilities vested in him by subsection (a), may—

(1) Develop, with the participation of other Federal departments and agencies as appropriate, comprehensive plans of Federal action and propose such changes in Federal programs as may be required.

(2) Require the submission of information from such departments and agencies necessary for him to carry out the purposes of this order.

(3) Convene for purposes of coordination meetings of the heads of such departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this order.

(4) Convene business leaders, educators, and other representatives of the private sector engaged in assisting the development of minority business enterprise or who could contribute to its development to propose, evaluate, and coordinate governmental and private activities in furtherance of the objectives of this order.

(5) Confer with and advise officials of State and local governments.

(6) Provide the managerial and organizational framework through which joint or collaborative undertakings with Federal departments or agencies or private organizations can be planned and implemented.

(7) Recommend appropriate legislative or executive actions.

SEC. 2. *Establishment of the Advisory Council for Minority Enterprise.* (a) There is hereby established the Advisory Council for Minority Enterprise (hereinafter referred to as "the Council").

(b) The Council shall be composed of members appointed by the President from among persons, including members of minority groups and representatives from minority business enterprises, knowledgeable and dedicated to the purposes of this order. The members shall serve for a term of two years and may be reappointed.

(c) The President shall designate one of the members of the Council as the Chairman of the Council.

(d) The Council shall meet at the call of the Secretary.

(e) The Council shall be advisory to the Secretary in which capacity it shall—

(1) Serve as a source of knowledge and information on developments in different fields and segments of our economic and social life which affect minority business enterprise.

(2) Keep abreast of plans, programs and activities in the public and private sectors which relate to minority business enterprise, and advise the Secretary on any measures to better achieve the objectives of this order.

(3) Consider, and advise the Secretary and such officials as he may designate on, problems and matters referred to the Council.

(f) For the purposes of Executive Order No. 11007 of February 26, 1962, the Council shall be deemed to have been formed by the Secretary.

(g) Members of the Council shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701–5708) for persons in the Government service employed intermittently.

(h) The Secretary shall arrange for administrative support of the Council to the extent necessary including use of any gifts or bequests accepted by the Department of Commerce pursuant to law.

SEC. 3. *Responsibilities of other Federal departments and agencies.* (a) The head of each Federal department and agency, or a representative designated by him, when so requested by the Secretary, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this order.

(b) The head of each Federal department or agency shall, when so requested by the Secretary, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning minority business enterprise and activities as required by this order.

(c) The head of each Federal department or agency, or his designated representative, shall keep the Secretary informed of all proposed budgets, plans, and programs of his department or agency affecting minority business enterprise.

SEC. 4. *Construction.* Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal department or agency or head thereof to the authority of any other agency or officer, or as abrogating or restricting any such function in any manner.

Richard Nixon

THE WHITE HOUSE,
*March 5, 1969.*

[F.R. Doc. 69-2847; Filed, Mar. 5, 1969; 3:03 p.m.]

# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 69-EA-10; Amdt. 39-729]

### PART 39—AIRWORTHINESS DIRECTIVES

### Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to publish an airworthiness directive applicable to the Fairchild Hiller FH-227 type airplanes.

Fairchild Hiller Service Bulletin 51-1 of July 12, 1967 requires continuing periodic inspections to assure against fatigue cracks in the affected wing areas. Heretofore, the inspections were made a part of the Data Sheet No. 7A1 which, while a public document, does not cover the distribution of an airworthiness directive. The inspections, however, are critical to air safety, and potential cracks are likely to develop in FH-227 type aircraft.

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:

FAIRCHILD HILLER. Applies to FH-227 type airplanes certificated in all categories.

Compliance required as indicated.

To detect possible development of cracks in the wing area, accomplish the following:

(a) Within 25 hours time in service after the accumulation of the specified airplane hours time in service, unless already initiated, inspect or continue to inspect in accordance with Fairchild Hiller Service Bulletin 51-1, dated July 12, 1967, and later changes thereto approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or in accordance with an equivalent inspection program approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) If cracks are found or if repaired cracks are found to be propagating, replace the cracked part with a part of the same part number or with an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or incorporate a repair approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be made.

(c) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective March 12, 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 25, 1969.

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

[F.R. Doc. 69-2746; Filed, Mar. 6, 1969; 8:46 a.m.]

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[Airworthiness Docket No. 68-SW-87; Amdt. 39-731]

### PART 39—AIRWORTHINESS DIRECTIVES

### Mooney Models M20 and M20A

Amendment 39-695 (33 F.R. 18981), AD 68-25-6 requires inspection for wood rot and glue joint deterioration and repair, as necessary, on Mooney Models M20 and M20A airplanes. After issuing Amendment 39-695, due to service experience in administering the AD, it has been determined that the inspection provisions are inadequate. It was also found that the compliance intervals were too frequent. Therefore, the AD is being superseded by a new AD that requires additional inspections while extending compliance intervals.

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

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

MOONEY. Applies to Models M20 and M20A airplanes.

Compliance required as indicated:

To detect wood and glue joint deterioration in wood wing and wood empennage structures, inspect and rework in accordance with the below specified parts of Mooney Service Bulletin No. M20-170A, dated February 24, 1969, or equivalent methods approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, Fort Worth, Tex.

(a) Within the next 10 hours time in service, or within the next 30 days, whichever occurs first, after the effective date of this AD, comply with Parts I A, B, and C, II, and III, unless already accomplished.

(b) Within the sixth month after initial compliance and within the sixth month after each annual inspection, comply with Parts IIA III, 8, 9, and 10. If wood or glue joint deterioration is detected, accomplish the complete initial inspection in accordance with Parts IA, II, and III.

NOTE: Inspection intervals required by this AD differ from the inspection intervals shown in Mooney Service Bulletin No. M20-170A.

(c) At each annual inspection required by FAR 91, comply with Parts IA, II, and III.

If wood or glue joint deterioration is detected, repair must be accomplished in accordance with Mooney Service Bulletin No. M20-170A, or FAA-approved standard practice, prior to further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

Mooney Service Bulletin M20-170-1 Kit includes pertinent parts and instructions for replacement of the wood empennage with an all-metal empennage, which, if installed, relieves the owner or operator from the inspection requirements of this AD applicable to the wood empennage. Installation of the all-metal empennage is recommended, but not required, by this AD.

This supersedes Amendment 39-695 (33 F.R. 18981), AD 68-25-6.

This amendment becomes effective March 10, 1969.

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

Issued in Fort Worth, Tex., on February 28, 1969.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[F.R. Doc. 69-2747; Filed, Mar. 6, 1969; 8:46 a.m.]

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[Docket No. 9461; Amdt. 39-732]

### PART 39—AIRWORTHINESS DIRECTIVES

### Pilatus Models PC-6/B-H2 and PC-6/B1-H2 Airplanes

There have been instances where the split pin which limits the travel of the knurled friction nut on the power control lever assembly was found out of tolerance on certain Pilatus airplanes. This condition could result in the power control lever being inadvertently moved to the reverse position while in flight. Since this condition is likely to exist or develop on other airplanes of the same design, an airworthiness directive (AD) is being issued to require checking the travel of the friction nut on Pilatus Models PC-6/B-H2 and PC-6/B1-H2 airplanes, to determine if the travel exceeds three-fourths of a turn, and to require correction if necessary.

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 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS. Applies to Models PC-6/B-H2 and PC-6/B1-H2 airplanes.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

Check the travel of the knurled friction nut on the power control lever assembly to determine if it exceeds three-fourths of a turn. If travel exceeds three-fourths of a turn, install shim(s) of adequate thickness, or drill a new hole and insert a new cotter pin, in accordance with Pilatus Service Bulletin No. 85 dated July 1968 or later Swiss Federal Air Office-approved issue or an FAA-approved equivalent.

This amendment becomes effective March 12, 1969.

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

Issued in Washington, D.C., on February 28, 1969.

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

[F.R. Doc. 69-2748; Filed, Mar. 6, 1969; 8:46 a.m.]

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[Docket No. 9335; Amdt. 39-733]

## PART 39—AIRWORTHINESS DIRECTIVES

### Schleicher Model Ka6E Gliders, Serial Nos. 1 Through 4232 Except No. 4226

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring installation of new thermos bottle mounting clamps with rubber inserts on Schleicher Model Ka6E Gliders, Serial Nos. 1 through 4232 except No. 4226 gliders, was published in 34 F.R. 261.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SCHLEICHER. Applies to Schleicher Model Ka6E gliders, Serial Nos. 1 through 4232 except Serial No. 4226.

Compliance required within the next 100 hours' time in service after the effective date of the AD, unless already accomplished.

To prevent the failure of the thermos bottle mounting brackets, install new mounting clamps with rubber insert, in accordance with Schleicher Technical Note No. 17, dated September 10, 1968, or later LBA-approved issue or an FAA-approved equivalent.

This amendment becomes effective April 6, 1969.

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

Issued in Washington, D.C., on February 28, 1969.

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

[F.R. Doc. 69-2749; Filed, Mar. 6, 1969; 8:46 a.m.]

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SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-CE-104]

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

### Alteration of Control Zone

On page 19199 of the FEDERAL REGISTER dated December 24, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Flying Cloud Airport, Minneapolis, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 17, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

MINNEAPOLIS, MINN. (FLYING CLOUD AIRPORT)

Within a 5-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'45" W.); within 2 miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7 miles west of the VOR; and within 2 miles each side of the Flying Cloud VOR 179° radial, extending from the 5-mile radius zone to 7 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 69-2750; Filed, Mar. 6, 1969; 8:46 a.m.]

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[Airspace Docket No. 69-CE-6]

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

### Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Kalispell, Mont., control zone and transition area.

The Flathead County Airport, Kalispell, Mont., has been renamed Glacier Park International Airport. Therefore, it is necessary to alter the Kalispell control zone and transition area which presently refer to the airport as Flathead County Airport to reflect the airport change of name. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the Kalispell, Mont., control zone is altered by deleting, "Flathead County Airport" in the text and substituting therefor "Glacier Park International Airport."

(2) In § 71.181 (34 F.R. 4637), the Kalispell, Mont., transition area is altered by deleting "Flathead County Airport" in the text and substituting therefor "Glacier Park International Airport."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[F.R. Doc. 69-2751; Filed, Mar. 6, 1969; 8:47 a.m.]

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[Airspace Docket No. 68-CE-85]

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

### Alteration of Control Zone and Transition Area

On pages 15879 and 15880 of the FEDERAL REGISTER dated October 26, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Appleton, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The Outagamie County Airport coordinates recited in the Appleton, Wis., control zone and transition area alteration as "latitude 44°15'40" N., longitude 88°31'10" W." are changed to read "latitude 44°15'35" N., longitude 88°31'15" W.".

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

APPLETON, WIS.

Within a 5-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); and within 2 miles each

side of the 135°, 206°, 285°, and 016° bearings from Outagamie County Airport, extending from the 5-mile radius zone to 8 miles southeast, southwest, west, and north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

APPLETON, WIS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Outagamie County Airport (latitude 44°-15'35" N., longitude 88°31'15" W.); and within 2 miles each side of the 016°, 135°, 206°, and 285° bearings from Outagamie County Airport, extending from the 6-mile radius area to 8 miles north, southeast, southwest, and west of the airport.

[F.R. Doc. 69-2752; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-122]

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

### Alteration of Control Zone and Transition Area

On page 19199 of the FEDERAL REGISTER dated December 24, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Russell, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The Russell Municipal Airport latitude coordinate recited in the Russell, Kans., control zone and transition area alteration as "latitude 38°52'25" N." is changed to read "latitude 38°52'20" N."

This amendment shall be effective 0901 G.m.t., May 29, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 24, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

RUSSELL, KANS.

Within a 5-mile radius of Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.).

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

RUSSELL, KANS.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Hays, Kans., VORTAC 086° radial, extending from the arc of a 5-mile radius circle centered on the Russell Municipal Airport (latitude 38°52'20" N., longitude 98°-48'45" W.), to the arc of a 9-mile radius circle centered on Hays Municipal Airport (latitude 38°50'45" N., longitude 90°16'30" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 8 miles south of the Hays VORTAC 086° radial, extending from Russell Municipal Airport to 7 miles east of the VORTAC, excluding the portion which overlies the Hays, Kans., transition area.

[F.R. Doc. 69-2753; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-116]

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

### Alteration of Federal Airway

On December 24, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 19199) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-341 from Dubuque, Iowa, 1,200 feet AGL to Cedar Rapids, Iowa.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., May 1, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows: In V-341 "From Dubuque, Iowa," is deleted and "From Cedar Rapids, Iowa, 12 AGL Dubuque, Iowa;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 28, 1969.

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

[F.R. Doc. 69-2754; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-109]

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

### Alteration of Transition Area

On page 18938 of the FEDERAL REGISTER dated December 19, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Ashland, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 17, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

ASHLAND, MO.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Columbia Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); within 2 miles each side of the Hallsville, Mo., VORTAC 192° radial extending from the 6-mile radius area to 10 miles south of the VORTAC; within 2 miles each side of the 031° bearing from Columbia Regional Airport, extending from the 6-mile radius area to 10 miles northeast of the airport; and within 2 miles each side of the 193° bearing from Columbia Regional Airport, extending from the 6-mile radius area to 12 miles south of the airport, excluding the portions which overlie the Columbia, Mo., and Jefferson City, Mo., 700-foot floor transition areas.

[F.R. Doc. 69-2755; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-115]

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

### Alteration of Transition Area

On pages 18938 and 18939 of the FEDERAL REGISTER dated December 19, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sterling, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 17, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

STERLING, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Whiteside County Airport (latitude 41°-44'35" N., longitude 89°40'30" W.); within 2 miles each side of the 074° bearing from Whiteside County Airport, extending from

the 7-mile radius area to 14 miles east of the airport; and within 2 miles each side of the 232° bearing from Whiteside County Airport, extending from the 7-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies the Dixon, Ill., transition area.

[F.R. Doc. 69-2756; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-8]

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

### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sheboygan, Wis., transition area.

The public use instrument approach procedure for Sheboygan, Wis., Memorial Airport has been altered by moving the approach bearing by 5°. In addition, a new special use instrument approach procedure has been developed for this airport using the same approach and missed approach bearings as the altered public use instrument approach procedure. Therefore, it is necessary to alter the Sheboygan transition area to reflect this change and action is taken herein to reflect this change. This alteration does not involve the designation of any additional airspace.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

SHEBOYGAN, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sheboygan County Memorial Airport (latitude 43°46'05" N., longitude 87°51'05" W.); and within 5 miles southeast and 8 miles northwest of the 026° bearing from Sheboygan County Memorial Airport, extending from the airport to 12 miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on February 18, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[F.R. Doc. 69-2757; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-7]

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

### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Marshalltown, Iowa, transition area.

The public use instrument approach procedure for Marshalltown, Iowa, Municipal Airport has been altered by moving the approach radial by 6°. Therefore, it is necessary to alter the Marshalltown transition area to reflect this radial change and action is taken herein to reflect this change. This alteration does not involve the designation of any additional airspace.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MARSHALLTOWN, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.); and within 2 miles each side of the 321° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 321° bearing from Marshalltown Municipal Airport, extending from the airport to 12 miles northwest of the airport, excluding the airspace within the Waterloo, Iowa, transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[F.R. Doc. 69-2758; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-10]

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

### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Cloquet, Minn., transition area.

The Carlton County Airport, Cloquet, Minn., has been renamed Cloquet Carlton County Airport. Therefore, it is necessary to alter the Cloquet transition area which presently refers to the airport as Carlton County Airport to reflect the airport change of name. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

CLOQUET, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cloquet Carlton County Airport (latitude 46°42'05" N., longitude 92°30'20" D.); and within 2 miles each side of the Duluth, Minn., VOR 244° radial, extending from the 5-mile radius area southwest to 22 miles southwest of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[F.R. Doc. 69-2759; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-3]

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

### Alteration of Transition Area

On January 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1053), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Ocala, Fla., transition area.

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

Subsequent to publication of the notice, it was noted that the word "area" was omitted from the description of the extension predicated on the Ocala VORTAC 171° radial. It is therefore necessary to alter the description herein by inserting the word "area."

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Ocala, Fla., transition area is amended to read:

OCALA, FLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Ocala Municipal (Jim Taylor) Airport (lat. 29°10'18" N. long. 82°13'26" W.); within 2 miles each side of the Ocala VORTAC 171° radial, extending from the 9-mile radius area to 9 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the north by the Ocala 700-foot transition area, on the northeast by the northeast boundary of V-159, on the south by a 15-mile radius arc centered on Ocala VORTAC, and on the northwest by the northwest boundary of V-441.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 26, 1969.

HENRY S. CHANDLER,
*Acting Director, Southern Region.*

[F.R. Doc. 69-2760; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-5]

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

### Alteration of Transition Area

On January 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1171), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Elizabeth City, N.C., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Elizabeth City, N.C., transition area is amended to read:

ELIZABETH CITY, N.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of CGAS Elizabeth City (lat. 36°15'35" N., long. 76°10'20" W.); within 2 miles each side of the 127° bearing from Weeksville RBN, extending from the 8-mile radius area to 8 miles southeast of the RBN; within 8 miles east and 5 miles west of Elizabeth City VOR 195° radial, extending from the 8-mile radius area to 12 miles south of the VOR, excluding the portion within R-5301B.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 26, 1969.

HENRY S. CHANDLER,
*Acting Director, Southern Region.*

[F.R. Doc. 69-2761; Filed, March 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-119]

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

### Designation of Control Zone and Alteration of Transition Area

On page 1402 of the FEDERAL REGISTER dated January 29, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Manistee, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 18, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

(1) In § 71.171 (34 F.R. 4557), the following control zone is added:

MANISTEE, MICH.

Within a 5-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 2 miles each side of the Manistee VOR 274° radial, extending from the 5-mile radius zone to 13 miles east of the VOR. This control zone is each side of the Manistee VOR 099° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MANISTEE, MICH.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 5 miles north and 8 miles south of the Manistee VOR 274° radial, extending from 9-mile radius area to 16 miles west of the VOR; and within 5 miles south and 8 miles north of the Manistee VOR 099° radial, extending from the 9-mile radius area to 12 miles east of the VOR.

[F.R. Doc. 69-2762; Filed, Mar. 6, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-89]

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

### Designation and Alteration of Control Zones

On December 19, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18939, 18940) stating that the Federal Aviation Administration proposed to designate a control zone at Chicago, Ill. (Pal-Waukee Airport), and to alter the control zones at Chicago, Ill (O'Hare International Airport), and Glenview, Ill.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. The one comment received offered no objection to the proposal.

Subsequent to the issuance of the proposal, the Federal Aviation Administration learned that the Pal-Waukee control tower will be unable to provide the required weather reporting service for the newly proposed control zone. As a result, the new control zone cannot be designated and must be deleted from the final rule. This deletion will require changes in the proposed Glenview, Ill., and Chicago, Ill. (O'Hare International Airport), control zone redesignations. However, these changes will require less airspace than originally proposed.

Since these changes will either delete or reduce the proposed control zone designation and redesignations, they are relaxatory in nature, will impose no additional burden on any person and notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective May 1, 1969, as hereinafter set forth:

In § 71.171 (34 F.R. 4557), the following control zones are amended to read:

CHICAGO, ILL. (O'HARE INTERNATIONAL AIRPORT)

Within a 5-mile radius of O'Hare International Airport (latitude 41°59'10" N., longitude 87°54'30" W.); within 2 miles each side of the O'Hare International Airport runway 14R and 14L ILS localizer courses, extending from the 5-mile radius zone to 7 miles northwest of the airport; and within 2 miles each side of the O'Hare International Airport runway 32R and 32L ILS localizer courses, extending from the 5-mile radius zone to 7 miles southeast of the airport.

GLENVIEW, ILL.

Within a 5-mile radius of NAS Glenview (latitude 42°05'30" N., longitude 87°49'20" W.); within 2 miles each side of the Northbrook, Ill., VOR 131° and 163° radials, extending from the 5-mile radius zone to 1 mile south and southeast of the VOR; within 2 miles each side of the Northbrook VOR 071° radial, extending from 1 mile east to 6 miles east of the VOR; within 2 miles each side of the Northbrook VOR 070° radial, extending from 6 to 11 miles east of the VOR; within 2 miles each side of the 062° bearing from the Haley AAF, Fort Sheridan, Ill., RBN, extending from the RBN to 7 miles northeast of the RBN; within 2 miles each side of the 002° bearing from NAS Glenview RBN, extending from the 5-mile radius zone to 12 miles north of the RBN; and within 2 miles each side of the NAS Glenview TACAN 005° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN, excluding the area that overlies the Chicago, Ill. (O'Hare International Airport) control zone.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[F.R. Doc. 69-2763; Filed, Mar. 6, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-107]

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

### Designation of Transition Area

On pages 18940 and 18941 of the FEDERAL REGISTER dated December 19, 1968,

the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Monroe, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 14, 1969.

EDWARD C. MARSH,
*Director, Central Region.*

In § 71.181 (34 F.R. 4637), the following transition area is added:

MONROE, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Custer Airport (latitude 41°56'10" N., 83°26'15" W.); and within 2 miles each side of the Carleton, Mich., VORTAC 171° radial, extending from the 5-mile radius area to the VORTAC excluding the portion which overlies the Detroit, Mich. 700-foot floor transition area.

[F.R. Doc. 69-2764; Filed, Mar. 6, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-118]

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

### Designation of Transition Area

On page 1402 of the FEDERAL REGISTER dated January 29, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Macomb, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 18, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

In § 71.181 (34 F.R. 4637), the following transition area is added:

MACOMB, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Macomb Municipal Airport (latitude 40° 31'10" N., longitude 90°39'15" W.); and within 2 miles each side of the 085° bearing from Macomb Municipal Airport, extending from the 5-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 8 miles south of the 085° bearing from Macomb Municipal Airport, extending from the airport to 12 miles east of the airport, excluding the portion which overlies the Burlington, Iowa, transition area.

[F.R. Doc. 69-2765; Filed, Mar. 6, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-108]

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

### Designation of Transition Area

On page 18941 of the FEDERAL REGISTER dated December 19, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at McCordsville, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. Two comments were received. The Air Transport Association offered no objection to the proposal.

The Indianapolis, Ind., Airport Authority objected to the proposal for the reason that the city of Indianapolis is planning a new secondary airport at Mount Comfort, Ind., which will be approximately 4 miles south-southeast of Brookside Airport, McCordsville, Ind., and the instrument approach procedure developed for Brookside Airport would conflict with those procedures which will ultimately be planned for the new secondary airport at Mount Comfort. The 700-foot floor transition area proposed for McCordsville, Ind., would overlie the Mount Comfort Airport. As an alternative to the Agency's proposal, the Authority suggests that it install a TVOR on the airport at Mount Comfort to serve Mount Comfort and Brookside Airports as an approach navigational aid.

The Agency believes that regardless of which navigational aid is used, instrument approaches into Brookside Airport will conflict with instrument approaches into the Mount Comfort Airport and such conflict will require a procedural resolution. Controlled airspace for an instrument approach procedure into Mount Comfort can be combined with the McCordsville controlled airspace at the time it is required. There are many airports underlying transition areas for other airports with no adverse effects. When a VOR is established at Mount Comfort Airport it may be advantageous to establish the approach to the Brookside Airport using this facility rather than the Shelbyville VOR. Such a determination would have to be made after the Mount Comfort VOR is commissioned. Consequently, the Federal Aviation Administration does not feel there is any reason for honoring the Authority's objection.

Accordingly, the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 19, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

In § 71.181 (34 F.R. 4637), the following transition area is added:

MCCORDSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Indianapolis Brookside Airport (latitude 39°54'20" N., longitude 85°55'30" W.); and within 2 miles each side of the Shelbyville, Ind., VOR 342° radial, extending from the 5-mile radius area to 12 miles north of the VOR.

[F.R. Doc. 69-2766; Filed, Mar. 6, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-114]

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

### Designation of Transition Area

On page 18942 of the FEDERAL REGISTER dated December 19, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Rochester, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Fulton County Airport longitude coordinate recited in the Rochester, Ind., transition area designation as "longitude 86°11'20" W." is changed to read "longitude 86°11'55" W."

This amendment shall be effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 24, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

In § 71.181 (34 F.R. 4637), the following transition area is added:

ROCHESTER, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fulton County Airport (latitude 41°03'55" N., longitude 86°11'55" W.); and within 2 miles each side of the 096° bearing from Fulton County Airport, extending from the airport to 8 miles east of the airport.

[F.R. Doc. 69-2767; Filed, Mar. 6, 1969; 8:48 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9438; Amdt. 639]

# 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 § 97.17 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 | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| ACT VOR | AC LOM | Direct | 1800 | T-dn | 300-1 | 300-1 | 200-½ |
| Brandon Int | N crs ILS | Via ACT VOR, R 028°. | 1900 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-18 | 300-1 | 300-1 | 300-1 |
| N crs ILS and ACT VOR, R 028° | AC LOM (final) | Direct | 1800 | A-dn | 600-2 | 600-2 | 600-2 |
| Bostic Int | S crs ILS | Via ACT VOR, R 164°. | 2000 | | | | |
| S crs ILS and ACT VOR, R 164° | AC LOM | Direct | 2000 | | | | |

Procedure turn W side of N crs, 005° Outbnd, 185° Inbnd, 1800' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at OM, 1766'—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700' on S crs of ILS (185°) within 20 miles, or, when directed by ATC, (1) turn right and climb to 2000', proceeding to ACT VOR, or (2) turn left, climb to 2000' and intercept R 136° of ACT VOR within 20 miles.
CAUTION: 1749' tower 12 miles S of airport.
MSA within 25 miles of LOM: 000°–270°—2800'; 270°–000°—2100'.

City, Waco; State, Tex.; Airport name, Municipal; Elev., 515'; Fac. Class., ILS; Ident., I-ACT; Procedure No. ILS Runway 18, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1; Dated, 14 Oct. 67

2. 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: 5.5 miles after passing AND VORTAC. |
| R 108° AND VORTAC (CW) | R 219° AND VORTAC | 7-mile DME Arc | 2300 | Climbing left turn to 2300' direct to AND VORTAC and hold. |
| R 310° AND VORTAC (CCW) | R 219° AND VORTAC | 7-mile DME Arc | 2300 | |
| 7-mile DME Arc | AND VORTAC (NOPT) | AND R 219° | 2300 | Supplementary charting information: Hold SW, 1 minute, right turn, 039° Inbnd. Final approach crs intercepts centerline at threshold. TDZ elevation, 757'. |

Procedure turn E side of crs, 219° Outbnd, 039° Inbnd, 2300' within 10 miles of AND VORTAC.
FAF, AND VORTAC. Final approach crs, 039°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over AND VORTAC, 2300'.
MSA: 090°–270°—3000'; 270°–090°—2600'.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | VIS |
| S-S | 1060 | 1 | 303 | 1060 | 1 | 303 | 1060 | 1 | 303 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 1180 | 1 | 398 | 1240 | 1 | 458 | 1240 | 1½ | 458 | NA |
| A | Standard. | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | |

City, Anderson; State, S.C.; Airport name, Anderson County; Elev., 782'; Facility, AND; Procedure No. VOR Runway 5, Amdt. 4; Eff. date, 27 Mar. 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 29 Sept. 62

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

| Terminal routes | | | Missed approach |
|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: CRE VORTAC. |
| R 300°, CRE VORTAC (CCW) | R 223°, CRE VORTAC | 7-mile DME Arc | 1600 | Climb to 1600' on R 057° of CRE VORTAC within 15 miles. |
| 7-mile DME Arc | Paul Int or 4-mile DME Fix (NOPT). | CRE, R 223° | 640 | Supplementary charting information: Final approach crs intercepts runway centerline extended 2600' from threshold. Last 994' of Runway 5 unlighted. TDZ elevation, 33'. |

Procedure turn W side of crs, 223° Outbnd, 043° Inbnd, 1600' within 10 miles of CRE VORTAC.
Final approach crs, 043°.
Minimum altitude over Paul Int or 4-mile DME Fix, 640'.
MSA: 000°-180°—1200'; 180°-360°—1600'.
NOTES: (1) Radar vectoring. (2) When control zone not effective use Myrtle Beach AFB altimeter setting, and straight-in/circling MDA increased 40'.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | VIS |
| S-5 | 640 | 1 | 607 | 640 | 1 | 607 | 640 | 1 | 607 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 640 | 1 | 607 | 640 | 1 | 607 | 640 | 1¼ | 607 | NA |
| | VOR/DME/NDB Minimums: | | | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | |
| S-5 | 420 | 1 | 387 | 420 | 1 | 387 | 420 | 1 | 387 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 480 | 1 | 447 | 500 | 1 | 467 | 500 | 1¼ | 467 | NA |
| A | Standard.* | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | |

City, North Myrtle Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33'; Facility, CRE; Procedure No. VOR Runway 5, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. VOR 2, Amdt. 1; Dated, 22 Oct. 66

| Terminal routes | | | Missed approach |
|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: CRE VORTAC. |
| R 357°, CRE VORTAC (CW) | R 057°, CRE VORTAC | 7-mile DME Arc | 1600 | Climb to 1600' on R 223° of CRE VORTAC within 15 miles. |
| 7-mile DME Arc | CRE VORTAC (NOPT) | CRE, R 057° | 420 | Supplementary charting information: Final approach crs intercepts runway centerline extended 2000' from threshold. First 994' of Runway 23 unlighted. TDZ elevation, 33'. |

Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 1600' within 10 miles of CRE VORTAC.
Final approach crs, 237°.
MSA: 000°-180°—1200'; 180°-360°—1600'.
NOTES: (1) Radar vectoring. (2) When control zone not effective use Myrtle Beach AFB altimeter setting, and straight-in/circling MDA increased 40'.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | VIS |
| S-23 | 420 | 1 | 387 | 420 | 1 | 387 | 420 | 1 | 387 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 480 | 1 | 447 | 500 | 1 | 467 | 500 | 1¼ | 467 | NA |
| A | Standard.* | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | |

City, North Myrtle Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33'; Facility, CRE; Procedure No. VOR Runway 23, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 22 Oct. 66

3. 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: CLT VORTAC. |
| FML VORTAC | CLT VORTAC | Direct | 2300 | Climb to 2300' on CLT VORTAC, R 185° and proceed to FML VORTAC; or, when directed by ATC, climb to 2300' right turn to York Int via CLT VORTAC, R 229°. |
| Bradley Int | CLT VORTAC | Direct | 3000 | |
| Weddington Int | CLT VORTAC | Direct | 2300 | |
| Bethany Int | CLT VORTAC | Direct | 2300 | |
| Waco Int | CLT VORTAC | Direct | 2900 | |
| Stanley Int | CLT VORTAC | Direct | 2900 | Supplementary charting information: Final approach crs intercepts runway centerline 4100' from threshold. REIL Runway 36. TDZ elevation, 747'. |

