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Agencies in this issue—

Agency for International Development
Agricultural Research Service
Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission

Detailed list of Contents appears inside.

FEDERAL REGISTER

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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1967 and Subsequent Crop Years

1969 RATE OF PENALTY

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to announce the rate of penalty applicable to excess rice produced in the 1969 crop year.

Under the Act, the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since rice will shortly be harvested in some parts of the rice-producing areas and since the rate of penalty is essential in computing the amount of penalty on any excess rice production, it is important that this amendment be issued and made effective as soon as possible. In addition, calculation of the rate of penalty is a mathematical determination. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this amendment shall become effective as provided herein.

Section 730.22 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1969 crop of rice shall be 4.72 cents per pound. This is 65 per centum of the parity price as of June 15, 1969, which is determined to be 7.26 cents per pound."

(Secs. 356, 375, 52 Stat. 62, as amended, 66, as amended; 7 U.S.C. 1356, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 11, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-7138; Filed, June 16, 1969; 8:47 a.m.]

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

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[§ 842.2, Amdt. 2]

PART 842—BEET SUGAR AREA

1968 and Subsequent Crops

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, § 842.2 (33 F.R. 9586, 10277, 11392) is amended by revising subparagraphs (1) and (5) of paragraph (a) to read as follows:

§ 842.2 Eligibility for acreage abandonment and crop deficiency payments.

(a) *Eligibility requirements.* * * *

(1) The sugar beets were planted on the farm on land suitable for the production of the crop, in a timely and workmanlike manner and under conditions conducive to normal production.

* * * * *

(5) With respect to acreage abandonment, the Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") county office was notified of the intention to abandon the acreage before the sugar beets were destroyed or the acreage was used for other purposes: *Provided,* That the county ASC committee may waive the requirement of prior notification if such committee (i) has knowledge that sugar beets were planted on the abandoned acreage and the extent of such plantings, (ii) has knowledge of widespread crop damage in the locality where the farm is located, and (iii) is satisfied that the abandonment on the farm in question resulted directly from drought, flood, storm, freeze, disease, or insects.

* * * * *

Statement of bases and considerations. For sugar beet acreage on a farm to be eligible for acreage abandonment or crop deficiency payments, certain requirements, specified in § 842.2, must be met. One of these requirements is that the sugar beets must be planted on land suitable for the production of the crop. Recently, questions have arisen as to whether or not sugar beet acreage would be eligible for abandonment or crop deficiency payments if the beets were planted on suitable land but not at a time or in a manner which would make it likely that a normal crop would be produced. This amendment adds to the requirement of suitability of land that the sugar beets must be planted in a manner and under conditions offering a fair opportunity for production. County ASCS offices will be instructed to publicize the dates by which sugar beets ordinarily should be planted. Plantings after such date would not ordinarily be eligible for abandonment or deficiency payments.

A further eligibility requirement is that the county ASCS office be notified of the intention to abandon the acreage before the sugar beets are destroyed or the acreage is used for other purposes. This provides an opportunity for a representative of the office to determine whether or not the abandonment resulted directly from one of the causes specified in the Act. A few instances have occurred wherein producers in areas which have suffered widespread crop damage have failed to report the abandonment to the county ASCS office prior to the abandonment, believing that the cause of the damage to the crop which resulted in the abandonment, such as a flood, was generally known. As a result of this technicality, such producers were ineligible for abandonment payments. This amendment provides that a county ASC committee may waive the requirement of prior notification if it has knowledge that sugar beets were planted on the land, the extent of such planting, and that the abandonment occurred solely because of drought, flood, storm, freeze, disease, or insects.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Secs. 303, 403, 61 Stat. 930 as amended, 932; 7 U.S.C. 1133, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on June 11, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-7139; Filed, June 16, 1969; 8:47 a.m.]

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

[Lemon Regulation 377, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available

information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.677 (Lemon Reg. 377, 34 F.R. 9059) are hereby amended to read as follows:

§ 910.677 Lemon Regulation 377.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 334,800 cartons.

* * * * *

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

Dated: June 12, 1969.

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

[F.R. Doc. 69-7102; Filed, June 16, 1969; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOAN, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Rye Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Rye Loan and Purchase Program

SUPPORT RATES

Correction

In F.R. Doc. 69-6290 (incorrectly designated as 62-6290) appearing at page 8290 in the issue of Thursday, May 29, 1969, the following corrections should be made in § 1421.2855:

1. In paragraph (b), the county "Elkhardt" under the center heading "Indiana" should read "Elkhart".

2. In paragraph (b), the county "Marrow" under the center heading "Oregon" should read "Morrow".

3. In paragraph (c), the parenthetical material following "Weed control discount" should read "(where required by § 1421.74)".

4. In paragraph (c), in the paragraph beginning "Other Factors:", the second word in the third line from the bottom should read "offices" instead of "officers".

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Discontinuance of Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285)

Part 201 of Chapter II, Title 22 (A.I.D. Reg. 1) is amended as follows:

§ 201.01 [Amended]

a. In § 201.01, paragraph (v) is deleted in its entirety.

§ 201.52 [Amended]

b. Section 201.52 is amended as follows:

1. In paragraph (a), subparagraphs (7) and (8) are deleted in their entirety.

2. Subparagraph (1) of paragraph (c) is revised to read as follows:

(c) *Execution of certificates.* (1) The original of each Supplier's Certificate, Certificate Concerning Commissions, and Commodity Approval Application shall be signed by hand and shall bind the person or organization in whose behalf the execution is made.

§ 201.72 [Amended]

c. Section 201.72 is amended as follows:

1. In the opening sentence of paragraph (b), the material within the parentheses following the phrase "examine the documents" is revised to read "(other than the Supplier's Certificate, the Certificate Concerning Commissions, and the Commodity Approval Application)".

2. Paragraph (c) is revised to read as follows:

(c) *Acceptance of certificates.* A bank shall not accept for submission to A.I.D. the original of the Supplier's Certificate, the Certificate Concerning Commissions, or the Commodity Approval Application, unless, to the best knowledge and belief of the bank, each such original has been signed by hand.

d. Section 201.73 is amended as follows: The opening sentence in paragraph (a) and paragraph (b) are revised to read as follows:

§ 201.73 Limitations on the responsibilities of banks.

* * * * *

(a) *Sufficiency and completeness of documents.* Any document, including the Supplier's Certificate, the Certificate Concerning Commissions, and the Commodity Approval Application, submitted by a bank to A.I.D. in support of a claim for reimbursement, shall be sufficient if it purports to be the sort required to be delivered and if it has been accepted by the bank in the ordinary course of business in good faith. * * *

(b) *Reimbursement right notwithstanding certain deficiencies.* A bank's right to reimbursement from A.I.D. for payments which the bank has made will not be affected by the fact that the Certificate Concerning Commissions, the Commodity Approval Application, or the Invoice-and-Contract Abstract on the reverse of the Supplier's Certificate may be incomplete, or may indicate noncompliance with any provision of this Part 201, the letter of commitment, a request for the opening of a special letter of credit, or any other implementing document, or may be inconsistent with other documents required for reimbursement.

* * * * *

e. Appendix D to Part 201 is deleted in its entirety.

f. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: June 7, 1969.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 69-7074; Filed, June 16, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A-72.1—Procurement of Stores Stock Items

IDENTIFYING STOCK ITEMS FOR WHICH STANDARD PACK HAS BEEN DEVELOPED

Section 5A-72.105-18 is revised to read as follows:

§ 5A-72.105-18 Packing requirements.

(a) *Standard pack items.* (1) Standard pack requirements are developed for stock items by the Standardization Division. Upon establishment of a standard pack requirement for an item, the Standardization Division notifies the appropriate commodity manager by means of a GSA Form 419A, SIPD Data Transmittal Worksheet. Standard pack items are identified by a "X" in block 4 of the March 1968 edition of GSA Form 419, Stock Item Purchase Description, or by the following notation on the face of the September 1954 edition of the form:

Standard Pack Item—Include standard pack clause in purchases for stores stock.

(2) Invitations for bids and requests for proposals covering standard pack

items shall include the clause prescribed in § 5A-7.170-5 as provided in that section.

(b) *Nonstandard pack items.* (1) Invitation for bids and requests for proposals covering stock items for which a standard pack has not been established shall include the following clause:

NONSTANDARD PACK ITEMS

(a) Except for those items for which packaging and packing requirements are cited in the Schedule or included in a referenced specification, items covered by this invitation for bid may be shipped in commercial containers, Provided: (1) Each shipping container of each item in a shipment is of uniform size and content, except for residual quantities, (2) the gross weight of each shipping container does not exceed 65 pounds except when the weight of a single item within the shipping container is of a higher weight, and (3) shipping containers comply with requirements of the Uniform Freight Classification or the National Motor Freight Classification (issue in effect at time of shipment).

(b) Shipments delivered to a GSA supply depot which do not conform to the contract requirements set forth above shall be subject to rejection and replacement, or correction in accordance with the provisions of Article 5(b) of the General Provisions.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: June 4, 1969.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[F.R. Doc. 69-7105; Filed, June 16, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Chincoteague National Wildlife Refuge, Va.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public sport fishing, crabbing, and clamming, in accordance with Virginia regulations, is permitted on the Chincoteague National Wildlife Refuge, Va., subject to the following conditions:

(1) Open areas: (a) Surf fishing—the entire beach front, except those areas designated by signs as areas closed to fishing, (b) Fishing and crabbing—from the impoundment banks designated as open to fishing. (c) Clamming—the area between high and low tide marks in Tom's Cove, except as posted closed.

(2) Permits: A permit is required for fishing from 10 p.m. to sunrise; no permit is required at other times.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 5, and are effective until December 31, 1969.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 10, 1969.

[F.R. Doc. 69-7136; Filed June 16, 1969; 8:47 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER E—NORTHWEST ATLANTIC COMMERCIAL FISHERIES

PART 240—GROUNDFISH FISHERIES

Use of Multiple Flap-Type and Polish-Type Chafers

The use of multiple flap-type and Polish-type chafers has been ratified by all member governments. Therefore, these two types of chafers formerly not legal in Subarea 5, may now be used in any subarea.

The amendment is adopted under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986).

Effective date. This amendment is effective on July 4, 1969.

In § 240.3(h), the next to the last sentence reading "Within the regulatory area, the 'ICNAF-type chafer' may be used in any subarea; the 'multiple flap-type chafer' and the 'Polish-type chafer' may be used in any subarea other than Subarea 5" is deleted.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated June 5, 1969.

H. E. CROWTHER,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 69-7103; Filed, June 16, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-WA-20]

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

Alteration of Domestic VOR Airways; Correction

The purpose of this amendment to F.R. Doc. 69-2251 (34 F.R. 4509) is to correct the description of V-8 between Kremmling, Colo., and Denver, Colo. This segment was inadvertently published as "Kremmling; 12 AGL Denver, Colo.;" and should have been described as "Kremmling; 9 miles 130 MSL, 29 miles 144 MSL, 11 miles 127 MSL, 12 AGL Denver, Colo.;" so that the floors would coincide with the floors of the codesignated segment of V-200.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and for that reason may be made effective immediately.

In consideration of the foregoing, F.R. Doc. 69-2251 (34 F.R. 4509) is amended, effective immediately, as hereinafter set forth.

In V-8 "12 AGL Denver, Colo.;" is deleted and "9 miles 130 MSL, 29 miles 144 MSL, 11 miles 127 MSL, 12 AGL Denver, Colo.;" 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 June 10, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7088; Filed, June 16, 1969; 8:45 a.m.]

[Airspace Docket No. 68-WE-68]

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

Alteration of Federal Airways and Transition Areas; Correction

On April 30, 1969, F.R. Doc. 69-5108 was published in the FEDERAL REGISTER (34 F.R. 7069) effective June 26, 1969, and in part, altered the 9,000 feet MSL portion of the Boise, Idaho, transition area by substituting V-330 for V-4 as the south boundary. V-4 should have been retained as the southwest boundary and V-330 substituted for V-4 as the south boundary. Corrective action is taken herein.

Since this change is minor in nature, notice and public procedure hereon are unnecessary and the effective date as originally adopted may be retained.

In consideration of the foregoing, F.R. Doc. 69-5108 (34 F.R. 7069) is amended, effective immediately, as hereinafter set forth.

Item 2.a., is amended to read as follows:

In the 9,000 feet MSL portion of the Boise, Idaho, transition area "on the southwest by the northeast edge of V-4;" is deleted and "on the southwest by the northeast edge of V-4, and on the south by the north edge of V-330;" 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 June 10, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-7089; Filed, June 16, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9629; Amdt. 653]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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	
Mermaid Int	Perch Int	Via PMM R 227°	2300	T-dn	300-1	300-1	200-½
Musky Int	Perch Int	Via 131° crs and R 226° ELX.	2300	S-dn-9*#	500-1	500-1	500-1
				C-dn*	500-1	500-1	500-1½
R 200°, ELX VORTAC CW	R 266°, ELX VORTAC (NOPT)	Via 22-mile DME Arc.	2300	A-dn$	800-2	800-2	800-2
R 320°, ELX VORTAC CCW	R 266°, ELX VORTAC (NOPT)	Via 22-mile DME Arc.	2300				
Perch Int	Coho Int (NOPT)	Direct	1600				

Procedure turn S side of crs, 266° Outbnd, 086° Inbnd, 2300' within 10 miles of Coho Int/18-mile DME Fix.
Minimum altitude over facility on final approach crs, 1600' over Coho Int/18-mile DME Fix.
Crs and distance, facility to airport, 086°—3.9 miles from Coho Int/18-mile DME Fix.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 3.9 miles of Coho Int or at 14.1-mile DME, climb to 2300' and proceed direct to ELX VORTAC.
NOTE: Dual VOR or VOR/DME receivers required.
#500-¾ authorized with HIRL, except for 4-engine turbojets.
*Use South Bend altimeter setting when control zone not effective; circling and straight-in minimums increased 100' except for operators with approved weather reporting service.
$Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
MSA within 25 miles of facility: 045°-225°—2400'; 225°-315°—2200'; 315°-045°—2300'.

City, Benton Harbor; State, Mich.; Airport name, Ross Field; Elev., 642'; Fac. Class, L-BVORTAC; Ident, ELX; Procedure No. VOR Runway 9, Amdt. Orig.; Eff. date, 3 July 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB

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	
Manchester VOR	Nashua NDB	Direct	3300	T-dn	300-1	300-1	NA
				C-dn*	600-1	600-1	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 317° Outbnd, 137° Inbnd, 3300' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 137°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing AMH RBn, climb to 1500' on 137° bearing from AMH RBn within 5 miles, then left-climbing turn to 3300' direct AMH RBn. Hold NW, 137° Inbnd, 1 minute, left turns.
NOTES: (1) Use Manchester altimeter setting. 700-1 required when Manchester control zone not effective and/or altimeter setting obtained from Concord FSS.* (2) Facility must be monitored aurally during approach. (3) Approach from a holding pattern not authorized, procedure turn required.
MSA within 25 miles of facility: 000°-090°—2600'; 090°-180°—1900'; 180°-270°—3100'; 270°-360°—4200'.

City, Nashua; State, N.H.; Airport name, Boire Field; Elev., 199'; Fac. Class., MHW; Ident., AMH; Procedure No. NDB (ADF) Runway 14, Amdt. 4; Eff. date, 3 July 69; Sup. Amdt. No. 3; Dated, 1 July 67

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

Marshalltown, Iowa—Marshalltown Municipal, NDB (ADF) Runway 12, Orig., 2 Mar. 1967 (established under Subpart C).
Christiansted, St. Croix, V.I.—Alexander Hamilton, VOR 1, Amdt. 3, 26 Nov. 1966 (established under Subpart C).
Thief River Falls, Minn.—Thief River Municipal, VOR Runway 13, Amdt. 1, 29 July 1967 (established under Subpart C).
Thief River Falls, Minn.—Thief River Municipal, VOR Runway 31, Amdt. 2, 29 July 1967 (established under Subpart C).

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

Shreveport, La.—Shreveport Downtown, TerVOR–14, Amdt. 5, 3 July 1965 (established under Subpart C).

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles after passing STX VOR.
STX NDB	STX VOR	Direct	2200	Climbing left turn to 2200′ direct to STX VOR and hold.
Grouper Int	STX VOR	Direct	2200	

Supplementary charting information:
Hold E STX VOR, 1 minute, right turns, 257° Inbnd.
Final approach crs intercepts runway centerline 3000′ from threshold.
VASI Runway 9.
Runway 27, TDZ elevation, 60′.

Procedure turn N side of crs, 077° Outbnd, 257° Inbnd, 2200′ within 10 miles of STX VOR.
FAF, STX VOR. Final approach crs, 257°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over STX VOR, 1500′.
MSA: 000°–180°—1900′; 180°–360°—2200′.
NOTES: (1) Procedure not authorized when control tower not in operation. (2) Sliding scale not authorized. (3) 300′ per mile maximum rate of descent on final approach.
*Alternate minimums not authorized when control zone not effective.
@Category D circling authorized only S of centerline extended Runways 9/27.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	740	1	680	740	1	680	740	1¼	680	740	1½	680
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	740	1	680	740	1	680	740	1½	680	740	2	680
A	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Christiansted; Island, St. Croix, V.I.; Airport name, Alexander Hamilton; Elev., 60′; Facility, STX; Procedure No. VOR Runway 27, Amdt. 4; Eff. date, 3 July 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 26 Nov. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.6 miles after passing River Int.
Zeeland Int	River Int	Direct	2200	Make climbing right turn to 2200′ and return to River Int.
PMM VORTAC	River Int (NOPT)	Direct	2200	

Procedure turn W side of crs, 179° Outbnd, 359° Inbnd, 2200′ within 10 miles of River Int.
FAF, River Int. Final approach crs, 359°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over River Int., 2200′.
MSA: 000°–090°—2900′; 090°–180°—2400′; 180°–360°—2000′.
NOTES: (1) Use Grand Rapids, Mich., altimeter setting. (2) Dual VOR or VOR/DME receivers required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1240	1	560	1240	1	500	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.	

City, Holland; State, Mich.; Airport name, Tulip City; Elev., 680′; Facility, PMM; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 3 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10.2 miles after passing PHX VOR.
Olberg Int	PHX VOR (NOPT)	Direct	4100	Climbing left turn to 4000' direct to PHX VOR.
CZG VOR	PHX VOR (NOPT)	Direct	4000	Supplementary charting information: Final approach crs to a point 1.1 miles S of midpoint Runways 3/21. Chart VFR tract MAP to airport.

Procedure turn W side of crs, 159° Outbnd, 339° Inbnd, 4000' within 10 miles of PHX VOR.
FAF, PHX VOR. Final approach crs, 339°. Distance FAF to MAP, 10.2 miles.
Minimum altitude over PHX VOR, 4000'.
MSA: 010°-100°—6100'; 100°-190°—4200'; 190°-280°—5000'; 280°-010°—5900'.
NOTES: (1) Radar vectoring. (2) Use Phoenix altimeter setting.
%IFR departure procedures: Climb visually over airport to 1000' or above, direct to PHX VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2140	1	661	2140	1	661	2140	1½	661	2140	2	661
A	Not authorized.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Scottsdale; State, Ariz.; Airport name, Scottsdale Municipal; Elev., 1479'; Facility, PHX; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 3 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DTN VOR.
SHV VORTAC	TEE VEE Int	Direct	3000	Climb to 1800' on DTN R 131°, within 20 miles.
TEE VEE Int	Lee Int (NOPT)	Direct	1700	Supplementary charting information: Depict tower 2049', 13 miles NW of airport.
BAD VOR	DTN VOR	Direct	3000	
DTN VOR	Lee Int	Direct	3000	

Procedure turn N side of crs, 306° Outbnd, 126° Inbnd, 3000' within 10 miles of Lee Int.
Final approach crs, 126°.
Minimum altitude over Lee Int, 1700'.
MSA: 000°-270°—1800'; 270°-360°—3100'.
NOTES: (1) Radar vectoring. (2) Dual VOR equipment required or radar vector to final approach crs SE of 2049' tower.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-14	680	1	501	680	1	501	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	780	1	601	780	1	601	NA	NA
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Shreveport; State, La.; Airport name, Shreveport Downtown; Elev., 179'; Facility, DTN; Procedure No. VOR Runway 14, Amdt. 6; Eff. date, 3 July 69; Sup. Amdt. No. Ter VOR-14, Amdt. 5; Dated, 3 July 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.7 miles after passing IGN VOR.
				Right-climbing turn to 2800' direct to IGN VOR and hold. Supplementary charting information: Fold NW, 1 minute, right turns, 155° Inbnd. 1436' tower 2.2 miles E of airport. 1329' terrain 1.8 miles ESE of airport. 1340' terrain 2.1 miles E of airport.