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2300' within 10 miles of CLT VORTAC.
Final approach crs, 185°.
Minimum altitude over Railroad 5-mile DME Fix, 1640'.
MSA: 000°–090°—3000'; 090°–180°—3000'; 180°–270°—2800'; 270°–360°—2900'.
NOTES: (1) ASR. (2) Inoperative component table does not apply to HIRL Runway 18.
*Standard alternate minimums for VOR/DME/RADAR. For VOR only aircraft all categories 900-2.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-18 | 1640 | 1¼ | 893 | 1640 | 1½ | 893 | 1640 | 1¾ | 893 | 1640 | 2 | 893 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C | 1640 | 1¼ | 892 | 1640 | 1½ | 892 | 1640 | 1¾ | 892 | 1640 | 2 | 892 |
| | VOR/DME/RADAR Minimums: | | | | | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-18 | 1300 | 1 | 553 | 1300 | 1 | 553 | 1300 | 1 | 553 | 1300 | 1¼ | 553 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C | 1300 | 1 | 552 | 1300 | 1 | 552 | 1300 | 1½ | 552 | 1300 | 2 | 552 |
| A | Standard.* | | T 2-eng. or less—RVR 24', Runway 5; Standard all other runways. | | | | T over 2-eng.—RVR 24', Runway 5; Standard all other runways. | | | | | |

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Facility, CLT; Procedure No. VOR Runway 18, Amdt. 5; Eff. date, 27 Mar. 69; Sup. Amdt. No. 4; Dated, 30 Jan. 69

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: 10.2 miles after passing HKY VOR. |
| | | | | Climb to 4000', right turn, to HKY VOR via R 225° and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 240° Inbnd. REIL, Runway 24. TDZ elevation, 1176'. |

Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 3500' within 10 miles of HKY VOR.
FAF, HKY VOR. Final approach crs, 225°. Distance FAF TO MAP, 10.2 miles.
Minimum altitude over HKY VOR, 3000'; over Taylorsville FM, 2400'.
MSA: 000°–090°—4700'; 090°–180°—3600'; 180°–270°—5000'; 270°–360°—8000'.
*Standard minimums for VOR/FM equipped aircraft. For VOR only aircraft, Catetories A and B, 1300-2, Category C, 1300-2¼.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | VIS |
| S-24 | 2400 | 1¾ | 1224 | 2400 | 2 | 1224 | 2400 | 2¾ | 1224 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 2400 | 1¾ | 1224 | 2400 | 2 | 1224 | 2400 | 2¾ | 1224 | NA |
| | VOR/FM: | | | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | |
| S-24 | 1560 | 1 | 384 | 1560 | 1 | 384 | 1560 | 1 | 384 | NA |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | |
| C | 1640 | 1 | 464 | 1640 | 1 | 464 | 1640 | 1½ | 464 | NA |
| A | *Standard. | | T 2-eng. or less—Standard. | | | | T over 2-eng.—Standard. | | | |

City, Hickory; State, N.C.; Airport name, Hickory Municipal; Elev., 1176'; Facility HKY; Procedure No. VOR Runway 24, Amdt. 9; Eff. date, 27 Mar. 69; Sup. Amdt. No. 8; Dated, 23 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitude (feet) | MAP: GPT VORTAC. |
| R 242°, GPT VORTAC CCW | R 208°, GPT VORTAC | 7-mile DME Arc | 1800 | Climb to 2500' via R 339° to Mouse Int and hold or, when directed by ATC, climbing left turn to 1600' direct to GPT VORTAC and hold. |
| Henderson Int | Edgewater Int (NOPT) | Direct | 1800 | |
| 7-mile DME Arc | 2-mile DME GPT, R 208° (NOPT) | GPT, R 208° | 660 | |
| | | | | Supplementary charting information: Mouse holding; hold NW, 159° Inbnd, 1 minute, right turns, GPT holding; hold NW, 140° Inbnd, 1 minute, right turns. TDZ elevation, 28'. |

Procedure turn E side of crs, 208° Outbnd, 028° Inbnd, 1600' within 10 miles of GPT VORTAC.
Final approach crs, 028°.
Minimum altitude over 2-mile DME, GPT R 208°, 660'.
MSA: 090°-270°—1500'; 270°-090°—2600'.
*Night operations not authorized Runways 22/4.
@Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
#Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-4*# | 660 | 1 | 632 | 660 | 1 | 632 | 660 | 1¼ | 632 | 660 | 1½ | 632 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C*# | 680 | 1 | 652 | 680 | 1 | 652 | 680 | 1½ | 652 | 680 | 2 | 652 |
| | VOR/DME Minimums: | | | | | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-4*# | 600 | 1 | 572 | 600 | 1 | 572 | 600 | 1 | 572 | 600 | 1¼ | 572 |
| A | Standard. @ | | | T 2-eng. or less—Standard.* | | | T over 2-eng.—Standard.* | | | | | |

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Facility, GPT; Procedure No. VOR Runway 4, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1 Dated, 16 Jan. 69

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: GPT VORTAC. |
| R 242°, GPT VORTAC CW | R 320°, GPT VORTAC (NOPT) | 7-mile DME Arc | 1800 | Climbing right turn to 1600' via R 242° to Morris Int and hold or, when directed by ATC, climb to 1600'; proceed to Hawkeye Int via R 180° and hold. |
| R 058°, GPT VORTAC CCW | R 320°, GPT VORTAC (NOPT) | 7-mile DME Arc | 1800 | |
| | | | | Supplementary charting information: Morris holding; hold SW, 062° Inbnd, 1 minute, right turns. Hawkeye holding; hold S, 360° Inbnd, 1 minute, right turns. TDZ elevation, 24'. |

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1600' within 10 miles of GPT VORTAC.
Final approach crs, 140°.
MSA: 090°-270°—1500'; 270°-090°—2600'.
*Night operations not authorized Runways 22/4.
@Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
# Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-13*# | 460 | ¾ | 436 | 460 | ¾ | 436 | 460 | ¾ | 436 | 460 | 1 | 436 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C*# | 680 | 1 | 652 | 680 | 1 | 652 | 680 | 1½ | 652 | 680 | 2 | 652 |
| A | Standard.@ | | | T 2-eng. or less—Standard.* | | | T over 2-eng.—Standard.* | | | | | |

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Facility, GPT; Procedure No. VOR Runway 13, Amdt. 6; Eff. date, 27 Mar. 69; Sup. Amdt. No. 5 Dated, 16 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: GPT VORTAC. |
| R 330°, GPT VORTAC CW | R 045°, GPT VORTAC | 7-mile DME Arc | 1800 | Climb to 1600' via R 242° to Morris Int and hold or, when directed by ATC, climb to 1600' via R 180° to Hawkeye Int and hold. |
| R 058°, GPT VORTAC CCW | R 045°, GPT VORTAC | 7-mile DME Arc | 1800 | |
| 7-mile DME Arc | 4-mile DME GPT, R 045° (NOPT) | GPT, R 045° | 680 | |

Supplementary charting information: Morris holding: hold SW, 062° Inbnd, 1 minute, right turns. Hawkeye holding: hold S, 360° Inbnd, 1 minute, right turns. TDZ elevation, 27'.

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 1600' within 10 miles of GPT VORTAC.
Final approach crs, 225°.
Minimum altitude over 4-mile DME GPT, R 045°, 680'.
MSA: 090°–270°—1500'; 270°–090°—2600'.
*Night operations not authorized Runways 22/4.
@Alternate minimum not authorized when control zone not effective except for operators with approved weather reporting service.
#Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather service.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-22*# | 680 | 1 | 653 | 680 | 1 | 653 | 680 | 1¼ | 653 | 680 | 1½ | 653 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C*# | 680 | 1 | 652 | 680 | 1 | 652 | 680 | 1½ | 652 | 680 | 2 | 652 |
| | VOR/DME Minimums: | | | | | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-22*# | 460 | 1 | 433 | 460 | 1 | 433 | 460 | 1 | 433 | 460 | 1 | 433 |
| A | Standard.@ | | T 2-eng. or less—Standard.* | | | | T over 2-eng.—Standard.* | | | | | |

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 25'; Facility, GPT; Procedure No. VOR Runway 22, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1; Dated, 16 Jan. 69

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: GPT VORTAC. |
| R 058°, GPT VORTAC CW | R 124°, GPT VORTAC | 7-mile DME Arc | 1800 | Climbing left turn to 1600' via R 242° to Morris Int and hold or, when directed by ATC, climb to 2500', R 339° to Mouse Int and hold. |
| R 242°, GPT VORTAC CCW | R 124°, GPT VORTAC | 7-mile DME Arc | 1800 | |
| 7-mile DME Arc | 4-mile DME GPT, R 124° (NOPT) | GPT, R 124° | 480 | |

Supplementary charting information: Morris holding: hold SW, 062° Inbnd, 1 minute, right turns. Mouse holding: hold NW, 159° Inbnd, 1 minute, right turns. TDZ elevation, 25'.

Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 1600' within 10 miles of GPT VORTAC.
Final approach crs, 124°.
Minimum altitude over 4-mile DME GPT, R 124°, 480'.
MSA: 090°–270°—1500'; 270°–090°—2600'.
NOTE: Inoperative table does not apply to HIRL Runway 31.
*Night operations not authorized Runways 22/4.
@Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
#Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-31*# | 480 | 1 | 455 | 480 | 1 | 455 | 480 | 1 | 455 | 480 | 1 | 455 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C*# | 680 | 1 | 652 | 680 | 1 | 652 | 680 | 1½ | 652 | 680 | 2 | 652 |
| | VOR/DME Minimums: | | | | | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-31*# | 420 | 1 | 395 | 420 | 1 | 395 | 420 | 1 | 395 | 420 | 1 | 395 |
| A | Standard.@ | | T 2-eng. or less—Standard.* | | | | T over 2-eng.—Standard.* | | | | | |

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Facility, GPT; Procedure No. VOR Runway 31, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1; Dated, 16 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: 6.9 miles after passing VIT NDB or at MM. |
| Parkway Int | VIT NDB | Direct | 4700 | Make immediate left-climbing turn to 3800' return to VIT NDB and hold; or, when directed by ATC, make climbing left turn to 4000' via the Woodrum VOR R 126° to Moneta Int and hold. |
| Springwood Int | VIT NDB | Direct | 4700 | |
| Table Int | VIT NDB | Direct | 5100 | |
| Blackwater Int | VIT NDB (NOPT) | Direct | 3800 | |
| Moneta Int | VIT NDB | Direct | 3800 | |
| Goose Int | VIT NDB | Direct | 4000 | Supplementary charting information: Hold SE, 1 minute, right turns, 332° Inbnd. |
| ROA VORTAC | VIT NDB | Direct | 4600 | 2402' mountain, 37°20' N., 79°54' W. TDZ elevation, 1165'. |

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 3800' within 10 miles of VIT NDB.
FAF, VIT NDB. Final approach crs, 332°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over VIT NDB, 3800'; over OM, 2500'.
MSA within 25 miles of VIT NDB: 000°-090°—5300'; 090°-180°—3100'; 180°-270°—5000'; 270°-360°—5000'.
NOTES: (1) ASR. (2) Components inoperative table does not apply to ALS or HIRL.
CAUTION: Mountains N of airport and 1980' tower abeam OM: 2402' mountain 3 miles E of airport.
**Circling approach to Runways 33, 5, 23, and 27 must be made S of the airport.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-33 | 2500 | 2 | 1335 | 2500 | 2¼ | 1335 | 2500 | 2½ | 1335 | 2500 | 2¼ | 1335 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C | 2500 | 2 | 1325 | 2500 | 2¼ | 1325 | 2500 | 2½ | 1325 | 2500 | 2¼ | 1325 |
| | OM Minimums: | | | | | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-33 | 1880 | 2 | 715 | 1880 | 2 | 715 | 1880 | 2 | 715 | 1880 | 2 | 715 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C-33, 5, 23, 27** | 1880 | 2 | 705 | 1880 | 2 | 705 | 1880 | 2 | 705 | 1880 | 2 | 705 |
| C-9, 15 | 2180 | 2 | 1005 | 2180 | 2 | 1005 | 2180 | 2 | 1005 | 2500 | 2¼ | 1325 |
| A | 1500-3. | | T 2-eng. or less—Nonstandard.% | | | | T over 2-eng.—Nonstandard.% | | | | | |

%Takeoff all runways:
Roanoke IFR departure procedures: Takeoff minimums for Moneta and Table departures Runways 5, 9, 15, 23, 27—600-2; Runway 33 day only 800-2.
Moneta departure:
Runways 15 and 23 make left-climbing turn within 2 miles of airport to intercept the Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Runways 5 and 9 right turn, Runways 27 and 33 left turn, maintain visual contact within 2 miles of airport until intercepting Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Table departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1775' in order to depart the Woodrum VOR climbing via the ODR R 265° to intercept the ROA R 181° at 4000' or above, thence, via ROA R 181° to Table Int climbing to 5600' or above, proceed as cleared.
Takeoff minimums for Parkway departure: Runways 5, 9, 15, 23, 27—800-2; Runway 33—day only—800-2.
Parkway departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1975' in order to depart the Woodrum VOR via R 045° climbing to 3000' or above, proceed as cleared.

City, Roanoke; State, Va.; Airport name, Roanoke Municipal; Elev., 1175'; Facility, ORD; Procedure No. VOR Runway 33, Amdt. 1; Eff. date, 27 Mar. 69; Sup. Amdt. No. Orig.; Dated, 11 Apr. 68

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

Tulsa, Okla.—Tulsa International, LOC (BC) Runway 17L, Amdt. 2, 19 Dec. 1968, canceled, effective 27 Mar. 1969.

5. 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: 5.4 miles after passing CAT NDB. |
| Budd Lake Int | CAT NDB | Direct | 3000 | Right-climbing turn to 2000' direct to CAT NDB and hold. |
| Rocky Hill Int | CAT NDB | Direct | 2000 | Supplementary charting information: Hold NE, 1 minute, right turns, 249° Inbnd. |

Procedure turn N side of crs, 069° Outbnd, 249° Inbnd, 2000' within 5 miles of CAT NDB.
FAF, CAT NDB. Final approach crs, 249°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over CAT NDB, 1300'.
MSA: 000°-090°—2900'; 090°-180°—2600'; 180°-270°—2000'; 270°-360°—2500'.
NOTES: (1) Radar vectoring. (2) Use Newark altimeter setting.
#Runway lighting on prior request.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | C | D |
|---|---|---|---|---|---|---|
| | MDA | VIS | HAA | VIS | VIS | VIS |
| C# | 850 | 1 | 580 | NA | NA | NA |
| A | Not authorized. | | T 2-eng. or less—300-1 all runways. | | T over 2-eng.—Not authorized. | |

City, Basking Ridge; State, N.J.; Airport name, Somerset Hills; Procedure No. NDB (ADF)-1, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1; Dated, 19 Dec. 68

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: 5 miles after passing PSF NDB. |
| Chester VOR | PSF NDB | Direct | 4000 | Make right-climbing turn to 4000'. Return to PSF NDB and hold. |
| Stockbridge Int | PSF NDB | Direct | 4000 | |
| Hillsdale Int | PSF NDB | Direct | 4000 | Supplementary charting information: Hold E, PSF NDB, 253° Inbnd, 1 minute, left turns. Final approach crs to center of airport. 1325' antenna, 1 mile N and 2126' terrain, 1.7 miles SW of airport. |
| Canaan Int | PSF NDB | Direct | 4000 | |
| Griswoldville Int | PSF NDB | Direct | 4000 | |

Procedure turn S side of crs, 073° Outbnd, 253° Inbnd, 4000' within 10 miles of PSF NDB.
FAF, PSF NDB. Final approach crs, 253°. Distance FAF to MAP, 5 miles.
Minimum altitude over PSF NDB, 3000'.
MSA: 000°-090°—4700'; 090°-180°—3600'; 180°-270°—3700'; 270°-360°—4700'.
NOTES: (1) Approach from a holding pattern not authorized. Procedure turn required. (2) Facility must be monitored aurally during approach.
*Circling MDA increased 120' and alternate minimums not authorized when altimeter setting not available from PSF Weather Bureau. Use Albany altimeter setting.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D |
|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | VIS |
| C* | 2300 | 1½ | 1130 | 2300 | 1¾ | 1130 | 2440 | 2¼ | 1270 | NA |
| A* | Categories A and B, 1200-2; Category C, 1500-2½. | | T 2-eng. or less—1000-1. | | | | T over 2-eng.—1300-2. | | | |

City, Pittsfield; State, Mass.; Airport name, Pittsfield Municipal, Elev., 1170'; Facility, PSF; Procedure No. NDB(ADF)-1, Amdt. 3; Eff. date, 27 Mar. 69; Sup. Amdt. No. 2; Dated, 26 Dec. 68

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

| Terminal routes | | | | Missed approach |
|---|---|---|---|---|
| From— | To— | Via | Minimum altitudes (feet) | MAP: 6.9 miles after passing VIT NDB or at MM. |
| Parkway Int | VIT NDB | Direct | 4700 | Make immediate left-climbing turn to 3800' return to VIT NDB and hold; or, when directed by ATC, make climbing left turn to 4000' via the Woodrum VOR R 126° to Moneta Int and hold. |
| Springwood Int | VIT NDB | Direct | 4700 | |
| Table Int | VIT NDB | Direct | 5100 | |
| Blackwater Int | VIT NDB (NOPT) | Direct | 3800 | |
| Moneta Int | VIT NDB | Direct | 3800 | |
| Goose Int | VIT NDB | Direct | 4000 | Supplementary charting information: Hold SE, 1 minute, right turns, 332° Inbnd. |
| ROA VORTAC | VIT NDB | Direct | 4600 | 2402' mountain, 37°20' N., 79°54' W. TDZ elevation, 1165'. |

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 3800' within 10 miles of VIT NDB.
FAF, VIT NDB. Final approach crs, 332°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over VIT NDB, 3800': over OM, 2500'.
MSA: 000°-090°—5300'; 090°-180°—3100'; 180°-270°—5000'; 270°-360°—5000'.
NOTES: (1) ASR. (2) Components inoperative table does not apply to ALS.
CAUTION: Mountains N of airport and 1986' tower abeam OM, 2402' mountain, 3 miles E of airport.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-33 | 2500 | 2 | 1335 | 2500 | 2¼ | 1335 | 2500 | 2½ | 1335 | 2500 | 2¾ | 1335 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C | 2500 | 2 | 1325 | 2500 | 2¼ | 1325 | 2500 | 2½ | 1325 | 2500 | 2¾ | 1325 |
| | OM Minimums: | | | | | | | | | | | |
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-33 | 2180 | 2 | 1015 | 2180 | 2 | 1015 | 2180 | 2 | 1015 | 2180 | 2¾ | 1015 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C | 2180 | 2 | 1005 | 2180 | 2 | 1005 | 2180 | 2 | 1005 | 2500 | 2¾ | 1325 |
| A | 1500-3. | | T 2-eng. or less—Nonstandard. % | | | | T over 2-eng.—Nonstandard. % | | | | | |

%Takeoff all runways:
Roanoke IFR departure procedures: Takeoff minimums for Moneta and Table departures Runways 5, 9, 15, 23, 27—600-2; Runway 33, day only—800-2.
Moneta Departure:
Runways 15 and 23 make left-climbing turn within 2 miles of airport to intercept the Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Runways 5 and 9, right turn. Runways 27 and 33, left turn, maintain visual contact within 2 miles of airport until intercepting Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Table departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1775' in order to depart the Woodrum VOR climbing via the ODR R 205° to intercept the ROA R 181° at 4000' or above, thence, via ROA R 181° to Table Int climbing to 5600' or above, proceed as cleared.
Takeoff minimums for Parkway departure: Runways 5, 9, 15, 23, 27—800-2; Runway 33, day only—800-2.
Parkway departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1975' in order to depart the Woodrum VOR via R 045° climbing to 5000' or above, proceed as cleared.

City, Roanoke; State, Va.; Airport name, Roanoke Municipal; Elev., 1175'; Facility, VIT; Procedure No. NDB (ADF) Runway 33, Amdt. 3; Eff. date, 27 Mar. 69; Sup. Amdt. No. 2; Dated, 9 May 68

6. 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 1780'; LOC 6.9 miles after passing VIT NDB or at MM. |
| Parkway Int | VIT NDB | Direct | 4700 | Make left-climbing turn to 3800' direct to VIT NDB and hold; or, when directed by ATC, climbing left turn to 4000' via the Woodrum VOR R 126° to Moneta Int and hold. |
| Springwood Int | VIT NDB | Direct | 4700 | |
| Table Int | VIT NDB | Direct | 5100 | |
| Blackwater Int | VIT NDB (NOPT) | Direct | 3800 | |
| Goose Int | VIT NDB | Direct | 4000 | |
| Moneta Int | VIT NDB | Direct | 3800 | |
| ROA VORTAC | VIT NDB | Direct | 4600 | Supplementary charting information: Hold SE 1 minute, right turns, 332° Inbnd. 2402' mountain, 37°20' N. 79°54' W. TDZ elevation, 1165'. |

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 3800' within 10 miles of VIT NDB.
FAF, VIT NDB. Final approach crs, 332°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over VIT NDB, 3800'.
Minimum glide slope interception altitude, 3800'. Glide slope altitude at OM, 2544'; at MM, 1542'.
Distance to runway threshold at OM, 4.1 miles; at MM, 1 mile.
MSA within 25 miles of VIT NDB: 000°–090°—5300'; 090°–180°—3100'; 180°–270°—5000'; 270°–360°—5000'.
NOTES: (1) ASR. (2) Components inoperative table does not apply to ALS or HIRL. (3) ILS unusable from MM Inbnd.
CAUTION: Mountains N of airport and 1986' tower abeam OM; 2402' mountain, 3 miles E of airport.
éGlide slope inoperative maintain 2500' until passing outer marker.
**Circling approach to Runways 33, 5, 23, and 27 must be made S of the airport.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | DH | VIS | HAT | DH | VIS | HAT | DH | VIS | HAT | DH | VIS | HAT |
| S-33 | 1780 | 2 | 615 | 1780 | 2 | 615 | 1780 | 2 | 615 | 1780 | 2 | 615 |
| LOC é | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-33 | 1880 | 2 | 715 | 1880 | 2 | 715 | 1880 | 2 | 715 | 1880 | 2 | 715 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C-33, 5, 23, 27** | 1880 | 2 | 705 | 1880 | 2 | 705 | 1880 | 2 | 705 | 1880 | 2 | 705 |
| C-9, 15 | 2180 | 2 | 1005 | 2180 | 2 | 1005 | 2180 | 2 | 1005 | 2500 | 2¾ | 1325 |
| A | 1500-3. | | T 2-eng. or less—Nonstandard.% | | | | T over 2-eng.—Nonstandard.% | | | | | |

%Takeoff all runways:
Roanoke IFR departure procedures: Takeoff minimums for Moneta and Table departures Runways 5, 9, 15, 23, 27—600-2; Runway 33, day only—800-2.
Moneta departure:
Runways 15 and 23, make left-climbing turn within 2 miles of airport to intercept the Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Runways 5 and 9, right turn, Runways 27 and 33, left turn, maintain visual contact within 2 miles of airport until intercepting Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Table departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1775' in order to depart the Woodrum VOR climbing via the ODR R 205° to intercept the ROA R 181° at 4000' or above, thence, via ROA R 181° to Table Int climbing to 5600' or above, proceed as cleared.
Takeoff minimums for Parkway departure: Runways 5, 9, 15, 23, 27—800-2; Runway 33, day only—800-2.
Parkway departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1975' in order to depart the Woodrum VOR via R 045° climbing to 5000' or above, proceed as cleared.

City, Roanoke; State, Va.; Airport name, Roanoke Municipal; Elev., 1175'; Facility, I-ROA; Procedure No. ILS Runway 33, Amdt. 2; Eff. date, 27 Mar. 69; Sup. Amdt. No. 1; Dated, 11 Apr. 68

7. 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 6 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 | |
| 000° | 360° | 0–15 | *2300 | | | | | | | 1. Descend aircraft after passing FAF. |
| 000° | 105° | 15–30 | 3000 | | | | | | | 2. Runway 18, FAF 6 miles from threshold. Minimum altitude over 2-mile Radar Fix, 1300'. TDZ elevation, 747'. |
| 105° | 200° | 15–30 | 2300 | | | | | | | |
| 200° | 360° | 15–30 | 3000 | | | | | | | 3. Runway 23, FAF 6 miles from threshold. Minimum altitude over 2-mile Radar Fix, 1300'. TDZ elevation, 748'. |
| | | | | | | | | | | 4. Runway 36, FAF 6 miles from threshold. Minimum altitude over 3-mile Radar Fix, 1380'. TDZ elevation, 726'. |
| | | | | | | | | | | 5. Runway 5, FAF 6 miles from threshold. Minimum altitude over 2-mile Radar Fix, 1160'. TDZ elevation, 717'. |
| | | | | | | | | | | NOTES: MTI required for all surveillance approaches. REIL Runway 36. Inoperative component table does not apply to HIRL Runways 18 and 23. |

All airways segments 0-35 miles published MEA or sector altitudes whichever is lower.
All bearings and distance are from radar site on Douglas Municipal Airport with sector azimuths progressing clockwise.
*Radar control will provide 1000' vertical clearance within a 3-mile radius of the following towers: 1932', 10 miles NE; 2040', 13 miles E; 1733', 16.5 miles W; 1866', 10 miles NW.

Missed approach:
Runway 18—Climb to 2300' direct to FML VORTAC, hold S, 1 minute, right turns, 006° Inbnd.
Runway 23—Climb to 2300' direct to CLT LOM, hold SW, 1 minute, left turns, 050° Inbnd.
Runway 36—Climb to 2600' on FML VORTAC R 007° to Mount Holly Int, hold N, 1 minute, left turns, 187° Inbnd.
Runway 5—Left turn climb to 2600' on FML VORTAC R 007° to Mount Holly Int, hold N, 1 minute, left turns, 187° Inbnd.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-18 | 1160 | 1 | 413 | 1160 | 1 | 413 | 1160 | 1 | 413 | 1160 | 1 | 413 |
| S-23 | 1160 | 1 | 412 | 1160 | 1 | 412 | 1160 | 1 | 412 | 1160 | 1 | 412 |
| S-36 | 1060 | ¾ | 334 | 1060 | ¾ | 334 | 1060 | ¾ | 334 | 1060 | 1 | 334 |
| S-5 | 1080 | RVR 24 | 363 | 1080 | RVR 24 | 363 | 1080 | RVR 24 | 363 | 1080 | RVR 50 | 363 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C | 1220 | 1 | 472 | 1220 | 1 | 472 | 1220 | 1¼ | 472 | 1300 | 2 | 552 |
| A | Standard. | | | T 2-eng. or less—RVR 24', Runway 5; Standard all other runways. | | | T over 2-eng.—RVR 24', Runway 5; Standard all other runways. | | | | | |

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Facility, Charlotte Radar; Procedure No. Radar-1, Amdt. 8; Eff. date, 27 Mar. 69; Sup. Amdt. No. 7; Dated, 30 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

| 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 | |
| 240° | 360° | 5 | 4300 | | | | | | | NOTE: Components inoperative table does not apply to ALS or HIRL. |
| 360° | 100° | 10 | 3700 | 15 | 5000 | | | | | CAUTION: Mountains N of airport and 1986' tower abeam OM; 2402' mountain, 3 miles E of airport. |
| 100° | 240° | 5 | 3000 | | | | | | | Supplementary charting information: TDZ elevation 1165'. |
| 100° | 175° | 30 | 3700 | | | | | | | |
| 175° | 270° | 30 | 5000 | | | | | | | |
| 270° | 100° | 30 | 6000 | | | | | | | |

Radar control will provide 1500' vertical clearance within a 3-mile radius of 3928' peak, 14 miles SW and 3571' peak, 12 miles S.
All bearings are from the radar site with sector azimuths progressing clockwise.
Missed approach: At I-mile Radar Fix, make a left-climbing turn to 3800' direct to VIT NDB. Hold SE, 1-minute right turns, 332° Inbnd; or, when directed by ATC, make climbing left turn to 4000' via the Woodrum VOR, R 126° to Moneta Int and hold.
*Maintain 3700', to 7.9-mile Radar Fix (VIT NDB) minimum altitude over 4.1-mile Radar Fix (OM) FAF on final approach 2500'. Descend aircraft to MDA after FAF. ASR Runway 33, FAF 4.1 miles from threshold.
**Circling approach to Runways 33, 5, 23, and 27 must be made S of the airport.

DAY AND NIGHT MINIMUMS

| Cond. | A | | | B | | | C | | | D | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT | MDA | VIS | HAT |
| S-33* | 1880 | 2 | 715 | 1880 | 2 | 715 | 1880 | 2 | 715 | 1880 | 2 | 715 |
| | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA | MDA | VIS | HAA |
| C-33, 5, 23, 27** | 1880 | 2 | 705 | 1880 | 2 | 705 | 1880 | 2 | 705 | 1880 | 2 | 705 |
| C-9, 15 | 2180 | 2 | 1005 | 2180 | 2 | 1005 | 2180 | 2 | 1005 | 2500 | 2¼ | 1325 |
| A | 1500-3. | | T 2-eng. or less—Nonstandard.% | | | | T over 2-eng.—Nonstandard.% | | | | | |

%Takeoff all runways.
Roanoke IFR departure procedures: Takeoff minimums for Moneta and Table departures Runways 5, 9, 15, 23, 27—600-2; Runway 33, day only—800-2.
Moneta departure:
Runways 15 and 23, make left-climbing turn within 2 miles of airport to intercept the Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Runways 5 and 9, right turn, Runways 27 and 33, left turn, maintain visual contact within 2 miles of airport until intercepting Woodrum VOR R 126° climbing to cross Moneta Int at 4000' or above, proceed as cleared.
Table departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1775' in order to depart the Woodrum VOR climbing via the ODR R 295° to intercept the ROA R 181° at 4000' or above, thence, via ROA R 181° to Table Int climbing to 5600' or above, proceed as cleared.
Takeoff minimums for Parkway departure: Runways 5, 9, 15, 23, 27—800-2; Runway 33, day only—800-2.
Parkway departure: Runways 5, 9, 15, right turn, Runways 23, 27, 33, left turn, maintain visual contact within 2 miles of airport climbing to 1975' in order to depart the Woodrum VOR via R 045° climbing to 5000' or above, proceed as cleared.

City, Roanoke; State, Va.; Airport name, Roanoke Municipal; Elev., 1175'; Facility, Roanoke Radar; Procedure No. Radar-1, Amdt. 4; Eff. date, 27 Mar. 69; Sup. Amdt. No. 3; Dated, 11 Apr. 68

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 18, 1969.

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

[F.R. Doc. 69-2299; Filed, Mar. 6, 1969; 8:45 a.m.]

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-564; Amdt. 13]

## PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

### Liability Insurance Requirements—Modification of Pilot Exclusion Provision

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1969.

By ER-548 adopted November 29, 1968, effective March 7, 1969 (33 F.R. 18231), the Board is for the first time requiring Board-regulated air taxi operators to carry liability insurance. A petition of two insurance underwriters (Docket 20742) has called our attention to an inadvertence in one of the permissible exclusions in the insurance rule and requests that the rule be corrected by March 7, 1969, when the basic insurance rule becomes effective. No answers to the petition have been filed.

Section 298.44(i) permits an insurance company to exclude "any loss arising from operation of an aircraft under command of a pilot not named in or meeting the qualification, experience, and currency requirements provided in the policy of insurance." Thus, the exclusion as presently drafted applies to operations by unqualified pilots, but would not apply in the case of an operation with an unqualified copilot or without any copilot even if one were required under the terms of the policy. Since the reason for permitting the exclusion of aircraft operated by an unqualified pilot applies equally in the case of unqualified copilots, we will adopt the substance of the requested change.