Procedure turn W side of crs, 335° Outbnd, 155° Inbnd, 2800' within 10 miles of IGN VOR.
FAF, IGN VOR. Final approach crs, 155°. Distance FAF to MAP, 6.7 miles.
Minimum altitude over IGN VOR, 1800'.
MSA: 000°-090°—3400'; 090°-180°—2600'; 180°-270°—2800'; 270°-360°—4200'.
NOTES: (1) Radar vectoring. (2) Use Poughkeepsie FSS altimeter setting.
CAUTION: Terrain rises rapidly 1 mile E and SE of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAA	VIS	VIS	VIS
C	1440	1¼	1082	NA	NA	NA
A	Not authorized.			T 2-eng. or less—700-1.	T over 2-eng.—Not authorized.	

City, Stormville; State, N.Y.; Airport name, Stormville; Elev., 358'; Facility, IGN; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 3 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: TVF VOR.
				Climb to 2600' on TVF VOR R- 130° within 10 miles; return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. 1613' steel tower 3 miles N of airport. REIL Runway 13. Runway 13, TDZ elevation, 1112'.

Procedure turn S side of crs, 302° Outbnd, 122° Inbnd, 2600' within 10 miles of TVF VOR.
Final approach crs, 122°.
MSA: 000°-360°—2700'.
CAUTION: TURF Runways 4/22 unlighted.
NOTES: (1). Use Grand Forks altimeter setting when control zone not effective and circling and straight-in MDA increased 180' when control zone not effective except for operators with approved weather reporting service. (2) Inoperative table does not apply to nonstandard REIL Runway 13.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
% IFR departure procedure: Aircraft departing all runways, climb to 2100' on runway heading before turning Northbound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	1480	1	368	1480	1	368	1480	1	368	1480	1	368
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1480	1	364	1580	1	464	1580	1¼	464	1680	2	564
A	Standard.*		T 2-eng. or less—Standard.%				T over-2-eng.—Standard.%					

City, Thief River Falls; State, Minn.; Airport name, Thief River Municipal; Elev., 1116'; Facility, TVF; Procedure No. VOR Runway 13, Amdt. 2; Eff. date, 3 July 69; Sup. Amdt. No. 1; Dated, 29 July 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: TVF VOR.
				Climb to 2600' on TVF VOR R- 302° within 10 miles; return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline 4200' from threshold 1613' steel tower 3 miles N of airport. REIL Runway 31. Runway 31, TDZ elevation, 1112'.

Procedure turn N side of crs, 130° Outbnd, 310° Inbnd, 2600' within 10 miles of TVF VOR.
Final approach crs, 310°.
MSA: 000°-360°—2700'.
CAUTION: TURF Runways 4/22 unlighted.
NOTES: (1) Use Grand Forks altimeter setting when control zone not effective and all MDA's increased 180' except for operators with approved weather reporting service. (2) Inoperative table does not apply to nonstandard REIL Runway 31.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%IFR departure procedure: Aircraft departing all runways, climb to 2100' on runway heading before turning northbound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1500	1	388	1500	1	388	1500	1	388	1500	1	388
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	384	1580	1	464	1580	1¼	464	1680	2	564
A	Standard.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Thief River Falls; State, Minn.; Airport name, Thief River Municipal; Elev., 1116'; Facility, TVF; Procedure No. VOR Runway 31, Amdt. 3; Eff. date, 3 July 69; Sup. Amdt. No. 2; Dated, 29 July 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 12.4-mile DME EWO R 305°.
EWO VORTAC	EWO, R 305°, 8-mile DME	Direct	2500	Left-climbing turn to 3000' direct EWO VORTAC and hold. Supplementary charting information: Hold SE, 1 minute, right turns, 305° Inbnd. Final approach crs crosses airport reference point. Chart: 1330' tower, 37°41'59" N./85°40'07" W 1450' tower, 37°40'55" N./85°50'32" W.

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 3000' within 10 miles of EWO VORTAC.
Final approach crs, 305°.
Minimum altitude over EWO VORTAC, 3000'; over EWO R 305°, 8-mile DME, 2500'.
MSA: 000°–090°—2300'; 090°–180°—2400'; 180°–270°—2500'; 270°–360°—2500'.
NOTE: Use Fort Knox, Ky., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1480	1	600	1480	1	600	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Elizabethtown; State, Ky.; Airport name, Elizabethtown-Hardin County; Elev., 880'; Facility, EWO; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 3 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 13-mile DME Fix R 251°.
GLL VOR	LOA VORTAC	Direct	2100	Climb to 2100', right turn direct to LOA VORTAC Supplementary charting information: Hillport UNICOM 122.8.

Procedure turn N side of crs, 071° Outbnd, 251° Inbnd, 2100' within 10 miles of LOA VORTAC.
Final approach crs, 251°.
Minimum altitude over LOA VORTAC, 2100'; over 8-mile DME, 2000'.
MSA within 25 miles of LOA VORTAC: 000°–270°—2100'; 270°–000°—1900'.
NOTE: Use College Station altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1040	1	539	1040	1	539	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Hilltop Lakes; State, Tex.; Airport name, Hilltop Lakes; Elev., 501'; Facility, LOA; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 3 July 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.1 miles after passing AUS VORTAC.
Georgetown Int	AUS VORTAC (NOPT)	R 007°	1800	Climb to 3000', right turn to AUS VORTAC R 189° within 15 miles or, when directed by ATC, climb to 2000' turn left to AUS VORTAC R 125° within 15 miles. Supplementary charting information: Depict 845' tower 2.2 miles N of airport. TDZ elevation, 632'.

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

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16R	1280	1	648	1280	1	648	1280	1¼	648	1280	1½	648
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	648	1280	1	648	1280	1½	648	1280	2	648
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16R	1040	1	408	1040	1	408	1040	1	408	1040	1	408
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1060	1	428	1100	1	468	1100	1½	468	1220	2	588
A	Standard.			T 2-eng. or less—RVR 24', Runway 30L; others Standard.			T over 2-eng.—RVR 24', Runway 30L; others Standard.					

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632'; Facility AUS; Procedure No. VOR Runway 16R, Amdt. 21; Eff. date, 3 July 69; Sup. Amdt. No. 20; Dated, 20 Mar. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.6 miles after passing OCN VOR. (9.6 DME).
Kelp Int	OCN VOR (NOPT)	Direct	2500	Climbing right turn to 3000' heading 240° to intercept OCN R 148° direct SAN VOR; or, when directed by ATC climbing right turn to 2500' direct OCN VORTAC. Supplementary charting information: LRCO, 122.1R.

Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2500' within 10 miles of OCN VORTAC.
FAF, OCN VORTAC. Final approach crs, 119°. Distance FAF to MAP, 9.6 miles.
Minimum altitude over OCN VORTAC, 2500'.
MSA: 000°–090°—6800'; 090°–180°—4000'; 180°–270°—2100'; 270°–360°—6700'.
NOTE: Use Miramar (NKX) altimeter setting.
% IFR departure procedures: Runway 6, left turn after takeoff. West-, north-, and east-bound (280° CW through 120°) departures require a minimum climb rate of 200' per mile to 2000' MSL.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1020	1	692	1020	1	692	1020	1¼	692	NA
A	Not authorized		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Carlsbad; State, Calif.; Airport name, Palomar; Elev., 328'; Facility, OCN; Procedure No. VOR-1, Amdt. 3; Eff. date, 3 July 69; Sup. Amdt. No. 2; Dated, 24 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing CNU VOR.
			Climbing right turn to 2600' direct to CNU VOR.

Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 2600' within 10 miles of CNU VOR.
FAF, CNU VOR. Final approach crs, 056°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over CNU VOR, 2500'.
MSA: 000°–090°—2600'; 090°–180°—2500'; 180°–270°—2600'; 270°–360°—2500'.
*Night visibility minimum 1¾ for Categories A and B, and 2 for Category C.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	VIS			VIS			VIS	
C	1480	1*	479	1480	1*	479	1480	1¾*	479	NA	
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Chanute; State, Kans.; Airport name, Chanute Martin Johnson; Elev., 1001'; facility, CNU; Procedure No. VOR-1, Amdt. 4; Eff. date, 3 July 69; Sup. Amdt. No. 3; Dated, 4 Apr. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing COT VORTAC.
			Climbing right turn to 2000' direct to COT VORTAC and hold.# Supplementary charting information: #Hold E, 1 minute, right turns, 257° Inbnd. Final approach crs aligned to center of landing area.

Procedure turn N side of crs, 077° Outbnd, 257° Inbnd, 1600' within 10 miles of COT VORTAC.
FAF, COT VORTAC. Final approach crs, 257°. Distance FAF to MAP, 5 miles.
Minimum altitude over COT VORTAC, 1500'.
MSA: 000°–090°—2000'; 090°–180°—1700'; 180°–270°—1900'; 270°–360°—2000'.
CAUTION: 553' tower, 0.6 mile WSW; 562' water tower, 1.1 mile SW; 830' tower, 3.9 miles SW of airport.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D	
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS	
C*	860	1	389	940	1	469	NA		NA	
A	1000-2.*		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*			

City, Cotulla; State, Tex.; Airport name, Cotulla Municipal; Elev., 471'; Facility, COT; Procedure No. VOR-1, Amdt. 7; Eff. date, 3 July 69; Sup. Amdt. No. 6; Dated, 3 Oct. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.4 miles after passing CTB VORTAC.
R 152°, CTB VORTAC CCW	R 130°, CTB VORTAC	10-mile Arc	5300	Climb to 5300' on CTB VOR R 311° within 8 miles, return to VORTAC. Supplementary charting information: Runway 31, TDZ elevation, 3837'.
10-mile Arc	CTB VORTAC (NOPT)	Direct	4500	

Procedure turn N side of crs, 130° Outbnd, 310° Inbnd, 5300' within 10 miles of CTB VOR.
FAF, CTB VOR. Final approach crs, 311°. Distance FAF to MAP, 2.4 miles.
Minimum altitude over CTB VOR, 4500'.
MSA: 000°–180°—5300'; 180°–270°—6000'; 270°–360°—5500'.
NOTE: Final approach from holding pattern at VOR not authorized; procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	4160	1	323	4160	1	323	4160	1	323	4160	1	323
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4220	1	366	4320	1	466	4320	1¼	466	4420	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Cut Bank; State, Mont.; Airport name, Cut Bank; Elev., 3854'; Facility, CTB; Procedure No. VOR Runway 31, Amdt. 8; Eff. date, 3 July 69; Sup. Amdt. No. 7; Dated, 24 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.2 miles after passing Island Int.
Windsor VOR	Island Int	Direct	1700	Climb to 2800' direct to Bele Int or, when directed by ATC, make right-climbing turn proceed to Windsor VOR at 2000'. Supplementary charting information: Approach radial lies about 500' left of Runway 33. TDZ elevation, 623'.

Procedure turn not authorized. Approach crs (profile) starts at Windsor VOR.
FAF, Island Int. Final approach crs, 323°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over Windsor VOR, 2000'; over Island Int, 1700'.
MSA: 000°-180°—2000'; 180°-270°—2300'; 270°-360°—2800'.
NOTES: (1) ASR. (2) VOR and ADF receivers or radar required.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-33*	1200	1	577	1200	1	577	1200	1	577	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1200	1	575	1200	1	575	1200	1¼	575	NA
A	Standard.		T 2-eng. or less—300' ceilings and 1 mile required all runways.				T over 2-eng.—300' ceiling and 1 mile required all runways.			

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 625'; Facility, QC; Procedure No. VOR Runway 33, Amdt. 9; Eff. date, 3 July 69; Sup. Amdt. No. VOR Runway 33L, Amdt. 8; Dated, 10 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing Indian Hills Int.
EWO VORTAC	Indian Hills Int	EWO R305°	2500	Left-climbing turn to 3000' direct EWO VORTAC, and hold. Supplementary charting information: Hold SE, 1 minute, right turns, 305° Inbnd. Chart: 1330' tower 37°41'59" N./85°49'07" W.; 1450' tower 37°40'55" N./85°50'32" W. Final approach crs crosses airport reference point.

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 3000' within 10 miles of EWO VORTAC.
FAF, Indian Hills Int. Final approach crs, 305°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over EWO VORTAC, 3000'; Over Indian Hills Int, 2500'.
MSA: 000°-090°—2300'; 090°-180°—2400'; 180°-270°—2500'; 270°-360°—2500'.
NOTE: Fort Knox, Ky., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1640	1	760	1640	1¼	760	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Elizabethtown; State, Ky.; Airport name, Elizabethtown-Hardin County; Elev., 880'; Facility, EWO; Procedure No. VOR-1, Amdt. 2; Eff. date, 3 July 69; Sup. Amdt. No. 1; Dated, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: IMT VOR.
				Climb to 2800' on R 320° within 10 miles, return to VOR.
				Supplementary charting information:
				Final approach crs intercepts runway centerline 2320' from threshold.
				LRCO, 122.1, 123.6.
				1760' hill and tower 1.7 miles NNE.
				1400' hill 1 mile S.
				TDZ elevation, 1124'.

Procedure turn S side of crs, 140° Outbnd, 320° Inbnd, 2800' within 10 miles of IMT VOR.
Final approach crs, 320°.
MSA: 000°-270°—2800'; 270°-360°—2900'.
NOTES: (1) Sliding scale not authorized. (2) Use Marquette altimeter setting when control zone not effective. Circling and straight-in MDA increased 220' except for operators with approved weather reporting service.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
#Circling NE of airport not authorized.
$Night minimums 2 miles.
% Aircraft departing Runway 1, climbing left turn to 2200' on R 315° before proceeding on crs; aircraft departing Runway 13, climbing right turn to 2200' on R 150° before proceeding on crs; aircraft departing Runway 31, right turn not authorized until reaching 2200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31$	1640	1	516	1640	1	516	1640	1	516	1640	1¼	516
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
#C$	1700	1	551	1700	1	551	1700	1¼	551	1700	2	551
A	Standard.*		T 2-eng. or less—500-1.$%				T over 2-eng.—500-1.$%					

City, Iron Mountain; State, Mich.; Airport name, Ford; Elev., 1149'; Facility, IMT; Procedure No. VOR Runway 31, Amdt. 4; Eff. date, 3 July 69; Sup. Amdt. No. 3; Dated 15 May 69

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

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

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-14*	1480	¾	398	1480	¾	398	1480	¾	398	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1480	1	382	1560	1	462	1560	1¼	462	NA
A	Standard.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Ithaca; State, N.Y.; Airport name, Tompkins County; Elev., 1098'; Facility, ITH; Procedure No. VOR Runway 14, Amdt. 7; Eff. date, 3 July 69; Sup. Amdt. No. 6; Dated, 20 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MHK VOR.
Chapman Int	MHK VOR	Direct	1800	Climbing right turn to 3000', intercept MHK R 138°, proceed to Alma Int and hold.*

Supplementary charting information:
*Hold SE, 1 minute, right turns, 318° Inbnd.
Also chart holding at Chapman Int, hold W, 1 minute, right turns, 071° Inbnd.
Final approach crs intercepts runway centerline extended at 2200'.
Chart restricted areas 3602A and 3602B.
TDZ elevation, 1048'.

Procedure turn not authorized. Approach crs (profile) starts at Chapman Int.
Final approach crs, 024°.
Minimum altitude over Chapman Int, 3000'; over Whitside Int and Ogden Fan Marker, 1800'.
MSA: 000°-360°—2800'.
NOTES: (1) Use Salina, Kans., altimeter setting when control zone not effective, and all MDA's increased 200' except for operators with approved weather reporting service. (2) Depart Chapman Int from holding pattern.
CAUTION: Extensive helicopter operations at Marshall AAF during VFR weather conditions.
$Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%IFR departure procedures: Westbound 185° through 340°, proceed to Custer Int via MHK VOR R-174° or MHK NDB bearing 182° before departing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-3	1800	1	752	1800	1¼	752	1800	1½	752	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1800	1	744	1800	1¼	744	1800	1½	744	NA
	VOR/NDB Minimums or VOR/Fan Marker Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-3	1560	1	512	1560	1	512	1560	1	512	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1600	1	544	1600	1	604	1680	1½	624	NA
A	Standard.$		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1056'; Facility, MHK; Procedure No. VOR Runway 3, Amdt. 5; Eff. date, 3 July 69; Sup. Amdt. No. 4; Dated, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.3 miles after passing Ashland Int.
MHK VOR	Alma Int	Direct	3000	Climbing right turn to 3000' to Alma Int and hold.*
Alma Int	Ashland Int (NOPT)	Direct	1900	

Supplementary charting information:
*Hold SE, 1 minute, right turns, 318° Inbnd.
Chart restricted areas 3602A and 3602B.
TDZ elevation, 1043'.

Procedure turn not authorized. Approach crs (profile) starts at Alma Int.
FAF, Ashland Int. Final approach crs, 318°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over Alma Int, 3000'; over Ashland Int, 1900'.
MSA: 000°-360°—2600'.
NOTES: (1) Dual VOR or VOR/ADF required. (2) Use Salina, Kans., altimeter setting when control zone not effective, and all MDA's increased 200' except for operators with approved weather reporting service.
$Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%IFR departure procedures: Westbound 185° through 340°, proceed to Custer Int via MHK VOR R 174° or MHK NDB bearing 182° before departing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-31	1480	1	437	1480	1	437	1480	1	437	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1600	1	544	1600	1	604	1680	1½	624	NA
A	Standard.$		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1056'; Facility, MHK; Procedure No. VOR Runway 31, Amdt. 2; Eff. date, 3 July 69; Sup. Amdt. No. 1; Dated, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing MFD VORTAC
				Climbing left turn to 3000' to Reedsburg Int via MFD VOR R 101° and hold; or when directed by ATC, climbing left turn to 2700' to MFD VORTAC. Hold NW MFD VOR 1 minute, right turns, 130° Inbnd.

Supplementary charting information:
Hold W of Reedsburg Int, 1 minute, right turns, 101° Inbnd.
TDZ elevation 1276'.
Steel towers: 1.8 miles S of airport 1484'; 4.4 miles SW of airport 1725'.

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 2700' within 10 miles of MFD VORTAC.
FAF, MFD VORTAC, Final approach crs, 130°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over MFD VORTAC, 2300'.
MSA: 000°-270°—2800'; 270°-360°—2500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14	1620	¾	344	1620	¾	344	1620	¾	344	1620	1	344
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	463	1760	1	463	1760	1¼	463	1860	2	563
A	Standard.			T 2-eng. or less—RVR 24', Runway 32; Standard all other Runways.			T over 2-eng.—RVR 24', Runway 32; Standard all other Runways.					

City, Mansfield; State, Ohio; Airport name, Mansfield Lahm Municipal; Elev., 1297'; Facility, MFD; Procedure No. VOR Runway 14, Amdt. 6; Eff. date, 3 July 69; Sup. Amdt. No. 5; Dated, 23 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: At 5-mile DME Fix R 133.
Mansfield VORTAC	R 133°, MFD VORTAC 9-mile DME Fix.	Direct	2700	Climb to 2700' direct to MFD VORTAC and hold; or when directed by ATC climb on 313° crs to 2700' right turn, return to 9-mile DME Fix R 133°. Hold SE, 1 minute, right turns, 313° Inbnd.
R 036°, MFD VORTAC CW	R 133°, MFD VORTAC	15-mile Arc MFD, R 125° lead radial.	3000	
R 183°, MFD VORTAC CCW	R 133°, MFD VORTAC	15-mile Arc MFD, R 141° lead radial.	3000	
15-mile Arc	9-mile DME Fix, R 133° (NOPT)	313° crs	2500	

Supplementary charting information:
Hold NW Mansfield VORTAC, 1 minute, right turns, 130° Inbnd.
TDZ elevation 1293'.
Steel towers: 1.8 miles S of airport 1484'; 4.4 miles SW of airport 1725'.

Procedure turn E side of crs, 133° Outbnd, 313° Inbnd, 2700' within 10 miles of 9-mile DME Fix R 133°.
Final approach crs, 313°.
Minimum altitude over MFD R 133°, 9-mile DME Fix, 2500'; over 5-mile DME Fix, 1700'.
MSA: 000°-270°—2800'; 270°-360°—2500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	1700	RVR 24	407	1700	RVR 24	407	1700	RVR 24	407	1700	RVR 50	407
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	443	1760	1	463	1760	1¼	463	1860	2	563
A	Standard.			T 2-eng. or less—RVR 24', Runway 32; Standard all other Runways.			T over 2-eng.—RVR 24', Runway 32; Standard all other Runways.					