As this amendment corrects an inadvertence and since it modifies a rule which has not become effective, notice and public procedure hereon are not necessary and the amendment may be made effective on less than 30 days' notice. Accordingly, in consideration of the foregoing, the Board hereby amends Part 298 of its economic regulations (14 CFR Part 298) effective March 7, 1969, as follows:

1. Amend § 298.44(i) to read as follows:

§ 298.44 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:

* * * * *

(i) Any loss arising from operation of an aircraft (1) without a copilot, if one is required under the policy of insurance or (2) by a pilot (or pilot and copilot) not named in or meeting the qualification, experience, and currency requirements provided in the policy of insurance;

* * * * *

2. Amend paragraph 4(i) of the Standard Endorsement, Appendix B to read as follows:

4. The exclusions of the policy to which this endorsement is attached are deleted and are replaced by the following exclusions:

EXCLUSIONS. Unless otherwise provided in the policy of insurance, the liability insurance afforded under this policy shall not apply to:

* * * * *

(1) Any loss arising from operation of an aircraft (1) without a copilot, if one is required under the attached policy of insurance or (2) by a pilot (or pilot and copilot) not named in or meeting the qualification, experience, and currency requirements provided in the attached policy of insurance;

* * * * *

(Sec. 204(a), 416, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

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

[F.R. Doc. 69-2730; Filed, Mar. 6, 1969; 8:45 a.m.]

# Title 7—AGRICULTURE

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

[Valencia Orange Reg. 263]

## PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

*Correction*

In F.R. Doc. 69-2533 appearing at page 2651 in the issue of Thursday, February 27, 1969, the signature and title lines should read "Floyd F. Hedlund, *Director, Fruit and Vegetable Division, Consumer and Marketing Service.*"

## PART 991—HOPS OF DOMESTIC PRODUCTION

### Salable Quantity and Allotment Percentage for 1969-70 Marketing Year

Notice was published in the February 14, 1969, issue of the FEDERAL REGISTER (34 F.R. 2208) regarding a proposal to establish a salable quantity and allotment percentage applicable to hops produced in Washington, Oregon, Idaho, and California for the 1969-70 marketing year beginning August 1, 1969. The percentage herein established is based on the unanimous recommendation of the Hop Administrative Committee and other available information in accordance with the applicable provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted.

After consideration of all relevant matter presented, including that in the notice, the information and unanimous recommendation submitted by the committee, the applicable provisions of the marketing order, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1969-70 marketing year (Aug. 1, 1969-July 31, 1970) are established as follows:

§ 991.207 **Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1969.**

The allotment percentage during the marketing year beginning August 1, 1969, shall be 75 percent, and the salable quantity shall be in an amount of 39,944,000 pounds or the amount resulting from multiplying the total of all producer allotment bases by the allotment percentage, whichever amount is the higher.

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

Dated March 3, 1969, to become effective April 15, 1969.

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

[F.R. Doc. 69-2796; Filed, Mar. 6, 1969; 8:50 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION, AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

## PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

### Manufacturer of Consumer Commodities

The Federal Trade Commission has received several requests to interpret § 500.5 of the regulations issued pursuant to the Fair Packaging and Labeling Act. Section 500.5 relates to the appearance on the label of a consumer commodity of the name and place of business of manufacturer, packer, or distributor. Specifically, the requests cite various conditions under which consumer commodities are produced, and there is some doubt in the industry as to the conditions which qualify a person or firm to be a manufacturer rather than a packer or distributor, for the purpose of § 500.5. Therefore, it appears appropriate to clarify certain production aspects, relevant to identifying the name of the manufacturer, packer, or distributor to comply with § 500.5 of the regulations.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1456) Subchapter E, Part 503, is amended by adding thereto the following new section:

§ 503.3 **Name and place of business of manufacturer, packer, or distributor.**

To clarify the identity of a manufacturer, packer, or distributor for the purpose of § 500.5 of this chapter, the following represents the opinions of the Commission.

(a) A manufacturer of a bulk product who supplies the product to a contract packager and permits his bulk product to be packaged by the contract packager remains the manufacturer of the commodity, if the contract packager does not perform any act other than package filling and labeling.

(b) (1) A manufacturer of a bulk product who supplies the bulk to a contract packager but permits the packager to modify the bulk commodity by the addition of any substance which changes the identity of the bulk, ceases to be the manufacturer of the consumer commodity. At that point, if the manufacturer of the bulk elects to use his name on the label of the consumer commodity, his name should be qualified to show "Distributed by _____", or "Manufactured for _____".

(2) The identity of a bulk substance received by a contract packager is changed if the packager, for example, adds a propellant as in the case of an aerosol, or adds a solvent as in the case of a paint, or blends two or more components, or changes the physical state as in the case of a liquid being changed to a gel or a semisolid being changed to a solid.

(c) A person or firm who supplies a formula and/or specifications to a contract packager but who takes no part in the actual production of the consumer commodity is not the manufacturer of the consumer commodity for the purpose of § 500.5(a) of this chapter. This is true whether the person or firm who supplies the formula or specifications, or both, also supplies the raw materials which are to be reacted, mixed, or otherwise modified to produce the consumer commodity.

Issued: March 3, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-2803; Filed, Mar. 6, 1969; 8:51 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-72]

## PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

### Coastwise Transportation of Containers, etc., by Certain South African Vessels

On the basis of information obtained and furnished by the Department of State, it is found that the Government of South Africa extends to vessels of the United States in ports of South Africa privileges reciprocal to those provided for in section 27 of the Merchant Marine Act of 1920, as further amended by Public Law 90-474 (82 Stat. 700). Therefore, vessels of South Africa are permitted to transport coastwise equipment for use with vans and tanks, empty barges designed for carriage aboard a vessel, empty instruments of international traffic, and stevedoring equipment and material under the conditions specified in the applicable proviso to 46 U.S.C. 883.

Accordingly, § 4.93(b)(2), Customs Regulations, is amended by the insertion of "South Africa" in appropriate alphabetical order in the list of nations in that section.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

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

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

Approved: February 28, 1969.

MATTHEW J. MARKS,
*Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 69-2802; Filed, Mar. 6, 1969; 8:51 a.m.]

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[T.D. 69-71]

## PART 16—LIQUIDATION OF DUTIES

### Countervailing Duties; Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of February 1969, of approved fruit products and other approved products containing sugar amounts to Australian $97.90 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $97.90 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 69-3 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
*Commissioner of Customs.*

Approved: February 26, 1969.

MATTHEW J. MARKS,
*Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 69-2801; Filed, Mar. 6, 1969; 8:50 a.m.]

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[T.D. 69-70]

## PART 30—FOREIGN-TRADE ZONES

On November 23, 1968, notice of proposed rule making regarding a revision of regulations relating to foreign-trade zones, 19 CFR Chapter I, Part 30, was published in the FEDERAL REGISTER (33 F.R. 17352). Interest persons were given 60 days in which to submit data, views, or arguments concerning the proposed regulations. No comments were received.

The revision as proposed is hereby adopted subject to the following changes:

1. In paragraph (f) of § 30.1, the words "or subzone" are inserted after "zone" and before "established."

2. In paragraph (a) of § 30.11, the words following "such as" in the first sentence are changed to read: "books or pictures urging treason or insurrection against the United States, obscene books or pictures and lottery matter," and "shall" is substituted for "may" in the second sentence.

3. In § 30.11, "conditionally admitted" in the introductory text and in the heading and in the first sentence of paragraph (b) is changed to "conditionally admissible."

4. In paragraph (b) of § 30.32, the word "Zone" in the title of the Act is changed to "Zones," and in subparagraph (2), "paragraphs 367 and 368" is changed to read "paragraphs 367 or 368."

5. In paragraph (a) of § 30.48, the words "Merchandise not elsewhere provided for in this subpart includes the following:" are inserted after the heading and before subparagraph (1).

6. In paragraph (b) of §30.48, the reference to 30.47(c)(2) is changed to 30.47(e)(2).

7. Editorial changes are made in §§ 30.12, 30.22, 30.32, and 30.42.

This revision will become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
*Commissioner of Customs.*

Approved: February 27, 1969.

MATTHEW J. MARKS,
*Acting Assistant Secretary of the Treasury.*

Sec.

30.0 Scope.

Subpart A—General Provisions

30.1 Definitions.
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30.11 Merchandise permitted in a zone.
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30.21 Privileged foreign merchandise.
30.22 Privileged domestic merchandise.
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30.31 Customs control of merchandise in a zone.
30.32 Manipulation, manufacture, or exhibition in a zone.
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30.41 Direct exportation from a zone.
30.42 Supplies, equipment, and repair material for vessels or aircraft.
30.43 Transfer of merchandise from one zone to another.
30.44 Transfer of privileged domestic merchandise into customs territory.
30.45 Transfer of privileged foreign merchandise into customs territory.
30.46 Transfer of products of manipulation or manufacture of privileged merchandise into customs territory.
30.47 Transfer of zone-restricted merchandise into customs territory.
30.48 Treatment of merchandise not elsewhere provided for in this subpart.

AUTHORITY: The provisions of this Part 30 issued under R.S. 251, secs. 1-21, 48 Stat. 998, 999, as amended, 1000, 1002, as amended, 1003, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 81a-81u, 1202 (General headnote 11), 1624.

### § 30.0 Scope.

Foreign-trade zones are established under the Foreign-Trade Zones Act and the general regulations and rules of procedure of the Foreign-Trade Zones Board contained in 15 CFR Part 400. This Part 30 of the Customs Regulations governs the admission of merchandise into a foreign-trade zone, manipulation, manufacture, or exhibition in a zone; exportation

of merchandise from a zone; and transfer of merchandise from a zone into customs territory.

## Subpart A—General Provisions

### § 30.1 Definitions.

The following are general definitions for the purposes of this part:

(a) *Act.* "Act" means the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u).

(b) *Board.* "Board" is the Foreign-Trade Zones Board established by the Foreign-Trade Zones Act to carry out the provisions of the Act.

(c) *Customs territory.* "Customs territory" is the territory of the United States in which the general tariff laws of the United States apply but which is not included in any zone. "Customs territory of the United States" includes only the States, the District of Columbia, and Puerto Rico. (General Headnote 2, Tariff Schedules of the United States.)

(d) *Grantee.* "Grantee" is a corporation to which the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted by the Foreign-Trade Zones Board.

(e) *Merchandise.* "Merchandise" includes goods, wares, and chattels of every description, except prohibited articles.

(1) *Domestic merchandise.* "Domestic merchandise" is that which has been (i) produced in the United States and not exported therefrom, or (ii) previously imported into customs territory and properly released from customs custody.

(2) *Foreign merchandise.* "Foreign merchandise" is imported merchandise which has not been properly released from customs custody in customs territory.

(f) *Zone.* "Zone" is a foreign-trade zone or subzone established under the Foreign-Trade Zones Act.

### § 30.2 Designation of District Director as Board Representative.

The district director in whose district the zone is located shall be in local charge of the zone as the resident representative of the Board.

### § 30.3 Assignment of Customs Officers.

The district director in whose district the zone is located shall assign the necessary customs officers and guards to maintain appropriate customs control over merchandise in the zone and to protect the revenue.

### § 30.4 Reimbursement of customs expenses.

The cost of providing the additional customs services required under the Act or the regulations in this part shall be reimbursed to the Government by the grantee, payment to be made monthly to the district director.

### § 30.5 Permission of grantee required.

(a) *Written concurrence necessary.* Applications for permission to transfer merchandise into a zone, to do anything involving merchandise in a zone, or to remove merchandise from a zone shall show the written concurrence of the grantee, except where the regulations in this part provide for the making of applications by the grantee itself or permit the grantee to file a separate specific or blanket approval.

(b) *Questioning grantee's concurrence.* Government officers acting in their official capacities may question the grantee's concurrence if in their opinion it was improperly given.

### § 30.6 Authority to examine merchandise.

The district director may cause any merchandise in a zone to be examined at the time of admission, or at any time thereafter, if the examination is deemed necessary to facilitate the proper administration of any law, regulation, or instruction which the Customs Service is authorized to enforce.

### § 30.7 Transportation of merchandise to a zone.

(a) *From outside customs territory.* Merchandise may be brought directly to a zone from anyplace outside customs territory.

(b) *Through customs territory; foreign merchandise.* Foreign merchandise destined to a zone and transported in bond through customs territory shall be subject to the laws and regulations applicable to other merchandise transported in bond between two places in customs territory.

(c) *From customs territory; domestic merchandise.* Domestic merchandise may be brought to a zone from customs territory by any means of transportation which will not interfere with the orderly conduct of business in the zone.

### § 30.8 Use of zone by carriers.

(a) *Primary use; lading and unlading.* The water area, docking facilities, and any loading and unloading stations of a zone are intended primarily for the unlading of merchandise into the zone or the lading of merchandise for removal from the zone. Their use for other purposes may be terminated by the Secretary of the Treasury if found to endanger the revenue or by the Board if found to impede the primary uses of the zone.

(b) *Carriers in zone not exempt from law or regulation.* Nothing in the Act or the regulations in this part shall be construed as excepting any carrier entering, remaining in, or leaving a zone from the application of any other pertinent law or regulation

## Subpart B—Admission of Merchandise to a Zone

### § 30.11 Merchandise permitted in a zone.

Merchandise of every description, including over-quota merchandise, may be brought into a zone unless prohibited by law. A distinction is made between prohibited and conditionally admissible merchandise.

(a) *Prohibited merchandise.* Prohibited merchandise is merchandise which is prohibited by law on the grounds of policy or morals, such as books or pictures urging treason or insurrection against the United States, obscene books or pictures and lottery matter. District directors are required to exclude this class of articles and shall not permit them to be transferred to a zone if aware of their prohibited status. If there is a question as to whether the merchandise is prohibited, district directors may permit the temporary deposit of the merchandise in a zone pending a final determination of its status. Any prohibited merchandise which is found within a zone shall be disposed of in the manner provided for in the laws and regulations applicable to such merchandise.

(b) *Conditionally admissible merchandise.* Conditionally admissible merchandise is merchandise which may be imported under certain conditions, for example, articles which are subject to permits or licenses or which may be reconditioned to bring them into compliance with the laws administered by various Federal agencies. The admission of articles of this class into a zone is subject to any requirements of the Federal agency concerned.

### § 30.12 Application and permit for admission of merchandise.

(a) *Application on zone Form D and permit.* Except in the case of entered merchandise brought into a zone for manipulation (§ 30.13) and merchandise transiting a zone (§ 30.14), merchandise may be admitted into a zone only upon application on zone Form D, Application to Admit Merchandise into Foreign-Trade Zone, and the issuance of a permit by the district director

(b) *Documents in support of application—*(1) *Merchandise transported through customs territory.* For foreign merchandise arriving at a zone after transportation through customs territory the application shall be supported by:

(i) *Release order.* A release order on the application or another document executed by the carrier which brought the goods to the port where the zone is located authorizing the transfer of the merchandise to the zone; and

(ii) *Evidence of right to make entry.* A document or documents like those which would be required of the applicant as evidence of his right to make entry for merchandise in customs territory (see § 8.6 of this chapter).

(2) *Merchandise unladen directly from the importing carrier.* For merchandise unladen in the zone directly from the importing carrier the application on zone Form D shall be supported by an application to unlade on customs Form 3171 (§ 30.14(a)).

(c) *Conditions for issuance of a permit.* Merchandise for which an application to admit merchandise to a zone is made shall be admitted when:

(1) The application is properly executed and includes an indication of the desired zone status of the merchandise (i.e., privileged foreign, privileged domestic, nonprivileged foreign, nonprivileged domestic, or zone-restricted merchandise as provided for in Subpart C of this part);

(2) The grantee's approval appears either on the application or in a separate specific or blanket approval (§ 30.5); and

(3) The permit is granted by the district director as the representative of the Board.

**§ 30.13 Temporary admission for manipulation.**

Imported merchandise for which an entry has been made and which has remained in continuous customs custody may be admitted temporarily to a zone for manipulation and return to customs territory under customs supervision pursuant to section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562) and § 19.11 of this chapter. Such merchandise shall not be considered within the purview of the Act but shall be treated as though remaining in customs territory. No zone form or procedure shall be considered applicable, but the merchandise shall remain subject in the zone to such requirements as are necessary for the enforcement of section 562 and other pertinent customs laws.

**§ 30.14 Merchandise transiting a zone.**

The following procedures are applicable when merchandise is to be unladen from any carrier in the zone for immediate transfer to customs territory, or if it is to be transferred from customs territory through the zone for immediate lading on any carrier in the zone:

(a) *Application.* Application for permission to lade or unlade shall be filed with the district director on customs Form 3171 prior to transfer of the merchandise into the zone.

(b) *Permit.* The district director shall permit the transfer unless he has reason to believe that the merchandise will not be moved promptly from the zone or made the subject of an application for zone status on zone Form D in accordance with § 30.12.

(c) *Treatment of merchandise.* Upon the issuance of a permit to lade or unlade, the merchandise shall not be considered within the purview of the Act but shall be treated as though the lading or unlading were in customs territory.

(d) *Failure to lade merchandise without delay.* Merchandise brought into a zone for lading on a carrier but not laden without a delay which will endanger the revenue must be made the subject of an application for zone status on zone Form D in accordance with § 30.12 or be removed from the zone.

**§ 30.15 Certificate of arrival of merchandise.**

Whenever a certificate as to the arrival of any merchandise in a zone is required by a Federal agency, the district director shall issue the certificate, properly describing and identifying the merchandise involved.

## Subpart C—Status of Merchandise in a Zone

**§ 30.21 Privileged foreign merchandise.**

(a) *Merchandise subject to the provisions of this section.* Foreign merchandise which has not been manipulated or manufactured so as to effect a change in tariff classification shall be given status as privileged foreign merchandise on proper application to the district director.

(b) *Application.* Each application for this status shall be made on zone Form B at the time of filing the application on zone Form D (see § 30.12) for admission of the merchandise into a zone or at any time thereafter before the merchandise has been manipulated or manufactured in the zone in a manner which has effected a change in tariff classification.

(c) *Zone customs entry.* Each applicant for such status shall file a zone customs entry on customs Form 7502 with his application.

(1) *Evidence of right to make entry.* The original of a properly approved application on zone Form B is acceptable as the equivalent of a bill of lading or carrier's certificate to identify the applicant on such Form B as the consignee of the merchandise and its owner for customs purposes, except that such person may transfer the right to withdraw such merchandise from the zone to customs territory in accordance with Subpart E of this part.

(2) *Preparation, filing, and processing of the entry.* The procedure in connection with the preparation, filing, and processing of the entry, including the making of notations on invoices, the preparation of customs Form 6417, the designation of examination packages or quantities, and the examination and appraisement of the merchandise shall be the same as that prescribed in the case of an entry for warehouse made in customs territory (see Part 8 of this chapter), except that no bond shall be required.

(3) *Procedure upon acceptance of the entry.* Upon acceptance of the entry the district director shall have the merchandise appraised, classified, taxes determined, and duties liquidated promptly.

(i) *Appraisement and tariff classification.* The merchandise shall be subject to appraisement and tariff classification according to its condition and quantity, and to the rates of duty and tax in force, on the date of filing, in complete and proper form, the request for privileged foreign status on zone Form B and the zone customs entry which is required to accompany it.

(ii) *Basis of valuation.* The value of the merchandise shall be determined in accordance with sections 402, 402a, and 503 of the Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402, 1503), and related provisions of law. For all customs purposes, the date of exportation of the merchandise from the country whence it was exported to the United States is the date of its final departure from that country, in accordance with § 14.3(b) of this chapter.

(iii) *Amendment of value.* The value declared in any zone customs entry for merchandise may be amended in accordance with the provisions of section 487, Tariff Act of 1930 (19 U.S.C. 1487), and the regulations thereunder (see § 8.16 of this chapter).

(iv) *Merchandise subject to tariff-rate import quotas.* Entries for merchandise subject to tariff-rate import quotas shall be liquidated only at the higher or nonquota rate.

(v) *Determination of taxes.* The taxes to be determined are those of the same nature as are indicated in the liquidation of entries of imported merchandise in customs territory.

(d) *Status as privileged foreign merchandise binding.* A status as privileged foreign merchandise and the consequent determination of taxes and liquidation of duties cannot be abandoned. The taxes and duties remain applicable to the merchandise even if changed in form by manipulation or manufacture, except in the case of recoverable waste (see section 30.48), as long as the merchandise remains within the purview of the Act. However, privileged foreign merchandise may be exported or withdrawn for supplies, equipment, or repair material of vessels or aircraft without the payment of the determined taxes and liquidated duties, in accordance with §§ 30.41, 30.42, and 30.45(d).

(e) *Appeals and protests.* The requirements, privileges, and procedures of notices of appraisement, appeals to reappraisement, posting of liquidations, and protests against decisions of the district director are the same as those prescribed in the case of merchandise covered by an entry for warehouse in customs territory.

(f) *Permission to manipulate, manufacture, or exhibit.* Application may be made pursuant to § 30.32 for permission to manipulate, manufacture, or exhibit the merchandise before taxes have been determined and duties liquidated thereon, but in such case the examination for purposes of appraisement must be completed, or the packages or samples required for such examination must be segregated, before the district director approves the application.

**§ 30.22 Privileged domestic merchandise.**

(a) *Merchandise subject to the provisions of this section.* Privileged domestic status may be granted to merchandise:

(1) The growth, product, or manufacture of the United States on which all internal-revenue taxes, if applicable, have been paid;

(2) Previously imported and on which duty and/or tax has been paid; or

(3) Previously admitted free of duty and tax.

(b) *Application.* Application for privileged domestic status shall be included in the application on zone Form D (§ 30.12) to transfer the merchandise into the zone, but the documents in support of the application described in § 30.12(b) are not required.

(c) *Domestic packing and repair materials.* If the district director is satisfied that the revenue will be protected, and the rights of importers will not be prejudiced, he may permit the transfer to a zone of domestic packing and repair materials and related articles without requiring an application on zone Form D.

(d) *Return of merchandise to customs territory.* Upon compliance with this section and § 30.44, any of the foregoing merchandise may subsequently be returned to customs territory free of quotas, duty, or tax.

**§ 30.23 Nonprivileged foreign merchandise.**

All of the following shall have the status of nonprivileged foreign merchandise:

(a) Foreign merchandise properly in a zone which does not have the status of privileged foreign merchandise or of zone-restricted merchandise;

(b) Waste recovered from any manipulation or manufacture of privileged foreign merchandise in a zone; and

(c) Domestic merchandise in a zone which by reason of noncompliance with these regulations has lost its identity as domestic merchandise and will be treated as foreign merchandise if transferred to customs territory. Any domestic merchandise shall be deemed to have lost its identity if the district director determines that it cannot be identified positively by customs officers as domestic merchandise on the basis of their examination of the articles and their consideration of any proof that may be submitted promptly by a party in interest.

**§ 30.24 Nonprivileged domestic merchandise.**

All merchandise which could have obtained the status of privileged domestic merchandise but for which no application for such status has been approved (not including any merchandise within the purview of § 30.23(c)) shall have the status of nonprivileged domestic merchandise.

**§ 30.25 Zone-restricted merchandise.**

(a) *Merchandise subject to the provisions of this section.* Articles taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be given zone-restricted status on proper application. Such articles may not be returned to customs territory for domestic consumption except where the Board deems such return to be in the public interest (see § 30.47).

(b) *Application.* Application for zone-restricted status shall be included in the application on zone Form D to transfer the merchandise into the zone as provided for in § 30.12.

(c) *Merchandise considered exported—*(1) *For customs purposes.* If the applicant desires a zone-restricted status in order that the merchandise may be considered exported for the purpose of any customs law, all pertinent customs requirements relating to actual exportations shall be complied with as though the admission of the merchandise into the zone constituted a lading on an exporting carrier at a port of final exit from the United States. Any declaration or form required for actual exportation shall be modified to show that the merchandise has been deposited in a zone in lieu of actual exportation, and a copy of the approved zone Form D may be accepted in lieu of any proof of shipment required in cases of actual exportation.

(2) *For other purposes.* If the merchandise is to be considered exported for the purpose of any Federal law other than the customs laws, the district director shall be satisfied that all pertinent laws, regulations, and rules administered by the Federal agency concerned have been complied with before he approves the application on zone Form D.

(d) *Merchandise entered for warehousing transferred to a zone.* Merchandise entered for warehousing and transferred to a zone, other than temporarily for manipulation and return to customs territory as provided for in § 30.13, shall have the status of zone-restricted merchandise when admitted into the zone. The application on zone Form D shall state that zone-restricted status is desired for the merchandise.

## Subpart D—Handling of Merchandise in a Zone

**§ 30.31 Customs control of merchandise in a zone.**

(a) No merchandise shall be removed from a zone in any manner or for any purpose except as provided for in the regulations in this part.

(b) If the district director deems it necessary for the protection of the revenue, he may require segregation of any merchandise he determines to be subject to special risks to the revenue.

(c) The grantee shall keep the district director currently informed as to the location of any merchandise in the zone which is not within the purview of paragraph (b) of this section, and shall notify the district director promptly of any loss or damage that may occur to any merchandise in the zone.

**§ 30.32 Manipulation, manufacture, or exhibition in a zone.**

(a) *Application.* Permission for manipulation, manufacture, or exhibition of merchandise in a zone may be obtained by filing with the district director an application on zone Form E. No such operation shall be carried on until the district director has approved the application. The application shall include:

(1) A full description of the proposed operation;

(2) A designation of the exact place in the zone where the operation is to be performed;

(3) The identification of the involved merchandise by lot number, marks and numbers of the packages, description, quantity, and zone status; and

(4) In the case of manipulation or manufacture, a statement as to whether articles with one zone status are to be packed, commingled, or combined with articles having a different zone status.

(b) *Approval of application.* The district director shall approve the application unless the proposed operation would be in violation of the fourth or fifth proviso to section 3 of the Foreign-Trade Zones Act, as amended, 19 U.S.C. 81c, or the place designated for its performance is not suitable for preventing confusion as to the identity or status of the merchandise and for safeguarding the revenue.

(1) *Fourth proviso*—The proviso reads as follows:

"That under the rules and regulations of the controlling Federal agencies, articles which have been taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be considered to be exported for the purpose of—

(a) The draw-back, warehousing, and bonding, or any other provisions of the Tariff Act of 1930, as amended, and the regulations thereunder; and

(b) The statutes and bonds exacted for the payment of draw-back, refund, or exemption from liability for internal-revenue taxes and for the purposes of the internal-revenue laws generally and the regulations thereunder.

"Such a transfer may also be considered an exportation for the purposes of other Federal laws insofar as Federal agencies charged with the enforcement of those laws deem it advisable. Such articles may not be returned to customs territory for domestic consumption except where the Foreign-Trade Zones Board deems such return to be in the public interest, in which event the articles shall be subject to the provisions of paragraph 1615 (f) of section 1201 of this title: * * *."

(2) *Fifth proviso*—The proviso reads as follows:

"That no operation involving any foreign or domestic merchandise brought into a zone which operation would be subject to any provision or provisions of section 1807 of Title 26 and chapters 15–17, 21, 23–26 or 32 of Title 26, if performed in customs territory, or involving the manufacture of any article provided for in paragraphs 367 or 368 of section 1001 of this title, shall be permitted in a zone except those operations (other than rectification of distilled spirits and wines, or the manufacture or production of alcoholic products unfit for beverage purposes) which were permissible under this chapter prior to July 1, 1949: * * *."

(For current reference to title 19 and 26 of the United States Code, see notes following text of 19 U.S.C. 81c.)

(c) *Appeal of adverse ruling.* If the application is denied by the district director for any reason, the applicant, or the grantee, may appeal the adverse ruling to the Board. If any revenue protection considerations are involved in such an application, the Board shall be guided by the determinations of the Secretary of the Treasury with respect to them.

(d) *Records to be maintained—*(1) *Privileged merchandise.* When any privileged merchandise is to be manipulated in any way or manufactured, the person performing the operation shall maintain records containing the following information:

(i) A full identification, as specified in paragraph (a) of this section, of each lot of privileged merchandise used in the operation;

(ii) The unit and total values of each such lot, the values in the case of privileged foreign merchandise to be those declared in the zone customs entry (§ 30.21(c)), including any amendment thereof;

(iii) The commercial name or description of the product resulting from the

operation, or of each such product if there are more than one;

(iv) The quantity of such product or of each such product, as the case may be;

(v) The commercial name or description and quantity of each kind of waste recovered from the operation; and

(vi) The description (i.e., evaporation, leakage, spillage, dust, etc.) and quantity of each kind of loss resulting from the operation.

(2) *Nonprivileged merchandise.* If any nonprivileged merchandise is to be used in the operation, records shall be maintained containing a full identification, as specified in paragraph (a) of this section, and the unit and total values of each lot of the merchandise used in the operation.

**§ 30.33 Destruction of merchandise in a zone.**

(a) *Application.* Each application to destroy merchandise in a zone shall be filed with the district director on zone Form E. The application shall include:

(1) A description of the proposed method of destruction;

(2) A designation of the place where the destruction is to be accomplished; and

(3) The identification of the involved merchandise by lot number, marks and numbers of the packages, description, quantity, and zone status.

(b) *Approval of application and procedure for destruction of merchandise.* The destruction of distilled spirits, wines, and fermented malt liquors having a zone-restricted status may not be authorized in view of the exception in the fourth proviso to section 3 of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81c). In any other case, if the district director is satisfied that the destruction will be effective and that the revenue will be adequately protected, he shall approve the application. If proper destruction cannot be effectively accomplished within the zone, the district director may permit it to be done elsewhere, in whole or in part, under such conditions as he shall specify for protecting the revenue. Any residue of destruction which is entirely worthless may be removed to customs territory for disposal.

## Subpart E—Removal of Merchandise From a Zone

**§ 30.41 Direct exportation from a zone.**

Regardless of its zone status, any merchandise in a zone may be exported directly therefrom upon compliance with the procedure prescribed in § 30.44 for the transfer of privileged domestic merchandise to customs territory.

**§ 30.42 Supplies, equipment, and repair material for vessels or aircraft.**

(a) *Applicability.* Any article which may be withdrawn duty and tax free in customs territory under section 309 or 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317) and §§ 10.59 through 10.65 of this chapter may similarly be withdrawn from a zone, regardless of its zone status, under said statutes and regulations. Privileged domestic merchandise is not subject to the provisions of this section and may be withdrawn from a zone in accordance with the provisions of § 30.44.

(b) *Articles for delivery within zone where withdrawn.* The withdrawal of articles provided for in paragraph (a) of this section for delivery within the zone where withdrawn to a qualified vessel or aircraft, or as ground equipment of a qualified aircraft, shall be on customs Form 7512 (see § 10.60 of this chapter).

(1) *Who may make the withdrawal.* The withdrawal of articles composed in whole or in part of privileged foreign merchandise shall be made by the person identified on zone Form B as the consignee (see § 30.21(c)(1)). The withdrawal of all other articles under this section shall be made by the person designated as the consignee by the written authorization of the grantee.

(2) *Supporting documents*—(i) *Description.* The withdrawal shall be supported by a description of the articles similar to that provided for in § 30.44(a).

(ii) *Bond.* A bond on customs Form 7557, 7559, or 7595 shall be required with the withdrawal.

(3) *Release of articles.* Upon acceptance of the withdrawal, the district director shall release the merchandise to the grantee for delivery to the qualified vessel or aircraft in the zone.

(c) *Articles for delivery outside zone where withdrawn.* The withdrawal of articles provided for in paragraph (a) of this section for delivery at a place outside the zone to a qualified vessel or aircraft, or as ground equipment of a qualified aircraft, shall be on customs Form 7512. (See § 10.60 of this chapter.)

(1) *Who may make the withdrawal.* The withdrawal of privileged foreign merchandise which has not been mixed, combined, or repacked in the zone or of a product of a manipulation or manufacture in a zone composed of or derived from privileged merchandise only, whether all foreign, or partly foreign and partly domestic, shall be made by the person named on zone Form B as the consignee or by a transferee designated on the withdrawal and approved by the grantee. (See § 30.45(b)(2).) The withdrawal of other articles under this section shall be made by the person designated by the grantee on zone Form C as the consignee. Except for articles described in the first sentence of this paragraph the provisions of §§ 30.47 (b) through (f) and 30.48(b) relating to constructive transfer are applicable whether or not the merchandise is zone restricted.

(2) *Bond.* The withdrawal shall be supported by a bond on customs Form 7557, 7559, or 7595.

(3) *Acceptance of withdrawal and release of merchandise.* Upon acceptance of the withdrawal the district director shall note thereon the status of the merchandise and shall release the merchandise to the grantee for delivery to the bonded cartman, lighterman, or carrier.

**§ 30.43 Transfer of merchandise from one zone to another.**

(a) *Privileged domestic merchandise.* The transfer of privileged domestic merchandise from one zone to another is not subject to customs control except that the removal of the merchandise from the first zone and its admission into the zone of destination shall be in accordance with §§ 30.44 and 30.12.

(b) *Other merchandise*—(1) *Procedure.* The transfer of merchandise, other than privileged domestic merchandise, from a zone at one port of entry to a zone at another port shall be by bonded carrier under an entry for immediate transportation on customs Form 7512. All copies of the entry for immediate transportation shall bear a notation that the merchandise is being taken from the first zone for the purpose of transfer to the second zone. Privileged foreign merchandise which has not been mixed, combined, or repacked in the zone and products of a manipulation or manufacture in a zone composed of or derived from privileged merchandise, whether all foreign, or partly foreign and partly domestic, shall be transferred from the zone in accordance with § 30.45(c) (1)–(4) and admitted to the second zone in accordance with § 30.12. The transfer of other merchandise from the first zone into customs territory and its admission into the zone of destination shall be in accordance with §§ 30.48(b) and 30.12.

(2) *Forwarding of history of the merchandise.* Upon removal of merchandise as specified in paragraph (b)(1) of this section from the first zone, the district director of the port where such zone is located shall immediately forward to the district director of the port where the zone of destination is located a history of the merchandise as shown by the records of the first zone.

**§ 30.44 Transfer of privileged domestic merchandise into customs territory.**

(a) *Submission of description of transaction.* When privileged domestic merchandise which has not been mixed, combined, or repacked in a zone with merchandise having a different zone status is to be transferred from the zone to customs territory, the grantee shall submit to the district director, in triplicate, a description of the proposed transaction signed by him which shall include:

(1) The proposed rate of transfer;

(2) The identification of the carrier;

(3) The destination of the shipment;

(4) Identification of the merchandise by zone storage location, lot number, marks and numbers of packages, description, quantity, and zone status; and

(5) A notation as to any shortage or damage.

If a form of tally prepared by the grantee for its own purposes contains the necessary information, it may be accepted in lieu of the required description.

(b) *Permit of delivery.* If the transfer is approved by the district director, the original of the description shall be so stamped to serve as a permit of delivery. The original and one copy shall be returned to the grantee. No document other than the permit of delivery shall be required to release the merchandise to the grantee and authorize its transfer into customs territory.

**§ 30.45 Transfer of privileged foreign merchandise into customs territory.**

(a) *Merchandise subject to the provisions of this section.* The provisions of this section are applicable to privileged foreign merchandise which has not been mixed, combined, or repacked in a zone.

(b) *Withdrawal for consumption at port where zone is located—(1) Application for transfer.* When merchandise subject to the provisions of this section is to be transferred to customs territory for consumption, a zone withdrawal shall be made on customs Form 7505 as an application for the transfer.

(2) *Who may make the withdrawal.* The withdrawal shall be made by the person identified on zone Form B as the consignee (see § 30.21(c)(1)) or by a transferee designated by an endorsement on customs Form 7505 and approved by the grantee.

(3) *Bond.* The zone withdrawal shall be supported by a bond on customs Form 7551, 7553, or other appropriate form. A bond shall not be required when all the merchandise to be transferred to customs territory has been inspected, examined, and appraised, has been found to comply with all laws and regulations governing its admission into the commerce of the United States, and there have been produced all documents for the production of which a bond is required by law or regulations if not filed at the time of entry.

(4) *Payment of duties and taxes.* The applicant shall pay the liquidated duties and determined taxes, as assessed in the liquidation of the zone customs entry (§ 30.21(c)), on the quantity of merchandise to be transferred. If the pertinent zone customs entry has not been liquidated, estimated duties and taxes shall be deposited.

(5) *Release of merchandise.* Upon acceptance of the withdrawal, the district director shall release the merchandise to the grantee for delivery.

(c) *Withdrawal for transportation to another port for withdrawal for consumption—(1) Application for transfer.* When merchandise subject to the provisions of this section is to be transferred to customs territory for transportation to another port for withdrawal for consumption, a zone withdrawal for transportation clearly indicating the status of the merchandise shall be made on customs Form 7512 as an application for the transfer.

(2) *Who may make the withdrawal for transportation.* The withdrawal shall be made by the person identified on zone Form B as the consignee (see § 30.21(c)(1)) or by a transferee designated by an endorsement on customs Form 7512 and approved by the grantee.

(3) *Certification by district director at zone port.* The district director at the zone port shall issue a certificate, in triplicate, describing the merchandise in its present condition and certifying the amount of duties and taxes applicable to the shipment. The duplicate copy of such certificate shall be given to the withdrawer.

(4) *Release of merchandise for transportation.* Upon acceptance of the withdrawal, the district director shall release the merchandise to the grantee for delivery to the bonded carrier.

(5) *Withdrawal for consumption at port of destination.* A withdrawal for consumption shall be made at the port of destination on customs Form 7519 by the person identified on zone Form B as the consignee (see § 30.21(c)(1)) or by a transferee designated on the withdrawal and approved by the grantee. The withdrawal for consumption shall be supported by the duplicate copy of the certificate described in subparagraph (3) of this paragraph and also by a bond on customs Form 7551, 7553, or other appropriate form, when required, pursuant to paragraph (b)(3) of this section.

(6) *Payment of duties and taxes.* The applicant shall pay the liquidated duties and determined taxes, as assessed in the liquidation of the zone customs entry (§ 30.21(c)), on the quantity of merchandise being withdrawn. If the zone customs entry has not been liquidated, estimated duties and taxes shall be deposited.

(d) *Withdrawal for transfer into customs territory for exportation.* When merchandise subject to the provisions of this section is to be transferred to customs territory for exportation, a withdrawal for exportation, or for transportation and exportation, shall be made on customs Form 7512 by the person identified on zone Form B as the consignee (see § 30.21(c)(1)) or by a transferee designated by an endorsement on customs Form 7512 and approved by the grantee. Upon acceptance of the withdrawal the district director shall note the status of the merchandise on the document, and release the merchandise to the grantee for delivery to the carrier.

**§ 30.46 Transfer of products of manipulation or manufacture of privileged merchandise into customs territory.**

(a) *Merchandise subject to the provisions of this section.* The provisions of this section are applicable to products of manipulation or manufacture in a zone composed of or derived from privileged merchandise only, whether all foreign, or partly foreign and partly domestic.

(b) *Withdrawal for consumption at port where zone is located.* When products subject to the provisions of this section are to be transferred to customs territory for consumption, a zone withdrawal shall be made on customs Form 7505 as an application for the transfer, and the requirements of this paragraph and of § 30.45(b) shall be applicable.

(1) *Documents required in support of the withdrawal—(i) Statement.* A statement in the form of an invoice containing the information required by § 30.32(d)(1) shall be filed with the withdrawal.

(ii) *Certificate of identification.* When necessary to support the withdrawal, application may be made to the district director for a certificate on zone Form F covering identification, as shown by customs records, of the privileged merchandise used in the manipulation or manufacture.

(2) *Conditions for acceptance of withdrawal.* The district director shall not accept zone withdrawals for products of manipulation or manufacture of privileged foreign merchandise until he has definitely established that the merchandise actually exists in the zone in its final form as described in the withdrawal and that all other documents required to be submitted with the withdrawal have been received.

(c) *Withdrawal for transportation to another port for withdrawal for consumption.* When products subject to the provisions of this section are to be transferred to customs territory for transportation to another port for withdrawal for consumption, a zone withdrawal for transportation clearly indicating the status of the merchandise shall be made on customs Form 7512 as an application for the transfer. The provisions of paragraph (b)(1) and (2) of this section and the procedure prescribed in § 30.45(c)(2) through (6) shall be applicable.

(d) *Withdrawal for transfer into customs territory for exportation.* When products subject to the provisions of this section are to be transferred to customs territory for exportation, the procedure prescribed in § 30.45(d) shall be applicable.

(e) *Articles produced or manufactured in a zone returned to customs territory after exportation.* Articles produced or manufactured in a zone and exported without having been transferred to customs territory other than for exportation or for transportation and exportation shall, on their return to customs territory, be subject to the duties and taxes applicable to like articles of wholly foreign origin, unless it is conclusively established that they were produced or manufactured exclusively with the use of privileged domestic merchandise, the identity of which was maintained in accordance with the pertinent provisions of these foreign-trade zone regulations, in which case they shall be subject to the pertinent provisions of schedule 8, part 1 of the Tariff Schedules of the United States.

**§ 30.47 Transfer of zone-restricted merchandise into customs territory.**

(a) *Types of entry.* Zone-restricted merchandise may be returned to customs territory only for entry for exportation, for entry for transportation and exportation, for destruction (except destruction of distilled spirits, wines and fermented malt liquors), for transfer from one zone to another, or for delivery to a qualified vessel or aircraft or as ground equipment of a qualified aircraft under section 309 or 317 of the Tariff Act of 1930, as amended, unless the Board has ruled that the return of the merchandise to customs territory for domestic consumption is in the public interest. If the return of zone-restricted merchandise to customs territory for domestic consumption has been ruled by the Board to be in the public interest, it may be entered for consumption, for warehousing, or for immediate transportation without appraisement, unless

the Board has specified which of these forms of entry shall be made.

(b) *Application for constructive transfer to customs territory.* When zone-restricted merchandise is to be transferred to customs territory, the grantee shall file an application with the district director on zone Form C naming the person who will be deemed the consignee of the merchandise with the right to make entry or withdrawal therefor upon its transfer to customs territory. The application shall include a complete identification of the merchandise as it entered the zone, including lot numbers, marks and numbers of the packages, status of each lot, description, and quantities. If any change in respect of any of these items of identification occurred while the merchandise was in the zone, the current information with respect to each such item shall also be stated. The district director shall not accept a term application on Form C.

(c) *Constructive transfer.* Upon the approval by the district director of an application on zone Form C, the merchandise shall be deemed to have been transferred to customs territory but without physical removal from the zone. For all customs purposes the merchandise shall be considered to have been imported into customs territory at the time of this constructive transfer. The district director shall note on the application the date of constructive transfer and the zone status of the merchandise. The constructively transferred merchandise shall be marked or labeled with the initials "C.T."

(d) *Restoration to zone status.* The merchandise may be restored to zone status after it has been constructively transferred to customs territory and before the expiration of the time within which entry or withdrawal must be made (see paragraph (e)(2) of this section), if:

(1) A new zone Form D is filed and the same procedure followed as if the merchandise had then first arrived in the zone from or through customs territory (see § 30.12). The zone grantee shall be deemed the carrier which brought the merchandise into the port; or

(2) The applicant arranges for the redelivery to the district director, prior to the filing of a customs entry, or withdrawal, of the grantee's copy of the zone Form C with a request that it be cancelled.

(e) *Customs entry or withdrawal and time limitation.* (1) The original of zone Form C, when approved by the district director and endorsed by him with the date of constructive transfer and the zone status of the merchandise, shall be accepted as the equivalent of a bill of lading or carrier's certificate to identify the person named in such Form C as the consignee of the merchandise and its owner for customs purposes with the right to make entry or withdrawal.

(2) A customs entry or withdrawal shall be filed in proper form before 5 p.m. of the second working day after the date of constructive transfer of the merchandise. The time may be extended for such longer period as may be specified in a layorder issued by the district director upon the filing of a written application on customs Form 3189 by the grantee, or by the named consignee if approved by the grantee. If a customs entry or withdrawal in proper form is not filed within the time limit, the merchandise shall be considered as having been returned from constructive customs territory to the zone.

(3) If the return of zone-restricted merchandise to customs territory for consumption has been ruled by the Board to be in the public interest, the entry shall be endorsed by the district director to show the authority under which it was made, and that the merchandise is subject to the provisions of schedule 8, part 1 of the Tariff Schedules of the United States. Upon acceptance of an entry or withdrawal for any other zone-restricted merchandise, the entry shall be endorsed by a customs officer to show that actual exportation of the merchandise is required by the fourth proviso to section 3 of the Act, as amended, and the withdrawal endorsed to require delivery to a qualified vessel or aircraft or as ground equipment of a qualified aircraft under section 309 or 317 of the Tariff Act of 1930, as amended. (See § 30.42.)

(f) *Release of merchandise.* When a consumption entry is accepted for zone-restricted merchandise the district director shall release the merchandise to the grantee for delivery to the consignee. When any other entry or withdrawal is accepted for such merchandise, the release of the merchandise by the district director for physical removal to the designated destination in customs territory or for direct exportation shall be in accordance with the customs regulations as to merchandise imported into customs territory, the zone grantee to be considered as the importing carrier.

**§ 30.48 Treatment of merchandise not elsewhere provided for in this subpart.**

(a) *Merchandise not elsewhere provided for in this subpart includes.* Merchandise not elsewhere provided for in this subpart includes the following:

(1) Articles composed entirely of, or derived entirely from, nonprivileged merchandise, foreign or domestic.

(2) Articles composed in part of, or derived in part from, nonprivileged merchandise, domestic, or foreign, and in part of or from privileged merchandise, domestic or foreign.

(3) Recoverable waste resulting from the manipulation or manufacture in a zone of privileged foreign merchandise.

(b) *Constructive transfer.* When articles subject to the provisions of this section are to be transferred from a zone to customs territory, the procedure provided for in § 30.47 (b) through (f) shall be followed, except that if the entry has not been filed in proper form before the expiration of the time allowed for entry in § 30.47(e)(2), the merchandise shall be deposited in general order storage in customs territory.

(c) *Entry for consumption or warehousing.* Articles subject to the provisions of this section may be transferred from a zone for entry for consumption or, except in the case of articles composed of or derived in part from privileged foreign merchandise, for entry for warehousing subject to the treatment specified in paragraph (e) of this section.

(d) *Supporting statement and certificate.* There shall be filed with each entry for articles described in paragraph (a)(2) of this section a statement in the form of an invoice containing the information specified in § 30.32(d)(1). When necessary to support the entry, application may be made for a certificate on zone Form F covering identification as shown by the customs records of any privileged domestic or privileged foreign merchandise in the articles.

(e) *Appraisement and tariff classification.* Merchandise subject to the provisions of this section, upon transfer from a zone and entry for consumption or for warehousing, either immediately or after transportation in bond, shall be subject to appraisement and tariff classification in accordance with its character and condition at the time of its constructive transfer to customs territory and, except for any different rates applicable to any privileged foreign merchandise therein, to the rate or rates of duty and tax in force at the time entry for consumption or withdrawal from warehouse for consumption is made (see § 8.4 (d) and (g) of this chapter). The value of such products shall be determined in accordance with sections 402, 402–a, and 500 of the Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402, 1500), and the related provisions of law.

(f) *Liquidation.* The consumption or warehouse entry covering a product provided for in paragraph (a) of this section shall be liquidated in accordance with part 16 of this chapter, except that in the case of articles described in paragraph (a)(2) adjustment shall be made for that part of the product which consists of or has been derived from privileged merchadise.

ANNEX TO REVISED PART 30

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Part 30 to superseded 19 CFR Part 30.)

| *Revised section* | *Superseded section* |
|---|---|
| 30.0 | None. |
| 30.1(a) | None. |
| 30.1(b) | 30.1. |
| 30.1(c) | Footnote 4. |
| 30.1(d) | None. |
| 30.1(e) | Footnote 2. |
| 30.1(e)(1) | Footnote 5. |
| 30.1(e)(2) | Footnote 6. |
| 30.1(f) | 30.1. |
| 30.2 | None. |
| 30.3 | 30.18(a). |
| 30.4 | 30.18(b). |
| 30.5 | 30.4(a). |
| 30.6 | 30.5(f). |
| 30.7(a) | 30.3(a). |
| 30.7(b) | 30.3 (c) and (d). |
| 30.7(c) | 30.3(b). |
| 30.8 | 30.2. |
| 30.11 | 30.1. |
| 30.12(a) | 30.4(c) and 30.5(b) and (e). |

PARALLEL REFERENCE TABLE—continued

| Revised section | Superseded section |
|---|---|
| 30.12(b)(1) | 30.5(d) and Footnote 7. |
| 30.12(b)(2) | 30.5(d). |
| 30.12(c)(1) | 30.5(c). |
| 30.12(c)(2) | 30.4(a). |
| 30.12(c)(3) | 30.6(e). |
| 30.13 | 30.5(c). |
| 30.14 | 30.5(b). |
| 30.15 | 30.5(g). |
| 30.21(a) | 30.6(b). |
| 30.21(b) | 30.6(b). |
| 30.21(c) | 30.6(b). |
| 30.21(c)(1) | 30.6(j). |
| 30.21(c)(2) | 30.6(d). |
| 30.21(c)(3) | 30.6(b). |
| 30.21(c)(3)(i) | 30.6(f). |
| 30.21(c)(3)(ii) | 30.6 (f) and (g). |
| 30.21(c)(3)(iii) | 30.6(h) and Footnote 9. |
| 30.21(c)(3)(iv) | 30.6(b). |
| 30.21(c)(3)(v) | 30.6(b). |
| 30.21(d) | 30.6(c). |
| 30.21(e) | 30.6(i). |
| 30.21(f) | 30.6(e). |
| 30.22(a) | 30.7 and Footnote 10. |
| 30.22(b) | 30.7. |
| 30.22(c) | 30.7. |
| 30.22(d) | 30.7 and Footnote 10. |
| 30.23 | 30.8 and Footnote 11. |
| 30.24 | 30.9. |
| 30.25(a) | 30.10(a) and Footnote 12. |
| 30.25(b) | 30.10(a). |
| 30.25(c)(1) | 30.10(c). |
| 30.25(c)(2) | 30.10(b). |
| 30.25(d) | 30.10(d). |
| 30.31(a) | 30.11(a). |
| 30.31(b) | 30.11(b). |
| 30.31(c) | 30.11(c). |
| 30.32(a) | 30.12 (a) and (b). |
| 30.32(b) | 30.12(c). |
| 30.32(c) | 30.12(d). |
| 30.32(d) | 30.12(e). |
| 30.32(d)(1)(vi) | 30.12(e)(6). |
| 30.33(a) | 30.13 (a) and (b). |
| 30.33(b) | 30.13(c). |
| 30.41 | 30.15. |
| 30.42 | 30.16. |
| 30.43(a) | 30.17(c). |
| 30.43(b)(1) | 30.17(a). |
| 30.43(b)(2) | 30.17(b). |
| 30.44(a) | 30.14(a). |
| 30.44(b) | 30.14(a). |
| 30.45(a) | 30.14(b). |
| 30.45(b) | 30.14(b). |
| 30.45(c) | 30.14(d). |
| 30.45(d) | 30.14(e). |
| 30.46(a) | 30.14(c). |
| 30.46(b) | 30.14(c). |
| 30.46(c) | 30.14(d). |
| 30.46(d) | 30.14(e). |
| 30.46(e) | 30.14(o). |
| 30.47(a) | 30.14(n). |
| 30.47(b) | 30.14 (g) and (n). |
| 30.47(c) | 30.14(h). |
| 30.47(d) | 30.14(i)(1). |
| 30.47(d)(1) | 30.14(i)(1). |
| 30.47(d)(2) | 30.14(i)(2). |
| 30.47(e)(1) | 30.14 (h) and (j). |
| 30.47(e)(2) | 30.14(i)(1) and 30.14(n). |
| 30.47(e)(3) | 30.14(n). |
| 30.47(f) | 30.14(k). |
| 30.48(a) | 30.14(l). |
| 30.48(b) | 30.14(g). |
| 30.48(c) | 30.14(l). |
| 30.48(d) | 30.14(l). |
| 30.48(e) | 30.14(l). |
| 30.48(f) | 30.14(m). |

[F.R. Doc. 69-2800; Filed, Mar. 6, 1969; 8:50 a.m.]

# Title 22—FOREIGN RELATIONS

## Chapter I—Department of State

[Dept. Reg. 108.602]

## PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

### Consular Records of Visa Applications and Priority Date of Individual Applicants

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to make §§ 42.61 and 42.62 conform with revised Department of Labor regulations, and to provide in § 42.62 for derivative priority status.

1. Section 42.61 is amended as follows:

**§ 42.61 Consular records of visa applications.**

(a) *Waiting lists.* Consular officers at Foreign Service posts designated to issue immigrant visas shall maintain records of individual immigrant visa applicants who are entitled to immigrant classification and their priority dates, which shall constitute "waiting lists" within the meaning of section 203 of the Act and which shall indicate the chronological and preferential order in which consideration may be given to immigrant visa applications within the several immigrant classifications subject to the numerical limitations specified in sections 201, 202, and 203 of the Act and section 21(e) of the Act of October 3, 1965, or within the classes described in section 201(b) or 101(a)(27) (B) through (E) which are not subject to numerical limitations. An alien is entitled to immigrant classification if he —

(1) Is the beneficiary of an approved petition according him immediate relative or preference status, or

(2) Has obtained an individual labor certification, or

(3) Has satisfied the consular officer that he—

(i) Is entitled to special immigrant status under section 101(a)(27) (B) through (E) of the Act, or

(ii) Is within one of the professional or occupational groups listed in Schedule A of the Department of Labor regulations (29 CFR 60.2(a)(1)) or is within one of the occupations listed in Schedule C—Precertification List of the Department of Labor referred to in 29 CFR 60.3(c), or

(iii) Has a relationship to a U.S. citizen or resident alien which statutorily exempts him from the provisions of section 212(a)(14), or

(iv) Is within one of the classes described in § 42.91(a)(14)(ii) and that he is therefore not within the purview of section 212(a)(14) of the Act.

(b) *When record shall be made.* (1) A record that an alien is an immigrant visa applicant shall be made on Form FS-499 (Immigrant Visa Control Card) whenever the consular officer receives evidence that the alien is entitled to an immigrant classification pursuant to any one of the criteria set forth in paragraph (a) of this section.

* * * * *

(3) A separate record shall be made of a spouse or child entitled to immigrant status derivatively whenever it is determined that the principal alien intends to precede his family.

2. Section 42.62 is amended as follows:

**§ 42.62 Priority date of individual applicants.**

* * * * *

(b) The priority date of other applicants shall be—

(1) The date that an individual labor certification under section 212(a)(14) of the Act has been granted for the applicant, or

(2) The date of the receipt by the consular officer of evidence sufficient to satisfy him that—

(i) The applicant is within one of the professional or occupational groups listed in Schedule A (29 CFR 60.2(a)(1)) or is within one of the occupations listed in Schedule C—Precertification List of the Department of Labor referred to in 29 CFR 60.3(c), or

(ii) The applicant has a relationship to a U.S. citizen or resident alien which statutorily exempts him from the provisions of section 212(a)(14), or

(iii) Circumstances specified in § 42.91(a)(14)(ii) are applicable to the applicant and that he is therefore not within the purview of section 212(a)(14) of the Act.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, an alien who, before February 1, 1966, was registered as an unqualified nonpreference registrant and who subsequently qualified under the provisions of section 212(a)(14) under Departmental regulations in effect at that time, or any alien who between February 1, 1966, and July 1, 1968, qualified for registration as a nonpreference immigrant under Departmental regulations in effect at that time, may retain his original priority date until such time as a nonpreference visa shall become available for his use: *Provided, however,* That no alien shall be given a priority date earlier than January 1, 1944.

(d) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a spouse or child of a principal alien acquired prior to his admission into the United States is entitled to the priority date of the principal alien, whether or not named in the immigrant visa application of the principal alien. A child born of a marriage which existed at the time of the principal alien's admission to the United States is considered to have been "acquired" prior to the principal alien's admission.

*Effective date.* The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order

because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
*Administrator, Bureau of Security and Consular Affairs.*

MARCH 3, 1969.

[F.R. Doc. 69-2789; Filed, Mar. 6, 1969; 8:50 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### SUBCHAPTER F—PERSONNEL

### PART 577—MEDICAL AND DENTAL ATTENDANCE

### Medical Attendance and Dependents' Medical Care

1. Section 577.3 is revised to read as follows:

**§ 577.3 Medical care from civilian sources.**

(a) *For whom authorized.* Subject to the restrictions referred to in paragraph 71, AR 40–3, personnel listed below will be provided medical care when available from civilian sources at the expense of Army funds. Care by civilian sources is authorized when it cannot be provided by medical treatment facilities of the Armed Forces or by other Federal medical treatment facilities, except as indicated in that portion of subparagraph (13) of this paragraph which pertains to hospitalization for persons interned by the Army.

NOTE: Except as provided in subparagraph (12) of this paragraph, members are not provided civilian medical care under the provisions of this section. Such members are authorized civilian medical care under the provisions of §§ 577.60—577.71.

(1) Members of the Army and Reserve components included in paragraphs 7 and 8, AR 40–3, subject to the restrictions contained therein. Such care will not be authorized for persons who are absent without authority.

(2) Members of, and designated applicants for enrollment in, the Army Senior Reserve Officers' Training Corps subject to the restrictions outlined in paragraph 10a, AR 40–3.

(3) Applicants for enlistment or reenlistment in the Armed Forces, including applicants for enlistment in the Reserve components thereof, limited to the following:

(i) Necessary medical and mental examinations.

(ii) Hospitalization to determine medical fitness for military service.

(iii) Emergency medical care for acute illnesses and injuries suffered while awaiting or undergoing processing at recruiting main stations or at Armed Forces Examining and Entrance Stations.

(4) Registrants under the Universal Military Training and Service Act limited to the types of care referred to in subparagraph (3) (i) and (ii) of this paragraph.

(5) Civilian seamen in the service of vessels operated by the Department of the Army.

(6) Civilian employees of the Army limited to those occupational health services authorized in AR 40–5.

(7) Individuals who suffered personal injury or contracted disease in line of duty at a time when they were members of the Citizens Military Training Corps.

(8) U.S. nationals confined in foreign penal institutions.

(9) Applicants for appointment in the Regular Army, and Reserve components inlcuding those members of the Reserve components applying for active duty who require hospitalization to determine medical fitness for appointment, subject to the restrictions contained in paragraph 20, AR 40–3.

(10) Foreign nationals who are members of the Army of one of the NATO nations listed in paragraph 25a(1), AR 40–3, and who, in connection with their official duties, are stationed in or passing through the United States. (This provision is applicable to authorized civilian medical care obtained on and after July 1, 1963.)

(11) For conditions under which dependents of individuals Lsted in subparagraph (10) of this paragraph are provided civilian medical care, see AR 40–125.

(12) Retired Army members on the Temporary Disability Retired List who require periodic medical examinations, to include hospitalizaton when necessary in connection therewith, retroactive to January 14, 1963. (The provisions of §§ 577.60–577.71 are not applicable to examinations authorized by this subparagraph.)

(13) Prisoners of war, retained personnel, persons interned by the Army, and other persons in military custody or confinement. (Persons interned by the Army will be provided hospitalization at medical treatment facilities of the Armed Forces only in the absence of adequate civilian facilities pursuant in paragraph 42, AR 633–51.)

(14) Labor Service personnel in France.

(b) *Exclusion of hospitals which practice discrimination.* (1) The Department of Defense has determined that certain civilian hospitals practice discrimination in the admission and/or treatment of patients on the basis of race, color or national origin and has declared these hospitals ineligible to receive payment from the Government for inpatient or outpatient care furnished Department of Defense beneficiaries on and after the effective date of ineligibility. The list of ineligible civilian hospitals, together with the effective date of ineligibility, is published as § 577.71. Payment cannot be made for inpatient or outpatient care provided by these hospitals on and after the effective date of ineligibility except in unusual circumstances when approved by the Department of Defense. This applies regardless of whether the hospital seeks payment or the patient pays the hospital and requests reimbursement. Payment to physicians and other professional or paramedical personnel who bill independently of the hospital will not be refused solely because their services were provided in an ineligible hospital.

(2) Before payment is denied for care obtained by an Army beneficiary in an ineligible hospital, the approving authority will review the case to determine whether unusual circumstances exist which may justify payment of the bill. Examples of unusual circumstances which may justify payment are a bona fide emergency, absence of an eligible hospital within reasonable distance, and admission of a patient to an ineligible hospital for short-term inpatient care prior to the effective date of ineligibility and treatment continues beyond that date. If it is found that unusual circumstances exist, the bill with a statement of the circumstances will be forwarded to The Surgeon General, Attention: MEDDD-OP, for review and forwarding to the Department of Defense for decision.

2. In § 577.60, a new subparagraph (4) is added to paragraph (c), to read as follows:

**§ 577.60 General.**

* * * * *

(c) *Administration.* * * *

(4) *Benefits not authorized in civilian facilities found to practice discrimination.* (i) Except as provided in subdivision (iii) of this subparagraph, payment cannot be made for inpatient or outpatient care provided in and billed by civilian facilities found by the Department of Defense to practice discrimination in the admission and/or treatment of patients on the basis of race, color or national origin and reimbursement cannot be made to an eligible patient who pays for care in such a facility and submits a claim for reimbursement. This policy is applicable in the States of the United States, the District of Columbia, Puerto Rico, Virgin Island, American Samoa, Guam, Wake Island, Canal Zone, and the territories and possessions of the United States. This restriction on payment applies to bills submitted by ineligible facilities for all care otherwise authorized by §§ 577.60—577.71, including benefits authorized under the Handicapped Program (§ 577.67). However, payment of attending physician and other professionals or paramedical personnel who bill independently of the facility will not be refused solely because their services were provided at a facility appearing on the list.

(ii) A list of facilities determined by the Department of Defense to be ineligible, together with the effective dates of ineligibility, is maintained in § 577.71.