City, Mansfield; State, Ohio; Airport name, Mansfield Lahm Municipal; Elev., 1297'; Facility, MFD; Procedure No. VOR/DME Runway 32, Amdt. 5; Eff. date, 3 July 69; Sup. Amdt. No. 4; Dated, 23 May 68

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.5 miles after passing Burnet Int.
AUS VORTAC	Plateau Int	Direct	3000	Climb to 2200' on SE crs AUS LOC within 15 miles or, when directed by ATC, climb to 2200' turn left direct to AUS VORTAC.
Lake Travis Int	Plateau Int	Direct	2300	
Plateau Int	Burnet Int (NOPT)	Direct	1400	

Supplementary charting information:
TDZ elevation, 632'.

Procedure turn W side of crs, 305° Outbnd, 125° Inbnd, 3000' within 10 miles of Plateau Int.
FAF, Burnet Int. Final approach crs, 125°. Distance FAF to MAP, 2.5 miles.
Minimum altitude over Plateau Int, 2300'; over Burnet Int, 1400'.
MSA within 25 miles of AU LOM: 000°-090°—2100'; 090°-180°—1900'; 180°-360°—3000'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12R	1040	¾	408	1040	¾	408	1040	¾	408	1040	1	408
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1060	1	428	1100	1	468	1100	1¼	468	1220	2	588
A	Standard.			T 2-eng. or less—RVR 24', Runway 30L; Standard all other runways.			T over 2-eng.—RVR 24', Runway 30L; Standard all other runways.					

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632'; Facility, I-AUS; Procedure No. LOC (BC) Runway 12R, Amdt. 8; Eff. date, 3 July 69; Sup. Amdt. No. 7, Dated, 26 Sept. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing DE LOM.
QG NDB	DE LOM	Direct	2300	Climb to 2000' direct to QG NDB or, when directed by ATC, climb to 2000' direct to QG VOR.
QG VOR	DE LOM	Direct	2300	
SVM VOR	DE LOM	Direct	2800	
Troy Int	DE LOM (NOPT)	100° crs and LOC crs 9.7	2000	Supplementary charting information: DE LOM is named Madison. TDZ elevation, 623'.

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2300' within 10 miles of DE LOM.
FAF, DE LOM. Final approach crs, 146°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over DE LOM, 2000'.
MSA: 000°-090°—2500'; 090°-180°—2300'; 180°-360°—2800'.
NOTES: (1) Back crs unusable. (2) ASR. (3) Inoperative component table does not apply to REIL's Runway 15R.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-15*	1160	1	537	1160	1	537	1160	1	537	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1180	1	555	1180	1	555	1180	1¼	555	NA
A	Standard.			T 2-eng. or less—300-1 required all runways.			T over 2-eng.—300-1 required all runways.			

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 625'; Facility, I-DET; Procedure No. LOC Runway 15, Amdt. 3; Eff. date, 3 July 69; Sup. Amdt. No. LOC Runway 15R, Amdt. 2; Dated, 5 Sept. 68

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MIW NDB.
Dunbar Int	MIW NDB	Direct	2700	Climb to 2700' on 135° bearing from MIW NDB within 10 miles; return to NDB.
Union Int	MIW NDB	Direct	2700	Supplementary charting information: Final approach crs intercepts runway centerline 2400' from threshold. Runway 12, TDZ elevation, 974'.

Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2700' within 10 miles of MIW NDB.
Final approach crs, 135°.
MSA: 000°-090°—2400'; 090°-180°—2300'; 180°-270°—2400'; 270°-360°—2600'.
NOTES: (1) Use Waterloo, Iowa, altimeter setting except for operators with approved weather reporting service. (2) Operators with approved weather reporting service may reduce all MDA's by 160'. (3) Key radio mike 122.8 five times to activate REIL Runway 12.
*Standard alternate minimums for operators with approved weather reporting service.
CAUTION: Runways 18/36 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-12	1520	1	546	1520	1	546	1520	1	546	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1620	1	646	1620	1	646	1620	1½	646	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Marshalltown; State, Iowa; Airport name, Marshalltown Municipal; Elev., 974'; Facility, MIW; Procedure No. NDB (ADF) Runway 12, Amdt.1; Eff. date, 3 July 69; Sup. Amdt. No. Orig.; Dated, 2 Mar. 67

9. 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: 4.8 miles after passing AU NDB.
AUS VORTAC	LOM	Direct	2000	Climb to 3000' on crs 305° AU NDB within 15 miles or, when directed by ATC, climb to 2200', right turn direct to AUS VORTAC.
Butler Int	LOM	Direct	1900	Supplementry charting information: TDZ elevation, 611'.
BSM NDB	LOM	Direct	1900	

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 1900' within 10 miles of AU LOM.
FAF, AU LOM. Final approach crs, 305°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over AU LOM, 1900'.
MSA within 25 miles of AU LOM: 000°-090°—2100'; 090°-180°—1900'; 180°-360°—3000'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30L	940	RVR 40	329	940	RVR 40	329	940	RVR 40	329	940	RVR 50	329
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1060	1	428	1100	1	468	1100	1¼	468	1220	2	588
A	Standard.		T 2-eng. or less—RVR 24', 30L; others Standard.				T over 2-eng.—RVR 24', 30L; others Standard.					

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632'; Facility, AU; Procedure No. NDB (ADF) Runway 30L, Amdt. 23; Eff. date, 3 July 69; Sup. Amdt. No. 22; Dated, 26 Sept. 68

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing DE LOM.
QG NDB	DE LOM	Direct	2300	Climb to 2000' direct to QG NDB or, when directed by ATC, climb to 2000' direct to QG VOR.
QG VOR	DE LOM	Direct	2300	
SVM VORTAC	DE LOM	Direct	2800	
Troy Int	DE LOM (NOPT)	Direct 100° and 326° bearing 9.7.	2000	Supplementary charting information: DE LOM is named Madison. TDZ elevation, 623'.

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2300' within 10 miles of DE LOM.
FAF, DE LOM. Final approach crs, 146°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over DE LOM, 2000'.
MSA: 000°-090°—2500'; 090°-180°—2300'; 180°-360°—2800'.
NOTE: ASR.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-15*	1200	1	577	1200	1	577	1200	1	577	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1200	1	575	1200	1	575	1200	1½	575	NA
A	Standard.		T 2-eng. or less—300' ceiling and 1 mile required all runways.				T over 2-eng.—300' ceiling and 1 mile required all runways.			

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 625'; Facility, DE; Procedure No. NDB (ADF) Runway 15, Amdt. 11; Eff. date, 3 July 69; Sup. Amdt. No. NDB (ADF) Runway 15R, Amdt. 10; Dated, 5 Sept. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing MC LOM.
MKC VORTAC	Manchester (MC) LOM	Direct	2600	Climb to 2800' on bearing 005°, proceed to Camden Int.; or, when directed by ATC, climbing left turn to 2600' to Manchester (MC) LOM.
Farley Int	Manchester (MC) LOM	Direct	2600	
Lansing Int	Manchester (MC) LOM	Direct	2600	
DeSoto Int	Manchester (MC) LOM (NOPT)	Direct	2300	
Camden Int	Manchester (MC) LOM	Direct	2600	Supplementary charting information: TDZ elevation, 1011'.
Rondell (RN) LOM	Manchester (MC) LOM	Direct	2600	
BSP VORTAC	Manchester (MC) LOM	Direct	3000	

Procedure turn W side of crs, 185° Outbnd, 005° Inbnd, 2600' within 10 miles of MC LOM.
FAF, MC LOM. Final approach crs, 005°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over Manchester (MC) LOM, 2300'.
MSA: 045°-135°—2500'; 135°-225°—3100'; 225°-315°—2700'; 315°-045°—2400'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			B		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1380	RVR 40	369	1380	RVR 40	369	1380	RVR 40	369	1380	RVR 50	369
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	515	1540	1	515	1540	1½	515	1580	2	555
A	Standard.		T 2-eng. or less—RVR 24', Runway 36; Standard all other runways.				T over 2-eng.—RVR 24', Runway 36; Standard all other runways.					

City, Kansas City; State, Mo.; Airport name, Kansas City International; Elev., 1025'; Facility, MC; Procedure No. NDB (ADF) Runway 36, Amdt. 6; Eff. date, 3 July 69; Sup. Amdt. No. 5; Dated, 1 May 69

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.1 miles after passing MHK NDB.
MHK NDB	Volland Int	Direct	3000	Climbing right turn to 3000', to Volland Int and hold.*
Volland Int	MHK NDB (NOPT)	Direct	2000	Supplementary charting information: *Hold SE, 1 minute, right turns, 298° Inbnd. Chart restricted areas 3602A and 3602B. TDZ elevation, 1043'.

Procedure turn not authorized. Approach crs (profile) starts at Volland Int.
FAF, NDB, Final approach crs, 298°. Distance FAF to MAP, 1.1 miles.
Minimum altitude over Volland Int, 3000'; over MHK NDB, 2000'.
MSA: 000°-180°—3600'; 180°-270°—2800'; 270°-360°—2700'.
NOTE: Use Salina, Kans., altimeter setting when control zone not effective, and all MDA's increased 200' except for operators with approved weather reporting service.
$Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
%IFR departure procedures: Westbound 185° through 340°, proceed to Custer Int via MHK VOR, R 174° or MHK NDB bearing 182° before departing on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS		
S-31	1580	1	537	1580	1	537	1580	1	537	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1600	1	544	1660	1	604	1680	1¼	624	NA		
A	Standard.$		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1056'; Facility, MHK; Procedure No. NDB (ADF) Runway 31, Amdt. 6; Eff. date, 3d July 69; Sup. Amdt. No. 5; Dated, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing MF LOM
TVT VOR	MF LOM	Direct	2900	Climb to 2700' direct to MFD VORTAC via MFD VOR R 133° and hold; or when directed by ATC, climb on 320° crs to 2700', right turn return to MF LOM. Hold SE MF LOM, 1 minute, right turns, 320° Inbnd. Supplementary charting information: Hold NW of MFD VORTAC, 1 minute, right turns, 130° Inbnd. TDZ elevation 1293'. Steel towers: 1.8 miles S of airport 1464'; 4.4 miles SW of airport 1725'.
MFD VORTAC	MF LOM	Direct	2700	

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2700' within 10 miles of MF LOM.
FAF, MF, LOM. Final approach crs, 320°. Distance FAF to MAP, 4 miles.
Minimum altitude over MF LOM, 2500'.
MSA: 000°-360°—2800'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	1800	RVR 40	507	1800	RVR 40	507	1800	RVR 40	507	1800	RVR 50	507
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1800	1	503	1800	1	503	1800	1¼	503	1860	2	563
A	Standard.		T 2-eng. or less—RVR 24', Runway 32; Standard all other Runways.				T over 2-eng.—RVR 24', Runway 32; Standard all other Runways.					

City, Mansfield; State, Ohio; Airport name, Mansfield Lahm Municipal; Elev., 1297'; Facility, MH; Procedure No. NDB (ADF) Runway 32, Amdt. 4; Eff. date, 3 July 69; Sup. Amdt. No. 3; Dated, 23 May 68

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 811'; LOC 4.8 miles passing AU LOM.
Austin VORTAC	AU LOM	Direct	2000	Climb to 3000' on NW crs ILS 305° within 15 miles or, when directed by ATC, climb to 2200', right turn direct to AUS VOR TAC.
Butler Int	AU LOM	Direct	1900	
BSM NDB	AU LOM	Direct	1900	

Supplementary charting information: TDZ elevation, 611'.

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 1900' within 10 miles of AU LOM.
FAF, AU LOM. Final approach crs, 305°. Distance FAF to MAP, 4.8 miles.
Minimum glide slope interception altitude, 1900'. Glide slope altitude at OM, 1913'; at MM, 763'.
Distance to runway threshold at OM, 4.8 miles; at MM, 0.5 mile.
MSA within 25 miles of AU LOM: 000°-090°—2100'; 090°-180°—1900'; 180°-360°—3000'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-30L	811	RVR 24	200	811	RVR 24	200	811	RVR 24	200	811	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30L	880	RVR 24	269	880	RVR 24	269	880	RVR 24	269	880	RVR 40	269
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1060	1	428	1100	1	468	1100	1¼	468	1220	2	588
A	Standard.		T 2-eng. or less—RVR 24', Runway 30L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 30L; Standard all other runways.					

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632'; Facility, I-AUS; Procedure No. ILS Runway 30L, Amdt. 23; Eff. date, 3 July 69; Sup. Amdt. No. 22; Dated, 26 Sept. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 1493'. LOC 4 miles after passing MF LOM
Tiverton VOR	MF LOM	Direct	2900	Climb to 2700' direct to MFD VORTAC via MFD VOR R 133° and hold; or when directed by ATC, climb to 2700' on NW crs ILS, right turn, return to MF LOM. Hold SE MF LOM, 1 minute right turns 320° Inbnd.
Mansfield VORTAC	MF LOM	Direct	2700	

Supplementary charting information: Hold NW of MFD VORTAC, 1 minute, right turns, 130° Inbnd.
TDZ elevation 1293'.
Steel towers: 1.8 miles S of airport 1484'; 4.4 miles SW of airport 1725'.

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2700' within 10 miles of MF LOM.
FAF, MF LOM. Final approach crs, 320°. Distance FAF to MAP, 4 miles.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2500'; at MM, 1510'.
Distance to runway threshold at OM, 4 miles; at MM, 0.6 mile.
MSA: 000°-360°—2800'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-32	1493	RVR 24	200	1493	RVR 24	200	1493	RVR 24	200	1493	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	1700	RVR 24	407	1700	RVR 24	407	1700	RVR 24	407	1700	RVR 40	407
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	443	1760	1	463	1760	1¼	463	1860	2	563
A	Standard.		T 2-eng. or less—RVR 24', Runway 32; Standard all other runways.				T over 2-eng.—RVR 24', Runway 32; Standard all other runways.					

City, Mansfield; State, Ohio; Airport name, Mansfield Lahm Municipal; Elev., 1297'; Facility, I-MED; Procedure No. ILS Runway 32, Amdt. 7; Eff. date, 3 July 69; Sup. Amdt. No. 6; Dated, 23 May 68

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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

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

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Alexandria (England AFB) ASR minimum altitude vectoring chart (1700').....										1. Aircraft on vector to FAF at 5-mile radius of Alexandria-Pineville Airport in sector from 180° CW to 030° from Alexandria-Pineville Airport. 2. Descend aircraft to MDA after FAF (5-mile radius of Alexandria-Pineville Airport).

Missed approach: Climb to 1700', right or left turn as appropriate direct ESF VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C.....	800	1	700	800	1	700	800	1½	700	NA
A.....	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Alexandria; State, La.; Airport name, Alexandria-Pineville; Elev., 100'; Facility, Alexandria Radar; Procedure No. Radar-1, Amdt. 1; Eff. date, 3 July 69; Sup. Amdt. No. Orig.; Dated 6 Feb. 69

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From	To	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by AUS ASR minimum altitude vectoring chart.....										1. Descend aircraft after passing FAF. 2. Runway 30L, FAF AU LOM 4.8 miles from threshold. 3. Runway 12R, FAF Burnet Int 2.5 miles from threshold. Minimum altitude over Burnet Int, 1400'. 4. Runway 16R, FAF 2.2 miles from threshold. Minimum altitude over FAF 1300'. 5. Runway 34L, FAF 5 miles from threshold. Radar antenna located at BSM AFB. TDZ elevation 30L, 611'. TDZ elevation 12R, 632'.

Missed approach:
Runway 30L—Climb to 3000' straight ahead on AUS LOC crs 305° within 15 miles, or climb to 3000' right turn direct to AUS VORTAC and hold N, right turns, 1 minute, 187° Inbnd.
Runway 12R—Climb to 3000' direct to AU LOM and hold SE, right turns, 1 minute, 305° Inbnd.
Runway 16R—Climb to 3000' direct to AU LOM and hold SE, right turns, 1 minute, 305° Inbnd.
Runway 34L—Climb to 3000' direct to AUS VORTAC and hold N, right turns, 1 minute, 187° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30L.....	900	RVR 24	289	900	RVR 24	289	900	RVR 24	289	900	RVR 50	289
S-12R.....	1060	¾	428	1060	¾	428	1060	¾	428	1060	1	428
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-30L, 34L and 16R.....	1060	1	428	1100	1	468	1100	1¼	468	1200	2	568
C-12R.....	1100	1	468	1100	1	468	1100	1¼	468	1220	2	588
A.....	Standard.		T 2-eng. or less—RVR 24', Runway 30L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 30L; Standard all other runways.					

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632'; Facility, Austin Radar; Procedure No. Radar-1, Amdt. 7; Eff. date, 3 July 69; Sup. Amdt. No. 6; Dated, 26 Sept. 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 May 28, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-6622; Filed, June 16, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Folpet

No comments were received in response to the notice published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6442), proposing certain reductions of tolerance levels for residues of folpet in or on raw agricultural commodities. No requests were received to refer the proposal to an advisory committee.

The Commissioner of Food and Drugs concludes that the proposal should be adopted without change. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), 68 Stat. 514; 21 U.S.C. 346a(e)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.191 is revised to read as follows:

§ 120.191 Folpet; tolerances for residues.

Tolerances for residues of the fungicide folpet (*N*-(trichloromethylthio) phthalimide) in or on raw agricultural commodities are established as follows:

50 parts per million in or on celery, cherries, leeks, lettuce, onions (green), shallots.

25 parts per million in or on apples, avocados, blackberries, blueberries, boysenberries, crabapples, cranberries, currants, dewberries, gooseberries, grapes, huckleberries, loganberries, raspberries, strawberries, tomatoes.

15 parts per million in or on cucumbers, garlic, melons, onions (dry bulb), pumpkins, summer squash, winter squash.

15 parts per million in or on citrus fruits; this tolerance is on an interim basis pending evaluation of new data to be presented to the Food and Drug Administration before January 1, 1970, on transmission of such residues to milk and meat from feeding cattle with dried citrus pulp of such treated citrus fruits.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7093; Filed, June 16, 1969; 8:45 a.m.]

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

2-(*p-tert*-Butylphenoxy)Cyclohexyl 2-Propynyl Sulfite

A petition (PP 9F0803) was filed with the Food and Drug Administration by Uniroyal, Inc., Bethany, Conn. 06525, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on the raw agricultural commodity walnuts (meats).

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

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.259 is amended by adding to the end thereof a new paragraph, as follows:

§ 120.259 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfite; tolerances for residues.

* * * * *

0.1 part per million (negligible residue) in or on walnuts.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7097; Filed, June 16, 1969; 8:46 a.m.]

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

PART 121—FOOD ADDITIVES

Captan

No comments were received in response to the notice published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6442), proposing the reduction of certain tolerance levels for residues of captan in or on certain raw agricultural commodities and raisins. No requests were received to refer the proposal to an advisory committee.

The Commissioner of Food and Drugs concludes that the proposal should be adopted without change. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(e), 409(d), 68 Stat. 514, 72 Stat. 1787; 21 U.S.C. 346a(e), 348a(d)) and under authority delegated to the Commissioner (21 CFR 2.120), §§ 120.103 and 121.1061 are revised to read as follows:

§ 120.103 Captan; tolerances for residues.

Tolerances for residues of fungicide captan (*N*-trichloromethyl-mercapto-4-cyclohexene-1,2-dicarboximide) in or on raw agricultural commodities from preharvest or postharvest uses or combinations of such uses are established as follows:

100 parts per million in or on beet greens, cherries, lettuce, spinach.

50 parts per million in or on apricots, celery, grapes, leeks, mangoes, nectarines, onions (green), peaches, plums (fresh prunes), shallots.

25 parts per million in or on apples, avocados, blackberries, blueberries (huckleberries), cantaloups, crabapples, cranberries, cucumbers, dewberries, eggplants, garlic, honeydew melons, muskmelons, onions (dry bulb), pears, peppers, pimentos, pumpkins, quinces, raspberries, rhubarb, strawberries, summer squash, tomatoes, watermelons, winter squash.

2 parts per million in or on beets (roots), broccoli, brussels sprouts, cabbage, carrots, cauliflower, collards, cottonseed, kale, mustard greens, peas (dry and succulent), rutabagas (roots), soybeans (dry and succulent), sweet corn (kernels plus cob with husk removed), turnip greens, turnips (roots).

Also, the following tolerances for residues of captan are established on an interim basis pending evaluation of new data to be presented to the Food and Drug Administration before January 1, 1970, on the transmission of such residues to meat, milk, and eggs from feeding cattle or poultry with raw agricultural commodities or their byproducts when such commodities have been treated with captan:

100 parts per million in or on almond hulls.