(iii) In unusual circumstances, the Secretary of Defense or Secretary of Health, Education, and Welfare, as appropriate, may authorize payment for care obtained in an ineligible facility. When a claim is received for care obtained in an ineligible facility, it will be carefully reviewed to determine whether unusual circumstances existed which

might justify recommending payment. Examples of unusual circumstances include, but are not limited to the following:

(a) Emergency care.

(b) Care rendered in an ineligible facility because of the absence of an eligible facility within a reasonable distance (see § 577.63(b)(1)(vi)).

(c) Extended care for chronic conditions, nervous, mental, or emotional disorders, and for treatment under the Handicapped Program when a plan for management of the condition had been approved prior to the effective date of ineligibility of the facility and when the attending physician determines that a change in the treatment facility would be detrimental to the patient.

(d) Short-term care which was initiated prior to the effective date of ineligibility and continued beyond the ineligibility date.

(iv) Claims in connection with care provided in facilities on the ineligible list which indicate that unusual circumstances existed must be approved for payment by the Secretary of Defense or Secretary of Health, Education, and Welfare, as appropriate. When unusual circumstances appear to justify the payment of such claims, the Executive Director, OCHAMPUS, or, as appropriate, the oversea commander, will forward the claim, together with his recommendation, to the Surgeon General concerned for review and forwarding to the appropriate Secretary for decision. Such claims must include a statement indicating the unusual circumstances.

3. In § 577.63(b), the introductory text of subparagraph (1) and subdivision (i) are revised to read as follows:

**§ 577.63 Source of health benefits for dependents and retired members.**

* * * * *

(b) *Administration of limitation on civilian inpatient care*—(1) *In the United States and Puerto Rico.* A DD Form 1251 (Nonavailability Statement—Dependents Medical Care Program) normally will be furnished spouses and children of active duty members residing with their sponsor in the United States or Puerto Rico when needed inpatient care cannot be provided them in a uniformed services facility within reasonable distance of their residence. Each DD Form 1251 issued will be annotated under "Remarks" as follows: "Any nonemergency medical care obtained through the use of this statement must be in hospitals which do not discriminate in their admission and treatment practices on the basis of race, color, or national origin." The form (four part set) will be signed by the issuing officer. Three copies will be furnished the patient: One to be given to the attending physician, one to the civilian hospital, and one to be retained by the patient. The remaining copy will be retained by the issuing authority.

(i) The issuing authority will explain to the patient that the DD Form 1251 is for immediate use and must be presented to the civilian sources of care if the dependent chooses to seek civilian inpatient care under the program. He will also explain to the patient that, except in unusual circumstances, payment will not be made by the Government for care provided in and billed by a civilian facility which is on the ineligible list and will not reimburse a patient who pays for care in such a facility and subsequently submits a claim for reimbursement. (See §§ 577.60(c)(4) and 577.71).

* * * * *

4. In § 577.64, a new subparagraph (4) is added to paragraph (g), as follows:

**§ 577.64 Health benefits at facilities of the uniformed services.**

* * * * *

(g) *Care beyond the capabilities of the medical facility.* * * *

(4) The Government may not pay for care under subparagraphs (2) and (3) of this paragraph if provided at and billed by facilities which have been found by the Department of Defense to practice discrimination in the admission and/or treatment of patients. (See §§ 577.60(c)(4) and 577.71.)

* * * * *

5. In § 577.65, paragraph (a)(2) and the introductory text of paragraph (b) are revised to read as follows:

**§ 577.65 Civilian health benefits for dependents and retired members.**

(a) *Eligibility for civilian health benefits.* * * *

(2) Individuals will be cautioned that, unless unusual circumstances exist (see § 577.60(c)(4)), the Government will not pay for either inpatient or outpatient care provided in and billed by a facility which appears on the ineligible list (§ 577.71). Also, when seeking civilian health benefits, the eligible person should ascertain that the source of care will participate in the Civilian Health and Medical Program of the Uniformed Services. If the source of care does participate in the program, the patient is not responsible for payment of any amount for authorized benefits except as specified in paragraph (i) of this section.

(b) *Civilian health benefits authorized dependents and retired members.* Authorized civilian health benefits include but are not limited to, the following provided the benefits are not furnished in a civilian facility which has been found by the Department of Defense to practice discrimination:

* * * * *

6. In § 577.67, the introductory text of paragraph (d) is revised to read as follows:

**§ 577.67 Handicapped program.**

* * * * *

(d) *Services authorized.* The following services are authorized with respect to the dependent's handicapping condition provided the services are not furnished in and billed by a civilian facility which has been found by the Department of Defense to practice discrimination in the admission and/or treatment of patients on the basis of race, color or national origin (see § 577.60(c)(4)):

* * * * *

7. In § 577.70, the caption is amended, introductory text is added, and the list is changed for States indicated:

**§ 577.70 Fiscal agents.**

For civilian health benefits obtained within the United States, Puerto Rico, Canada, and Mexico, the following fiscal agents are responsible for issuance of outpatient deductible certificates, payment of claims for benefits provided by civilian sources of care (other than hospitals), and payment of claims for reimbursement of Government's share of reasonable charges for inpatient and outpatient care:

* * * * *

ARKANSAS

Arkansas Blue Cross and Blue Shield, Inc., 601 Gaines Street, Little Rock, Ark. 72203.

* * * * *

CONNECTICUT

*Connecticut General Life Insurance Co., Hartford, Conn. 06115.

* * * * *

FLORIDA

Blue Shield of Florida, Inc., 532 Riverside Avenue, Jacksonville, Fla. 32201 or Post Office Box 2170, Jacksonville, Fla. 32203.

* * * * *

LOUISIANA

*Continental Service Life & Health Insurance Co., Post Office Box 3397, Baton Rouge, La. 70821.

* * * * *

MASSACHUSETTS

Massachusetts Medical Service and Massachusetts Blue Cross, Inc., 133 Federal Street, Boston, Mass. 02106.

* * * * *

MINNESOTA

*Minnesota Medical Service, Inc., 2344 Nicollet Avenue, Minneapolis, Minn. 55404.

* * * * *

NEBRASKA

Nebraska Medical Service, CHAMPUS Department, Main Post Office Station, Post Office Box 3248, Omaha, Nebr. 68103, or 518 Kilpatrick Building, Omaha, Nebr. 68102.

* * * * *

NEW MEXICO

Surgical Service, Inc. of New Mexico, 12800 Indian School Road NE., Albuquerque, N. Mex. 87112.

NEW YORK

United Medical Service, Inc., 2 Park Avenue, New York, N.Y. 10016.

NORTH CAROLINA

North Carolina Blue Cross & Blue Shield, Inc., Chapel Hill, N.C. 27514.

NORTH DAKOTA

North Dakota Physicians Service, 301 Eighth Street South, Fargo, N. Dak. 58102.

* * * * *

VIRGINIA

(Excludes Arlington and Fairfax Counties, and the city of Alexandria which are served by the fiscal agent for the District of Columbia.)

Virginia Medical Service Association, 2015 Staples Mill Road or Post Office Box 656, Richmond, Va. 23205.

* * * * *

WISCONSIN

Wisconsin Physicians' Service, 330 East Lakeside Street, Madison, Wis. 53705, or Post Office Box 1109, Post Office Box 1787.

* * * * *

8. A new § 577.71 is added, to read as follows:

**§ 577.71 Civilian facilities which have been identified by the Department of Defense as practicing discrimination in the admission and/or treatment of patients.**

| Hospital | Effective date of ineligibility | Effective date eligibility restored |
|---|---|---|
| Choctaw County General Hospital, Butler, Ala. | Oct. 16, 1968 | |
| Fifth Avenue General Hospital, Huntsville, Ala. | do | |
| St. Francis Hospital, Monroe, La. | do | Nov. 4, 1968 |
| Greenwood Leflore Hospital, Greenwood, Miss. | do | |
| Covington County Hospital, Collins, Miss. | do | |
| East Bolivar County Hospital, Cleveland, Miss. | do | Oct. 25, 1968 |
| Tuomey Hospital, Sumter, S.C. | do | |
| Hampton General Hospital, Varnville, S.C. | Nov. 16, 1968 | |

[C 17, AR 40-3 and C 1, AR 40-121]

(Sec. 3012, 70A Stat. 157, secs. 1071-1085, 72 Stat. 1445-1450; 10 U.S.C. 1071-1085, 2013)

For the Adjutant General.

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

[F.R. Doc. 69-2739; Filed, Mar. 6, 1969; 8:45 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 207—NAVIGATION REGULATIONS

### Waterways Tributary to Atlantic Ocean and Gulf of Mexico

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.160 governing the use, administration, and navigation of all waterways tributary to the Atlantic Ocean south of Chesapeake Bay and to the Gulf of Mexico east and south of St. Marks, Fla., is hereby amended revising paragraph (d) to revoke the bridge regulations in subparagraphs (1)-(3) and to include a reference to the regulations of the U.S. Coast Guard applicable to the operation of bridges, effective upon publication in the FEDERAL REGISTER, since the promulgation of regulations to govern the operation of bridges is now the responsibility of the Department of Transportation (U.S. Coast Guard), as follows:

**§ 207.160 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.; use, administration, and navigation.**

* * * * *

(d) *Bridges.* (For regulations governing the operation of bridges, see §§ 117.1, 117.240 and 117.245 of this title.)

* * * * *

[Regs. Feb. 16, 1969, 1507-32 (Waters tributary to Atlantic Ocean and Gulf of Mexico)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

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

[F.R. Doc. 69-2740; Filed, Mar. 6, 1969; 8:46 a.m.]

## PART 208—FLOOD CONTROL REGULATIONS

### Norman Dam and Lake Thunderbird, Little River, Okla.

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of the flood control storage above elevation 1039 in Lake Thunderbird on Little River, Okla., and the operation of Norman Dam for flood control purposes.

**§ 208.34 Norman Dam and Lake Thunderbird, Little River, Okla.**

The Bureau of Reclamation, or its designated agent, shall operate Norman Dam and Lake Thunderbird in the interest of flood control as follows:

(a) Flood control storage in Lake Thunderbird between elevation 1039 (top of the conservation pool) and elevation 1049.4 (top of flood control pool) initially amounts to 76,600 acre-feet. Whenever the reservoir level is within this elevation range the flood control discharge facilities at Norman Dam shall be operated under the direction of the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, so as to reduce as much as practicable the flood damage below the reservoir. In order to accomplish this purpose, flood control releases shall be limited to amounts which, when combined with local inflows below the dam, will not produce flows in excess of bankfull on the Little River downstream of the reservoir. Controlling bankfull stages and corresponding flows, as presently estimated, are as follows: A 7.5-foot stage (1,800 c.f.s.) on the U.S.G.S. gage on Little River near Tecumseh, Okla., river mile 77.2 and a 17-foot stage (6,500 c.f.s.) on the U.S.G.S. gage on Little River near Sasakwa, Okla., river mile 24.1.

(b) When the reservoir level in Lake Thunderbird exceeds elevation 1049.4 (top of flood control pool), releases shall be made at the maximum rate possible through the river outlet works and the uncontrolled spillway and continued until the pool recedes to elevation 1049.4 when releases shall be made to equal inflow or the maximum release permissible under paragraph (a) of this section, whichever is greater.

(c) The representative of the Bureau of Reclamation or its designated agent in immediate charge of operation of the Norman Dam shall furnish daily to the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, a report, on forms provided by the District Engineer showing the pool elevation; the number of river outlet works gates in operation with their respective openings and releases; uncontrolled spillway release; municipal pumping rate; storage; tail water elevation; reservoir inflow; available evaporation data; and precipitation in inches. Normally, a reading at 8 a.m., noon, 4 p.m. and midnight, shall be shown for each day. Whenever the reservoir level rises to elevation 1039 and releases for flood regulation are necessary or appear imminent, the representative of the Bureau of Reclamation or its designated agent, shall report at once to the District Engineer by telephone or telegraph and, unless otherwise instructed, shall report once daily thereafter in that manner until the reservoir level recedes to elevation 1039. These latter reports shall reach the District Engineer by 9 a.m. each day.

(d) The regulations of this section, insofar as they govern use of flood control storage capacity above elevation 1039.0, are subject to temporary modification in time of flood by the District Engineer if found desirable on the basis of conditions at the time. Such desired modifications shall be communicated to the representative of the Bureau of Reclamation and its designated agent in immediate charge of operations of the Norman Dam by any available means of communication, and shall be confirmed in writing under date of the same day to the Regional Director in charge of the locality, and his designated agent, with a copy to the representative in charge of the Norman Dam.

(e) Flood control operation shall not restrict pumping necessary for municipal and industrial uses and releases necessary for downstream users.

(f) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with emergency requirements for protecting the dam and reservoir from major damage or inconsistent with the safe routing of the inflow design flood (spillway design flood).

(g) The discharge characteristics of the river outlet works (capable of discharging approximately 5,400 c.f.s. with the reservoir level at elevation 1039.0) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. DC-5793 as revised by the "as built drawings").

(h) All elevations stated in this section are at Norman Dam and are referred to the datum in use at that location.

[Regs., Jan. 31, 1969, ENGCW-EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

For the Adjutant General.

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

[F.R. Doc. 69-2741; Filed, Mar. 6, 1969; 8:46 a.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter III—Corps of Engineers, Department of the Army

## PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

## PART 326—PUBLIC USE OF CERTAIN NAVIGABLE RESERVOIR AREAS

### Okatibbee Reservoir, Miss., and Holt Lock and Dam, Ala.

The Secretary of the Army having determined that the use of the following reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944 (76 Stat. 1195) as follows:

1. The Okatibbee Reservoir, Miss., is added to those listed in § 311.1, as follows:

§ 311.1 Areas covered.

* * * * *

*Mississippi*

* * * * *

Okatibbee Reservoir, Okatibbee Creek.

* * * * *

2. The Holt Lock and Dam, Ala., is added to the list in § 326.1(c), as follows:

§ 326.1 Areas covered.

* * * * *

(c) * * *

*Alabama*

* * * * *

Holt Lock and Dam, Warrior River.

* * * * *

[Regs., Dec. 17, 1968, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

For the Adjutant General.

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

[F.R. Doc. 69-2742; Filed, Mar. 6, 1969; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

### [ 7 CFR Part 906 ]

### ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Notice of Proposed Additions to Rules and Regulations

Notice is hereby given that the Department is considering additions, as hereinafter set forth to the rules and regulations (Subpart—Rules and Regulations), pursuant to § 906.21 and other applicable provisions of the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The additional rules and regulations were proposed by the Texas Valley Citrus Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The first proposal is to re-establish the three districts within the production area as a single district. The committee reports among other things, that production shifts within the production area have made the districts as now established inequitable, and since the promulgation of the marketing agreement and order program, producers have become knowledgeable as to the production and marketing of citrus throughout the production area. Furthermore, the production area is compact and relatively small. Also, regulations established under the marketing order program are applicable throughout the production area.

The second proposal relates to equitable reapportionment of the members and alternate members of the committee on the bases, among others, that the increase in the amount of fruit handled by the cooperative marketing organizations in the various districts relative to that handled by independent handlers warrants the reapportionment. This proposal would reduce the independent producer and independent handler representations, and increase the representations of the producers who market through cooperative marketing organizations and of such organizations, on the committee to reflect the relative amounts of fruit being handled.

The third proposal would require handlers as authorized in § 906.51 to file, with the committee each fiscal period, accurate reports showing the total amount of oranges and grapefruit handled by them during specified periods.

The proposed rules and regulations are as follows:

**§ 906.121 Reestablishment of districts.**

The three districts of the production area specified in § 906.20 *Districts* are re-established as a single district comprising the entire production area.

**§ 906.122 Changes in member and alternate member apportionment on the committee.**

The representation or membership on the Texas Valley Citrus Committee is reapportioned to provide for the nomination and selection from the district, as reestablished in § 906.121 pursuant to § 906.21 of (a) four producer members and their respective alternates representing producers who market their fruit through cooperative marketing organizations; (b) five producer members and their respective alternates representing independent producers; (c) two handler members and their respective alternates representing cooperative marketing organizations; and (d) four handler members and their respective alternates representing independent handlers.

**§ 906.151 Reports.**

During each fiscal period, each handler shall upon request by the committee file with the committee within the time specified in the request an accurate report showing the total quantity of oranges and the total quantity of grapefruit received by him during such fiscal period or the preceding fiscal period, as requested.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after publication of the notice in the FEDERAL REGISTER. 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)).

Dated: March 3, 1969.

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

[F.R. Doc. 69-2783; Filed, Mar. 6, 1969; 8:49 a.m.]

### [ 7 CFR Part 959 ]

[Docket No. AO-322-A2]

### ONIONS GROWN IN SOUTH TEXAS

### Notice of Recommended Decision and Opportunity To File Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed amendment of Marketing Agreement No. 143 and Order No. 959 both as amended (7 CFR Part 959), hereinafter referred to collectively as the "order," regulating the handling of onions grown in designated counties in South Texas. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 10th day after its publication in the FEDERAL REGISTER. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The public hearing, on the record of which the proposed amendment of the order was formulated, was held in Edinburg, Tex., December 18, 1968, pursuant to notice thereof published in the November 23, 1968, issue of the FEDERAL REGISTER (33 F.R. 17359). The notice set forth proposed amendments to the order which were submitted, with a request for a hearing thereon, by the South Texas Onion Committee, the administrative agency established pursuant to the order and hereinafter referred to as the "committee."

*Material issues.* The material issued presented on the record of hearing are as follows:

(1) Provide authority for the Secretary to designate dates other than those specified in the order, prior to which nomination meetings must be held and the names of the nominees submitted to the Secretary;

(2) Provide authority for the committee to carry over excess funds into subsequent fiscal periods as reserves when the funds already in the reserves

do not exceed approximately two fiscal periods' expenses;

(3) Provide authority to regulate and specify the number of hours per day that onions can be packaged or loaded or both during a specified period or periods or any combination thereof;

(4) Make other minor changes to conform with the order and the amendments thereof.

*Findings and conclusions.* Findings and conclusions on the material issues, all of which are based upon evidence presented at the hearing and the record thereof, are as follows:

(1) Section 959.27 (a) and (c) should be amended to provide additional flexibility in the time specified for completing nominations and submitting the names of the nominees to the Secretary by authorizing the Secretary to designate dates, other than those specified in the order, in which nomination meetings must be completed and the names of the nominees submitted to the Secretary.

In some years it has been difficult for the committee to complete the nomination meetings in all districts prior to June 15, the date prescribed in § 959.27 (a) of the order and to submit the names of the nominees to the Secretary prior to July 1, the date prescribed in § 959.27(c) of the order. Nomination meetings are difficult to schedule because: Such dates are approximately 9 months in advance of onion harvest for the fiscal period in which the nominees are being selected; the current season's onion harvest in the late districts is not completed; onion producers and handlers are busy harvesting and marketing other crops and find it difficult to attend nomination meetings; and the committee manager, who makes the arrangements for such nomination meetings, is still occupied with the current season's onion assessment collections and statistical reports. Changes in the dates, should be authorized in the event of changes in onion harvesting, handling and marketing patterns; changes in the fiscal period, failure of the committee to complete nominations by the prescribed dates; or other problems of a similar nature which may arise.

Changes in such dates will normally be made by the Secretary based on the recommendation of the committee. However, the Secretary should also make such changes in the dates based on information available to him. Such changes in the dates may be for one fiscal period or for more than one fiscal period as may be determined by the Secretary. Any date specified for completion of nomination meetings should be a date prior to the beginning of the fiscal period to provide adequate time for the Secretary to make the committee appointments and to obtain their acceptances prior to the committee's annual organizational meeting.

When the date on which the nomination meetings are to be completed is changed, the date on which the names of the nominees must be submitted to the Secretary should also be changed. Such dates, as prescribed in the order, allow 15 days for the committee to submit the names of the nominees to the Secretary and a time interval of not less than 15 days should be maintained.

(2) The maximum amount of funds authorized to be carried over into subsequent fiscal periods as reserves should be increased to permit the committee to place the excess of income over expenses from any fiscal period into such reserves providing the funds in the reserves do not exceed an amount approximately equivalent to two fiscal periods' expenses.

The committee's fiscal period presently begins on August 1 and assessments on production area onions begin in March, but no substantial amount of assessment income is available until April, 9 months after the beginning of the fiscal period. If the South Texas onions should suffer a partial or complete crop failure due to rain, hurricane, or other hazards prevalent in the production area, the committee may be compelled to operate for as long as 21 months with little or no assessment income.

The South Texas Lettuce Marketing Order, which is currently inactive, has been sharing the administrative expenses with the onion committee by paying the committee office expenses and employees salaries for 5 months each fiscal period. When the South Texas Lettuce Marketing Order became inactive in 1968 it was necessary for the onion committee to assume all the administrative expenses. These added expenses made it necessary for the committee to increase their budget and to use funds from their reserves to pay the added expenses.

Occasionally, adverse crop or weather conditions result in a smaller crop of onions than was anticipated by the committee. When they do not have adequate reserves the reduced assessment income resulting from such short crop makes it necessary to increase the assessment rate on all onions packed during the season. This results in an increased financial burden on handlers to pay the administrative costs when their income has been reduced by the crop losses. Also the committee prefers not to increase the assessment rate in the middle of the season because they must collect the additional assessment from handlers who have already paid their assessment. When the committee has ample reserves a low assessment rate can be maintained each fiscal period and funds from the reserves can be used during periods when assessment income is not adequate to pay all of the administrative costs. Without adequate reserves the committee must maintain a higher assessment rate to have sufficient funds to operate on in the event of a shorter crop than anticipated, or a crop failure.

At the committee's annual organizational meeting held soon after August 1 each year one item of business is to review previous years' income and expenditures. At that meeting the committee must decide on the disposition of the excess of income over expenses from the previous fiscal period, if any. If the funds already in the reserves do not equal approximately two fiscal periods' expenses the committee should be authorized to place such excess funds into the reserves. Such authorization should be provided, although the additional funds may result in the reserves temporarily exceeding an amount equivalent to approximately two fiscal periods' expenses.

The record indicates that the average of two representative fiscal periods expenses out of the previous five fiscal periods expenses, multiplied by two, should be the basis for determining the maximum amount of funds authorized to be carried over into subsequent fiscal periods as reserves. The two such representative fiscal periods should be those two periods in which the committee expenses were similar to those anticipated during the current fiscal period.

Producers prefer to have the excess funds placed in the reserves and the assessment reduced in subsequent fiscal periods. They feel that this is a more equitable adjustment than to refund such excess funds to handlers who may or may not pass them on to producers. Most handlers also prefer to have such excess funds placed in the reserves and the assessment reduced in subsequent fiscal periods because they must pay the assessment. When such excess funds are refunded to handlers, additional bookkeeping cost may exceed the amount of the refund, especially when they subsequently pass such refund on to their producers.

The reserves and other committee funds are safeguarded by the bonding of all employees and committee members who have access to such funds. Also the budget and the assessment rate are reviewed and approved annually by the Secretary. An audit of income and expenses is made at the end of each fiscal period by a qualified accountant and reviewed by the Secretary. Financial statements showing expenditures and income are prepared periodically by the committee manager for the committee and the Secretary, and copies are also available to other interested persons and available for public inspection at the committee office. Therefore, such increased reserves would be properly safeguarded and would provide additional financial flexibility for the efficient administration of the order by the committee.

(3) The committee should be authorized to recommend to the Secretary and the Secretary should be authorized to regulate the number of hours in each calendar day that production area onions can be packaged or loaded or both by all handlers during specified periods as a method of limiting the total quantity of production area onions which may be marketed during such periods by prohibiting the packaging or loading or both of onions except during specified consecutive hours in any calendar day or days: *Provided*, That any handler may, upon such notice to the committee as it may prescribe with the approval of the Secretary, package or load onions or both during a different period in such day consisting of the same number of consecutive hours.

The order became effective February 6, 1961, following a public hearing and a referendum of producers, and was amended March 12, 1962. It has regulated the handling of South Texas onions each year since becoming effective. During the 8 years the order has regulated the handling of onions in South Texas the harvested acreage and the seasonal average prices received by producers for production area onions have varied considerably. The daily f.o.b. onion prices reported by the Market News Service, C&MS, USDA, Weslaco, Tex., indicate that production area onion prices are frequently high at the beginning of the season and decline rapidly as shipments increase. These daily f.o.b. prices do not reflect price reductions given to buyers in the form of price adjustments during periods when prices for production area onions are declining. Price adjustments frequently are 25 cents to $1 per 50-pound bag of onions during such periods.

Volume shipments of South Texas onions normally begin in the Lower Rio Grande Valley district in mid-March, the Laredo district in early April, the Coastal Bend and Winter Garden districts in mid-April. Production area onion shipments may exceed 200 carlot equivalents per day of combined rail and truck shipments when two or more districts are shipping onions simultaneously. During peak shipping periods the supply of onions frequently exceeds the market requirements. This results in shipments of unsold onions (rollers) and price adjustments on onions previously sold. Occasionally, unsold shipments of production area onions are abandoned to the railroads which sell them at salvage prices to recover their freight costs.

The record indicates that the demand for onions is very inelastic and that the consumption of onions is not increased significantly when the retail price is reduced. The average U.S. consumption of all onions is relatively stable at approximately 11.5 pounds per person per year. It is estimated that approximately 55.5 percent of the households in the United States purchase onions each week. Marketing studies indicate that onion purchases are frequent and in small quantities, averaging only about 8 cents for each purchase.

When onion prices are reduced, the total consumption of onions is not increased significantly and the onion producers are the most directly affected by such price reduction. In the production area the onion handlers' cost for harvesting, packaging, and marketing onions is deducted from the returns before producers receive any payment. The production cost must be paid from such returns after the harvesting, packaging, and marketing cost is deducted. The production cost varies according to the number of bags of onions produced per acre. For example, the average South Texas onion production cost is approximately $1.40 per bag with a yield of 150 bags per acre but is reduced to approximately $0.53 per bag with a yield of 400 bags per acre. The record indicates that an average yield from a good field of onions, produced and harvested during normal weather conditions, is approximately 300 bags per acre and the average cost for producing, harvesting, packaging, and marketing onions from such a field is approximately $2 per bag.

Any benefits derived from stabilizing the returns for production area onions above the cost of harvesting, packaging, and marketing should accrue to the producers thereof. Establishing an orderly flow-to-market for production area onions during peak shipping periods should tend to increase such returns. Limiting the number of hours that production area onions can be packaged or loaded or both by all handlers thereof during each day for a specified number of days or period of time during the peak shipping periods for South Texas onions should tend to create an orderly flow-to-market for production area onions. The record indicates that the South Texas Onion Committee members are experienced producers and handlers of onions and can frequently predict, 3 or 4 days in advance, when shipments of onions will exceed the market requirements and cause prices to decline below profitable levels for producers. When such excess onion shipments are anticipated by the committee, the chairman should call a meeting of the committee members for the purpose of considering recommendations to the Secretary for a regulation to limit such onion shipments. The committee members based upon their experience in the marketing of South Texas onions can determine the approximate number of cars of production area onions that can be marketed profitably, based on the supply of such onions available for market, the market outlook and the available supplies of onions from competing areas. When the committee determines that shipments of production area onions will exceed the market requirements for such onions they should recommend to the Secretary and the Secretary should set a regulation to prohibit the packaging or loading, or both, of onions except during specified consecutive hours of any calendar day or days to establish an orderly flow-to-market for production area onions. Recommendations to the Secretary should be based on the committee's analysis of: (1) The quantity of onions that can be packaged or loaded or both per hour when all of the packing sheds currently packaging and loading onions are operating at capacity; (2) the number of cars of onions that can be marketed daily to provide a profitable return to producers for their onions; and (3) other factors influencing the marketing of South Texas onions.

The record indicates that an orderly flow-to-market for production area onions could be accomplished by limiting the packaging or loading hours or both for such onions. The 1969 South Texas onion crop was estimated to be approximately 6,652,800 bags (8,316 carlot equivalents at 800 bags per car). Normally 500 cars of such onions are marketed in March, leaving 7,816 cars to be marketed in April and May. Therefore, an orderly flow-to-market could be maintained for such period with shipments of production area onions averaging approximately 147 cars per day, excluding Sundays which are shipping holidays. Restricting the packaging or loading hours or both of production area onions would tend to level off the peak shipments of such onions by preventing handlers from shipping excessive quantities of onions during such period. Some onions could be left in the field, unharvested or in field sacks for an additional period of time to level off such peak shipments. The record indicates that production area onions can be left in the fields, in field sacks, for 10 to 14 days after they are harvested except during extended rainy periods.

Establishing an orderly flow-to-market for production area onions by regulating the packaging or loading hours or both is contingent upon the packaging capacity of the onion packing sheds therein. It would be necessary for handlers to purchase additional expensive packaging equipment to increase their daily packaging capacity significantly during periods when they are restricted to a limited number of hours for packaging onions. Many handlers would also need additional building space for such packaging equipment. Additional packing crews would be needed to operate the added packaging equipment, some requiring special training. It would not be practical for most handlers to invest large sums of money in additional packaging equipment and buildings to increase their onion packaging capacity because such equipment would be in operation for only a short period of time each year. However, such regulation may result in handlers modernizing their packaging lines to make them more efficient and to obtain maximum capacity during regulated periods. Also, some handlers may purchase new packaging equipment or install wider belts on their existing equipment to obtain increased capacity. Such changes would not be accomplished in one season but would require considerable time and the committee could evaluate such changes prior to requesting regulations.

The record indicates that the packaging of onions, as used in this part, begins when the onions are emptied from the field sacks onto the onion grading belts to be sorted. Packaging includes: sorting and sizing the onions; placing the onions into containers; closing the filled containers; and stacking the containers in the packing shed or storage area. The loading of onions begins with the movement of stacked containers of onions from the packing shed or storage area to a railroad car, truck, or other means of conveyance and placing them in such conveyance for the purpose of transporting them to the markets. When onions are conveyed directly from the packaging line to the trucks or railroad cars, or other means of conveyance for loading, the loading operation begins after the containers are filled with onions and closed.

The regulation limiting the packaging or loading hours or both of production area onions should become effective as soon as possible after it is determined

that such regulation is needed. The length of time between such determination and the need thereof is relatively short because the daily shipments of production area onions can and frequently do increase very rapidly and such regulation should become effective before such onion shipments become excessive. Also, information regarding the committee's recommendation to the Secretary for such regulation is disseminated among growers and handlers in the production area following a committee meeting to consider such regulation, by those in attendance at the meeting and by the committee. The committee's recommendation is therefore well known in the production area soon after such meeting is held. Delaying the effective date of a regulation issued pursuant to such committee recommendation would afford handlers an opportunity to increase their shipments of production area onions prior to the effective date thereof. Such additional shipments could depress the markets and reduce the price for production area onions thereby tending to nullify any benefits that may otherwise be derived from such regulation.

The packaging or loading hours or both of production area onions set by such regulation should be the specified consecutive hours in any calendar day or days during the effective period or periods thereof, that production area onions can be packaged or loaded or both. Handlers of production area onions should be permitted to choose different consecutive hours within each calendar day that they will package or load onions or both. However, they should be required to notify the committee and the Federal-State inspection service of such different hours prior to packaging or loading of production area onions during any such regulated period. Such notification should be provided at a time and in a manner prescribed by the committee. The record indicates that weather conditions, field delivery schedules and the availability of rail cars and trucks can be, and frequently are different for different handlers. Some handlers have drying equipment to dry onions prior to packaging them and can operate on a regular 8 a.m. to 5 p.m. basis. Other handlers are often forced to wait until the onions in the field are dry before they can deliver them to the packing sheds for sorting and packaging and are frequently not able to begin operating their packaging lines until after noon.

The packaging and loading of production area onions is not always performed simultaneously by handlers and authority should be provided to set loading hours that are greater than or less than the packaging hours. Also, authority should be provided to set a regulation to limit the loading hours without limiting the packaging hours or limit the packaging hours without limiting the loading hours. The record indicates that limiting either the packaging or the loading of onions may provide adequate restrictions for shipments of production area onions when adverse weather, a shortage of railroad cars or similar problems arise and such authority would provide the committee and the Secretary with the needed flexibility to set a regulation which would accomplish the intended purpose of the act under such circumstances.

Any regulation limiting the packaging or loading hours or both of onions, should be set for a specified period or periods of time in days, weeks or months thereof. The Secretary should be authorized to terminate or modify such regulation when it is determined by him or by the committee that conditions warrant such termination or modification. Cool rainy weather, excessive seed stem development, or other adverse conditions may result in reduced shipments and the need for termination or modification of the regulation. Conversely, dry hot weather and reduced cullage may permit handlers to package more onions than was previously estimated by the committee, resulting in the need to reduce the daily packaging hours, extend the regulated period or both.

The committee should be authorized to establish regulations with the approval of the Secretary to establish procedures whereby handlers of production area onions who were prevented by conditions specified in such regulations, as being beyond their reasonable control, from packaging or loading onions or both for a period of more than 1 hour, should be permitted to request and obtain permission from the committee to package or load onions or both during a comparable number of additional hours in the same day or a later day as specified by the committee.

Numerous difficulties may arise to prevent handlers from being able to operate their packing sheds during all or a portion of their authorized packaging or loading time or both. The resulting delays may be caused by adverse weather conditions, late deliveries of onions from the field, mechanical failures, interruption of utility services, shortage of rail cars and similar problems. Rules and regulations so established should specify the delays for which such exemptions would be authorized and the method by which such delays would be verified to the committee. They should also specify the procedure handlers are to use in applying for such exemptions.

The record indicates that onions for export should be exempt from packaging or loading hours or both pursuant to handling for special purpose, § 959.53 of this part. Onions for export should be exempted because ships used to transport onions for export must be loaded in a limited period of time after the ships arrive in port to avoid costly demurrage charges.

Onions for repackaging into consumer size packages should be exempted from packaging or loading hours or both when such onions have been previously packaged during the authorized hours for such packaging; inspected by a Federal-State inspector; and have complied with the regulations issued pursuant to § 959.52 of this part. Such exemption should be authorized pursuant to paragraph (d) of § 959.53 of this part.

The record indicates that production area onions handled in such manner are packaged during the allotted packaging time in 50-pound unlabeled bags, referred to as "peanut bags." They are subsequently emptied from the "peanut bags" on to special packaging lines and packaged into consumer size packages. These consumer size packages of onions are placed back in the "peanut bags" which become the master containers. Exemptions for handling onions in this manner would not increase the total quantity of onions that could be packaged by handlers during authorized packaging hours. Onions for repackaging should also be exempt from loading hour restrictions when they have been previously packaged in the manner described herein. Such repackaged onions are packaged in limited quantities and are usually sold prior to shipment.

The committee should be authorized to establish rules and regulations, with the approval of the Secretary, to provide for adequate safeguards when onions are handled pursuant to such exemptions and to provide the committee and the Secretary with authority to withdraw any or all exemptions so established, in the event that difficulties are encountered in enforcing the regulation due to such exemptions.

(4) Some minor changes should be made in the order to better conform with the intent therein and to facilitate the administration of the order and regulations issued thereon. In this respect paragraph (b) in § 959.52 should be amended by: Deleting "or" appearing at the end of subparagraph (3); changing the period to a semicolon at the end of subparagraph (4); and revising subparagraph (5) to read, "Establish holidays by prohibiting throughout the entire production area the packaging or loading or both of onions on Sunday"; also, the definition of "Handle," § 959.7 should be changed by adding the word "load" between the words "package" and "sell." Such changes are in conformity with the order and the amendments hereto. The record indicates that the aforementioned changes should be made to conform with the current interpretations of the order and amendments and for purposes of clarity.

*Briefs.* January 13, 1969, was set by the presiding officer at the hearing as the latest date by which briefs and proposed findings and conclusions would have to be filed by interested parties. None was filed.

*General findings.* Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The amended marketing agreement and order, as both are hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers

thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The amended marketing agreement and order, as both are hereby proposed to be amended, regulate the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The amended marketing agreement and order, as both are hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The amended marketing agreement and order, as both are hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Recommended amendment of the marketing agreement and order.* The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out.

1. Section 959.27 *Nomination*, is revised by adding to the end of each of paragraphs (a) and (c) thereof, the following: "or by such other date as may be specified by the Secretary."

2. Section 959.43 *Accounting*, is revised by changing the first sentence in subparagraph (2), of paragraph (a) to read as follows:

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided*, That funds already in reserves do not equal approximately two fiscal periods' expenses. * * *

3. Section 959.52 *Issuance of regulations*, is revised as follows:

a. As to paragraph (b): By deleting "or" appearing at the end of subparagraph (3); by changing the period to a semicolon at the end of subparagraph (4); and by revising subparagraph (5) and adding subparagraph (6) to read as follows:

(5) Establish holidays by prohibiting throughout the entire production area, the packaging or loading, or both, of onions on Sundays;

(6) Prohibit the packaging or loading, or both, of onions except during specified consecutive hours of any calendar day or days: *Provided*, That, any handler may, upon such notice to the committee as it may prescribe with approval of the Secretary, package or load onions during a different period in such day consisting of the same number of consecutive hours: *Provided further*, That, any handler who, due to conditions specified in regulations established by the committee with the approval of the Secretary as being beyond a handler's reasonable control, is prevented for more than one of such consecutive hours from so packaging or loading onions may, in accordance with such regulations, obtain permission from the committee to package or load onions, or both, during a comparable number of additional hours in the same day or a later day as specified by the committee.

b. New paragraph (d) is added as follows:

(d) No handler may handle onions that were packaged or loaded or both during any period when such packaging or loading or both was prohibited by any regulation issued pursuant to subparagraph (5) or (6) of paragraph (b) of this section, except such onions as were exempted thereunder.

4. Section 959.7 *Handle*, is revised by adding the word "load" between the words "package" and "sell."

Copies of the notice of recommended decision may be obtained from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, or may be inspected there.

Dated: March 4, 1969.

JOHN C. BLUM,
*Deputy Administrator,*
*Regulatory Programs.*

[F.R. Doc. 69-2784; Filed, Mar. 6, 1969; 8:49 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

## [ 46 CFR Ch. II ]

## SUBSIDIZED OPERATORS

### Guidelines for Payment

In F.R. Doc. 67-14066 (32 F.R. 16436, Nov. 30, 1967) comments by interested parties were invited to be submitted by December 18, 1967, relative to the guidelines set forth therein for payment of operating-differential subsidy to subsidized operators.

In F.R. Docs. 67-14669 (32 F.R. 17980), 68-1375 (33 F.R. 2531), 68-3671 (33 F.R. 4996), 68-7031 (33 F.R. 8744), 68-9746 (33 F.R. 11547) and 68-14043 (33 F.R. 17315), the date of December 18, 1967, was extended to February 5, 1968, April 1, 1968, July 1, 1968, September 3, 1968, December 2, 1968, and March 31, 1969, respectively.

Notice is hereby given that the time within which comments may be submitted is extended from March 31, 1969, to close of business on May 29, 1969.

Dated: March 4, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 69-2858; Filed, Mar. 6, 1969; 8:51 a.m.]

## Patent Office

## [ 37 CFR Parts 1, 3 ]

## PATENT CASES

### Proposed Extension of Defensive Publication Program

The Patent Office is giving consideration to several changes in its rules of practice which are designed to stimulate and enlarge interest in the defensive publication program.

Under the proposed procedure, an applicant would be permitted to file for defensive publication during the period fixed for reply to the first Office action. The existing procedure, under which an applicant is permitted to file for defensive publication prior to the first Office action, would be retained. The waiver of rights to an enforceable patent is essential to defensive publication; however, in the case of requests filed before the first Office action the waiver does not extend to continuing applications filed within thirty (30) months after the earliest U.S. effective filing date of the designated application. Parties who request defensive publication after the first Office action would be required to waive patent rights based on the pending application and all continuing applications.

Notice is hereby given, therefore, that under the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 792; 35 U.S.C. 6), the Patent Office proposes to amend Title 37, Code of Federal Regulations, as follows:

1. By revising § 1.111(a) to read as follows:

**§ 1.111 Reply by applicant.**

(a) The applicant must file a timely reply to all Office actions which are adverse in any respect. The reply may request reexamination or reconsideration, with or without amendment, or may be a waiver of patent rights under § 1.139.

* * * * *

2. By revising § 1.139 to read as follows:

§ 1.139 Waiver of patent rights.

(a) Prior to the first Office action, and subject to acceptance by the Commissioner, an applicant may waive his rights to an enforceable patent based on a pending patent application or on any continuing application filed after the expiration of thirty (30) months from the earliest U.S. effective filing date of said application by filing in the Patent Office a written waiver of patent rights, a consent to the publication of an abstract, an authorization to open the complete application to inspection by the general public, and a declaration of abandonment signed by the applicant and the assignee of record or by the attorney or agent of record. See § 3.50 of this chapter for the suggested format.

(b) After the first Office action, and subject to acceptance by the Commissioner, an applicant may waive his rights to an enforceable patent based on a pending patent application by filing in the Patent Office, within the period set for reply, a written waiver of patent rights, a consent to the publication of an abstract, an authorization to open the complete application to inspection by the general public, and a declaration of abandonment signed by the applicant and the assignee of record or by the attorney or agent of record. See § 3.51 of this chapter for the suggested format.

3. By adding a new § 3.51 to read as follows:

§ 3.51 Waiver of patents after first action.

To the Commissioner of Patents:

The undersigned having on _____ filed an application for patent, Serial No. _____ entitled _____, hereby waives his right to an enforceable patent based on said application or on any continuing application, subject to acceptance by the Commissioner, and requests that an abstract of disclosure thereof be published in the Official Gazette, that the complete application be opened to inspection by the general public upon publication of said abstract, and that the application be considered pending for the purpose of interference; and further the undersigned expressly abandons said application, the abandonment to take effect five (5) years after the earliest U.S. effective filing date of the application unless within that period interference proceedings have been initiated.

All persons who desire to submit written data, views, arguments, or suggestions for consideration in connection with this proposal are invited to forward the same to the Commissioner of Patents, Washington, D.C. 20231, on or before April 30, 1969. An oral hearing will not be scheduled. Any written comments or suggestions not specifically designated as confidential may be inspected by any person upon written request a reasonable time after the closing date for submitting comments.

EDWARD J. BENNER,
*Commissioner of Patents.*

Approved: March 4, 1969.

ALLEN V. ASTIN,
*Acting Assistant Secretary for Science and Technology.*

[F.R. Doc. 69-2836; Filed, Mar. 6, 1969; 8:51 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 69-WE-13]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional 700-foot transition area for Chico Municipal Airport, Calif.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new VOR approach procedure has been developed by the Federal Aviation Administration to serve Chico Municipal Airport, Calif. The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft executing this prescribed instrument approach procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth:

In § 71.181 (33 F.R. 2168) the Chico, Calif., Transition Area is amended by deleting all after ", * * * northwest of the VOR * * *" in the third line and substituting therefor "* * *, and that airspace within 2 miles each side of the Chico VOR 165° radial extending from the 5-mile radius area to 12 miles south of the VOR, excluding the portion within a 1-mile radius of the Ranchero Airport (latitude 39°43'10" N., longitude 121°-52'10" W.)."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 25, 1969.

LEE E. WARREN,
*Acting Director, Western Region.*

[F.R. Doc. 69-2768; Filed, Mar. 6, 1969; 8:48 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Federal Water Pollution Control Administration

### INTERSTATE WATERS OF STATE OF IOWA

#### Notice of Standard Setting Conference

The waters of the Mississippi River, Missouri River, Fox River, Des Moines River, East Fork of the Des Moines River, West Fork of the Des Moines River, Iowa River, Cedar River, Shellrock River, Winnebago River, Wapsitinicon River, Upper Iowa River, Chariton River, Middle Fork Medicine River, Weldon River, Little River, Thompson River, East Fork of the Big River, Grand River, Platte River, East Fork of the 102 River, Middle Fork of the 102 River, Nodaway River, West Tarkio River, Tarkio River, Nishnabotna River, Little Sioux River, Big Sioux River, Rock River, and Kanaranzi Ditch, subject to the jurisdiction of the State of Iowa, are interstate waters.

The water quality standards established by the State of Iowa in accordance with section 10(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 466g(c)(1)) to be applicable to these waters are determined in part not to be consistent with the protection of the public health and welfare, the enhancement of the quality of the water, and the purposes of the Federal Water Pollution Control Act, as provided by section 10(c)(3) of that Act, with particular reference to:

1. The . treatment requirements and implementation plan for waste discharges to the Mississippi and Missouri Rivers;

2. The requirements for disinfection of controllable waste discharges which may be sources of bacteriological pollution;

3. The temperature criteria for the interstate waters of the State other than the Mississippi and Missouri Rivers.

Therefore, in accordance with the provisions of section 10(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 466g(c)(2)), I hereby call a conference to consider the establishment of water quality standards applicable to the above interstate waters subject to the jurisdiction of the State of Iowa.

The conference will convene on April 8, 1969, at 9:30 a.m. at the Blackhawk Hotel, 3d and Perry Streets, Davenport, Iowa, to consider the appropriate water quality standards for the interstate waters of the Mississippi River Basin and on April 15, 1969, at 9:30 a.m. at Mercy Hospital Auditorium, 420 East Washington Street, Council Bluffs, Iowa to consider the appropriate water quality standards for the interstate waters of the Missouri River Basin. I have designated Mr. Murray Stein, U.S. Department of the Interior, as Chairman of the conference.

Parties to the conference will be representatives of Federal departments and agencies, interstate agencies, States, municipalities, and industries who are contributing to, affected by, or have an interest in the water quality standards for the waters to be covered by the conference and who register their intent to be parties at the conference sessions, and such other persons whom the Chairman, upon application and good cause shown, admits as parties to the conference.

Dated: March 5, 1969.

WALTER J. HICKEL,
*Secretary of the Interior.*

[F.R. Doc. 69-2842; Filed, Mar. 6, 1969; 8:51 a.m.]

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### Office of the Secretary

### ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION, ET AL.

#### Adjustment of Salaries

MARCH 3, 1969.

Pursuant to the provisions of Executive Order 11413 and the 1970 Budget supplement, the salaries of the Administrator, Southwestern Power Administration, the Governor of Guam, and the Governor of the Virgin Islands were adjusted to $30,239 per annum.

WALTER J. HICKEL,
*Secretary of the Interior.*

[F.R. Doc. 69-2743; Filed, Mar. 6, 1969; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

### SALES OF CERTAIN COMMODITIES

#### March Sales List

*Notice to buyers.* Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced today the price at which Commodity Credit Corporation (CCC) commodity holdings are available for sale beginning at 3 p.m., e.s.t., on February 28, 1969, and, subject to amendment, continuing until superseded by the April Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, cottonseed meal, butter, cheese, and nonfat dry milk.

Cottonseed meal was added to the list of commodities on February 6.

Interest rates under the CCC Export Credit Sales Program are being increased for March to 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. They were 6¼ and 7¼ percent.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of commodities and sale prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-4) for March 1969 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long

staple cotton, milled and brown rice, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM-4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS-1, as amended; tobacco under Announcement PS-3; cottonseed oil and soybean oil under Announcement PS-2; and upland and extra long staple cotton under Announcement PS-4; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of Barter and Stockpiling, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated under the Export Control Act of 1949. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Comprehensive Export Schedule. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

*Unrestricted use.*

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel in-store).*[1]

| Markup in-store received by— | | Examples |
|---|---|---|
| Truck | Rail or barge | |
| $0.16 | $0.13½ | Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.13½; $1.93½.<br>Portland—No. 1 SW ($1.44) 115 percent +$0.13½; $1.79½.<br>Kansas City—No. 1 HRW ($1.44) 115 percent +$0.13½; $1.79½.<br>Chicago—No. 1 RW ($1.46) 115 percent +$0.13½; $1.81½. |

*Export.*

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR-345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR-345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

B. CCC will sell wheat for export under Announcement GR-261 (Revision II, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

C. CCC will not sell wheat under Announcement GR-346 until further notice.

*Available.* Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

*Unrestricted use.*

A. *Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

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See footnotes at end of document.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

| Markup in-store | Examples |
|---|---|
| $0.11½ | Feed grain program domestic PIK certificate minimums:<br>McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.11½; $1.40½.<br>Agricultural Act of 1949; stat. minimums:<br>McLean County, Ill. ($1.09+$0.02½ +$0.19); 105 percent +$0.11½; $1.48½. |

*Available.* Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM, BULK

*Unrestricted use.*

A. *Redemption of domestic payment-in-kind certificates.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate[2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

| Markup in-store received by— | | Examples |
|---|---|---|
| Truck | Rail or barge | |
| $0.19¼ | $0.15¼ | Feed grain program domestic PIK certificate minimums:<br>Hale County, Tex. ($1.63) 115 percent +$0.19¼; $2.07¼.<br>Kansas City, Mo. ($1.81) 115 percent +$0.15¼; $2.24¼.<br>Agricultural Act of 1949; stat. minimums:<br>Hale County, Tex. ($1.63+$0.34); 105 percent +$0.19¼; $2.26¼.<br>Kansas City, Mo. ($1.81+$0.34); 105 percent +$0.15¼; $2.41¼. |

*Export.*

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section C. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

*Available.* Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

*Unrestricted use.*

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rate[2] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

| Markup in-store received by— | | Examples |
|---|---|---|
| Truck | Rail or barge | |
| $0.16 | $0.13½ | Cass County, N. Dak. ($0.86); 115 percent +$0.16; $1.16.<br>Minneapolis, Minn. ($1.10); 115 percent +$0.13½; $1.40½. |

C. *Nonstorable.* At not less than market price as determined by CCC.

*Export.*

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

*Available.* Chicago, Kansas City, Minneapolis, and Portland grain offices.

OATS, BULK

*Unrestricted use.*

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rates[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markup and example (dollars per bushel in-store[1] Basis No. 2 XHWO).*

| Markup in-store | Example |
|---|---|
| $0.16 | Redwood County, Minn. ($0.60+$0.03 quality differential); 115 percent +$0.16; $0.89. |

C. *Nonstorable.* At not less than the market price as determined by CCC.

*Export.* Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

*Available.* Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

*Unrestricted use.*

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent[3] of the applicable 1968 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

| Markup in-store received by— | | Examples |
|---|---|---|
| Truck | Rail or barge | |
| $0.16 | $0.13½ | Rollete County, N. Dak. ($0.89); 115 percent +$0.16; $1.19.<br>Minneapolis, Minn. ($1.23); 115 percent +$0.13½; $1.55½. |

C. *Nonstorable.* At not less than market price as determined by CCC.

*Export.*

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

*Available.* Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

*Unrestricted use.*

Market price but not less than 1968 loan rate plus 5 percent plus 35 cents per hundredweight, basis in store.

*Export.*

As milled or brown under Announcement GR–369, Revision III, as amended, Rice Export Program.

*Available.* Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

*Unrestricted use.*

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the 1968 loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC, which will in no event be less than 120 points (1.2 cents) per pound above the 1968 loan rate for such cotton.

*Export.*

*CCC disposals for barter.* Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31, as amended, at the prices described in the preceding paragraph B.

COTTON, EXTRA LONG STAPLE

*Unrestricted use.*

Competitive offers under the terms and conditions of Announcements NO–C–6, (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown)

See footnotes at end of document.

will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

*Export.*

*CCC disposals for barter.* Competitive offers under the terms and conditions of Announcement CN-EX-29 (Acquisition of American-Egyptian Cotton for Export Under the Barter Program), and NO-C-6 (Revised), as amended, at not less than the market price, as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

*Unrestricted use.*

Competitive offers under the terms and conditions of Announcement NO-C-20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

*Availability information.*

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED MEAL, BULK OR SACKED

*Export.*

Competitive offers under the terms and conditions of Announcement NO-CS-7. Sales will be made only for export to Far East countries having ports on the Pacific Ocean or on a sea tributary thereto (including Australia and New Zealand).

*Available.* New Orleans Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

*Restricted use sales.*

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

Terms and conditions of sale are set forth in Announcement PR-1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

*Unrestricted use.*

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM-PR-4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8-3901.

FLAXSEED, BULK

*Unrestricted use.*

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate[1] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1-9.5 percent moisture).*

| Markup per bushel received by— | | Example of minimum prices—terminal and price |
|---|---|---|
| Truck | Rail or barge | |
| $0.15 | $0.10¾ | Minneapolis, Minn. ($3.16) 105 percent + $0.10¾; $3.42¾. |

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

*Available.* Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

*Submission of offers.*

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

*Unrestricted use.*

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

*Export.*

Announced prices, under MP-23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

*Unrestricted use.*

Announced prices, under MP-14: 74 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 73.25 cents per pound—Washington, Oregon, and California. All other States 73 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

*Unrestricted use.*

Announced prices, under MP-14: 52.750 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 51.750 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1-0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353-6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226-3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334-3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264-8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556-6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525-4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633-8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284-4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9-3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372-1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442-3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 228-7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587-4511, Ext. 3271.

Nebraska, Post Office Box 793, 5301 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475-3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237-5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352-8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254-4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on February 28, 1969.

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

[F.R. Doc. 69-2719; Filed, Mar. 6, 1969; 8:45 a.m.]

# DEPARTMENT OF COMMERCE

## Business and Defense Services Administration

## ADLER PLANETARIUM OF CHICAGO PARK DISTRICT

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00383-16-61800. Applicant: The Adler Planetarium of the Chicago Park District, 425 East 14th Boulevard, Chicago, Ill., 60605. Article: Planetarium projector, Zeiss Model VI. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used as a replacement of original equipment installed in 1929 for series lecture programs in the 68-foot dome of the planetarium presented for the general public; for elementary, junior high school, high school, and college special lectures; for courses in adult education; for career-oriented lectures for young people; for specialized lectures for educational and scientific purposes. It is necessary that the new instrument be compatible with the general configuration, the wiring requirements, and arrangement of the original installation. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is essentially an optical stereoptican projector designed for projecting images of stars, planets, sun, and moon on to a dome, to provide a picture of their apparent relative size and position at a particular time of the year. The foreign article is intended to replace an obsolescent projector. Compatibility of the replacement with the existing dome and related equipment is a pertinent characteristic. We note that one domestic manufacturer, Spitz Laboratories, Inc. (Spitz), was afforded an opportunity to furnish an apparatus of equivalent scientific value, for the purposes for which the foreign article is intended to be used. We note further that Spitz has under development a similar projector which, however, is intended for domes larger than that with which the foreign article is intended to be used. Moreover, Spitz was unable to indicate when the prototype of this projector would be available for demonstration. For the foregoing reasons, we find that Spitz was not able to produce a comparable apparatus and have it available so that it may be obtained by the applicant without unreasonable delay. (See § 602.1(f) of above-cited regulations.)

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the foreign article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2732; Filed, Mar. 6, 1969; 8:45 a.m.]

## AGRICULTURAL RESEARCH SERVICE

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00220-63-46040. Applicant: U.S. Department of Agriculture, ARS, Southern Administrative Division, Post Office Box 53326, 701 Loyola Avenue, Room T-11003, New Orleans, La. 70150. Article: Electron miscroscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in the study of chemical modification of cotton fibers; and in investigations of intracellular cytological changes in oilseeds during processing of cottonseed and peanuts. The specific cotton problem involves the effect of certain swelling agents on the elementary cellulose fibrils which constitute the structural units of the cotton fiber cell wall. In samples obtained by mechanical agitation, fragment thickness in either cotton or oilseed kernels is uncontrollable. For this reason, variable accelerating voltages are necessary to permit adequate examination of both the thick and thin specimens in the sample. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (prior to June 24, 1968). Reasons: (1) The foreign article provides a guaranteed resolving power of 5 angstroms. The only domestic electron microscope available prior to July 1, 1968, was the Model EMU-4 which was manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 had a guaranteed resolving power of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) The additional resolving power of the foreign article is considered pertinent to the purposes for which this article is intended to be used. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and

available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2738; Filed, Mar. 6, 1969; 8:45 a.m.]

## BARTOL RESEARCH FOUNDATION

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00325-15-40500. Applicant: Bartol Research Foundation, Whittier Place, Swarthmore, Pa. 19081. Article: Fabry-Perot Etalon plates and reference interferometer. Manufacturer: Scientific Optical Laboratories of Australia, Pty., Ltd., Australia. Intended use of article: The articles will be used as components to an existing servo-controlled interferometer for ultrahigh resolution spectroscopy of stellar light sources. Essentially the research falls among the pioneering entries into the field of spectral resolution in stellar spectra formerly reserved exclusively for solar studies. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, is being manufactured in the United States. Reasons: The application relates to components for a servo-controlled interferometer which had been entered duty-free under tariff item 851.60, Tariff Schedules of the United States. (See Docket No. 68-00404-15-40500, 33 F.R. 4381).

The Department of Commerce knows of no similar components being manufactured in the United States, which are either interchangeable with the foreign articles or can be adapted to the foreign instrument with which such articles are intended to be used.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2733; Filed, Mar. 6, 1969; 8:45 a.m.]

## BROOKHAVEN NATIONAL LABORATORY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00179-98-65600. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, N.Y. 11973. Article: Main magnet power supply. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as the source of controlled electric power for the main magnet of the Alternating Gradient Synchrotron. The power supply is intended to increase the pulsing rate and duty cycle of the synchrotron and to provide greater precision and flexibility. These two improvements will increase the proton beam intensity obtainable from the synchrotron and enhance the capability for conducting advanced experiments in fundamental high energy physics. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to contain almost all of the stored energy in a massive generator rotor. There is no flywheel in the system. This design leads to smaller torsional stresses on the main shaft. The only domestic manufacturer to submit a proposal for the manufacture of an instrument comparable to the foreign article was the General Electric Co. (GE). The GE design places about half of the rotational inertia in a separate flywheel. We are advised by the National Bureau of Standards (NBS) that the stored energy of the rotating equipment proposed by the domestic manufacturer is smaller than that of the foreign article. NBS further advises that smaller stored energy results in greater cyclic speed changes during operation and consequently greater mechanical stresses which can ultimately lead to serious fatigue failure. In addition, NBS advises that any reasonable effort to reduce the causes of fatigue failure in equipment of this sort is justified since the intended use of the foreign article places unusually high and repetitive mechanical stress on large rotating electrical equipment. Therefore, the design of the foreign article which reduces such stress is pertinent.

For these reasons, we find that the main magnet power supply offered by GE is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2770; Filed, Mar. 6, 1969; 8:48 a.m.]

## CALIFORNIA INSTITUTE OF TECHNOLOGY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00291-00-46040. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Double tilt and rotation specimen stage and decontamination device. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for rotation and tilt of noncontaminated thin crystal specimens during analysis by transmission electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The application relates to an accessory for an electron microscope previously imported for use of the applicant, which was manufactured by the supplier of the accessory.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is either interchangeable with the foreign article or can be adapted to the instru-

ment with which the foreign article is intended to be used.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2734; Filed, Mar. 6, 1969; 8:45 a.m.]

## CHILDREN'S ORTHOPEDIC HOSPITAL AND MEDICAL CENTER

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00211-33-46040. Applicant: Children's Orthopedic Hospital and Medical Center, 4800 Sand Point Way NE., Seattle, Wash. 98105. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for education, research, and acute diagnostic work. In education, it will be used for teaching residents and fellows in pediatric pathology; teaching of medical students; teaching fellows in clinical virology and microbiology, and fellows in clinical oncology, as well as students in medical technology. For research, it will be used to study sudden death syndrome in infants, studies on neuroblastoma of infancy and research in application of electron microscopy to surgical pathology. In acute diagnostic work, it will be utilized for rapid examination of clinical specimens for suspect diseases of highly contagious nature. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope which can be used by students with a minimum of detailed programing and early use by the student with self-confidence. The only known domestic electron microscope is the Model EMU-4B manufactured by the Radio Corporation of America (RCA). This domestic instrument is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. (2) The foreign article provides as low as 60 magnifications. This characteristic permits the student to make an easy transition from light to electron microscopy. (3) The foreign article also provides a digital readout for focusing adjustments, which allows the instructor to check correctness of the students' focusing adjustments and to exactly repeat focusing adjustment for several students performing an identical experiment.

For the foregoing reasons, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2771; Filed, Mar. 6, 1969; 8:48 a.m.]

## GENESEE HOSPITAL

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00180-33-46040. Applicant: The Genesee Hospital, 224 Alexander Street, Rochester, N.Y. 14607. Article: Electron microscope, Model EM300 and accessories. Manufacturer: Philips Electronic Instruments, Inc., the Netherlands. Intended use of article: The article will be used for medical research and teaching at the Institution. Current studies include:

1. Intracellular localization of specific pepsinogens by electron microscopy involving immunohistochemical techniques.

2. Measurement of membrane thickness in the tubular systems of human fetal acid secreting cells.

3. Determination of the frequency of occurence and characterization of nuclear excrescences in neutrophiles of patients suffering from carcinoma and in appropriate controls.

4. Several projects including electron microscopic evaluation of biological specimens are being performed by Research Fellow-Trainees.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (June 5, 1967). Reasons: (1) The foreign article provided a guaranteed resolution of 5 angstroms. The only domestic electron microscope available prior to July 1, 1968, was the Model EMU-4 which was manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 has a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) The additional resolution of the foreign article is considered pertinent to the purposes for which this article is intended to be used. (2) The foreign article provided accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for the negatively stained specimens. Since, both unstained and negatively stained specimens will be used in the experiments the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which was being manufactured in the United States and available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2772; Filed, Mar. 6, 1969; 8:48 a.m.]

## INSTITUTE FOR MEDICAL RESEARCH OF SANTA CLARA COUNTY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, De-

partment of Commerce, Washington, D.C.

Docket No. 69-00209-33-54500. Applicant: Institute for Medical Research of Santa Clara County, 751 South Bascom Avenue, San Jose, Calif. 95128. Article: Light coagulator, Model 5000 complete with spare parts. Manufacturer: Carl Zeiss, Jena, West Germany. Intended use of article: The article will be used for experimental surgery within the vitreous (or back portion of the eye), and for continuous viewing of this work. It will free both hands to perform intricate maneuvers in photographing selected sights and actions to illustrate to others what can only be seen by the surgeon. This equipment is unique in that no other instrument permits continuous viewing with both hands available to do the actual surgery. Comments. No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides direct visual control of the photocoagulation process while freeing the surgeon's hands through the use of integrated stereoscopic optics and a controlled xenon arc source. Domestic laser powered instruments do not provide means of direct visual control of the photocoagulation process while freeing the surgeon's hands which is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that the domestic laser powered instruments for use in the photocoagulation process are not of equivalent scientific value to the foreign article for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2773; Filed, Mar. 6, 1969; 8:48 a.m.]