25 parts per million in or on beans (dry and succulent), grapefruit, lemons, limes, oranges, pineapples, potatoes, tangelos, tangerines.

2 parts per million in or on almonds.

§ 121.1061 Captan.

A tolerance of 50 parts per million is established for residues of captan (*N* - trichloromethylmercapto - 4-cyclohexene-1,2-dicarboximide) in or on washed raisins when present as a result of fungicidal treatment by preharvest application to grapes and postharvest application during the drying process.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Secs. 408(e), 409(d), 68 Stat. 514, 72 Stat. 1787; 21 U.S.C. 346a(e), 348(d))

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7092; Filed, June 16, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data in a petition (3406V) filed by Farmland Industries, Inc., Post Office Box 7305, Kansas City, Mo. 64116, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of polyethylene as a roughage replacement in the ration of feedlot beef cattle. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Subpart C of Part 121:

§ 121.239 Polyethylene.

(a) *Identity.* Polyethylene consists of basic polymers manufactured by the catalytic polymerization of ethylene.

(b) *Specifications.* (1) For the purposes of this section, polyethylene shall meet the specifications in item 2.1 of § 121.2501(c).

(2) The polyethylene is designed in a pellet form in a configuration presenting maximum angular surface having the following dimensions in centimeters:

$0.9 \pm 0.1 \times 0.8 \pm 0.1 \times 1.2 \pm 0.1$

(c) *Use.* It is used as a replacement for roughage in feedlot rations for finishing slaughter cattle.

(d) *Labeling.* The labels and labeling shall bear in addition to the other information required by the act:

(1) The name of the additive "polyethylene roughage replacement."

(2) Adequate directions for use which shall provide for the administration of one-half pound of polyethylene pellets per head per day for 6 successive days. All natural roughage should be removed for a minimum of 12 hours prior to administration of polyethylene roughage replacement. Roughage replacement must be adequately mixed in the ration for uniform distribution.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7098; Filed, June 16, 1969; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Zinc Bacitracin

No comments were received in response to the notice published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6443), proposing that the antibiotic drug regulations be amended to provide for an improved method of sample preparation for a certification assay of zinc bacitracin. The Commissioner of Food and Drugs concludes that the proposal should be adopted as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 141e.418 is amended by revising the section heading and paragraph (a) to read as follows:

§ 141e.418 Zinc bacitracin.

(a) *Potency.* Proceed as directed for bacitracin in § 141.110 of this chapter, except add to each standard response line concentration sufficient 0.01*N* hydrochloric acid to yield the same ratio of 0.01*N* hydrochloric acid to 1 percent potassium phosphate buffer, pH 6.0 (solution 1) as present in the sample solution diluted to the reference concentration. Prepare the sample for assay as follows: Dissolve an accurately weighed sample (usually 25 to 35 milligrams) in sufficient 0.01*N* hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

* * * * *

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7099; Filed, June 16, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Subpart A—Investigations

MOTIONS TO LIMIT OR TO QUASH COMMISSION ORDERS TO FILE ANNUAL OR SPECIAL REPORTS

The Commission announces the following revision in Part 2 of Chapter I of

Title 16, published June 13, 1967 (32 F.R. 8444, 8448). This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Paragraph (a) of § 2.12 is revised to read as follows:

§ 2.12 Reports.

(a) The Commission may issue an order requiring a corporation to file a report or answers in writing to specific questions relating to any matter under investigation. Any motion to limit or quash such an order shall be filed with the Secretary of the Commission within ten (10) days after service of the order, or, if the date for compliance is less than ten (10) days after service of the order, within such other time as the Commission may allow.

* * * * *

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

Issued: May 21, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-7114; Filed, June 16, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 240]

WINE

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, view, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco and Firearms Division, within the 30-day period. In such case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to: (1) Prescribe minimum production and storage requirements; (2) authorize wine spirits storage tanks and wine spirits addition tanks to be located outside of buildings; (3) provide for retention by the proprietor of formulas on Forms 698—Supplemental, and for voluntary surrender of obsolete formulas; (4) provide for riders to formulas and for the adoption by a successor of a predecessor's approved formulas; (5) provide for return to the consignor of a leaking tank car or tank truck containing wine being transferred in bond; (6) provide for the submission of one Form 257 to cover all wine spirits to be transferred to the wine cellar during the calendar year; (7) strengthen and clarify requirements respecting entries on daily records; (8) expand the range of Table V, gallons of water required to reduce 1 gallon of concentrated juice to a desired degree Brix; (9) update the list of materials authorized for treatment of wine; and (10) make a number of less significant liberalizing and clarifying changes, and minor editorial and technical changes; the regulations in 26 CFR part 240, Wine, are amended as follows:

§§ 240.2, 240.134, 240.940, 240.941, 240.942 [Amended]

PARAGRAPH 1. Sections 240.2, 240.134, 240.940, 240.941, and 240.942 are amended by deleting "Director, Alcohol and Tobacco Tax Division," wherever such term appears and inserting in lieu thereof the term "Director".

PAR. 2 Section 240.15 is amended to change the term "Assistant Regional Commissioner, Alcohol and Tobacco Tax" to "Assistant regional commissioner, alcohol, tobacco and firearms". As amended, § 240.15 reads as follows:

§ 240.15 Assistant regional commissioner.

"Assistant regional commissioner" shall mean the assistant regional commissioner, alcohol, tobacco and firearms, who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

PAR. 3. The heading and text of § 240.19 are amended to reflect the changes in the title of the "Director, Alcohol and Tobacco Tax Division" to "Director, Alcohol, Tobacco and Firearms Division". As amended, the heading and text of § 240.19 read as follows:

§ 240.19 Director.

"Director" shall mean the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Treasury, Department, Washington, D.C. 20224.

PAR. 4. Section 240.120 is amended to require a special application from persons wishing to establish a bonded wine cellar having a production capacity of less than 1,000 gallons or a storage capacity of less than 5,000 gallons. As amended, § 240.120 reads as follows:

§ 240.120 Bonded wine cellars.

Every person desiring to establish premises for the production, blending, cellar treatment, storage, bottling, packaging, or repackaging of untaxpaid wine (other than cider, family wine, or experimental wine produced free of tax under section 5042, I.R.C., and Subpart Y of this part) shall provide premises, make application to and file bond with the assistant regional commissioner, and receive his permission to operate a bonded wine cellar: *Provided*, That a person desiring to establish premises having a production capacity of less than 1,000 gallons or a storage capacity of less than 5,000 gallons shall, before providing premises, making application, and filing bond, submit a letter application, in triplicate, to the Director, setting forth the necessity for establishing such premises, and receive his approval thereof. The Director will approve such application if he is satisfied that the applicant will engage in the bona fide business of producing, blending, cellar treating, storing, bottling, packaging, or repackaging untaxpaid wine, and that there will be no jeopardy to the revenue.

(68A Stat. 867, 72 Stat. 1378; 26 U.S.C. 7302, 5351)

PAR. 5. Section 240.130 is amended to specifically refer to the receipt, preparation, use, or removal of concentrated or unconcentrated juice in the production of wine. As amended, § 240.130 reads as follows:

§ 240.130 Activity on bonded wine cellar premises.

Except as authorized in this subpart, bonded wine cellar premises shall be used exclusively for (a) the receipt, production, blending, cellar treatment, storage, bottling, packaging, repackaging, and removal of untaxpaid wine (including distilling material, vinegar stock, heavy bodied blending wine, Spanish type blending sherry, and other wine products made from natural wine for nonbeverage purposes), and (b) the receipt, preparation, use, or removal of fruit, concentrated or unconcentrated fruit juice, or other materials authorized by this part for use in the production and cellar treatment of wine. Wine not produced in the manner authorized for standard wine, for example, substandard beverage wine, made by the use of water in excess of limitations prescribed for standard wine, may not be produced or stored on premises used for the production or storage of standard wine. Any wine produced in accordance with the requirements for standard wine, which becomes substandard by reason of its condition, may not be retained on such premises unless the condition is corrected.

(72 Stat. 1378, 1380; 26 U.S.C. 5351, 5361)

PAR. 6. Sections 240.140, 240.142, 240.160, and 240.166 are amended to provide for the location of wine spirits storage tanks and wine spirits addition tanks outside of buildings, and §§ 240.140 and 240.142 are further amended to make clarifying changes. As amended, §§ 240.140, 240.142, 240.160, and 240.166 read as follows:

§ 240.140 Buildings or rooms of bonded wine cellars.

Bonded wine cellars shall be so located, constructed, and equipped, subject to approval by the assistant regional commissioner, as to be suitable for the production or storage of wine, and to afford protection of the revenue. The buildings, outside tanks, or rooms in which wines are stored or treated shall

be securely constructed of substantial material. All doors, windows, or other openings shall be so arranged that they may be locked or fastened, and shall be kept locked in the absence of the proprietor or his agents. Except for necessary openings for ventilation and for the passage of water, electric, sewer, or similar lines, the wine cellar shall be separated from adjoining buildings or rooms by suitable partitions: *Provided*, That where a bonded wine cellar, a distilled spirits plant, a taxpaid wine bottling house, another bonded wine cellar, or a wine vinegar plant are located in contiguous buildings or rooms, pipelines may be installed for the transfer of wine or wine spirits. Pursuant to a letter application, in triplicate, submitted by the proprietor, the assistant regional commissioner may approve doors in the partitions separating the bonded wine cellar from the production facility, bottling premises, or general premises of a distilled spirits plant, or from a taxpaid wine bottling house, wine vinegar plant, another bonded wine cellar, or a contiguous taxpaid room operated by the proprietor.

(72 Stat. 1379; 26 U.S.C. 5357)

§ 240.142 Wine spirits storage room.

Where wine spirits are to be received in packages at a bonded wine cellar for use in wine production a wine spirits storage room shall be provided except where the wine spirits are withdrawn under the provisions of §§ 240.836 and 240.837. The room shall be sufficiently large to permit the storage of all wine spirits to be received or possessed at any one time. The room shall be securely constructed of substantial material so as to prevent unlawful access to the wine spirits. The door shall be equipped with a hasp and staple for locking with a Government lock. A sign bearing the words "Wine Spirits Storage Room" shall be placed over the entrance door of the room.

(72 Stat. 1379; 26 U.S.C. 5357)

§ 240.160 Location of tanks.

(a) *General.* Tanks used for the storage or treatment of wine shall be located within wine cellar buildings, except as provided in paragraph (b) of this section. All fermenters, storage tanks, wine spirits storage tanks, bottling tanks, and other containers, shall be so arranged and located as to permit ready examination and determination of their contents by inspecting officers. Tanks to be used for the addition of wine spirits to wine shall be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than four feet between the top of the tank and the ceiling or roof above.

(b) *Tanks located outside of buildings.* Open fermenting tanks, except those used exclusively for the production of distilling material, shall be under a roof or other suitable covering, but need not be enclosed in a building. Closed tanks for storage of wine may be located outside of buildings on the bonded premises, and unless the premises are enclosed by a fence or wall which the assistant regional commissioner deems adequate for protection of the revenue, such tanks shall be enclosed within a secure fence. The assistant regional commissioner may approve wine spirits addition tanks located outside of buildings on bonded premises if he finds that such tanks are so constructed as to afford adequate protection from the elements and to create no jeopardy to the revenue.

(72 Stat. 1379; 26 U.S.C. 5357)

§ 240.166 Wine spirits storage tanks, weighing tanks, and measuring tanks.

Where wine spirits are to be received in tank cars, tank trucks, or by pipelines, and are not to be used immediately in wine production, wine spirits storage tanks shall be provided in the wine cellar: *Provided*, That tanks for storage of wine spirits may be located outside of buildings, and unless the premises are enclosed by a fence or wall which the Director deems adequate for protection of the revenue, such tanks shall be enclosed within a secure fence. The fence directly enclosing tanks shall be embedded in a concrete foundation, shall be at least 10 feet high, and shall have three rows of barbed wire superimposed on top, or shall be constructed in such manner as the Director considers equally effective; the gate shall be fitted for locking. Wine spirits storage tanks shall be constructed of metal and be of uniform dimension from top to bottom. If a weighing tank is to be used, it shall be of suitable size with suitable and accurate scales. If a measuring tank is to be used for measuring wine spirits, it shall be of suitable size and shall be accurately calibrated.

(72 Stat. 1379, 1395; 26 U.S.C. 5357, 5552)

PAR. 7. Section 240.169 is amended to provide that wine spirits pipelines may be painted either black or blue. As amended, § 240.169 reads as follows.

§ 240.169 Wine spirits pipelines.

Pipelines used for the conveyance of wine spirits from the bonded premises of a distilled spirits plant to wine spirits storage tanks, measuring tanks, weighing tanks, and wine spirits addition tanks shall be constructed in accordance with the requirements of regulations prescribed in Part 201 of this chapter. If wine spirits are to be received by tank car or tank truck, a secure pipeline shall be provided from the unloading point to the storage tank, measuring tank, weighing tank, or wine spirits addition tank. Where wine spirits are stored in wine spirits storage tanks, a fixed pipeline, unbroken except for necessary short hose connections to pumps or weighing tanks, shall be provided from the wine spirits storage tank to the wine spirits addition tank. All joints in such pipelines shall be brazed, welded, or otherwise permanently joined. Valves, suitably equipped for locking, shall be provided to control the flow of the wine spirits from or into each tank. Pipelines for wine spirits shall be painted either black or blue, but all such pipelines within the bonded wine cellar shall be painted the same color.

(72 Stat. 1395; 26 U.S.C. 5552)

PAR. 8. Sections 240.196 and 240.197 are amended to liberalize provisions relating to the description of certain buildings and equipment on Form 698. As amended, §§ 240.196 and 240.197 read as follows:

§ 240.196 Description of buildings and rooms.

All buildings on the bonded wine cellar premises shall be accurately described on Form 698. If the premises consist of one or more entire buildings, each building shall be described as to size, material of which constructed, and the purpose for which it will be used: *Provided*, That buildings which will not be used in connection with the operations authorized by this part may be described only as to size and the purpose for which used. If the premises consist of a part of a building, in addition to giving the size of the building and material of which constructed, there shall be described separately the rooms of floors constituting the bonded premises and the walls of floors separating the premises from adjoining portions of the buildings, and the activities conducted in adjoining and adjacent portions. The means of egress and ingress shall also be described.

(72 Stat. 1379; 26 U.S.C. 5356)

§ 240.197 Description of equipment.

All equipment, including tanks, crushing and pressing equipment, instruments and measures for testing and measuring wine shall be described on the Form 698. Tanks shall be listed by their intended use, stating, for each use, the total number of tanks and their total capacity. Barrels or other readily portable containers under 60 gallons capacity need not be listed but the approximate number of such containers used for the storage of wine shall be shown. Unless required by the assistant regional commissioner, hoses, filters, pumps, pasteurizers, coolers, and similar equipment need not be listed on the Form 698.

(72 Stat. 1379; 26 U.S.C. 5356)

PAR. 9. Section 240.205 is amended to delete the reference to the number of copies of Form 1534. As amended, § 240.205 reads as follows:

§ 240.205 Power of attorney, Form 1534.

If the application or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a partnership, or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 240.203, such application or other qualifying documents shall be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney will be executed on Form 1534 and submitted to the assistant regional commissioner.

§ 240.206 [Deleted]

PAR. 10. Section 240.206 is deleted.

PAR. 11. Section 240.213 is amended to provide for retention of approved Forms 698—Supplemental, and for voluntary surrender of obsolete formulas. As amended, § 240.213 reads as follows:

§ 240.213 Retention of documents.

The proprietor shall keep at the bonded wine cellar premises or in an office adjacent thereto, the copies of all approved qualifying documents which have been returned to him by the assistant regional commissioner, and copies of formulas on Form 698—Supplemental which have been returned by the Director. Such copies shall be made available, without delay, for the examination of any internal revenue officer. Obsolete formulas for which the proprietor no longer has any use may be surrendered to the Director, through the assistant regional commissioner.

PAR. 12. Sections 240.220 and 240.225 are amended to delete the phrase "in triplicate". As amended, §§ 240.220 and 240.225 read as follows:

§ 240.220 General requirements.

Every person required to file a bond or consent of surety under this part shall prepare and execute such document on the prescribed form in accordance with this subpart and the instructions printed on the form or issued in respect thereto, and shall submit it to the assistant regional commissioner.

§ 240.225 Bond, Form 1676.

The proprietor of a wine vinegar plant desiring to withdraw wine from bonded wine cellars without payment of tax for use in the manufacture of vinegar shall file with the assistant regional commissioner of the region in which the vinegar plant is located, bond on Form 1676. The penal sum of the bond shall be not less than the tax on all wine to be withdrawn plus the tax on all wine on hand at the vinegar plant which has not been converted into vinegar and all wine in transit to the wine vinegar plant, but in no case shall the penal sum be less than $500. If the proprietor of the wine vinegar plant is also the proprietor of a bonded wine cellar located on adjacent premises, he may file consent of surety, Form 1533, extending the terms of his wine cellar bond as provided in § 240.651, instead of filing bond on Form 1676.

(72 Stat. 1380; 26 U.S.C. 5362)

§§ 240.237, 240.905 [Amended]

PAR. 13. Sections 240.237 and 240.905 are amended by deleting "Director, Alcohol and Tobacco Tax Division" wherever such term appears, and by inserting in lieu thereof the term "Director".

PAR. 14. Sections 240.256, 240.257, and 240.259 are amended to correct the title of Form 1490. As amended, §§ 240.256, 240.257, and 240.259 read as follows:

§ 240.256 Release or termination of Form 700 or 2053.

When the proprietor of a bonded wine cellar discontinues business and the notice of discontinuance has been approved, the assistant regional commissioner will issue a notice of termination of the bond on Form 1490 and will forward copies to the principal and to the surety; or, in the case of bond, Form 2053, the notice of termination of the bond will be issued upon receipt from the proprietor of written advice that he has discontinued removal of wine requiring a tax deferral bond. When a valid superseding bond has been approved, the assistant regional commissioner will issue a notice of termination of the bond on Form 1490 and will forward copies to the principal and to the surety.

(72 Stat. 1379; 26 U.S.C. 5354)

§ 240.257 Release or termination, Form 1676.

When the principal on a bond, Form 1676, notifies the assistant regional commissioner that he has discontinued the withdrawal of wine without payment of tax for use in the manufacture of vinegar, the assistant regional commissioner will issue a notice of termination of the bond on Form 1490. When a superseding bond on Form 1676 is approved by the assistant regional commissioner, he will issue a notice of termination of the bond on Form 1490 for the superseded bond.

(72 Stat. 1380; 26 U.S.C. 5362)

§ 240.259 Release of collateral, Form 1676.

Collateral pledged and deposited to support a bond on Form 1676 will ordinarily be released by the assistant regional commissioner upon issuance of a notice of termination of the bond on Form 1490, provided all liabilities under the bond have been satisfied.

(61 Stat. 646; 6 U.S.C. 15)

PAR. 15. Section 240.272 is amended to liberalize provisions relating to depiction of certain buildings on the plat. As amended § 240.272 reads as follows:

§ 240.272 Depiction of premises.

The plat shall show the outer boundaries of the premises in contrasting color. The location and size of each building, and the purpose for which each will be used will be shown. If the bonded premises consist of only a room or floor of a building, the precise location of the room or floor, together with the means of access to a public street or yard, or to a public hall or elevator shaft leading to a public street or yard, will be shown. The first floor exterior doors and windows of each building used in connection with the operations authorized by this part will be shown on the plat. The surrounding driveways, streets, and sidings also shall be indicated.

PAR. 16. Section 240.274 is amended to delete the requirement that a draftsman certify to the accuracy of a plat he has prepared. As amended, § 240.274 reads as follows:

§ 240.274 Certificate of accuracy.

Each sheet of the plat shall contain in the lower right-hand corner a certificate of accuracy, signed by the proprietor, and a provision for approval by the assistant regional commissioner, substantially in the following form:

Accuracy certified by:

(Name of proprietor)

(Registry number)

(Address)

(By: Name and title)

Approved: ---

(Date)

(Assistant Regional Commissioner)

PAR. 17. Sections 240.285 and 240.286 are amended, and a new section, § 240.290a, is added immediately following § 240.290, to provide for adoption of formulas. Sections 240.285 and 240.286, as amended, and § 240.290a, as added, read as follows:

§ 240.285 Nonfiduciary successor.