## IOWA STATE UNIVERSITY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00166-33-46500. Applicant: Iowa State University, Ames, Iowa 50010. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for cutting sections of muscle and pelleted fractions within the range of 50 angstroms to 1,300 angstroms in thickness for electron microscopy. Some of the thicker sections will be used for light microscopy. This constitutes the ultrastructural aspect of the investigation of the components and reconstituted structure of Z lines in striated skeletal muscle. Only by cutting ultrathin equal-thickness sections is it possible to make such reconstitutions. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 has a guaranteed minimum thickness capability of 100 angstroms. The better thin sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the electron microscope. (2) The foreign article has a thermal advance, whereas the Sorvall Model MT-2 has a gear driven mechanical advance. For the purposes for which the foreign article is intended to be used, the applicant requires a long series of ultrathin sections. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated December 12, 1968, that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required. For the foregoing reasons, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2774; Filed, Mar. 6, 1969; 8:48 a.m.]

## JOHNS HOPKINS UNIVERSITY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00207-33-46040. Applicant: The Johns Hopkins University, Department of Biology, 34th and Charles Streets, Baltimore, Md. 21218. Article: 2 each electron microscopes, JEM-30B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in teaching undergraduates in biology and premedicine, basic techniques of modern microscopy. It should be emphasized that the instrument is greatly simplified, compact, and portable, requiring no permanent installation and demanding little skill in its operation. Only such an instrument is suitable for introductory instruction of some 120 students with no previous experience in electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is to be used primarily in teaching undergraduates in biology and premedical students, the basic techniques of modern microscopy. The only known domestic electron microscope is the Model EMU-4B manufactured by the Radio Corporation of America (RCA). This domestic instrument is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. The foreign article is a small, relatively simple electron microscope which is suitable for teaching undergraduate students who are later expected to use the more complex instrument. In addition, the foreign article is mobile and may thus be moved from one location to another for different courses, whereas the RCA Model EMU-4B requires a fixed installation with suitable provisions for water cooling and shielding.

For the foregoing reasons, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such

article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2775; Filed, Mar. 6, 1969; 8:49 a.m.]

## NATIONAL BUREAU OF STANDARDS

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00191-82-04000. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Precision balance, 100-gram capacity single-pan, Model Voland 100-G. Manufacturer: Voland Co., Japan. Intend use of article: The article will be used to provide new weights and measures standards and precision instruments to each of the 50 States (Public Law 89-164, 1965). Its purpose will be to conduct precise calibration of weights, as well as to determine accuracy of weights and scientific material. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of domestic manufacture, which is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was made available to the applicant by domestic manufacturers in response to invitations to bid. Reasons: A highly precise analytical balance, conforming to the stipulated specifications in all essential respects, is as a rule made to order. The matter of availability concerns the capability and willingness of domestic manufacturers of precision balances to custom make the balance described in the invitation to bid in accordance with the desired characteristics. We note that the applicant had submitted invitations to bid to all known domestic manufacturers of precision balances. (See reply to Question 10 of application.) We note further that no precision balance of domestic manufacture was offered in response to the invitation to bid. (One domestic manufacturer did offer to furnish a precision balance meeting the applicant's specification, but this was to be manufactured by a Japanese affiliate of the domestic manufacturer.)

We therefore find that no domestic manufacturer known to be capable of manufacturing a precision balance in accordance with the desired specifications, was willing to produce the balance and have it available to the applicant without unreasonable delay.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2735; Filed, Mar. 6, 1969; 8:45 a.m.]

## NATIONAL BUREAU OF STANDARDS

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00192-82-04000. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Precision balance, 1-kilogram capacity single-pan, Model CB 1000. Manufacturer: Mettler Instrument Corp., Switzerland. Intended use of article: The article will be used to provide new weights and measures standards and precision instruments to each of the 50 States (Public Law 89-164, 1965). Its purpose will be to conduct precise calibration of weights, as well as to determine accuracy of weights and scientific material. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of domestic manufacture, which is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was made available to the applicant by domestic manufacturers in response to invitations to bid. Reasons: A highly precise analytical balance, conforming to the stipulated specifications in all essential respects, is as a rule made to order. The matter of availability concerns the capability and willingness of domestic manufacturers of precision balances to custom make the balance described in the invitation to bid in accordance with the desired characteristics. We note that the applicant had submitted invitations to bid to all known domestic manufacturers of precision balances. (See reply to Question 10 of application.) We note further that no precision balance of domestic manufacture was offered in response to the invitation to bid. (One domestic manufacturer did offer to furnish a precision balance meeting the applicant's specification, but this was to be manufactured by a Japanese affiliate of the domestic manufacturer.)

We therefore find that no domestic manufacturer known to be capable of manufacturing a precision balance in accordance with the desired specifications, was willing to produce the balance and have it available to the applicant without unreasonable delay.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2776; Filed, Mar. 6, 1969; 8:49 a.m.]

## NATIONAL BUREAU OF STANDARDS

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00193-82-04000. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Precision balance, constant-load 3-kilogram capacity single-pan, Model Voland 3 Kg. Manufacturer: Voland Corp., Japan. Intended use of article: The article will be used to provide new weights and measures standards and precision instruments to each of the 50 States (Public Law 89-164, 1965). Its purpose will be to conduct precise calibration of weights, as well as to determine accuracy of weights and scientific material. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of domestic manufacture, which is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was made available to the applicant by domestic manufacturers in response to invitations to bid. Reasons: A highly precise analytical balance, conforming to the stipulated specifications in all essential respects, is as a rule made to order. The matter of availability concerns the capability and willingness of domestic manufacturers of precision balances to custom make the balance described in the invitation to bid in accordance with the desired characteristics. We note that the applicant had submitted invitations to bid to all known domestic manufacturers of precision balances. (See reply to Question 10 of application.) We note further that no precision balance of domestic manufacture was offered in response to the invitation to bid. (One domestic manufacturer did offer to furnish a precision

balance meeting the applicant's specification, but this was to be manufactured by a Japanese affiliate of the domestic manufacturer.)

We therefore find that no domestic manufacturer known to be capable of manufacturing a precision balance in accordance with the desired specifications, was willing to produce the balance and have it available to the applicant without unreasonable delay.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2777; Filed, Mar. 6, 1969; 8:49 a.m.]

## NATIONAL INSTITUTES OF HEALTH

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00184-33-46040 Applicant: National Institutes of Health, Laboratory of Clinical Investigation, National Institute of Allergy and Infectious Diseases, Bethesda, Md. 20014. Article: Electron microscope, Model EM300. Manufacturer: N. V. Philips, The Netherlands. Intended use of article: The article will be used in biomedical research which include the following specific problems to be investigated:

1. Study of the structure of the erythrocyte plasma membrane by negative staining and thin section techniques.

2. Electron microscopic study of the effects of antigen-antibody reaction on cell membrane structure and function.

3. High resolution study of the structure of conformation changes of plasma membrane protein.

4. Electron microscope autoradiographic localization of H3-serotonin in human platelets.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed a bonafide order for the foreign article. Reasons: The most closely comparable domestic electron microscope available at the time the order was placed for the foreign article (June 17, 1968 with a quoted delivery time of 6 weeks (see letter from applicant dated Oct. 30, 1968)), was the Model EMU-4 which was manufactured by the Radio Corporation of America (RCA). The foreign article has a quaranteed resolving capability of 5 angstroms, whereas the RCA Model EMU-4 had a guaranteed resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) For such purposes as the foreign article is intended to be used, the additional resolving capability of the foreign article is a pertinent characteristic. In addition, the foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article provides optimum contrast for unstained biological specimens and that voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since the investigations in which the foreign article is intended to be used involve both unstained and negatively stained biological specimens, the additional accelerating voltages of the foreign article are pertinent characteristics.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed a bonafide order for the article.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2778; Filed, Mar. 6, 1969; 8:49 a.m.]

## SIMMONS COLLEGE

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00159-01-77030. Applicant: Simmons College, 300 The Fenway, Boston, Mass. 02115. Article: Nuclear magnetic resonance spectrometer, Model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for two primary functions: As an instructional tool in properties and uses of nuclear magnetic resonance in a variety of course settings and for independent study and research by undergraduates and faculty members. Research projects include the following:

a. A study of the relative chemical shifts of the acetone and chloroform signals in solution of varying composition and with varying additions of "inert" diluents in order to study hydrogen bondings in this system.

b. Characterization of inorganic rare earth oxyfluorides by fluorine NMR.

c. A characterization and reaction condition study directed toward the synthesis of unsaturated B-lactams.

d. A study of the proton exchange rate for N,N-dimethylbenzyl amine.

COMMENTS: Comments have been received from one domestic manufacturer, Varian Associates (Varian) which alleges inter alia that the Varian Model HA-60IL nuclear magnetic resonance spectrometer is "scientifically equivalent to the Japanese made R-20 for the purposes intended." (See item (3) of attachment to Varian's letter dated Oct. 18, 1968.) Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides single sweep span of 20 kiloHertz. In its comments (item (4)(13)) Varian states that the Model HA-60IL satisfies the requirement for a kiloHertz sweep. In this connection, we are advised by the National Bureau of Standards (NBS) that the "Varian sweep range is reached in a number of single steps (requiring that the operator shift the lock a number of times), * * *". (See memorandum from NBS dated Jan. 7, 1969.) According to NBS, shifting the lock would in many instances result in the failure of the experiment. NBS further states that the limitation imposed by the sweep span of the Varian Model HA-60IL, precludes its use in recording Fluorine 19 and, consequently, the 20 kiloHertz single sweep span of the foreign article is pertinent to the purposes for which the article is intended to be used. For the foregoing reasons, we find that the Varian Model HA-60IL is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2779; Filed, Mar. 6, 1969; 8:49 a.m.]

## TEXAS A. & M. UNIVERSITY

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00252-00-55000. Applicant: Texas A. & M. University, College Station, Tex. 77843. Article: 4 galvanometers, Type A 3300, and 1 event marker attachment. Manufacturer: Sangamo Controls, United Kingdom. Intended use of article: The articles will be used as accessories to an existing rheogoniometer. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which such articles are intended to be used, is being manufactured in the United States. Reasons: The foreign articles are accessories for a Weissenberg rheogoniometer now in the applicant's possession, which was manufactured by the supplier of the articles to which the applicant relates.

The Department of Commerce knows of no similar accessories which are interchangeable with the foreign article, or can be adapted for use with the Weissenberg rheogoniometer with which the foreign articles are intended to be used.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2780; Filed, Mar. 6, 1969; 8:49 a.m.]

## UNIVERSITY OF ILLINOIS

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00203-98-72000. Applicant: University of Illinois at Chicago Circle, 601 South Morgan Street, Chicago, Ill. 60607. Article: Weissenberg rheogoniometer, Model R.18. Manufacturer: Sangamo Controls, Ltd., United Kingdom (England). Intended use of article: The article will be used for research in viscoelasticity in the Department of Energy Engineering for characterization of viscoelastic fluids by means of simultaneous measurement of normal and sheer stresses of a sinusodial oscillations on steady sheer. It may also be used for possible future application in the study of dilute polymer solutions and will involve a study of the basic flow properties of various fluids such as blood. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of measuring normal stress as well as viscosity as a function of sheer rate. There is no known comparable domestic instrument being manufactured in the United States which has this capability. The ability of the foreign article to measure normal stress as well as viscosity as a function of the sheer rate is necessary to the accomplishment of the purposes for which such article is intended to be used and, therefore, is pertinent to this purpose.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2781; Filed, Mar. 6, 1969; 8:49 a.m.]

## UNIVERSITY OF MIAMI ET AL.

### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washintgon, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00387-33-43780. Applicant: University of Miami, Coral Gables, Fla. 33124. Article: Lidwell's phage typing machine. Manufacturer: Biddulph & Co., United Kingdom. Intended use of article: The article will be used to support medical research concerning typing of bacteria. Application received by Commissioner of Customs: January 27, 1969.

Docket No. 69-00392-75-07000. Applicant: University of California, Los Alamos Scientific Laboratory, Los Alamos, N. Mex. 87544. Article: Cable, hollow, conducter, mineral insulated. Manufacturer: Pyrotenax of Canada, Ltd., Canada. Intended use of article: The article which consists of the following: (a) 800 feet, cable, copper, #1 AWG mineral insulated, copper-sheathed, 0.400 sq./0.256 sq. fully annealed; and (b) 2,000 ft., cable, hollow, conductor, mineral insulated, overall size 0.053±0.010 inches; will be used to produce magnetic coils for research and development within the applicant's facility. Application received by Commissioner of Customs: January 30, 1969.

Docket No. 69-00404-33-46500. Applicant: U.S. Public Health Service, National Center for Urban & Industrial Health, 222 East Central Parkway, Cincinnati, Ohio 45202. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used in preparation of viruses and cellular components for electron microscopy. Sections varying in thickness from 50 to 300 angstroms, or greater, are cut from materials that are purified and concentrated by ultracentrifugation. The highest degree of accuracy is essential as regards equal section thickness through and reproducibility of such thickness. Application received by Commissioner of Customs: February 4, 1969.

Docket No. 69-00405-33-46500. Applicant: Ohio State University, Department of Anatomy, College of Medicine, 1645 Neil Avenue, Columbus, Ohio 43210. Article: Ultramicrotome, Model "OmU2". Manuafcturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used in a research program that involves the electron microscopic nature of glial cells and nerve cells in the brains of both normal and experimental animals. Inherent in this work is a need for serial sections of uniform thickness, 70 angstroms. Serial sections of uniform thickness are

necessary in order to reconstruct the exact three-dimensional nature of synaptic boutons on the cell bodies, dendrites and axons within the specific groups of nerve cells being studied. Application received by Commission of Customs: February 5, 1969.

Docket No. 69-00406-75-43000. Applicant: Harvard University, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Superconducting magnet system. Manufacturer: Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used to investigate spin interactions and relaxation in high magnetic fields and ultra low temperatures, which include the investigation of solid hydrogen ($H_2$) and solid hydrogen-deuterium (HD). Application received by Commissioner of Customs: February 5, 1969.

Docket No. 69-00407-01-9000. Applicant: Harvard University, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Rotating anode X-ray diffraction equipment, Model GX3. Manufacturer: Elliott Electronic Tubes, Ltd., United Kingdom. Intended use of article: The article will be used in the determination of the structure of macromolecules such as enzymes carboxypeptidase A and aspartate transcarbamylase. In addition certain large boron compounds will be investigated. Application received by Commissioner of Customs: February 5, 1969.

Docket No. 69-00412-33-05300. Applicant: University of Colorado, Regent Hall 122, Boulder, Colo. 80302. Article: Heating baths, Model BRI-140, oil or water. Manufacturer: F. G. Bode & Co., West Germany. Intended use of article: The article will be used for research on the chemistry of anticancer agents. This equipment will allow the applicant to control evaporation of sensitive materials at different temperatures up to 200° centigrade. The specifications for the heating bath is an adjustable thermostatically controlled temperature of 40°-200° centigrade, stainless steel, 8-inch diameter, 700 watt, usable for water or oil, and adaptable for attachment to a tripod stand. Application received by Commissioner of Customs: February 10, 1969.

Docket No. 69-00413-33-46040. Applicant: University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Electron microscope, Model HU 200-E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to enhance and extend a research program on molecular organization of cell membranes and derivatives, as well as in space molecular biology. Application received by Commissioner of Customs: February 10, 1969.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2782; Filed, Mar. 6, 1969; 8:49 a.m.]

## UNIVERSITY OF MICHIGAN ET AL.

### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00414-33-62500. Applicant: The University of Michigan Medical Center, 1405 East Ann Street, Ann Arbor, Mich. 48104. Article: Strain gauge plethsymograph. Manufacturer: G. L. Loos Co.'s Fabricken N.V., The Netherlands. Intended use of article: The article will be used for the measurement of blood flow in the digits and in the forearm or leg of subjects with arterial disease. The research proposes to study methods by which the blood flow could be improved. The methods by which improvement will be attempted are the use of low fat diet to remove cholesterol from the arterial walls or by use of drugs to dilate the blood vessels. Application received by Commissioner of Customs: February 10, 1969.

Docket No. 69-00416-75-46070. Applicant: Washington University, Laboratory for Space Physics, Lindell and Skinker Boulevards, St. Louis, Mo. 63130. Article: Scanning electron microscope, Mark IIA. Manufacturer: Cambridge Scientific Instrument Ltd., U.K. Intended use of article: The article will be used to perform fossil nuclear track studies on returned lunar materials. It is hoped that the track studies in lunar samples will give important results concerning the following scientific problems:

1. The age of the lunar surface;

2. The rate of turnover (buildup and erosion) of the surface;

3. The past history of solar and galactic radiations;

4. The nature of soil formation processes on the moon.

Application received by Commissioner of Customs: February 11, 1969.

Docket No. 69-00419-33-46500. Applicant: The Johns Hopkins University School of Medicine, 725 North Wolfe Street, Baltimore, Md. 21205. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article will be used to cut tissues and organs such as the blood, the spleen, bone marrow, and tissue cultures and cells derived from these tissues. These tissues and organs are to be studied under normal conditions and under the following circumstances: During the production of antibody; the rejection of skin and kidney grafts; the presence of anemia after administration of endotoxin, in inflammatory states, and after infection by virus. Application received by Commissioner of Customs: February 13, 1969.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2737; Filed, Mar. 6, 1969; 8:45 a.m.]

## UNIVERSITY OF VIRGINIA

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00227-31-01720. Applicant: University of Virginia, Research Laboratories for the Engineering Sciences, Thornton Hall, Charlottesville, Va. 22901. Article: Three-channel thyristor power amplifier. Manufacturer: Oerlikon Engineering Co. (Brown-Boveri), Switzerland. Intended use of article: The article will be a component subsystem of a magnetic wind tunnel balance. Specifically the article will be used to supply and control the currents flowing in the cryogenic magnetic support coils in response to an error signal derived from the model position. Comments: No comments have been received with respect to this application. Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manu-

factured in the United States at the time the applicant placed the order for the foreign article. Reasons: In defining "Domestic manufacture," § 602.1(f) of the regulations provides in part "An instrument, apparatus or accessory shall be considered as being manufactured in the United States (1) if it is actually produced within the United States and is on sale and available from a stock in the United States, or (2) with respect to instruments, apparatus, or accessories which are generally custom-made (made to purchasers' specifications) by domestic manufacturers of such articles or articles of the same general type, if a U.S. manufacturer is able and willing to produce the instrument, apparatus, or accessory within the United States and have it available promptly so that it may be obtained by the applicant with unreasonable delay * * *." According to the applicant's reply to Question 10 of the application, one domestic manufacturer offered to furnish within 26 weeks an apparatus which was "technically equivalent" to the foreign article. The applicant's reason for rejecting the offer of this domestic manufacturer was the higher price of the domestic apparatus, which was higher than the applicant's budgetary limitations would permit for such apparatus. In defining "pertinent characteristics" and "pertinent specifications," § 602.1(b)(7) of the regulations specifically excludes the cost of the instrument or apparatus from consideration in evaluating scientific equivalency. In addition, we note that the delivery time quoted for the foreign article was "approximately 14 months after the date of the order" (letter from Brown-Boveri Corp. dated Mar. 15, 1968). In a subsequent letter dated April 22, 1968, the delivery time for the foreign article was reduced to 12.5 months after date of order "ex works in Zurich, Switzerland" which does not take into account the time necessary to deliver the apparatus from Zurich to Charlottesville, Va. The domestic manufacturer offered to deliver the apparatus in 26 weeks, which is considerably less than the delivery time quoted for the foreign article. For the foregoing reasons, we find that one domestic manufacturer was able and willing to produce an apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used and have it available promptly so that it may be obtained without unreasonable delay. Accordingly, the application for duty-free entry of the foreign article is denied.

CHARLEY M. DENTON,
*Assistant Administrator for Industry Operations, Business and Defense Services Administration.*

[F.R. Doc. 69-2736; Filed, Mar. 6, 1969; 8:45 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Coast Guard

[CGFR 69-11]

### EQUIPMENT, INSTALLATIONS, OR MATERIALS

### Approval Notice

*Correction*

In F.R. Doc. 69-2324 appearing at page 2624 of the issue for Wednesday, February 26, 1969, make the following changes:

1. On page 2626, column 1, delete the 29th and 30th lines.

2. On page 2626, in the second line of "Approval No. 162.001/207/0," the reference to "MC" should read "MS".

3. On page 2626, in the parenthetical remark for "Approval No. 162.001/210/0" the approval number should read "162.001/210/0".

## National Transportation Safety Board

[Docket No. SA-408]

### ACCIDENT NEAR HANOVER, N.H.

### Notice of Hearing

In the matter of investigation of accident involving Northeast Airlines, Inc., Aircraft, Fairchild-Hiller, FH 227, of U.S. Registry, N380NE, near Hanover, N.H., October 25, 1968.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m. (local time), on April 1, 1969, in Room 2003A, John F. Kennedy Building, Boston, Mass.

Dated this 3d day of March 1969.

[SEAL] ROBERT L. ALLARD,
*Hearing Officer.*

[F.R. Doc. 69-2769; Filed, Mar. 6, 1969; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-286]

### CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

### Notice of Change in Composition of Atomic Safety and Licensing Board

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Nuclear Generating Unit No. 3); Docket No. 50-286.

On February 5, 1969, notice was published in the FEDERAL REGISTER (34 F.R. 1741), scheduling a hearing in the captioned matter for 10 a.m., local time, March 25, 1969, to be held in the Hendrick Hudson High School Auditorium, Albany Post Road, Montrose, N.Y., to consider an application filed under section 104b of the Atomic Energy Act by Consolidated Edison Company of New York, Inc., for a provisional construction permit for a pressurized water reactor to be located at Indian Point, Buchanan, N.Y.

A prehearing conference was scheduled for March 11, 1969, at 10 a.m. at the Universal Building, Room 1027, 1825 Connecticut Avenue NW., Washington, D.C.

The notice provided for the conduct of the hearing by a three man atomic safety and licensing board, designated by the Commission, consisting of Dr. John C. Geyer, Baltimore, Md.; Dr. David B. Hall, Los Alamos, N. Mex., and Samuel W. Jensch, Esq., Chairman. Dr. Thomas H. Pigford, Waltham, Mass., was designated as a technically qualified alternate.

This is to give notice that Dr. Pigford has been constituted a member of the board, pursuant to § 2.721b of the Commission's rules of practice, 10 CFR Part 2, due to the unavailability of Dr. Hall. Notice is also given that Dr. John Henry Buck, Los Angeles, Calif., has been designated as the new technically qualified alternate for this case.

Dated at Washington, D.C., this 5th day of March 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
*Secretary.*

[F.R. Doc. 69-2841; Filed, Mar. 6, 1969; 8:51 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 20657; Order 69-2-158]

### CROWN AIRWAYS, INC.

### Order To Show Cause Regarding Final and Temporary Service Mail Rates

Issued under delegated authority February 28, 1969.

Crown Airways, Inc. (Crown), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-2-157, February 28, 1969, the Board approved Agreement CAB 20714 between Allegheny Airlines, Inc., and Crown. This agreement contemplates that Crown will discharge Allegheny's certificate obligation to serve Du Bois, Pa., through the operation of small aircraft between Du Bois and Pittsburgh. Crown expects to initiate service with Beech 99 turboprop type aircraft.

No service mail rate is currently in effect for this service by Crown. By petition filed January 16, 1969, Crown requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Du Bois and Pittsburgh. Crown requests that the multielement rates previously paid to Allegheny on this

route pursuant to Orders E–25610 and E–17255 be established. On February 7, 1969, the Postmaster General filed an answer in support of Crown's petition.[1]

The rate for the air transportation of mail applicable to service by Allegheny was established by the Board in the Domestic Service Mail Rate Investigation, Order E–25610, August 28, 1967. This rate is the same as that requested in Crown's petition. Therefore, we propose to establish a service rate for the air transportation of mail by Crown at the same level as that established in Order E–25610, and the terms and provisions of that order also shall be applicable to Crown in the same manner as they were applicable to Allegheny in providing mail services between Du Bois and Pittsburgh, Pa.

However, in the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Allegheny) for the transportation of nonpriority mail are those established by Order E–17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is the expressed intention of the Post Office Department and Crown that Crown will receive the same compensation as Allegheny would for the same services, we propose to establish a temporary service rate for nonpriority mail for Crown at the level established in Order E–17255, as amended. We will also make Crown a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Crown Airways, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Du Bois and Pittsburgh, Pa. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Crown Airways, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Du Bois and Pittsburgh, Pa., shall be the rate established by the Board in Order E–25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid to Crown Airways, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Du Bois and Pittsburgh, Pa., shall be the rates established by the Board in Order E–17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

*It is ordered*, That:

1. All interested persons and particularly Crown Airways, Inc., the Postmaster General, and Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Crown Airways, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Crown Airways, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Crown Airways, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

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

[F.R. Doc. 69-2797; Filed, Mar. 6, 1969; 8:50 a.m.]

[1] The present rates are as follows:

Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Du Bois and 2.34 cents per pound at Pittsburgh.

Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Du Bois and 1.660 cents per pound at Pittsburgh.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

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[Docket No. 20781; Order 69–3–1]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Transatlantic Fares

Agreements adopted by Joint Conference 1–2 and 1–2–3 of the International Air Transport Association (IATA) relating to transatlantic fares, Docket No. 20781, Agreement CAB 20848, R–1 through R–12 and R–14 through R–68.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1969.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association (IATA), adopted at meetings held in Dallas, Tex., in January 1969.

The agreements, among other things, embrace fare resolutions to apply via North and Mid Atlantic routes from May 1, 1969, through March 31, 1971.[1] Included among them is a resolution which would extend the effectiveness of current fares, now scheduled to expire March 31, 1969, through the month of April 1969, or until such time as the new resolutions become effective. We are herein approving this resolution so as to allow time within which to evaluate the revisions proposed in the pattern of North Atlantic fares.

The essential elements of the fare agreement are apparent, although the Board has not yet received the accompanying fare tables and supporting documentation. These include elimination of the 5-percent round-trip discount; availability of the current 14–21-day excursion fares on a year-round basis, with added charges when travel is in the heretofore precluded peak summer weeks and on weekends; introduction of contract bulk fares for inclusive tours; and introduction of "incentive" group fares to be available except in peak travel months. The last two resolutions appear to be those elements of the agreement which are most controversial and, as such, are reproduced in the appendices hereto.[2]

[1] The agreements also include related fare resolutions applicable to travel via the North Atlantic to/from the Orient.

[2] Appendices filed as part of the original document.

The Board has been advised [3] that at least one complaint will be lodged against the agreement, and that others may be forthcoming. In view of the fact that the agreement contains controversial elements and is intended to become effective in a relatively short period of time, the Board believes it desirable to establish a schedule for the receipt of comments. The Board's intention in doing so is not only to insure a ful record, but to expedite its consideration of that record to the end that the Board will be in a position to act on the agreements as far in advance of the intended effectiveness date as possible.

The procedural dates which the Board has decided upon are as follows:

| | |
|---|---|
| Full documentation and economic justification from the carriers. | Mar. 13, 1969. |
| Complaints and objections from interested parties. | Mar. 27, 1969. |
| Answers to complaints | Apr. 7, 1969. |

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Agreement CAB 20848, R–9 (IATA Resolution 002g, Interim Revalidation—North and Mid Atlantic—Expedited) to be adverse to the public interest or in violation of the Act.

*Accordingly, it is ordered*, That:

Agreement CAB 20848, R–9, be, and it hereby is, approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 69–2731; Filed, Mar. 6, 1969; 8:45 a.m.]

[Docket No. 19023; Order 69–3–4]

## LIABILITY AND CLAIMS RULES AND PRACTICES

### Order Regarding Carrier Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of March 1969.

By Order 68–8–18, dated August 6, 1968, the Board authorized until February 2, 1969, intercarrier and shipper-carrier discussions concerning air freight liability and claims rules and practices. A meeting of carriers and interested shippers was held on December 4–5, 1968, and a working group was appointed to review such shipper comments and to prepare recommendations for subsequent consideration on an industry basis. The working group met on December 12 and 16, 1968, and January 22, 1969, and developed tentative recommendations.

Following the December 1968 working group meetings, by letter of January 21, 1969, the Air Transport Association (ATA) on behalf of 20 carriers requested a 4- to 6-month extension of the discussion authority, and continuation of the confidential treatment of the minutes of the December 1968 working group meetings. In addition, the carriers requested elimination of the 15-day advance notice requirement in Order 68–8–18, supra, with respect to any future working group meetings.

By filings of February 3, 1969, the ATA has submitted the minutes of the January 22, 1969 [1] meeting of the working group on a confidential basis, and has requested that such minutes, as well as the prior December 1968 minutes,[2] be permanently withheld from public disclosure and that only a final report be made public by the working group.

In support of their requests for confidentiality of working group minutes, the carriers state that the recommendations of the working group are but tentative and might be misunderstood, and that their disclosure could destroy the objectivity and effectiveness of the working group. The carriers state that the confidentiality of such minutes should be maintained permanently, and that only the final report of the working group should be made public when final recommendations are submitted to the industry as a whole. In support of this position, it is urged that no useful purpose would be served by releasing the minutes of preliminary meetings of the working group containing the purely tentative views which had been discussed at various stages of the study, and that the long range results of making these tentative views public would be to impair the free interchange of views and information within working groups.

With respect to waiver of the requirement for 15-day advance notice of meetings, the carriers state that only a few carrier representatives are involved, and that 15 days' notice is unnecessary, inappropriate, and delays the process.

Lastly, the request for a 4- to 6-month extension of their discussion authority in this matter is made on the grounds that the data collection and evaluation function has not been completed, neither have final working group recommendations been resolved for presentation to the carriers, or to the shipping public.

No objections to the foregoing requests have been received by the Board.

Inasmuch as the work of the carriers is not complete in this general area, and because an effort does appear to be under way, the Board will extend the discussion authority for an additional 6 months. This additional period should suffice for the carriers to reach conclusions, and provide an opportunity for shippers to review and comment thereon prior to final resolution of the carriers' positions. The Board will also waive the requirement of a 15-day advance notice of working group meetings, and will so modify the extended discussion authority.

The Board will permit the continuation of confidential treatment of the minutes of the working group's deliberations until the group has submitted its final report, but not beyond May 21, 1969. The working group's deliberations during the December 1968–January 1969 period are necessarily preliminary and tentative, and consequently the effort of the industry as a whole is not complete. Views stated and positions taken at the working group meetings are subject to change as additional data are studied and as the discussions proceed. In these circumstances it appears that public disclosure of the deliberations at this time is not required in the public interest.

The Board will not, however, grant permanent confidentiality to the working group's minutes. The requirement that minutes of deliberations be maintained and filed for public record has been a standard practice in connection with authorizations for discussions, whether involving domestic or foreign air transportation, and it is a condition of approval of the IATA rate-making machinery. This requirement provides the Board and the public some insight into the factors and considerations underlying any agreements that may be reached, and operates to keep the discussions within the scope contemplated by the Board. Moreover, in the instant situation, the shippers have a distinct and vital interest in the matters under discussion, and in the agreements reached through discussions which they are not permitted to attend. We believe that only by access to the full minutes of all meetings—working groups and plenary sessions alike—can the shippers be in a position to protect their interest. Disclosure of the minutes of the working group at the time their report is submitted to the carriers will enable the shippers to have the benefit of such minutes and will permit them to comment on the report prior to a final resolution of these matters by the carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, 414, and 1004 thereof:

*It is ordered*, That:

1. The 15-day advance notice of meetings and the circulation thereof as required by ordering paragraph 2 of Order 68–8–18 dated August 6, 1968 is hereby waived with respect to meetings of air carrier working groups in this proceeding;

2. Minutes of the carrier working group meetings in this proceeding, beginning with December 12, 1968, will be maintained by the Board on a confidential basis and will not be available to the public until May 21, 1969, or until the working group makes its final report, whichever is earlier; and

3. The discussions authorized by Order 68–8–18, dated August 6, 1968, are hereby extended until 6 months from the date of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 69–2798; Filed, Mar. 6, 1969; 8:50 a.m.]

[3] Letter dated Feb. 25, 1969, from the National Air Carrier Association, Inc.

[1] The ATA documents inadvertently refer to "December 22, 1968" instead of the proper date of "January 22, 1969."

[2] Order 69–1–39, dated Jan. 10, 1969, concerning confidential treatment of minutes of the working group meetings of Dec. 12 and 16, 1968, limited the period of confidentiality to 15 working days beyond the discussion expiry date of Feb. 2, 1969, i.e., Feb. 21, 1969.

[Docket No. 19023]

## MEMPHIS/HUNTSVILLE/BIRMINGHAM-LOS ANGELES SERVICE INVESTIGATION

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on April 2, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 4, 1969.

[SEAL] THOMAS L. WRENN,
*Chief Examiner.*

[F.R. Doc. 69-2799; Filed, Mar. 6, 1969; 8:50 a.m.]

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[Docket No. 20740; Order 69-3-11]

## HUGHES TOOL CO. AND AIR WEST, INC.

### Order To Show Cause Regarding Certain Interim Financing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of March 1969.

On February 17, 1969, Hughes Tool Co. (Toolco)[1] and Air West, Inc. (Air West), an air carrier, filed a joint application requesting all necessary Board approval to permit Toolco to guarantee up to $4,500,000 in loans from the Bank of America to Air West and in connection therewith for Toolco to be given access to the books, records, and properties of Air West.[2] These arrangements are part of a plan for interim financing assistance to Air West, pending a final Board decision on Toolco's application to acquire control of Air West, Docket 20665.[3] The latter proceeding has been set down for expedited hearing procedures, and a hearing is scheduled to begin on March 11, 1969.

In support of the application the applicants allege, inter alia, that Air West will suffer a net cash deficit of more than $6,500,000 in the first quarter of 1969; that Air West survived during the first part of the quarter by forbearance of creditors and by drawing down bank balances; that Air West now has no cash available to meet current expenses such as payrolls and excise taxes; that to survive to the end of the quarter Air West will require $4 million in cash; and that an additional $2,500,000 will be required during the second quarter.

On February 28, 1969, Northwest Airlines, Inc., filed an answer to the joint application requesting a hearing on the application, suggesting consolidation of Dockets 20665 and 20740 for that purpose, and requesting that the Board advised the joint applicants that approval of the proposed interim financing will be subject to further order of the Board in the consolidated proceedings.

Western Air Lines, Inc., has filed an answer asking that if the Board approves the interim financing, the Board should indicate that this approval is not to be taken as an expression of the Board's views on the control case, Docket 20665.

For reasons set forth below, we have tentatively decided to grant the relief requested by the applicants and to issue a show cause order proposing to approve the interim financial assistance program under section 408 of the Act.[4]

For present purposes it is not necessary that we reach a precise determination as to the exact details of Air West's financial condition. Nor is it necessary for us to consider the long range alternatives which may be open to Air West. Rather for present purposes it is sufficient that the uncontested allegations in the application establish a basis for us to make the following tentative findings: That Air West has an immediate and critical need for the financial assistance proposed herein; that absent prompt financial assistance there is a substantial risk that Air West would be forced to curtail or terminate essential air service;[5] and that the proposed guarantee by Toolco appears to be the only alternative presently available to meet Air West's immediate needs.[6]

Under the unusual circumstances here present the Board believes that it is essential that emergency action be taken on the request for interim approval. There is grave doubt that Air West could continue to render its public service during the period required to conduct a formal evidentiary hearing. Accordingly, pursuant to our powers under sections 204(a) and 408 of the Act, we intend to proceed without a formal evidentiary hearing. See Toolco-Northeast Control Case, 34 C.A.B. 583.[7]

In view of the foregoing we tentatively find and conclude that the proposed interim financial program is consistent with the public interest, will not result in creating a monopoly and thereby restraining competition or jeopardize another carrier not a party to the transaction, and should be approved by the Board pursuant to section 408 of the Federal Aviation Act. Interested persons will be given 10 days from the date of service of this order to show cause why the tentative findings and conclusions reached herein should not be made final.

In granting interested persons the opportunity to show cause why our tentative findings and conclusions should not be adopted, we expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objections are taken.

*Accordingly, it is ordered,* That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and granting approval under section 408 of the Federal Aviation Act of the above described interim financial assistance from Hughes Tool Co. to Air West, Inc.;

2. Any interested persons having objection to the issuance of an order making final the proposed findings and conclusions set forth herein shall, within 10 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with all statistical data and other evidence expected to be relied upon to support the stated objections and all factual matters shall be set forth in affidavit form;[8]

3. In the event no timely and properly supported objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final decision; and

4. A copy of this order shall be served upon the applicants, each air carrier holding a certificate of public convenience and necessity authorizing individually ticketed or waybilled air transportation; the Departments of Justice, Transportation, State, Defense, Post Office, and Interior; the chief executives of all cities and States served by Air West; any Commission or Agency of such States having jurisdiction of transportation by air; all labor organizations representing employees of Air West; and the parties in Dockets 20494 and 20665.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 69-2838; Filed, Mar. 6, 1969; 8:51 a.m.]

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[1] Toolco engages, inter alia, in the manufacture of helicopters, fixed base maintenance and supply operations, and in an air taxi service.

[2] An amendment to the application was filed on February 24.

[3] The arrangements presently completed call for a $4 million loan from the Bank to Air West, of which Toolco will guarantee $2 million. It is contemplated that there will be an additional $2,500,000 loan, to be fully guaranteed by Toolco.

[4] In the interests of expedition, and because applicants do not contest the point, we will proceed on the assumption that the proposed interim financial assistance program would create control relationships subject to section 408 of the Act.

[5] Including air service to 45 communities at which Air West provides the only certificated air service. For a further discussion of Air West's financial difficulties see Order 69-2-9.

[6] Our action here does not constitute a determination of those issues. We are concerned here only with the limited question of interim control, pendente lite.

[7] Petitions for stay were denied in National Airlines, Inc. v. C.A.B. No. 16748, D.C. Circuit (1961).

[8] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

# FEDERAL COMMUNICATIONS COMMISSION

[FCC 69-168]

## STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

FEBRUARY 27, 1969.

The following application, tendered November 21, 1968, seeks essentially the same facilities as presently licensed to station KONA, Kealakekua, Hawaii, except that a different transmitter site is proposed. The proposal is mutually exclusive with the KONA application for renewal of license, File No. BR-4352.

New, Kealakekua, Hawaii.
KONA Koast Broadcasting Co.
Req: 790 kc, 1 kw, U.

Notice is hereby given that this application has been accepted for filing and, pursuant to §§ 1.227(b-(1), 1.591(b), and Note 2 to § 1.571 of the Commission's rules, an application, in order to be considered with this application must be in direct conflict and tendered no later than April 7, 1969.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309 (d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Action by the Commission February 26, 1969. Commissioners Hyde (Chairman), Bartley, Cox, Wadsworth and Johnson.

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

[F.R. Doc. 69-2787; Filed, Mar. 6, 1969; 8:49 a.m.]

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[Docket No. 16495; FCC 69-158]

## ESTABLISHMENT OF DOMESTIC COMMUNICATIONS SATELLITE FACILITIES BY NON-GOVERNMENTAL ENTITIES

### Order Regarding Filing Comments Date

1. The Commission, having before it additional comments on the matter herein, dated February 19, 1969, from the General Electric Co., with a request that they be accepted by the Commission;

2. It appearing, that although the Commission is desirous of avoiding any further delay in reaching a decision in this proceeding, good cause has been shown in the special circumstances for the acceptance of the comments submitted by the General Electric Co.:

3. *It is ordered*, That the comments submitted by the General Electric Co. are accepted by the Commission and will be associated with the Docket in the above-entitled proceedings;

*It is further ordered*, That any interested party wishing to file comments on the material filed by the General Electric Co. should do so on or before April 14, 1969; in view of the desirability of avoiding any further lengthy delay in this important matter, we make no provision for reply pleadings and also stress the firmness of the April 14th deadline, absent a showing of unusual and compelling circumstances.

Adopted: February 26, 1969.

Released: March 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 69-2788; Filed, Mar. 6, 1969; 8:49 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4340]

## MILL FACTORS CORP.

### Order Suspending Trading

MARCH 3, 1969.

The common stock, $2.50 par value, of Mill Factors Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mill Factors Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1969, through March 9, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-2744; Filed, Mar. 6, 1969; 8:46 a.m.]

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## TOP NOTCH URANIUM AND MINING CORP.

### Order Suspending Trading

MARCH 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation) and all other securities of Top Notch Uranium and Mining Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1969, through March 13, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-2745; Filed, Mar. 6, 1969; 8:46 a.m.]

[1] Commissioners Robert E. Lee and H. Rex Lee absent.

# SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0254]

## JUSTER CAPITAL CORP.

### Notice of Surrender of License

Notice is given hereby that Juster Capital Corp., New York, N.Y., has pursuant to § 107.105 of the Regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) requested the surrender of its license to operate as a small business investment company. The licensee was incorporated on May 18, 1964, under the laws of the State of New York, and licensed by the Small Business Administration (SBA) on June 17, 1964, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Prior to final action on this request, consideration will be given to any comments pertaining to the proposed surrender which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice.

If no comments are received within the specified period of time, under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Juster Capital Corp. will be accepted, and Juster Capital Corp., accordingly, will no longer be licensed to operate as a small business investment company.

Dated: February 27, 1969.

JAMES THOMAS PHELAN,
*Acting Associate Administrator for Investment.*

[F.R. Doc. 69-2665; Filed, Mar. 6, 1969; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Corrected Car Distribution Direction 38]

## CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO. AND NORTHERN PACIFIC RAILWAY CO.

### Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

*It is ordered*, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Chicago, Rock Island and Pacific Railroad Co. shall deliver to the Northern Pacific Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

*It is further ordered*, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

*It is further ordered*, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., March 2, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

*It is further ordered*, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., February 26, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
*Agent.*

[F.R. Doc. 69-2790; Filed, Mar. 6, 1969; 8:50 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

MARCH 4, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41574—*Ordinary Livestock from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-13), for interested rail carriers. Rates on ordinary livestock, viz.: horses, mules, burros, and asses, other than for slaughter, in carloads, between points in southwestern territory, including Mississippi River crossings Memphis, Tenn., and south; also between such points, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Rate relationship.

Tariffs—Supplements 31 and 195 to Southwestern Freight Bureau, agent, tariffs ICC 4734 and 3962, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
*Secretary.*

[F.R. Doc. 69-2791; Filed, Mar. 6, 1969; 8:50 a.m.]

[Notice 789]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 3, 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 107496 (Sub-No. 709 TA), filed February 27, 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: *Ammonium nitrate fertilizer*, in bulk, from the plantsite or storage facilities of Monsanto Co., at El Dorado, Ark., to points in Oklahoma and Texas, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 111729 (Sub-No. 277 TA), filed February 26, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith*, (a) between Norfolk, Va., on the one hand, and, on the other, points in North Carolina; (b) between Woodbridge, N.J., on the one hand, and, on the other, Poughkeepsie and Roseton, N.Y.; and Washington, D.C.; (2) *Bottled oil samples, maps, promotion items, and miscellaneous small hardware, consisting of small valves, surveyor's instruments, portable pumps, pump parts, tank measuring sticks, boiler fire eyes*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any 1 day, between Woodbridge, N.J., on the one hand, and, on the other, Poughkeepsie and Roseton, N.Y.; and Washington, D.C.; (3) *Cut flowers and decorative greens*, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, between Richmond, Va., on the one hand, and, on the other, points in Virginia; points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Pocahontas, Putnam, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va., for 180 days. Supporting shippers: There are approximately (8) 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 Carignan, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 119539 (Sub-No. 9 TA), filed February 26, 1969. Applicant: BEVER-

AGE TRANSPORT, INC., Post Office Box 88, Routes 5 and 20, East Bloomfield, N.Y. 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from points in Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, and Yates Counties, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shippers: Richard J. Herman, T. M., Ragu Packing Co., Inc., 1680 Lyell Avenue, Rochester, N.Y.; E. J. Bracalento, T.M., C–B Foods, Division, of Curtice-Burns, Leroy, N.Y.; Francis X. Kalsch, T.M., Duffy-Mott Co., Inc., 370 Lexington Avenue, New York, N.Y. 10021; Leland C. Henry, Distribution Manager, Comstock-Greenwood Foods, Bordon, Inc., Foods Division, 1000 South Main Street, Newark, N.Y. 14513. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 123048 (Sub-No. 148 TA), filed February 26, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue 53403, Post Office Box A, Racine, Wis. 53401. Applicant's representative: Paul Martinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, corn cribs, unmounted front end loaders, grader-blades and parts for such commodities*, from Richmond, Ind., to points in the United States including ports of entry between the United States and Canada, for 180 days. Supporting shipper: Dunham-Lehr, Inc., 425 Northwest K Street, Richmond, Ind. 47374, Philip Rosar, Treasurer. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125650 (Sub-No. 5 TA), filed February 25, 1969. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, 910 Dickens Street, Missoula, Mont. 59801. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and articles dealt in by wholesale and retail grocery establishments*, from points in California and Idaho to points in Montana, for 180 days. Supporting shippers: There are approximately 8 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: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 127681 (Sub-No. 4 TA), filed February 26, 1969. Applicant: JOE JONES, JR., doing business as JOE JONES TRUCKING CO., 2340 Bankhead Highway NW., Atlanta, Ga. 30318. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, packaged in containers and drums, (1) from the plantsite of Oxford Chemicals, Division of Consolidated Foods, in Chamblee, Ga., to customers of Oxford Chemicals, located at points in the United States (excluding Alaska and Hawaii); (2) from suppliers of Oxford Chemicals Division of Consolidated Foods, located at points in Ohio, Michigan, Pennsylvania, Massachusetts, Connecticut, New Jersey, New York, Delaware, Maryland, West Virginia, Texas, Indiana, Illinois, Missouri, and Louisiana, to the plantsite of Oxford Chemicals at Chamblee, Ga., and to customers of Oxford Chemicals located at points in the United States (excluding Alaska and Hawaii), for 180 days. Supporting shipper: Oxford Chemicals, a division of Consolidated Foods Corp., Post Office Box 80202, Atlanta, Ga. 30005. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 300, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 128215 (Sub-No. 3 TA), filed February 27, 1969. Applicant: MARTIN TRAILER TOTERS, INC., 4038 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: Harold A. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers*, designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, between points in Alabama, Arkansas, Louisiana, Mississippi, and Texas, for 180 days. Supporting shippers: There are approximately 11 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: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 129926 (Sub-No. 2 TA), filed February 27, 1969. Applicant: ALLEN MERTSOCK, Canada Hollow Road, Millport, Pa. 16739. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ash dowels*, in the rough, not further turned, from Portville, N.Y., to Piqua, Ohio, for 180 days. Supporting shipper: The Portville Handle Co., Division of The Union Fork and Hoe Co., Portville, N.Y. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133491 (Sub-No. 1 TA), filed February 26, 1969. Applicant: PETRO TRANSPORT, INC., 7200 Inkster Road, Taylor, Mich. 48180. Applicant's representative: William B. Elmer, Kaiser Building, 22644 Gratiot Avenue, East Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy or residual oils and blends thereof*, from the Port of entry on the international boundary between the United States and Canada at or near Port Huron, Mich., to points in the Lower Peninsula of Michigan, for 150 days. Supporting shipper: Petro Products Inc., 7200 Inkster Road, Taylor, Mich. 48180. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 133500 TA, filed February 26, 1969. Applicant: MORDHORST TRANSFER & STORAGE, INC., 1201 Glen Flora Avenue, Waukegan, Ill. 60085. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kenosha, Racine, Milwaukee, and Waukesha Counties, Wis., Lake and Porter Counties, Ind., and points in Illinois on and north of U.S. Highway 136; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: (1) Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503; (2) CTI–Container Transport, International, Inc., 17 Battery Place, New York, N.Y. 10004; (3) Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133; (4) Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119; (5) Sunpak Movers, Inc., 534 Westlake Avenue North, Seattle, Wash. 98109. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–2792; Filed, Mar. 6, 1969; 8:50 a.m.]

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[Notice 790]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 4, 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 531 (Sub-No. 248 TA) (Correction), filed February 3, 1969, published FEDERAL REGISTER, issue of February 14, 1969, and republished as corrected this issue. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: (same address as above). NOTE: The purpose of this republication is to show applicant's mailing address which was inadvertently omitted from previous publication. The remainder of the notice remains the same.

No. MC 50069 (Sub-No. 415 TA), filed February 28, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, in bulk, from Covington, Ky., to Sturgeon Bay, Wis., for 180 days. Supporting shipper: Ashland Oil & Refining Co., Ashland, Ky. 41101. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, Toledo, Ohio 43604.

No. MC 52460 (Sub-No. 99 TA) (Correction), filed February 12, 1969, published in the FEDERAL REGISTER issue of February 20, 1969, corrected and republished as corrected, this issue. Applicant: HUGH BREEDING, INC., 1420 West 45th Street, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous* ammonia, in bulk, in tank vehicles, (1) from the plantsite of Central Farmers Fertilizer Co. near Albany, Ill., to points in Iowa; (2) from the plantsite of Central Farmers Fertilizer Co. at Kingston Mines, Ill., to points in Indiana; (3) from the plantsite of Agrico Chemical Co., a division of Continental Oil Corp. at North Pekin, Ill., to points in Indiana; (4) from the plantsite of Central Nitrogen Corp. near Terre Haute, Ind., to points in Illinois and Ohio; (5) from the plantsite of Agrico Chemical Co., a division of Continental Oil Corp. near Mount Vernon, Ind., to points in Illinois; (6) from the plantsite of Agrico Chemical Co., a division of Continental Oil Corp. at Wilder, Ky., to points in Ohio and Michigan; and (7) from the plantsite of Olin near Joliet, Ill., to points in Indiana, Ohio, and Michigan, for 180 days. Supporting shipper: American Cyanamid Co., R. J. Van Nostrand, Traffic Manager, Post Office Box 400, Princeton, N.J. 08540. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102. NOTE: The purpose of this republication is to include the territorial description under (7) which was inadvertently omitted from previous publication.

No. MC 59352 (Sub-No. 2 TA) (Correction), filed February 11, 1969, published FEDERAL REGISTER, issue of February 19, 1969, and republished as corrected this issue. Applicant: C. L. & A. MOTOR DELIVERY, INC., 4110 Dane Avenue, Cincinnati, Ohio 45223. Applicant's representative: R. J. Krovocheck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Fresh carcass meat on hooks, fresh packaged meat, packinghouse products*, in packages, and *dairy products*, in packages, from Cincinnati, Ohio to Hamilton, Ohio, over U.S. Highway 127 and Ohio Highway 4, for 180 days. NOTE: The purpose of this republication is to show that the proposed commodities will move via regular routes, and not irregular routes as shown in previous publication. Supporting shipper: St. Louis Independent Packing Co., 824 South Vandeventer Avenue, St. Louis, Mo. 63110. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 107515 (Sub-No. 642 TA), filed February 27, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., Post Office Box 10799, Station A, 3901 Jonesboro Road SE., Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cured meats*, from Smithfield, Va., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Louisiana, Mississippi, Tennessee, Texas, Oklahoma, and Arkansas, for 150 days. NOTE: Applicant intends to tack with Sub 478 at Montgomery, Ala. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107743 (Sub-No. 10 TA), filed February 27, 1969. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway Avenue, Spokane, Wash. 99206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in Appendix V, Group III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Utah County, Utah, to points in Montana on and west of U.S. Highway 89; points in Idaho in and north of Idaho County; points in Washington, points in Oregon on and north of U.S. Highway 20, for 180 days. Supporting shippers: Haskins Steel Co., Inc., Post Office Box 4215, Spokane, Wash. 99202; Stack Steel and Supply Co., 500 South Lander Street, Seattle, Wash. 98134. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 111785 (Sub-No. 40 TA) (Correction), filed February 19, 1969, published in the FEDERAL REGISTER issue of February 28, 1969, and republished as corrected this issue. 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 the plantsite of Marlinton Furniture Manufacturing Co. near 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. NOTE: The purpose of this republication to redescribe the origin point, a portion of which was inadvertently omitted in the previous publication.

No. MC 118159 (Sub-No. 63 TA), filed February 27, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spice sets* in glass containers and/or racks, from Tulsa, Okla., to points in the United States, for 180 days. Supporting shipper: Business Builders Inc., Tulsa, Okla. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 124377 (Sub-No. 10 TA), filed February 27, 1969. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Denver, Colo. 80205. Applicant's representative: Roger Sollenbarger, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Sigman Meat Co., at or near

Brush, Colo., to the plantsite of Glover Packing Co., at or near Roswell, N. Mex., for 150 days. Supporting shipper: Sigman Meat Co., Inc., Post Office Box 5292 T.A., Denver, Colo. 80217. Send protests to: Charles W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 126154 (Sub-No. 3 TA), filed February 27, 1969. Applicant: DOMENIC MARCHI, 508 North Stephenson Avenue, Iron Mountain, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, namely, beer, ale, porter, or stout; and *soda water*, namely, pop and soft drinks, from Minneapolis and St. Paul, Minn., to points in Marquette County, Mich., and *empty containers*, on return, for 180 days. Supporting shippers: Ray Hirvonen and Clare Hirvonen, doing business as Marquette Bottling Works, Inc., Marquette, Mich. 49855; Vincent Tasson, Owner, Tasson Distributing Co., Ishpeming, Mich. 49849. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 126375 (Sub-No. 9 TA), filed February 26, 1969. Applicant: CEL TRANSPORTATION COMPANY, Post Office Box 447, Latrobe, Pa. 15650. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow and inedible grease*, in bulk, in tank vehicles, from Findlay Township, Allegheny County, Pa., to Cincinnati, Ohio, for 150 days. Supporting shipper: Darling & Co., 4201 South Ashland Avenue, Chicago, Ill. 60609. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, Pittsburgh, Pa. 15222.

No. MC 128146 (Sub-No. 2 TA), filed February 27, 1969. Applicant: TED W. BETLEY, Post Office Box 196, Amberg, Wis. 54102. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and business records*, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, points in Douglas, Bayfield, Ashland, Iron, Vilas, Burnett, Washburn, Sawyer, Price, Oneida, Forest, Florence, Polk, Barron, Rusk, Taylor, Lincoln, St. Croix, Dunn, Chippewa, Pierce, Pepin, Eau Claire, Buffalo, Trempealeau, and La Crosse Counties, Wis., and Green Bay, Wis., for 180 days. Supporting shippers: There are approximately 13 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 Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133462 TA (correction), filed February 11, 1969, published FEDERAL REGISTER, issue of February 19, 1969, and republished as corrected this issue. Applicant: GREAT EASTERN TRANSPORT SYSTEMS, INC., 152-50 Rockaway Boulevard, Jamaica, N.Y. 11434. Applicant's representative: Samuel Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers and trailers, which have a prior or subsequent movement by water, between points in the commercial zone of New York, N.Y., as defined by the Interstate Commerce Commission, for 150 days. NOTE: The purpose of this republication is to correct the commodities proposed to be transported. Previous publication showed that applicant also proposed to transport trailers. Supporting shipper: Transamerican Trailer Transport, Inc., 358 St. Marks Place, Staten Island, N.Y. 10301. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133501 (Sub-No. 1 TA), filed February 27, 1969. Applicant: DON E. LESTER, doing business as DEL ENTERPRISES, River Road, Natchitoches, La. 71457. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Southern yellow pine plywood, including both construction and standard grade*, from plantsite of South Ply, Inc., located 5 miles north of the City of Natchitoches in the Parish of Natchitoches, La., to points in Texas, Arkansas, Mississippi, Alabama, Tennessee, Missouri, Georgia, Florida, Kentucky, Indiana, Illinois, and Oklahoma, for 180 days. Supporting shipper: South Ply, Inc., Post Office Box 23, Natchitoches, La. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No MC 133508 TA, filed February 28, 1969. Applicant: STANLEY JOHNSON, doing business as PORT SERVICE CO., 71 Murray Street, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, holloware, flatware and giftware*, between New York, N.Y., commercial zone and Shipper's warehouse in Farmingdale, N.Y., for 150 days. Supporting shipper: WMF Of America, Inc., 236 Fifth Avenue, New York, N.Y. 10003. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133509 TA, filed February 28, 1969. Applicant: JAMES L. SHORT, 205 South Defiance Street, Archbold, Ohio 43502. Applicant's representative: M. M. Emery, 6055 Flanders, Sylvania, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Aluminum mobile house steps, aluminum boat docks, and aluminum pallets*, from Bryan, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Missouri, Kansas, and Colorado, for 180 days. Supporting shipper: Jorjas, Inc., 2815 Mersey Lane, Lansing, Mich. 48910. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, Toledo, Ohio 43604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2793; Filed, Mar. 6, 1969; 8:50 a.m.]

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[Notice 306]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 4, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70985. By order of February 25, 1969, the Motor Carrier Board approved the transfer to Willis J. Jones and Emmett W. Jones, a partnership, doing business as W. J. Jones Trucking Co., Franklin, Wis., of the operating rights in permit No. MC-125971 (Sub-No. 3) issued May 12, 1966, to Willis J. Jones, Betty F. Jones, and Emmett W. Jones, a partnership, doing business as W. J. Jones Trucking Co., Hales, Wis., authorizing the transportation of crushed limestone, in bulk, from Franklin, Wis., to Winona, Minn. James P. Burns, Walther & Burns, 740 North Plankinton Avenue, Milwaukee, Wis. 53203, attorney for applicants.

No. MC-FC-71031. By order of February 25, 1969, the Motor Carrier Board approved the transfer to A & A Transportation Co., Inc., Medford, Mass., of certificate of registration No. MC-96928 (Sub-No. 1), issued October 18, 1963, to Gale Transportation Co., Inc., doing business as A & A Transportation Co., Medford, Mass., authorizing the transportation of general commodities pursuant to Common Carrier Certificate No. 3449, dated February 7, 1958, issued by the Massachusetts Department of Public Utilities. Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC–FC–71079. By order of February 25, 1969, the Motor Carrier Board approved the transfer to Daniel Parker, Route 3, Box 119, Laurel, Del. 19956 of certificate No. MC–95921, issued September 5, 1958, to John William Littleton, Route 1, Post Office 249A, Delmar, Del. 19940, authorizing the transportation of: Fertilizer, from Laurel, Del., to points in Dorchester, Somerset, Wicomico, and Worcester Counties, Md.; and fertilizer and fertilizer materials, between Laurel, Del., on the one hand, and, on the other, points in Caroline, Queen Annes, Kent, Talbot, and Cecil Counties, Md.

No. MC–FC–71104. By order of February 24, 1969, the Motor Carrier Board approved the transfer to Hunt Transportation, Inc., Omaha, Nebr., of the operating rights in certificates Nos. MC–82841, MC–82841 (Sub-No. 9), MC–82841 (Sub-No. 10), MC–82841 (Sub-No. 13), MC–82841 (Sub-No. 17), MC–82841 (Sub-No. 18), MC–82841 (Sub-No. 21), MC–82841 (Sub-No. 22), MC–82841 (Sub-No. 24), MC–82841 (Sub-No. 26), MC–82841 (Sub-No. 28), MC–82841 (Sub-No. 32), MC–82841 (Sub-No. 33), MC–82841 (Sub-No. 34), MC–82841 (Sub-No. 37), MC–82841 (Sub-No. 38), issued January 29, 1965, January 5, 1965, March 23, 1966, May 13, 1966, May 2, 1967, June 13, 1968, June 20, 1967, March 5, 1968, July 18, 1967, November 6, 1967, July 31, 1968, April 12, 1968, July 2, 1968, September 20, 1968, November 4, 1968, and September, 30, 1968, to R. D. Transfer, Inc., Omaha, Nebr., authorizing the transportation of: various commodities of a general commodity nature from, to, and between specified points in the United States. Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC–FC–71119. By order of February 25, 1969, the Motor Carrier Board approved the transfer to Arnold E. Evans, doing business as Evans Bros., Salamanca, N.Y., of certificate No. MC–34036, issued January 28, 1953, to Arnold E. Evans and Nelson A. Evans, a partnership, doing business as Evans Bros., Salamanca, N.Y., authorizing the transportation of: Used machinery and scrap metals, from Bradford, Pa., to Salamanca, N.Y., over U.S. Highway 219; household goods as defined by the Commission, between Salamanca, N.Y., and points in New York within 20 miles thereof, on the one hand, and, on the other, points in Pennsylvania within 150 miles of Salamanca; and general commodities, in pickup and delivery service for line-haul motor carriers, between points in Salamanca, N.Y. Kelly and Monighan, 103 Main Street, Salamanca, N.Y. 14779, attorneys for applicants.

No. MC–FC–71120. By order of February 25, 1969, the Motor Carrier Board approved the transfer to Actron Corp., Boston, Mass., of the certificate in No. MC–128293, issued October 21, 1966, to Chadco Express, Inc., Malden, Mass., authorizing the transportation of household goods between Malden, Mass., on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, New York, Connecticut, Pennsylvania and a described area in Rhode Island, and new furniture from Melrose, Mass., to points in Maine, Rhode Island, Connecticut and a described area in New Hampshire. Neal Holland, 225 Franklin Street, Boston, Mass. 02110, attorney for applicant.

[SEAL] H. NEIL GARSON,
*Secretary.*

[F.R. Doc. 69–2784; Filed, Mar. 6, 1969; 8:50 a.m.]

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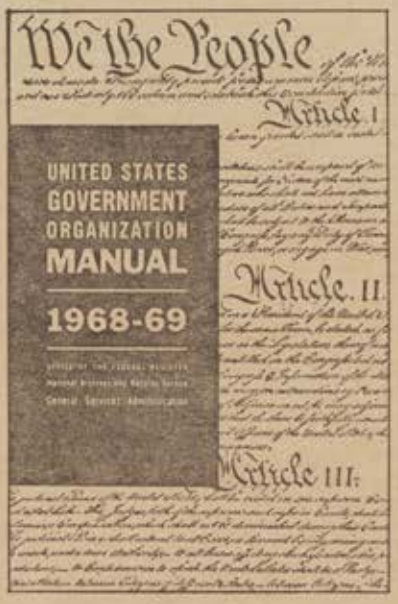


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