If a change in proprietorship of the bonded wine cellar is brought about otherwise than by appointment of an administrator, executor, receiver, trustee, or other fiduciary, the successor shall qualify in the same manner as the proprietor of a new bonded wine cellar, except that he may adopt the plat of the predecessor, as provided in § 240.290, and the formulas of the predecessor, as provided in § 240.290a.

(72 Stat. 1379; 26 U.S.C. 5354, 5356)

§ 240.286 Fiduciary.

If the bonded wine cellar is to be operated by an administrator, executor, receiver, trustee, assignee, or other fiduciary, the fiduciary must comply with provisions of Subpart G to the extent that such provisions are applicable, except that in lieu of filing a new bond and a new plat, the fiduciary may furnish a consent of surety extending the terms of his predecessor's bond, may adopt the plat of such predecessor, and, as provided in § 240.290a, may also adopt the formulas of the predecessor. The fiduciary shall furnish certified copies, in triplicate, of the order of the court, or other pertinent documents, showing his qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary shall be the same as the date of the court order, or the date specified therein for him to assume control. If the fiduciary was not appointed by the court, the date of his assuming control shall coincide with the effective date of the qualifying documents filed with him.

(72 Stat. 1379; 26 U.S.C. 5354, 5356)

§ 240.290a Adoption of formulas, Forms 698—Supplemental.

If a successor desires to adopt the approved Forms 698—Supplemental of his predecessor, he shall submit, in triplicate, a letter application to, and receive approval from, the Director. Such letter shall list the formulas by number, date of approval, and name of the product. The application shall show that the predecessor has authorized the use of his previously approved formulas by the successor.

PAR. 18. Section 240.292 is amended to specify the number of copies of certain required applications. As amended, § 240.292 reads as follows:

§ 240.292 Successor to bonded wine cellar with bonded wine warehouse.

Where a bonded wine warehouse has been established at a bonded wine cellar under the provisions of § 240.201, and it is desired to continue the operation of the bonded wine warehouse subsequent to a change in proprietorship of the bonded wine cellar, it will be necessary for the proprietor of the bonded wine warehouse to file a new letter application, in quadruplicate, acompanied by a statement, in triplicate, from the new proprietor (applicant) of the bonded wine cellar requesting the continuation of such warehouse, and by consent of his surety thereto.

(72 Stat. 1379; 26 U.S.C. 5353)

PAR. 19. Section 240.296 is amended to provide that changes in required list of stockholders may, under certain conditions, be submitted annually. As amended, § 240.296 reads as follows:

§ 240.296 Changes in officers, directors, or stockholders of a corporation.

Where there is a change in officers or directors, or in the stockholders required to be listed under § 240.204, the proprietor shall submit, within 10 days of such change, a written notice to the assistant regional commissioner: *Provided*, That changes in the list of stockholders may be submitted annually on May 1, except where the sale or transfer of capital stock results in a change in the control or management of a business. The notice shall be filed in triplicate, shall describe the changes, and be prepared as required by § 240.204.

PAR. 20. Section 240.353 and its heading are amended to provide for certain operations respecting concentrated and unconcentrated juice. As amended, § 240.353 reads as follows:

§ 240.353 Concentrated and unconcentrated fruit juice.

Concentrated fruit juice reduced with water to its original density, or to 22 degrees Brix, or to any degree of Brix between its original density and 22 degrees Brix, and unconcentrated fruit juice reduced with water to not less than 22 degrees Brix, shall be deemed to be juice for the purpose of standard wine production. Where concentrated fruit juice is received on bonded wine cellar premises the proprietor shall procure from the producer thereof a certificate stating the kind of fruit juice from which it was produced and the total solids content of such juice before and after concentration. In addition, if the concentrated fruit juice is received from a concentrate plant, the certificate shall also state whether the volatile fruit flavor has been removed therefrom, and, if so, whether the identical fruit flavor has been restored thereto. Where unconcentrated fruit juice, processed at a concentrate plant, is received on bonded wine cellar premises, the proprietor shall procure from the producer thereof a certificate stating whether the volatile fruit flavor has been removed therefrom, and, if so, whether the identical fruit flavor has been restored thereto. Concentrated or unconcentrated fruit juice may be used in juice or wine made from the same kind of fruit for purposes of developing alcohol by fermentation or for sweetening as provided in this part. Concentrated fruit juice, or juice which has been concentrated and reconstituted, shall not be used in standard wine production if at any time it was concentrated to more than 80 degrees Brix.

(72 Stat. 1383, as amended; 26 U.S.C. 5382)

PAR. 21. Section 240.366 is amended to provide that the acid content of ameliorated wine shall be determined as before fermentation. As amended, § 240.366 reads as follows:

§ 240.366 Limitations on amelioration.

In producing wine from grapes or grape juice having a high acid content, there may be added to the juice or to the wine, or both, ameliorating material consisting of either water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup. The total volume of ameliorating material shall not reduce the natural fixed acid content of the juice and ameliorating material combined to less than five parts per thousand. The acid content shall be determined as before fermentation, and calculated as tartaric acid. The volume of ameliorating material shall not exceed 35 percent of the total volume of the ameliorated juice or wine (calculated exclusive of pulp). The ameliorating material may be added before, during, or after fermentation. Where ameliorating material is added after fermentation, the gallons of wine before and after such addition shall be determined and entered on the record provided for in § 240.908. See Subpart XX of this part for tables showing the maximum quantity in gallons of ameliorating material that may be added to each 1,000 gallons of juice (exclusive of pulp) based on the acid expressed in parts per thousand of tartaric acid.

(72 Stat. 1384, as amended; 26 U.S.C. 5383)

PAR. 22. Section 240.375 is amended to delete the provision relating to the numbering of Forms 275. As amended, § 240.375 reads as follows:

§ 240.375 Application for release of wine spirits.

Prior to the addition of wine spirits, the wine will be placed in tanks (approved for the addition of wine spirits) located, equipped, and calibrated as provided in Subpart F of this part. The proprietor will accurately measure the wine, determine its alcohol content, the proof of the wine spirits to be added, calculate the quantity of wine spirits required (in accordance with instructions in Subpart XX of this part), and enter the details on Form 275. The alcohol content of the wine after the addition of wine spirits shall not exceed 24 percent by volume. The proprietor will certify on Form 275 that the wine has been produced in accordance with the requirements of this subpart and is eligible for the addition of wine spirits, and will make application for the release of the quantity of wine spirits desired by delivering one copy of Form 275 to the internal revenue officer. In the discretion of the internal revenue officer, a sample of the wine spirits may be taken before addition of the wine spirits.

(72 Stat. 1381, 1382; 26 U.S.C. 5367, 5373)

PAR. 23. Section 240.385 is amended to provide for riders to formulas and to make minor editorial changes. As amended, § 240.385 reads as follows:

§ 240.385 Production of Flor sherry wine.

(a) *General.* Proprietors desiring to produce sherry wine by the Flor process may add wine spirits to such wine at two different times, once before and once after the Flor treatment. A statement of process on Form 698—Supplemental, in triplicate, giving details of the production process, shall be filed with the Director and approved prior to the commencement of production. Where the proprietor has on file on the effective date of this part approved formulas covering the production of Flor sherry wine, new formulas need not be filed unless requested by the assistant regional commissioner. If the wine spirits are to be added at two different times a record shall be kept showing dates and quantities of first addition of wine spirits for Flor sherry production, inoculation with Flor sherry yeast and a record showing storage and movement of the wine to the time of the second addition of wine spirits. In case wine spirits are to be added only once, no separate record is required.

(b) *Change in formula.* The addition or elimination of ingredients, changes in quantities used, and changes in the process of production are permissible only after approval of a new Form 698—Supplemental: *Provided*, That where a change in the quantity of ingredients or in the process of production does not alter the character of the product, the change may be accomplished by filing a rider to the formula with, and obtaining approval from, the Director. The rider shall be filed in triplicate, shall identify the original formula by number, date of approval, name of the product, and by name and number of the wine cellar, shall specify the quantity of the ingedients or the change in process, and shall be signed and processed in the same manner as the original formula.

(72 Stat. 1382, 1383, as amended; 26 U.S.C. 5373, 5382)

PAR. 24. In the order to provide that the acid content of ameliorated wine shall be determined as before fermentation, the fourth sentence of § 240.407 is amended to read as follows:

§ 240.407 Limitations on amelioration.

* * * The acid content shall be determined as before fermentation, and calculated as malic acid for apple wine

and as citric acid for other fruit wine. * * *

PAR. 25. Section 240.441 is amended to provide for riders to formulas and to make minor editorial changes. As amended, § 240.441 reads as follows:

§ 240.441 Formula required.

(a) *General.* Before producing any special natural wine, the proprietor shall receive approval of the formula by which it is to be made. The formula and process will be described on Form 698—Supplemental, which will be filed in triplicate with the Director. Two 4/5-quart samples of the base wine used and two 4/5-quart samples of the finished special natural wine shall be submitted under separate cover at the time of filing the formula. The samples will be taken to be representative of the finished product, and any material change in the flavor or other characteristics from those of the approved sample will require the filing of a new formula, even though the ingredients may be the same. All ingredients used will be shown on Form 698—Supplemental, and in the case of the basic wine, fruit juices, essences, sugar, water, or other soluble ingredients, the quantities required to make 1,000 gallons of special natural wine will be stated. In the case of roots, herbs, or similar materials, the quantity need not be stated, but each ingredient will be listed. The process of production will be stated in detail.

(b) *Change in formula.* The addition or elimination of ingredients, changes in quantities used, and changes in the process of production are permissible only after approval of a new Form 698—Supplemental: *Provided,* That where a change in the quantity of ingredients or in the process of production does not alter the character of the product, the change may be accomplished by filing a rider to the formula with, and obtaining approval from, the Director. The rider shall be filed in triplicate, shall identify the original formula by number, date of approval, name of the product, and by name and number of the wine cellar, shall specify the quantity of the ingredients or the change in process, and shall be signed and processed in the same manner as the original formula.

(72 Stat. 1386; 26 U.S.C. 5386)

PAR. 26. Section 240.444 is amended to delete the one-day restriction on the use of storage tanks in the production of special natural wine. As amended, § 240.444 reads as follows:

§ 240.444 Use of natural wine in production of special natural wine.

If flavoring materials are not to be added before or during fermentation, as provided in § 240.443, they may be added only to natural wine for the production of special natural wine. Any natural wine produced as provided in Subparts P and Q of this part may be used for this purpose. Caramel, pure dry sugar, liquid sugar, or invert sugar syrup, or pure dry sugar-water solution of not less than 60 degrees (Brix) may be used in special natural wine made under this section: *Provided,* That the minimum 60 degrees (Brix) limitation contained in §§ 240.40a and 240.40b, and in this section, shall not apply to such materials used in the manufacture of vermouth. Where vermouth is produced under this section the finished product shall contain not less than 80 percent by volume of natural wine. Heavy bodied blending wine (including juice or concentrated juice to which wine spirits have been added) may be used in the production of special natural wine if its use is specified in the formula. Special natural wine may be made in storage tanks. Precautions shall be taken to prevent the accidental flavoring of other wine.

(72 Stat. 1386; 26 U.S.C. 5386)

§ 240.447 [Amended]

PAR. 27. Section 240.447 is amended by deleting "Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25 D.C.,", "Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25 D.C.", and "Director, Alcohol and Tobacco Tax Division," from the first, second, and seventh sentences, respectively, and by inserting in lieu thereof the terms "Director", "Director.", and "Director", respectively.

PAR. 28. Section 240.465 is amended to provide for riders to formulas and to make minor editorial changes. As amended, § 240.465 reads as follows:

§ 240.465 Formula required.

(a) *General.* Before producing any agricultural wine, the proprietor of the bonded wine cellar shall procure approval of the formula and process by which it is to be made. The formula and process will be described in detail on Form 698—Supplemental which will be filed in triplicate with the Director.

(b) *Change in formula.* The addition or elimination of ingredients, changes in quantities used, and changes in the process of production are permissible only after approval of a new Form 698—Supplemental: *Provided,* That where a change in the quantity of ingredients or in the process of production does not alter the character of a product, the change may be accomplished by filing a rider to the formula with, and obtaining approval from, the Director. The rider shall be filed in triplicate, shall identify the original formula by number, date of approval, name of product, and by name and number of the wine cellar, shall specify the quantity of the ingredients or the change in process, and shall be signed and processed in the same manner as the original formula.

(72 Stat. 1386; 26 U.S.C. 5387)

PAR. 29. Section 240.481 is amended to make minor conforming and editorial changes. As amended, § 240.481 reads as follows:

§ 240.481 Classes of wine other than standard wine.

The following classes of wine are not standard wine:

(a) High fermentation wine, produced as provided in § 240.483;

(b) Heavy bodied blending wine, produced as provided in § 240.484;

(c) Spanish type blending sherry, produced as provided in § 240.485;

(d) Wine products not for beverage use, produced as provided in § 240.485a;

(e) Distilling material, produced as provided in § 240.486;

(f) Vinegar stock, produced as provided in § 240.487;

(g) Wines other than those in classes listed in paragraphs (a), (b), (c), (d), (e), and (f) of this section, not produced within the limitations of Subparts P, Q, and T of this part, but within limitations of § 240.352; and

(h) Spoiled wine, of the kind described in § 240.489.

Wines of classes listed in paragraphs (a), (b), (c), (d), (e), and (f) of this section may be produced, stored, and handled on standard wine premises. Wines of the class listed in paragraph (g) of this section may not be produced, stored, or handled on standard wine premises. Wine of the class listed in paragraph (h) of this section may not remain on standard wine premises, except as provided in § 240.489.

(72 Stat. 1381; 26 U.S.C. 5364)

PAR. 30. Section 240.482 is amended to provide for riders to formulas and to make minor editorial changes. As amended, § 240.482 reads as follows:

§ 240.482 Formula required.

(a) *General.* Each proprietor desiring to produce wine other than standard wine shall first procure approval of the formula by which it is to be made, except that no formula is required for distilling material or vinegar stock. The formula will be filed on Form 698—Supplemental, in triplicate, with the Director. Where the proprietor has on file on the effective date of this part approved formulas covering the production of high fermentation wine, heavy bodied blending wine, or Spanish type blending sherry, new formulas need not be filed unless requested by the assistant regional commissioner.

(b) *Change in formula.* The addition or elimination of ingredients, changes in quantities used, and changes in the process of production are permissible only after approval of a new Form 698—Supplemental: *Provided,* That where a change in the quantity of ingredients or in the process of production does not alter the character of a product, the change may be accomplished by filing a rider to the formula with, and obtaining approval from, the Director. The rider shall be filed in triplicate, shall identify the original formula by number, date of approval, name of the product, and by name and number of the wine cellar, shall specify the quantity of the ingredients or the change in process, and shall be signed and processed in the same manner as the original formula.

PAR. 31. Sections 240.484 and 240.485 are amended to specifically provide for the transfer in bond of heavy bodied blending wine and Spanish type blending sherry, respectively, and § 240.485

is further amended to provide requirements for the marking of shipping containers, to delete provisions relating to production of other wine products not for beverage use, and to make minor editorial changes. As amended, §§ 240.484 and 240.485 read as follows:

§ 240.484 Heavy bodied blending wine.

Wine made from grapes or other fruit without added sugar, and with or without added wine spirits, may be made for blending purposes with a total solids content in excess of 21 percent. Heavy bodied blending wine is not natural wine or standard wine, but may be produced, stored, and handled on, or transferred in bond between, standard wine premises for use in blending with other wine made from the same kind of fruit, or for removal upon payment of tax, not for sale or consumption as beverage wine. A separate record shall be kept showing the quantities of heavy bodied blending wine produced, received, used, shipped, and on hand. Upon removal, the shipping containers (and Form 703, if in bond) will be marked "Heavy Bodied Blending Wine—Not for Sale or Consumption as Beverage Wine."

(72 Stat. 1380, 1381, 1387; 26 U.S.C. 5361, 5364, 5388)

§ 240.485 Spanish type blending sherry.

Blending wine made with partially caramelized grape concentrate may be produced, stored, and handled on, or transferred in bond between, bonded wine cellar premises, but not for sale or consumption as beverage wine. Wine of a high solids content and dark in color, produced under this section, shall be designated "Spanish Type Blending Sherry," and other wine containing caramelized concentrate shall be designated "Caramelized Blending Wine." The particular kind of wine, such as "sherry," may be shown, if desired. A separate record showing the production and disposition of such blending wine shall be maintained. Upon removal, the shipping containers (and Form 703, if in bond) shall be marked with the applicable designation and the legend "Not for Sale or Consumption as Beverage Wine." Blending wine of this class is not natural wine or standard wine, and may not be blended with natural wine or standard wine except under an approved formula in the further production of this class of blending wine.

(72 Stat. 1380, 1381, 1387; 26 U.S.C. 5361, 5364, 5388)

PAR. 32. A new section, § 240.485a, is added, immediately following § 240.485, to provide requirements respecting wine products not for beverage use. As added, § 240.485a reads as follows:

§ 240.485a Wine products not for beverage use.

In addition to wine products produced under §§ 240.484 and 240.485, wine products subject to tax as wine but not for sale or consumption as beverage wine may be made on bonded wine cellar premises from natural wine for nonbeverage purposes pursuant to formula on Form 698—Supplemental filed in accordance with the provisions of § 240.482. Wine products produced under this section may be stored and handled on, and transferred in bond between, bonded wine cellar premises. Each container used to remove such wine products from bond shall be marked in accordance with the provisions of § 240.562 and with the legend "Not for Sale or Consumption as Beverage Wine." A separate record shall be kept of wine products produced under this section showing the quantity produced, received, used, shipped, and on hand.

(72 Stat. 1380; 26 U.S.C. 5361)

PAR. 33. Section 240.486 is amended to liberalize provisions relating to the transfer of lees, filter wash, and other wine residues, to the distilling material account. As amended, § 240.486 reads as follows:

§ 240.486 Distilling material.

Wine may be produced on bonded wine cellar premises from grapes and other fruit, natural fruit products, or fruit residues, for use as distilling material, using any quantity of water desired to facilitate fermentation or distillation. No sugar may be added in the production of distilling material. Distillates containing aldehydes may be used in the fermentation of wine to be used as distilling material as provided in §§ 240.490 and 240.491 and Subpart YY of this part. Distilling material will be reported as produced at the time of removal from fermenting tanks. Lees, filter wash, and other wine residues, may also be accumulated on bonded wine cellar premises for use as distilling material. Such materials will be reported as wine on Form 702 until transferred to the distilling material account. If water is added to facilitate handling or distillation, the entire quantity, including the water, will be transferred to the distilling material account at the time the water is added. If wine is refermented for use as distilling material as provided in Subpart V of this part, the wine will be transferred to the distilling material account at the time fermentation is started, or when water is added to facilitate refermentation.

(72 Stat. 1380, 1381, 1382; 26 U.S.C. 5361, 5364)

PAR. 34. Section 240.512 is amended to specifically provide for the use of liquid sugar in the production of sparkling wine, and to make a minor editorial change. As amended, § 240.512 reads as follows:

§ 240.512 Process and materials.

In preparing still wine for the production of sparkling wine, pure sugar or a solution of pure sugar and water of not less than 60° Brix, and a small amount of tartaric acid, malic acid (for sparkling apple wine), or citric acid, may be added with yeast or yeast culture to facilitate the process of secondary fermentation or to correct the wine. Fruit syrup, pure sugar, a solution of pure sugar and water of not less than 60° Brix, wine, wine spirits, and the acids named above, may be used in preparing a finishing dosage for sparkling wine or carbonated wine. The fruit syrup, wine spirits and wine so used shall come from the same kind of fruit as the wine from which the sparkling wine or carbonated wine is made. In the production of effervescent natural wine, taxpaid wine spirits or wine spirits withdrawn tax-free under the provisions of Subpart PP, may be used. Tax-free wine spirits may not be used in the production of effervescent wine which is not natural wine. In the refermentation and finishing of the effervescent wine, the materials specifically authorized in § 240.1051 may be used.

(72 Stat. 1383, as amended; 26 U.S.C. 5382)

PAR. 35. Section 240.513 is amended to provide for riders to formulas and to make minor editorial changes. As amended, § 240.513 reads as follows:

§ 240.513 Statement of process for effervescent wine.

(a) *General.* Each proprietor intending to produce sparkling wine or artificially carbonated wine shall submit to the Director a statement in detail on Form 698—Supplemental showing each process by which he intends to make the product and giving the designation as to kind (class and type) under which he desires to market it. The statement shall set forth whether the product will be naturally or artificially carbonated, and if naturally carbonated, whether it will be carbonated in bottles or in tanks or other bulk containers, the kind of wine to be used, and any other materials to be used in connection with secondary fermentation, cellar treatment, and finishing of the product. The approximate period of time required to complete production shall also be stated. If more than one process is to be employed, or more than one product is to be made, a separate statement shall be filed for each process and for each product. Each statement of process shall bear the name, registry number, and address of the bonded wine cellar, shall be numbered in serial order beginning with "1" for each bonded wine cellar, shall be filed in triplicate, and be approved by the Director, before commencing manufacture. Where the proprietor has on file on the effective date of this part approved formulas covering production of effervescent wine, new formulas need not be filed unless requested by the assistant regional commissioner.

(b) *Change in formula.* The addition or elimination of ingredients, changes in quantities used, and changes in the process of production are permissible only after approval of a new Form 698—Supplemental: *Provided*, That where a change in the quantity of ingredients or in the process of production does not alter the character of a product, the change may be accomplished by filing a rider to the formula with, and obtaining approval from, the Director. The rider shall be filed in triplicate, shall identify the original formula by number, date of approval, name of the product, and by name and number of the wine cellar,

shall specify the quantity of the ingredients or the change in process, and shall be signed and processed in the same manner as the original formula.

(72 Stat. 1383, as amended, 1387; 26 U.S.C. 5382, 5387)

PAR. 36. Section 240.520 is amended to make a minor conforming change. As amended, § 240.520 reads as follows:

§ 240.520 Storage of wine.

Wine shall be stored in buildings or tanks on the bonded premises constructed and secured in accordance with the provisions of §§ 240.140 and 240.160. Wine may be stored in tanks, casks, barrels, cased or uncased bottles, or any other suitable receptacles, which will not contaminate the wine.

PAR. 37. Sections 240.525 and 240.534 are amended to specify the type and number of copies of certain required applications. As amended, §§ 240.525 and 240.534 read as follows:

§ 240.525 Use of tannin.

When fining agents, such as gelatin and isinglass, which require the presence of a certain amount of tannin in grape wine in order to work effectively, are used for clarification of grape wine, and the wine to be clarified does not contain sufficient tannin to permit the fining agents to precipitate completely, a small amount of tannin may be added to the grape wine for the purpose of assisting the fining agents. Tannin may also be added to grape wine after clarification to the extent necessary to raise the tannin content of the wine to that normally contained therein: *Provided*, That white wines in which tannin is used shall not contain more than 0.08 gram of tannin per 100 ml. after clarification, and red grape wine in which tannin is used shall not contain more than 0.3 gram of tannin per 100 ml. after clarification, unless the assistant regional commissioner authorizes a higher tannin content, pursuant to a letter application, in duplicate, in which the necessity for a higher tannin content is shown by the proprietor. Only tannin of a yellowish white or very light brown color, which does not color the wine, may be used in the cellar treatment of wine. The records required by § 240.918 will be kept covering the use of tannin.

(72 Stat. 1383, as amended; 26 U.S.C. 5382)

§ 240.534 Test and records of carbon dioxide in still wine.

The carbon dioxide contained in wines shall be determined in accordance with authorized test procedures announced by the Director. For purposes of this section, each proprietor bottling still wine containing carbon dioxide shall keep commercial records showing each item (that is, wine of the same class and type bottled under the same brand or label) bottled each day. A single day's bottling of the same item shall be considered a single batch, unless the proprietor desires to divide such a day's bottling of each item into two or more batches. The proprietor's commercial records shall show (a) by appropriate description or symbol, the batch identification of the wine; (b) the kind and quantity of the wine in each batch; and (c) the results of the individual tests of carbon dioxide contents made with respect to each such batch. Unless the proprietor has filed, in duplicate, a letter application with, and received approval from, the assistant regional commissioner to use a code identification on the label of the bottle, he shall mark on each case of wine at the time of filling (1) the date of filling, and (2) the batch identification of the wine. The method of marking the label or case shall be stated in the proprietor's notice under § 240.532.

(72 Stat. 1381; 26 U.S.C. 5367)

PAR. 38. Section 240.537 is amended to make a conforming technical change. As amended, § 240.537 reads as follows:

§ 240.537 Application.

Where a proprietor desires to reduce the acid content of wine below 5 parts per thousand, other than as authorized in § 240.1051, he shall file an application with the assistant regional commissioner. The application shall be filed in letter form in triplicate. The application shall contain the following information:

(a) Name, address, and registry number of the proprietor;

(b) Statement of process or method to be used in effecting the acid reduction;

(c) Gallons of wine to be treated; and

(d) Kind of wine to be treated.

A 1 pint sample of the wine prior to treatment shall be submitted by the proprietor direct to the regional laboratory at the same time the application is filed. The sample will be labeled and marked in a manner that it may be readily identified. The proprietor shall not proceed to reduce the acid content of the wine until he receives approval of the application by the assistant regional commissioner.

(72 Stat. 1383, as amended; 26 U.S.C. 5382)

PAR. 39. Section 240.540 is amended to include the recognized rule for determining whether a person is the head of a family for the purposes of production of tax-free wine for family use. As amended, § 240.540 reads as follows:

§ 240.540 Registered producer.

A duly registered head of any family may produce annually for family use, and not for sale, not in excess of 200 gallons of wine without payment of tax. A person is deemed to be the head of a family only if he exercises family control or responsibility over one or more individuals closely connected with him by blood relationship, relationship by marriage, or by adoption, and who are living with him in one household. This exemption does not authorize the production of wine for such use contrary to State law.

(72 Stat. 1331; 26 U.S.C. 5042)

PAR. 40. Section 240.542 is amended to specify the retention period for Forms 1541. As amended, § 240.542 reads as follows:

§ 240.542 Registration, Form 1541.

Every person (other than the operator of a bonded wine cellar) coming within the statutory exemption and desiring to produce wine for the exclusive use of his family, shall file Form 1541 in accordance with the instructions on the form. Upon production of the wine, the registrant will enter the quantity produced and the date of production on the copy of the form returned to him by the assistant regional commissioner. Such form shall be retained at the place of production while the wine produced pursuant thereto remains on hand. A new form shall be submitted each succeeding year during which it is desired to produce wine for family use, the year to be reckoned as commencing on July 1 and ending June 30 following.

(72 Stat. 1331; 26 U.S.C. 5042)

PAR. 41. Section 240.550 is amended to specify the type and number of copies of certain required applications. As amended, § 240.550 reads as follows:

§ 240.550 Discontinuance of experimental wine operations.

When an institution discontinues experimental wine operations, all wine spirits must be disposed of either by their destruction or shipment to premises authorized to receive them. Prior to destruction or shipment, a letter application, in duplicate, shall be filed with the assistant regional commissioner, and authorization obtained for such destruction or shipment. When such authorized disposition of wine and wine spirits has been completed a letter of notification will be sent to the assistant regional commissioner.

(72 Stat. 1331; 26 U.S.C. 5042)

PAR. 42. Sections 240.562 and 240.564 are amended to provide that cases may be marked to show the number and size of bottles in each case in lieu of, or in addition to, showing wine gallons. As amended, §§ 240.562 and 240.564 read as follows:

§ 240.562 Marks.

Each cask, barrel, keg, tank, tank truck, railroad tank car, or case, or other approved container, used to remove wine shall be marked in a plain and durable manner with (a) the serial number, or the alternate marks in lieu of the serial numbers as provided in § 240.561, or (if recased in the taxpaid room) with the marks authorized in § 240.561 in lieu of the serial number, (b) the name of the proprietor and the registry number and location (by State, or city or town and State) of the wine cellar, (c) the kind (class and type) and the alcohol content of the wine, (d) the contents of the container in wine gallons, except that where wine is removed in cases, the cases may be marked to show the number and size of bottles in each case, and (e) except for cases, the date of removal or shipment. The kind of wine shall be stated in accordance with 27 CFR Part 4. The formula number shall be marked on bulk containers of special natural

wine. When wine is packed or bottled under an authorized trade name other than that under which the bonded wine cellar is operated, such trade name may be marked on the shipping container as the name of the proprietor as authorized in § 240.192. These marks may be cut, printed, or otherwise legibly and durably marked upon the container, or placed upon a label or tag securely affixed to the container. The marks shall be placed upon the head of the package, or the side of the case, or on the prescribed route board attached to the tank truck, tank car, tank ship, barge, or deep tank of a vessel, where they may be readily examined by internal revenue officers: *Provided*, That the serial number, or the alternate marks in lieu of a serial number, may be placed on a side other than the Government side as described in § 240.564 where such other side bears no marks in conflict with such serial number or alternate marks.

(72 Stat. 1381, 1387, 1407; 26 U.S.C. 5368, 5388, 5662)

§ 240.564 Other marks.

The head of the package, or the side of the case, bearing the prescribed marks shall be known as the "Government Head," and "Government Side," respectively, and shall contain no other marks except those authorized or required by Federal law or regulations: *Provided*, That the name and address of the consignee, brand name, bottle label, and other related data, including identifying marks such as lot numbers, which do not conflict with or detract from the prescribed marks, may be shown on the Government head or side of the container.

(72 Stat. 1381; 26 U.S.C. 5368)

PAR. 43. Section 240.567 is amended to make a minor conforming change. As amended, § 240.567 reads as follows:

§ 240.567 Fractional parts of gallons.

The wine gallon content of tank cars, tank trucks, tank ships, barges, or deep tanks of vessels, will be marked on the containers in whole gallons. The wine gallon content of casks, barrels, kegs, cases (if so marked), or demijohns, will be marked on the containers in gallons and tenths of gallons. Where markings are in whole gallons, fractions of a gallon will be converted to the nearest gallon, and five-tenths gallon will be converted to the next full gallon. Similarly, where markings are in tenths of gallons, fractions less than one-tenth will be converted to the nearest one-tenth gallon, and five-hundredth gallon will be converted to the next full one-tenth gallon. Contents of bottles will be stated on the bottle labels in the manner prescribed by 27 CFR Part 4.

(72 Stat. 1331, 1381; 26 U.S.C. 5041, 5368)

PAR. 44. Paragraph (d) of § 240.579 is amended to make a minor editorial change. As amended, paragraph (d) reads as follows:

§ 240.579 Labeling bottled wine.

* * * * *

(d) The net contents of the bottle, unless displayed on the bottle as provided in 27 CFR 4.37(d).

* * * * *

(72 Stat. 1381, 1407; 26 U.S.C. 5368, 5662)

PAR. 45. Section 240.614 is amended to provide that a consignor prepare one additional copy of Form 703 which he will retain for his files. As amended, § 240.614 reads as follows:

§ 240.614 Preparation and handling of Form 703.

Where shipments are made to other premises in the same region, the proprietor will prepare four copies of Form 703 and, on the date of shipment, forward one copy to the assistant regional commissioner of his region, and two copies to the consignee and retain the remaining copy for his files. Upon receipt of the shipment the consignee will note on both copies of the form any loss in transit or other discrepancy, sign the form, retain one copy, and forward one copy to the assistant regional commissioner before the close of the following business day. When wine is shipped in bond to premises in another region, the consignor will prepare five copies of Form 703, and, on the date of shipment, forward one copy to the assistant regional commissioner of his region, one copy to the assistant regional commissioner of the region to which the wine is shipped, and two copies to the consignee, and retain the remaining copy for his files. Upon receipt of the shipment the consignee will note on the form any loss in transit or other discrepancy, sign the form, retain one copy, and forward one copy to the assistant regional commissioner of his region.

(72 Stat. 1380; 26 U.S.C. 5362)

PAR. 46. Section 240.618 is amended to change the word "division" at the end of the first sentence, to "diversion". As amended, § 240.618 reads as follows:

§ 240.618 Reconsignment by consignor.

When the consignor desires to reconsign a shipment of wines, he will obtain the approval of the assistant regional commissioner of the consignor region, then prepare new Form 703 and attach thereto a notice of diversion. The substitute consignee is liable for the tax on all losses sustained in shipment, and shall file a consent of surety with the assistant regional commissioner of his region, in accordance with § 240.231, extending the terms of his bond to cover such losses.

(72 Stat. 1380; 26 U.S.C. 5362)

PAR. 47. A new section, § 240.620, is added, immediately following §240.619, to provide for the return to the consignor of a leaking tank car or tank truck containing wine being transferred in bond. As added, § 240.620 reads as follows:

§ 240.620 Return to consignor.

A tank car or tank truck containing wine being transferred in bond may, as provided in this section, be returned to the consignor in order to avoid an excessive loss of wine. The consignor shall, before wine is so returned, file a consent of surety with the assistant regional commissioner to extend the terms of his bond to cover the tax on the quantity of wine originally transferred in bond. Such consent shall contain a statement of purpose as follows:

To extend the terms of said bond (including all extensions or limitations of terms and conditions previously consented to and approved) to cover the internal revenue tax on the quantity of wine shipped in bond from the principal's bonded wine cellar when, under the provisions of 26 CFR Part 240, such shipment is returned to and received at said wine cellar.

The consignor will cancel the covering Form 703 and will notify all persons who received copies thereof that the wine was returned to him and the reasons therefor. The consignor will record in his daily records and on Form 702 the receipt of the wine returned, showing as received the actual quantity of wine originally shipped.

PAR. 48. Section 240.652 is amended to delete the phrase "in triplicate" from the first sentence. As amended, § 240.652 reads as follows:

§ 240.652 Consent of surety.

The required consent of surety, Form 1533, shall be filed with the assistant regional commissioner. Upon approval of the consent of surety, removals may be made thereunder from time to time. The reporting of such removals on Form 703 shall be in accordance with §§ 240.613 to 240.616.

(72 Stat. 1380; 26 U.S.C. 5362)

PAR. 49. Paragraph (c) of § 240.657 is amended to provide the complete method for calculating the quantity of vinegar produced. As amended, paragraph (c) reads as follows:

§ 240.657 Vinegar plant records.

* * * * *

(c) The quantity of vinegar produced, and the date of production. (This quantity will be reported on a 100-grain strength basis and will be determined by multiplying the wine gallons of vinegar produced by the grain strength thereof and dividing the result by 100); and

* * * * *

PAR. 50. Section 240.660 is amended to specify the number of copies required of the prescribed application. As amended, § 240.660 reads as follows:

§ 240.660 Application for removal.

The proprietor of a bonded wine cellar desiring to remove still wine which has acetified and contains not less than 4 percent of acetic acid by volume will make letter application, in duplicate, to the assistant regional commissioner for each lot to be removed, showing the quantity and the acetic acid content. If the application is approved, the soured wine may be removed as vinegar.

PAR. 51. Section 240.741 is amended to delete the requirement that the name and address of the laboratory to which

wine samples are to be sent be shown in the application for removal of such samples. As amended, § 240.741 reads as follows:

§ 240.741 Application.

A proprietor desiring to remove samples of wine for analysis or testing by a laboratory shall make application, in duplicate, to the assistant regional commissioner. The application may be for the taking of samples from a specified lot or lots of wine, or it may be for continuing authority. The size of each sample should be limited to 1 quart from each lot to be analyzed or tested, unless the necessity for a larger quantity is established. The application shall state the number of samples to be taken, the size thereof, the kind or kinds of wine, and the frequency with which the samples will be taken. If the application is approved, the assistant regional commissioner will retain one copy, and return the other to the proprietor.

(72 Stat. 1380; 26 U.S.C. 5362)

PAR. 52. Section 240.783 is amended to provide that semiannual inventories of untaxpaid wine be taken as of the close of business June 30 and December 31. As amended, § 240.783 reads as follows:

§ 240.783 Losses during fiscal year.

Losses on bonded wine cellar premises during the fiscal year, beginning July 1 and ending June 30, will be entered on monthly report, Form 702, as the extent thereof is determined. The proprietor shall take actual inventory of all untaxpaid wine on hand in the bonded wine cellar as of the close of business June 30 and December 31 of each year. The inventories will be reported on Form 702–C, as required by § 240.903, and losses disclosed by the inventories will be reported on Form 702 for the months of June and December. No claim for allowance of loss will be required for losses in production or storage provided (a) there are no circumstances indicating that the wine reported lost, or any part thereof, was unlawfully removed, and (b) the loss did not exceed 3 percent of the aggregate quantity of wine on hand at the beginning of the fiscal year and received in bond during the fiscal year, 6 percent of the still wine produced by fermentation, 6 percent of the sparkling wine produced by fermentation in bottles, 3 percent of the special natural wine produced under § 240.444, 3 percent of the artificially carbonated wine produced, and 3 percent of the bulk process sparkling wine produced, at the bonded wine cellar during the fiscal year.

(72 Stat. 1381; 26 U.S.C. 5370)

PAR. 53. Section 240.800 is amended to clarify provisions relating to the return of unmerchantable wine to bond. As amended, § 240.800 reads as follows:

§ 240.800 General.

Taxpaid unmerchantable foreign wine may be received on bonded wine cellar premises for reconditioning and removal without retaxpayment, or for destruction. Taxpaid unmerchantable U.S. wine may be returned to any bonded wine cellar premises for reconditioning or destruction and the tax paid on such wine may, when the wine is returned to bond, be refunded or credited in accordance with the provisions of this subpart: *Provided*, That no refund or credit of tax may be given under the provisions of this subpart in respect of any tax paid on unmerchantable U.S. wine which is returned to bond for reconditioning and removal without retaxpayment or for which a claim has been or will be made under the provisions of Subpart O of Part 170 of this chapter.

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

PAR. 54. Section 240.801 is amended to provide for the marking of each lot of unmerchantable wine returned to bond. As amended, § 240.801 reads as follows:

§ 240.801 Receipt.

The unmerchantable taxpaid wine shall be received and retained off the bonded premises, or in the taxpaid room on the bonded premises; such wine, pending its disposition, shall be completely segregated from all other wine, be identified as returned wine, and be accessible for inspection by internal revenue officers until it is transferred to the general bonded area. A record of the wine received shall be maintained in accordance with § 240.921. Each lot of wine returned must be marked or identified so that it may readily be associated with credit memoranda or similar papers covering return of the wine.

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

PAR. 55. The first sentence of § 240.802 is amended to provide that a notice of intention to transfer unmerchantable wine to bonded premises be filed in triplicate. As amended, § 240.802 reads as follows:

§ 240.802 Transfer of unmerchantable taxpaid wine to general bonded premises.

When the proprietor intends to transfer unmerchantable taxpaid wine (United States or foreign) to the general bonded area after receipt thereof, he shall give written notice of his intention, in triplicate, to the assistant regional commissioner or to an officer designated by him: *Provided*, That such notice may be submitted directly to an internal revenue officer at the bonded wine cellar. Each notice shall be serially numbered commencing with "1" on January 1 of each year. Separate notices shall be given for United States and foreign wines. The notice shall, except as otherwise provided in this section, specify the date on which the proprietor intends to effect the transfer, which shall not be less than 10 days from the date of mailing or otherwise furnishing the notice to the assistant regional commissioner or designated officer. Where the notice is given to an internal revenue officer at the bonded wine cellar, such officer may, without regard to the time otherwise provided in this section, supervise the transaction or transmit the notice to the assistant regional commissioner. Where it appears that delay in disposing of unmerchantable taxpaid wine may impose an undue hardship on the proprietor, the assistant regional commissioner may, on request by the proprietor, permit disposition of such wine without regard to the time otherwise provided in this section. This notice shall contain, as applicable, the following information:

* * * * *

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

PAR. 56. Section 240.806 is amended to delete the reference to the number of copies of Form 2635. As amended, § 240.806 reads as follows:

§ 240.806 Claim for allowance of credit for tax.

A proprietor may file with the assistant regional commissioner a claim on Form 2635 for allowance of credit for the tax paid on unmerchantable taxpaid U.S. wine returned to bond. Such claim shall not be filed for a quantity on which credit of tax would be in amount of less than $10: *Provided*, That, as to any return wine on which the 6-month period for filing a claim will expire, a claim for allowance of tax on a lesser quantity of wine may be filed. Any such claim shall be executed by the proprietor under penalties of perjury. The proprietor shall state in the body of the claim that the wine covered by the claim was returned to bond and so recorded on the records required by this part. A copy of each notice filed under § 240.802, covering wine for which the claim is filed, shall be attached to the claim. When allowance of the credit or any part thereof is made by the assistant regional commissioner, the proprietor shall make a proper adjusting entry and explanatory statement in the next subsequent wine tax return (or returns) to the extent necessary to exhaust the credit.

(72 Stat. 1332; 26 U.S.C. 5044)

PAR. 57. Section 240.822 is amended to delete the requirement that the approximate desired date of receipt of wine spirits be shown on Form 257, and to conform the provisions to those of § 240.825. As amended, § 240.822 reads as follows:

§ 240.822 Application, Form 257.

Where it is desired to withdraw wine spirits for use in wine production, from the bonded premises of a distilled spirits plant, application will be made by the proprietor on Form 257. The proprietor shall specify in the application whether the wine spirits are to be withdrawn in packages, railroad tank cars, tank trucks, or by pipeline. The same application may not include wine spirits from more than one distilled spirits plant, nor two or more lots to be removed from the same bonded premises of a distilled spirits plant at different times, except as provided in § 240.825.

(72 Stat. 1382; 26 U.S.C. 5373)

PAR. 58. Section 240.824 and its heading are amended to provide for the deposit of wine spirits into a wine spirits addition tank directly from a tank car or tank truck, under certain conditions. As amended, § 240.824 reads as follows:

§ 240.824 Deposit of wine spirits.

On receipt of the wine spirits at the bonded wine cellar they will be deposited in the wine spirits storage room or tank, or in a wine spirits addition tank in which is contained the wine to which the wine spirits are to be added. If an internal revenue officer is not assigned to the bonded wine cellar, the proprietor will on receipt of the wine spirits request the assistant regional commissioner or designated officer to detail an officer to supervise the deposit or immediate use.

(72 Stat. 1382; 26 U.S.C. 5373)

PAR. 59. Section 240.825 and its heading are amended to provide for the annual filing of Form 257. As amended, § 240.825 reads as follows:

§ 240.825 Annual withdrawals.

(a) *Contiguous premises.* If the distilled spirits plant and the wine cellar are located on contiguous premises and wine spirits are to be transferred to the bonded wine cellar from time to time, under supervision of an internal revenue officer, the proprietor's application on Form 257 may cover all wine spirits to be transferred to the wine cellar during the calendar year. However, if the bond of the proprietor is not in the maximum penal sum, the proprietor shall specify on Form 257 the maximum quantity of wine spirits that will be on hand, removed from the distilled spirits plant, and unaccounted for, on any one day.

(b) *Noncontiguous premises.* If the distilled spirits plant and the wine cellar are not located on contiguous premises and the proprietor's bond is in the maximum penal sum, the proprietor's application on Form 257 may cover all wine spirits to be transferred from the noncontiguous distilled spirits plant to the wine cellar during the calendar year. In such case, a separate Form 257 shall be submitted for each noncontiguous distilled spirits plant from which wine spirits will be transferred during the calendar year.

(72 Stat. 1382; 26 U.S.C. 5373)

PAR. 60. Section 240.829 and its heading are amended to conform to the provisions of § 240.166. As amended, § 240.829 reads as follows:

§ 240.829 Transfer of wine spirits by pipeline to wine spirits storage tank.

Where it is desired to transfer wine spirits by pipeline to bonded wine cellar premises and store such spirits thereon prior to use, there shall be provided a suitable tank for storing the wine spirits. The pipeline from the adjacent bonded premises of the distilled spirits plant shall be connected to such tank as provided in § 240.169. The wine spirits will be transferred under supervision of the internal revenue officer, and if not gauged in the bonded premises of the distilled spirits plant, shall be gauged by weight or volume on the bonded wine cellar premises.

(72 Stat. 1382; 26 U.S.C. 5373)

PAR. 61. Sections 240.830 and 240.832 are amended to conform to the provisions of §240.824, and § 240.830 is further amended to make minor technical changes. As amended, §§ 240.830 and 240.832 read as follows:

§ 240.830 General.

Wine spirits may be withdrawn in railroad tank cars (where receiving premises have suitable railroad siding facilities) and tank trucks, provided appropriate weighing tanks or tanks suitable for measuring the spirits are provided in the bonded wine cellar, or the wine spirits are transferred in accurately calibrated tank cars or tank trucks with calibration charts available at the wine cellar, and a wine spirits storage tank (or tanks) or wine spirits addition tank (or tanks) of sufficient capacity is provided on bonded wine cellar premises. Pipelines for transfer of wine spirits from the tank car or tank truck to the tank on the bonded wine cellar premises shall be provided in accordance with § 240.169.

(72 Stat. 1360, 1362, 1382; 26 U.S.C. 5206, 5214, 5373)

§ 240.832 Examination of tank car or tank truck upon arrival at wine cellar.

Upon arrival of the tank car or tank truck at the bonded wine cellar, the seals will not be broken nor will any wine spirits be removed except in the presence of the internal revenue officer, who will first carefully examine the car or truck to see whether the seals are intact and whether there is any evidence of loss by leakage or otherwise. The contents of the tank car or tank truck will be gauged by weight or volume at the time of receipt by the proprietor under the supervision of the internal revenue officer. If the tank car or tank truck has been accurately calibrated, and the calibration chart is available at the wine cellar, the wine spirits may be gauged by volume in the tank car or tank truck. In any case where a volume gauge is made, the actual measurements of the spirits in the gauging tank, tank car, or tank truck, and the temperature of the spirits, shall be recorded on Form 2629. The transfer of the wine spirits from the tank car or tank truck to the wine spirits storage tank, or wine spirits addition tank, shall be made under the supervision of the internal revenue officer. The label attached to the tank car or tank truck at the distilled spirits plant shall be destroyed by the proprietor immediately after the car or truck is emptied.

(72 Stat. 1360, 1362, 1381; 26 U.S.C. 5206, 5214, 5365)

PAR. 62. Section 240.854 is amended to delete the references to obsolete Form 1520 and insert in lieu thereof references to Forms 2629 and 2630. As amended, § 240.854 reads as follows:

§ 240.854 In wine cellar.

Losses by theft, or from other causes, in the bonded wine cellar, will be determined and reported at the time the losses are discovered. A physical inventory of wine spirits storage tanks shall be taken at the close of the month during which wine spirits are used in wine production, or upon completion of such use for the month and at any other time required by the assistant regional commissioner or a designated internal revenue officer. Any losses which have not previously been reported will be determined by the inventory. Where a loss is discovered requiring filing of a claim as provided in § 240.855, the proprietor will gauge the contents of the container from which the loss occurred and prepare a report of gauge on Form 2629, accompanied by Form 2630 if the loss was from packages, in quadruplicate. Three copies of Form 2629 and Form 2630, if any, will be delivered to the internal revenue officer at the premises.

(72 Stat. 1323; 26 U.S.C. 5008)

PAR. 63. Section 240.902 is amended to clarify the instructions for preparing Form 2052. As amended, § 240.902 reads as follows:

§ 240.902 Form 2052.

When the proprietor is required to prepay tax, as provided in §§ 240.594 and 240.595, he shall first prepare Form 2052, in quadruplicate, in amount sufficient to cover the tax on the quantity of wine proposed to be removed that day. The original and two copies of Form 2052 shall be delivered to the district director of internal revenue or deposited in the U.S. mail properly addressed to him, together with a remittance as provided in § 240.594, prior to removal of the wine. At the same time a copy shall be forwarded to the assistant regional commissioner. Form 2052 will be serially numbered by the proprietor, commencing with "1" on January 1 of each year. Form 2052 shall be executed by the proprietor under penalties of perjury. Credit for the amount prepaid on Form 2052 will be taken on the tax return, Form 2050, covering all removals for consumption or sale for the period covered by the return.

PAR. 64. Paragraph (a) of § 240.914a is amended to delete the requirement for reporting a summary of ameliorating materials on Form 702. As amended, § 240.914a reads as follows:

§ 240.914a Record of amelioration.

(a) *General.* Each proprietor who ameliorates juice or wine shall maintain daily records of such amelioration. Separate records shall be kept for each kind of fruit or berries, including grapes. No form of record is prescribed, but the records maintained shall contain all data necessary to enable internal revenue officers to readily ascertain whether the limitations on amelioration have been complied with. All quantities shall be recorded in gallons, and, where dry sugar is used, the quantity shall be determined either by measuring the increase in volume or by considering that each 13.5 pounds of dry sugar results in a volumetric increase of 1 gallon. Each separate record shall include the following:

(1) The quantity of juice (exclusive of pulp) deposited in fermenters.

(2) For juice from fruit and berries, other than grapes, the maximum quantity of pure dry sugar or liquid sugar

authorized for adjustment, as provided in § 240.407.

(3) The maximum quantity of ameliorating material to which the juice is entitled, as provided in § 240.366 or § 240.407, as applicable.

(4) The quantity of ameliorating materials used, including pure dry sugar or liquid sugar used for adjustment of the total solids.

(5) The quantity of ameliorating material authorized but not yet used.

Supporting records shall be maintained showing the basis for entries and calculations, including determination of the natural fixed acid content and total solids content of juice, as applicable. The records of amelioration shall be maintained on the basis of annual accounting periods, with each period commencing on July 1 of a year and ending on June 30 of the following year: *Provided*, That the record for an accounting period shall be continued after June 30, where the juice or wine included therein is to be held after that date for completion of fermentation or amelioration. When the amelioration of wine included in the record for one accounting period is complete, the record shall be closed and any unused ameliorating material shall not be used. Wines included in the records for different accounting periods shall not be mixed with each other until the amelioration of both wines is complete.

* * * * *

(72 Stat. 1381, 1385, as amended; 26 U.S.C. 5367, 5384)

PAR. 65. Section 240.922 is amended to strengthen and clarify requirements respecting entries on daily records. As amended, § 240.922 reads as follows:

§ 240.922 Time of making entries.

All operations and transactions shall be recorded in daily records or commercial papers at the time the operation or transaction occurs, except that where records are posted from work orders or from supplemental or auxiliary records of individual operations or transactions prepared at the time the operation or transaction occurs, entries in the prescribed records (or approved substitutes therefor) may be deferred until the next succeeding business day. Each proprietor shall retain as part of his records all work orders and supplemental and auxiliary records needed (a) to support entries in his daily records or commercial papers, or (b) for verification by internal revenue officers.

(72 Stat. 1381; 26 U.S.C. 5367)

PAR. 66. Section 240.943 is amended to provide proprietors 45 days in which to submit a protest to a proposed assessment. As amended, § 240.943 reads as follows:

§ 240.943 Assessment of tax.

If an investigation or an examination of records discloses that liability for wine tax, distilled spirits tax, rectification tax, or occupational tax has been incurred by the proprietor of a bonded winery or a bonded wine cellar, the assistant regional commissioner will notify the proprietor by letter of the basis and the amount of the proposed assessment in order to afford him an opportunity to submit a protest, with supporting facts, within 45 days, or to request a conference with regard to the tax liability.

PAR. 67. Section 240.979 is amended to clarify the instructions respecting the use of Table V. As amended, § 240.979 reads as follows:

§ 240.979 Instructions.

Section 240.980 (Table V) shows the gallons of water required to reduce 1 gallon of concentrated juice to a desired degree Brix according to the Brix of the concentrated juice and the Brix to which it is desired to reduce the concentrated juice. When standard wine is to be produced from concentrated juice, Table V may be used in calculating the quantity of water required to reduce the concentrate to a degree of Brix authorized by § 240.353.

PAR. 68. Section 240.980 is amended to expand the range of Table V. As amended, § 240.980 reads as follows:

§ 240.980 Gallons of water required to reduce 1 gallon of concentrated juice to a desired degree Brix.

TABLE V

Illustration-Reduce concentrate from 70° to 20° Brix. Opposite 70 Brix for concentrate and in column 20 Brix is 3.3791, which is the gallons of water required for each gallon of concentrate.

Brix of concentrate	Brix desired after dilution							
	4	5	6	7	8	9	10	11
	Gallons of water required per gallon of concentrate							
40	10.5093	8.2439	6.6736	5.5520	4.7108	4.0565	3.5331	3.1048
41	10.9413	8.5165	6.8999	5.7453	4.8792	4.2057	3.6668	3.2259
42	11.2863	8.7914	7.1282	5.9402	5.0491	4.3561	3.8017	3.3481
43	11.6343	9.0688	7.3584	6.1368	5.2205	4.5079	3.9378	3.4713
44	11.9852	9.3484	7.5906	6.3350	5.3933	4.6609	4.0750	3.5956
45	12.3391	9.6305	7.8248	6.5350	5.5677	4.8153	4.2134	3.7209
46	12.6961	9.9151	8.0610	6.7367	5.7435	4.9710	4.3529	3.8473
47	13.0562	10.2020	8.2993	6.9402	5.9208	5.1280	4.4937	3.9748
48	13.4193	10.4915	8.5396	7.1453	6.0997	5.2864	4.6358	4.1034
49	13.7856	10.7834	8.7819	7.3523	6.2801	5.4462	4.7790	4.2332
50	14.1550	11.0779	9.0264	7.5611	6.4621	5.6073	4.9235	4.3640
51	14.5277	11.3749	9.2730	7.7716	6.6456	5.7699	5.0692	4.4960
52	14.9035	11.6744	9.5217	7.9840	6.8308	5.9338	5.2162	4.6291
53	15.2826	11.9766	9.7725	8.1982	7.0175	6.0992	5.3645	4.7634
54	15.6649	12.2813	10.0256	8.4143	7.2059	6.2660	5.5141	4.8989
55	16.0506	12.5887	10.2808	8.6323	7.3959	6.4342	5.6649	5.0355
56	16.4396	12.8988	10.5382	8.8521	7.5875	6.6039	5.8171	5.1733
57	16.8320	13.2115	10.7979	9.0738	7.7808	6.7751	5.9706	5.3123
58	17.2277	13.5270	11.0598	9.2975	7.9758	6.9478	6.1254	5.4525
59	17.6269	13.8451	11.3239	9.5231	8.1725	7.1220	6.2816	5.5940
60	18.0295	14.1660	11.5904	9.7507	8.3708	7.2977	6.4391	5.7367
61	18.4356	14.4897	11.8592	9.9802	8.5709	7.4749	6.5980	5.8806
62	18.8452	14.8162	12.1303	10.2117	8.7728	7.6536	6.7583	6.0257
63	19.2584	15.1456	12.4037	10.4452	8.9764	7.8339	6.9200	6.1722
64	19.6751	15.4778	12.6795	10.6808	9.1817	8.0158	7.0830	6.3199
65	20.0954	15.8128	12.9577	10.9184	9.3888	8.1992	7.2475	6.4689
66	20.5193	16.1507	13.2383	11.1580	9.5978	8.3842	7.4134	6.6191
67	20.9469	16.4916	13.5213	11.3997	9.8085	8.5709	7.5808	6.7707
68	21.3782	16.8354	13.8068	11.6435	10.0210	8.7591	7.7496	6.9236
69	21.8132	17.1821	14.0947	11.8894	10.2354	8.9490	7.9199	7.0779
70	22.2520	17.5319	14.3851	12.1374	10.4517	9.1405	8.0916	7.2334
71	22.6945	17.8846	14.6780	12.3876	10.6698	9.3337	8.2648	7.3903
72	23.1408	18.2404	14.9734	12.6399	10.8898	9.5286	8.4396	7.5486
73	23.5909	18.5992	15.2714	12.8944	11.1117	9.7251	8.6158	7.7082
74	24.0449	18.9611	15.5719	13.1511	11.3354	9.9233	8.7936	7.8692
75	24.5026	19.3260	15.8749	13.4098	11.5611	10.1231	8.9728	8.0316
76	24.9645	19.6942	16.1807	13.6710	11.7888	10.3248	9.1537	8.1954
77	25.4302	20.0654	16.4890	13.9343	12.0184	10.5282	9.3360	8.3606
78	25.8998	20.4399	16.7999	14.1999	12.2499	10.7333	9.5199	8.5272
79	26.3734	20.8174	17.1134	14.4677	12.4834	10.9401	9.7054	8.6952
80	26.8511	21.1982	17.4296	14.7378	12.7189	11.1487	9.8925	8.8647

TABLE V (Continued)

Brix of concentrate	Brix desired after dilution							
	12	13	14	15	16	17	18	19
	Gallons of water required per gallon of concentrate							
40	2.7480	2.4460	2.1871	1.9628	1.7665	1.5934	1.4394	1.3017
41	2.8585	2.5477	2.2812	2.0503	1.8482	1.6699	1.5114	1.3696
42	2.9701	2.6502	2.3761	2.1385	1.9306	1.7471	1.5840	1.4381
43	3.0826	2.7537	2.4718	2.2274	2.0136	1.8250	1.6573	1.5073
44	3.1960	2.8580	2.5683	2.3171	2.0974	1.9035	1.7312	1.5770
45	3.3105	2.9632	2.6656	2.4076	2.1819	1.9828	1.8057	1.6473
46	3.4259	3.0694	2.7638	2.4989	2.2672	2.0627	1.8809	1.7183
47	3.5424	3.1765	2.8628	2.5910	2.3531	2.1433	1.9567	1.7898
48	3.6598	3.2844	2.9627	2.6839	2.4399	2.2246	2.0332	1.8620
49	3.7783	3.3934	3.0635	2.7775	2.5274	2.3066	2.1104	1.9348
50	3.8978	3.5033	3.1651	2.8720	2.6156	2.3893	2.1882	2.0083
51	4.0183	3.6141	3.2676	2.9674	2.7046	2.4728	2.2667	2.0824
52	4.1399	3.7259	3.3710	3.0635	2.7944	2.5570	2.3459	2.1571
53	4.2625	3.8386	3.4753	3.1605	2.8850	2.6419	2.4258	2.2325
54	4.3862	3.9524	3.5806	3.2583	2.9763	2.7275	2.5064	2.3085
55	4.5110	4.0671	3.6867	3.3570	3.0685	2.8139	2.5877	2.3852
56	4.6368	4.1829	3.7938	3.4565	3.1615	2.9011	2.6697	2.4626
57	4.7638	4.2996	3.9017	3.5569	3.2552	2.9890	2.7524	2.5407
58	4.8918	4.4174	4.0107	3.6582	3.3498	3.0777	2.8358	2.6194
59	5.0210	4.5362	4.1206	3.7604	3.4453	3.1672	2.9200	2.6989
60	5.1513	4.6560	4.2314	3.8635	3.5415	3.2574	3.0049	2.7790
61	5.2827	4.7768	4.3432	3.9674	3.6386	3.3485	3.0906	2.8598
62	5.4153	4.8988	4.4560	4.0723	3.7366	3.4403	3.1770	2.9414
63	5.5490	5.0217	4.5698	4.1781	3.8354	3.5329	3.2641	3.0236
64	5.6839	5.1458	4.6846	4.2848	3.9350	3.6264	3.3521	3.1066
65	5.8200	5.2709	4.8003	4.3924	4.0356	3.7207	3.4407	3.1903
66	5.9572	5.3971	4.9171	4.5010	4.1370	3.8157	3.5302	3.2747
67	6.0957	5.5245	5.0349	4.6105	4.2393	3.9117	3.6205	3.3599
68	6.2353	5.6529	5.1537	4.7210	4.3425	4.0084	3.7115	3.4458
69	6.3762	5.7824	5.2735	4.8325	4.4465	4.1060	3.8033	3.5325
70	6.5183	5.9131	5.3944	4.9449	4.5515	4.2045	3.8960	3.6199
71	6.6616	6.0449	5.5164	5.0583	4.6574	4.3038	3.9894	3.7081
72	6.8061	6.1779	5.6393	5.1726	4.7643	4.4040	4.0837	3.7971
73	6.9519	6.3120	5.7634	5.2880	4.8720	4.5050	4.1787	3.8868
74	7.0990	6.4472	5.8885	5.4044	4.9807	4.6069	4.2746	3.9773
75	7.2472	6.5836	6.0147	5.5217	5.0903	4.7097	4.3713	4.0686
76	7.3969	6.7212	6.1421	5.6401	5.2009	4.8134	4.4690	4.1608
77	7.5478	6.8600	6.2705	5.7595	5.3125	4.9180	4.5674	4.2536
78	7.6999	6.9999	6.4000	5.8800	5.4250	5.0235	4.6666	4.3473
79	7.8534	7.1411	6.5306	6.0014	5.5384	5.1299	4.7668	4.4418
80	8.0082	7.2835	6.6623	6.1239	5.6529	5.2372	4.8677	4.5372

Brix of concentrate	Brix desired after dilution						
	20	21	22	23	24	25	26
	Gallons of water required per gallon of concentrate						
40	1.1777	1.0655	0.9636	0.8705	0.7851	0.7066	0.6341
41	1.2420	1.1265	1.0215	0.9257	0.8378	0.7570	0.6824
42	1.3068	1.1880	1.0800	0.9814	0.8910	0.8079	0.7311
43	1.3722	1.2501	1.1390	1.0376	0.9447	0.8591	0.7802
44	1.4382	1.3127	1.1985	1.0943	0.9988	0.9109	0.8297
45	1.5048	1.3758	1.2585	1.1515	1.0533	0.9631	0.8797
46	1.5719	1.4395	1.3191	1.2092	1.1084	1.0157	0.9301
47	1.6396	1.5037	1.3801	1.2673	1.1639	1.0688	0.9810
48	1.7079	1.5685	1.4417	1.3260	1.2199	1.1223	1.0323
49	1.7768	1.6338	1.5039	1.3852	1.2764	1.1764	1.0840
50	1.8463	1.6998	1.5666	1.4449	1.3334	1.2309	1.1362
51	1.9164	1.7663	1.6298	1.5052	1.3909	1.2859	1.1888
52	1.9871	1.8334	1.6936	1.5659	1.4490	1.3413	1.2420
53	2.0585	1.9010	1.7579	1.6272	1.5075	1.3973	1.2955
54	2.1304	1.9693	1.8228	1.6891	1.5665	1.4537	1.3496
55	2.2030	2.0382	1.8883	1.7515	1.6260	1.5106	1.4041
56	2.2763	2.1076	1.9544	1.8144	1.6861	1.5681	1.4591
57	2.3501	2.1777	2.0210	1.8779	1.7467	1.6260	1.5146
58	2.4246	2.2484	2.0882	1.9419	1.8078	1.6845	1.5706
59	2.4998	2.3197	2.1560	2.0065	1.8695	1.7435	1.6271
60	2.5756	2.3917	2.2244	2.0717	1.9317	1.8030	1.6841
61	2.6521	2.4642	2.2934	2.1375	1.9945	1.8630	1.7416
62	2.7293	2.5375	2.3630	2.2038	2.0578	1.9235	1.7995
63	2.8072	2.6113	2.4333	2.2707	2.1217	1.9846	1.8580
64	2.8857	2.6858	2.5041	2.3382	2.1861	2.0462	1.9171
65	2.9649	2.7610	2.5756	2.4063	2.2511	2.1084	1.9766
66	3.0448	2.8368	2.6477	2.4750	2.3167	2.1711	2.0367
67	3.1254	2.9133	2.7204	2.5443	2.3829	2.2343	2.0973
68	3.2067	2.9904	2.7937	2.6142	2.4496	2.2982	2.1584
69	3.2888	3.0682	2.8678	2.6847	2.5169	2.3625	2.2200
70	3.3715	3.1467	2.9424	2.7558	2.5848	2.4275	2.2823
71	3.4550	3.2259	3.0177	2.8276	2.6533	2.4930	2.3450
72	3.5392	3.3058	3.0937	2.9000	2.7224	2.5591	2.4083
73	3.6241	3.3864	3.1703	2.9730	2.7922	2.6258	2.4722
74	3.7098	3.4677	3.2476	3.0467	2.8625	2.6930	2.5366
75	3.7962	3.5497	3.3256	3.1210	2.9334	2.7608	2.6016
76	3.8834	3.6324	3.4043	3.1959	3.0050	2.8293	2.6671
77	3.9713	3.7158	3.4836	3.2715	3.0772	2.8983	2.7333
78	4.0600	3.8000	3.5636	3.3478	3.1500	2.9680	2.8000
79	4.1494	3.8848	3.6443	3.4247	3.2234	3.0382	2.8673
80	4.2396	3.9705	3.7257	3.5023	3.2975	3.1091	2.9351

PAR. 69. Section 240.1042 is amended to make a minor technical change. As amended, § 240.1042 reads as follows:

§ 240.1042 Application, Form 257.

A proprietor who intends to withdraw distillates containing aldehydes shall make application on Form 257 in accordance with § 240.822.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.1044 [Deleted]

PAR. 70. Section 240.1044 is deleted.

PAR. 71. Section 240.1051 is amended to include additional materials authorized by revenue rulings, to delete materials which are no longer authorized or available, and to provide one category for ion exchange resins and for pectolytic enzymes. As amended, § 240.1051 reads as follows:

§ 240.1051 Materials authorized for treatment of wine.

The following materials are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of wine (including distilling material), within the general limitations of § 240.524, or the specific limitations shown in the table, or given in the sections referred to:

Materials	Use	Reference or limitation
Acetic acid	To correct natural deficiencies in grape wine.	The use of acetic acid shall not exceed 0.4 gallon of the equivalent of 100 percent pure acetic acid per 1,000 gallons of grape wine, and such acid shall not be added in a solution of less than 50 percent strength. Acetic acid in finished red grape wine shall not exceed 0.14 gram per 100 cubic centimeters or 0.12 gram per 100 cubic centimeters in other finished grape wine. § 240.364.
Actiferm (Red)	Fermentation adjunct	The amount used shall not exceed 2 pounds per 1000 gallons of wine.
Activated carbon	To assist precipitation during fermentation.	§§ 240.363, 240.366, 240.401, 240.405.
	To clarify and purify wine.	
	To remove excess color in white wine.	§ 240.327.
Aferric	To reduce trace metals from wine.	No insoluble or soluble residue in excess of one part per million shall remain in the finished wine, and the basic character of the wine shall not be changed by such treatment.
AMA special gelatine solution.	To clarify wine.	
Antifoam "A"	To reduce the foam in fermenters.	
Antifoam AF emulsion.		
Antifoam C	Defoaming agent in production of wine.	The residual silicone content in the wine shall not exceed 10 parts per million.
Ascorbic acid Iso-ascorbic acid (Erythorbic acid).	To prevent darkening of color and deterioration of flavor in wines and wine materials, and the over oxidation of vermouth and other wines.	May be added to fruit, grapes, berries, and other materials used in wine production, to the juice of such materials, or to the wine, within limitations which do not alter the class or type of the wine. Its use need not be shown on labels.
Atmos 300	Antifoaming agent	No soluble residue in excess of 25 parts per million shall remain in the finished wine.
Bentonite (Wyoming Clay)	To clarify wine.	
Bentonite compound (Bentonite, activated carbon, copper sulfate).	To clarify and stabilize wine.	Copper added in the form of copper sulfate shall not exceed 0.5 part per million of copper with a residual level not in excess of 0.2 part per million of copper.
Bentonite slurry	To clarify wine	Not more than 2 gallons of water shall be added to each pound of Bentonite used. The total quantity of water shall not exceed 1% of the volume of wine treated.
Bone charcoal	do	
Calcium carbonate	To reduce the excess natural acids in high acid wine.	The natural or fixed acids shall not be reduced below five parts per 1,000.
Calcium sulphate (Gypsum)	Production of Spanish type or Flor sherry wine.	§ 240.385. Finished wine shall not contain more than 2 grams of gypsum per 1,000 ml. of wine.
Carbon	To clarify and purify wine.	
Carbon dioxide, CO_2	To stabilize and preserve wine.	§§ 240.531 through 240.535.
Casein	To clarify wine.	
Citric acid	To increase the acidity of wine.	§§ 240.364, 240.404.
	To stabilize grape wine	§§ 240.326, 240.539.
Combustion gas	To maintain pressure during filtering and bottling of champagne and sparkling wines.	The carbon dioxide content of the combustion gas shall not exceed 1%. 21 CFR Part 121.
Compressed air	Aeration of sherry wine	The use of compressed air shall not cause changes in the wine other than those occurring during the usual storage in wooden cooperage over a period of time.
Copper sulfate	To clarify and stabilize grape wine.	Copper added in the form of copper sulfate shall not exceed 0.5 part per million of copper with a residual level not in excess of 0.2 part per million of copper.
Cufex	To remove trace metal from wine.	No insoluble or soluble residue in excess of one part per million shall remain in the finished wine, and the basic character of the wine shall not be changed by such treatment.
Defoaming agents (polyoxyethylene-40-monostearate and silicon dioxide) (sorbic acid carboxy methyl cellulose, dimethyl polysiloxane, polyoxethylene (40) monostearate, and sorbitan monostearate).	Defoaming agent	Defoaming agents which are 100 percent active may be used in amounts not exceeding 0.15 pound per 1,000 gallons of wine. Defoaming agents which are 30 percent active may be used in amounts not exceeding 0.5 pound per 1,000 gallons of wine. Silicon dioxide shall be completely removed by filtration.
Diethyl pyrocarbonate	To preserve wine	The amount used shall not exceed 200 parts per million.
Eggs (albumen or yolks)	To clarify wine.	
Flue gas	To stabilize wine and prevent oxidation.	The carbon monoxide content of the gas shall not exceed 4.5 percent by volume. 21 CFR Part 121.
Freon C-318	Propellant in aerosol containers of vermouth.	Only a minute amount of the gas shall remain in the dispensed vermouth.
Fulgur (aluminum silicate and albumin).	To clarify wine	The amount used shall not exceed 6.6 pounds per 1,000 gallons of wine.
Fumaric acid	To stabilize grape wine and to correct natural deficiencies in grape and fruit wine.	The amount used shall not exceed 25 pounds per 1,000 gallons of wine. The fumaric acid content of the finished wine shall not exceed 0.3 percent. §§ 240.364, 240.404
Gelatin	To clarify wine.	
Glycine (amino acetic acid)	Yeast food in fermentation of wines.	The amount used shall not exceed 2 pounds per 1,000 gallons of wine.
Granular cork	To treat wines stored in redwood and concrete tanks.	The amount used shall not exceed 10 pounds per 1,000 gallons of wine.
Gum arabic	To clarify and stabilize wine.	The amount used shall not exceed 2 pounds per 1,000 gallons of wine.
Gypsum (see calcium sulphate).		
Hydrogen peroxide	To reduce aldehydes in distilling material.	The amount used shall not exceed 200 parts per million.
	To facilitate secondary fermentation in production of sparkling wine.	The amount used shall not exceed 3 parts per million. The finished product shall not contain any hydrogen peroxide.

Materials	Use	Reference or limitation
Ion exchange resins	Treatment of wine	Anion, cation, and non-ionic resins, except those resins in the mineral acid state, may be used in batch or continuous column processes as total or partial treatment of wine, provided that after complete treatment: 1. The basic character of the wine has not been altered. 2. The color of the wine has not been reduced to less than that normally contained in such wine. 3. The inorganic anions in the wine have not been increased by more than 10 mg. per liter. 4. The metallic cation concentration in the wine has not been reduced to less than 300 mg. per liter. 5. The natural or fixed acid in grape wine has not been reduced below 4 parts per thousand for red table wines, 3 parts per thousand for white table wines, or 2.5 parts per thousand for all other grape wines; and the natural or fixed acid in wine, other than grape wine, has not been reduced below 4.5 parts per thousand. 6. The pH of the wine has not been reduced below pH 3 nor increased above pH 4.5. 7. The resins used have not imparted to the wine any material or characteristic (incidental to the resin treatment) which may be prohibited under any other section of the regulations in this part. Conditioning and/or regenerating agents consisting of water, fruit acids common to the wine being treated, and inorganic acids, salts and/or bases may be employed, provided the conditioned or regenerated resin is rinsed with water until the resin and container are essentially free from unreacted (excess) conditioning or regenerating agents prior to the introduction of the wine. Tartaric acid may not be used in treating wines other than grape.
Isinglass	do	
Lactic acid	To stabilize wine and correct natural deficiencies in wine.	§§ 240.364, 240.404, 240.526.
Malic acid	To increase acidity of wine	§§ 240.364, 240.404.
Mineral oil	On surface of wine in storage tanks to prevent the access of air to the wine.	The oil shall not remain in the finished wine when marketed.
Nitrogen gas	To maintain pressure during filtering and bottling of sparkling wine. To prevent oxidation of wine.	The gas shall not remain in sparkling or still wine.
Oak chips (charred)	To treat Spanish type blending sherry.	The finished product, after addition of oak chips, shall have the flavor and color of Spanish type blending sherry commonly obtained by storage of sherry wine in properly treated used charred oak whisky barrels.
Oak chips (uncharred and untreated).	To treat wines.	
Oak chip sawdust (uncharred and untreated).	do	
Oxygen	In baking or maturing wine.	May be used provided it does not cause changes in the wine other than those occurring during the usual storage in wooden cooperage over a period of time. Application must be filed. 21 CFR Part 121.
Pectolytic enzymes	To clarify and stabilize wine, and to facilitate separation of the juice from the fruit.	
Phosphates	To start secondary fermentation in manufacturing champagne and sparkling wines.	Small quantity only shall be used. (The use of ammonium phosphate, ammonium sulphate, or potassium acid phosphate as yeast food in the production of still wine is not permitted.)
Diammonium phosphate	Yeast food in distilling material.	The amount used shall not exceed 10 pounds per 1,000 gallons of distilling material.
Polyvinylpoly-pyrrolidone (PVPP).	To clarify and stabilize wine.	The amount used shall not exceed 6 pounds per 1,000 gallons of wine. Material shall be removed during filtration. 21 CFR Part 121.
Potassium metabisulphite	Sterilizing and preserving wine.	The sulphur content of the finished wine shall not exceed the limits prescribed in 27 CFR Part 4.
Potassium salt of sorbic acid	As a sterilizing and preservative agent and to inhibit mold growth and secondary fermentations.	Not more than 0.1% of sorbic acid or salts thereof shall be used in wine or in materials for the production of wine.
Promine-D	To clarify and stabilize wine.	The amount used shall not exceed 1.5 pounds per 1,000 gallons of wine. Water used in process shall not exceed 0.5 percent of wine treated.
Protovae PV-7916	To clarify wine	The amount used shall not exceed 2 pounds per 1,000 gallons of wine.
Roviferm (see Actiferm).		
Sodium bisulfite	As a sterilizing or preserving agent.	§ 240.523.
Sodium carbonate	To reduce excess natural acidity in wine.	Natural or fixed acids shall not be reduced below 5 parts per thousand § 240.523.
Sodium caseinate	To clarify wine	§ 240.523.
Sodium metabisulphite	Sterilizing and preserving wine.	§ 240.523.
Sodium salt of sorbic acid	As a sterilizing and preservative agent and to inhibit mold growth and secondary fermentations.	Not more than 0.1% of the sorbic acid or salts thereof shall be used in wine or in materials for the production of wine.
Sorbic acid	do	Not more than 0.1% of the sorbic acid or salts thereof shall be used in wine or in materials for the production of wine.
Sparkaloid No. 1	To clarify wine.	
Sparkaloid No. 2	do	
Sulphur dioxide	Sterilizing and preserving wine.	§ 240.523, 27 CFR Part 4.
Sulphuric acid	To effect a favorable yeast development in distilling material.	§ 240.486.
Takamine cellulase 4,000	To clarify wine	The amount used shall not exceed 5 pounds per 1,000 gallons of wine.
Tannin	Clarifying grape wine	§ 240.525.
Tansul clays Nos. 7, 710, and 711.	To clarify wine	The amount used shall not exceed 10 pounds per 1,000 gallons of wine.
Tartaric acid	To increase acidity of grape wine.	§ 240.364.
Uni-Leid Type 43B (pure U.S.P. agar agar and standard supercel).	To clarify and stabilize wine.	The amount used shall not exceed 2 pounds per 1,000 gallons of wine.
Urea	To facilitate fermentation of wine.	Do.
Veltol	As a stabilizing and smoothing agent.	The amount used shall not exceed 250 parts per million.
Vitagen gas	To remove air and reduce oxidation in still wines. To maintain pressure in sparkling wines.	§ 240.531, 21 CFR Part 121. The vitagen gas shall be substantially free of carbon dioxide.
Wine clarifier (containing pure U.S.P. agar agar and standard supercel).	To clarify wine	The amount used shall not exceed 2 pounds per 1,000 gallons of wine.
Wine clarifier (Clari-Vine B) (containing locust bean gum, carragheen, alginate, bentonite, agar agar, and distomaceous earth).	do	Do.
Yeastex	To facilitate fermentation	Do.
Yeastex 61	do	Do.

§ 240.1052 [Amended]

PAR. 72. Section 240.1052 is amended by deleting "Director, Alcohol and Tobacco Tax Division," and "Director, Alcohol and Tobacco Tax Division", wherever such terms appear, and inserting in lieu thereof the term "Director".

[F.R. Doc. 69-7063; Filed, June 16, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

[Interpretation 18]

ECONOMIC POISONS

Warning, Caution, and Antidote Statements on Labels; Extension of Time for Filing Comments

On April 4, 1969, a proposed revision of Interpretation 18 of the Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act was published in the FEDERAL REGISTER (34 F.R. 6106) setting forth certain proposed changes in requirements with respect to warning, caution, and antidote statements on labels of economic poisons. Sixty days were permitted for the submission of written data, views, or arguments in connection with this matter.

In order to enable all interested parties to further evaluate the proposed revision of Interpretation 18 and comment thereon, the time for submission of comments is extended through July 31, 1969. Persons wishing to submit written data, views, or arguments should submit them in triplicate to the Director, Pesticides Regulation Division, Agricultural Research Service, Washington, D. C. 20250, prior to August 1, 1969.

Done at Washington, D.C., this 12th day of June 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 69-7137; Filed, June 16, 1969; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 905]

[Docket No. AO-85-A7]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Decision and Referendum Order With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lakeland, Fla., on January 7, 1969, after notice thereof published in the FEDERAL REGISTER (33 F.R. 18709) on proposed further amendment of the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on April 28, 1969, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 69-5215; 34 F.R. 7168).

Rulings on exceptions. Exceptions to the recommended decision were filed on behalf of The Eustis Fruit Co., Inc., Eustis, Fla., by Stewart Welch, Vice President. The exceptions were to the method to be used for determining the portion of a specified grade or size that may be handled during a particular week. An alternate method was proposed.

The exceptions have been considered carefully and fully in conjunction with the record evidence and the recommended decision pertaining thereto in arriving at the findings and conclusions set forth in this decision. It is determined that the findings and conclusions as set forth in the recommended decision are correct and are hereby affirmed. To the extent that any exception is not specifically ruled upon and is at variance with the findings, conclusions, and actions decided upon in this decision, such is denied.

The material issues, findings, and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 69-5215; 34 F.R. 7168) are, as hereinafter augmented, hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

The discussion in the fourth paragraph of issue numbered (3) appearing at 34 F.R. 7169 is augmented by inserting the following between the second and the third sentences of that paragraph:

It is reasonable to assume that should the recommended amendatory provisions become operative, a handler who so desires would assure himself of the opportunity to ship the prescribed portion of a specified grade or size of a particular variety by conducting his operations prior thereto in a manner that will provide him with the required shipments of the variety that are to serve as the basis for computing his shippable percentage. As heretofore pointed out, a handler cannot always prefigure with certainty what his total shipments of a variety for the weekly period will be until he has actually made his final shipments and totaled the amounts. To eliminate such uncertainties, and possible unintended violations on account thereof, the method to be used in determining the portion of a specified grade or size should be as hereinafter set forth without the continued use (even as an alternative) of the current method based on shipments made during the week of regulation.

Further amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida" and "Order Amending the Order, as Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 5, 1968, through May 4, 1969 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Florida, in the production of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos for market to ascertain whether such producers favor the issuance of the said annexed order amending Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended and further amended by the annexed order which will be published with this decision.

Dated: June 11, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] amending the order, as amended, regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida

§ 905.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., January 7, 1969, upon proposed amendment of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and is applicable only to persons on the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area; and

(5) All handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended and as hereby further amended, as follows:

1. Section 905.5 *Variety* is revised to read as follows:

§ 905.5 Variety.

"Variety" or "varieties" means any one or more of the following classifications or groupings of fruit:

(a) Early and Midseason oranges and other types commonly called "round oranges," except Navel oranges and except Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(b) Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(c) Temple oranges;

(d) Marsh and other seedless grapefruit, excluding pink grapefruit;

(e) Duncan and other seeded grapefruit, excluding pink grapefruit;

(f) Pink seedless grapefruit;

(g) Pink seeded grapefruit;

(h) Tangelos;

(i) Dancy and similar tangerines, including Robinson;

(j) Murcott Honey oranges; and

(k) Navel oranges.

2. Paragraph (a) of § 905.42 *Handler's accounts* is deleted and a new paragraph (a) is substituted therefor:

§ 905.42 Handler's accounts.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one-half of one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

3. Paragraph (a) (1) and (3) of § 905.52, *Regulation by the Secretary* is revised to read as follows:

§ 905.52 Regulation by the Secretary.

(a) * * *

(1) Limit the shipments of any grade or size, or both, of any variety, in any manner as may be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same varieties grown in Regulation Area I: *Provided*, That whenever any such grade or size limitation restricts the shipment of a portion of a specified grade or size of a variety the quantity of such grade or size that may be shipped by a handler during a particular week shall be established as a percentage of the total shipments of such variety by such handler during the last previous week, within the current fiscal period, in which he shipped such variety.

* * * * *

(3) Limit the shipment of the total quantity of any variety by prohibiting the shipment thereof: *Provided*, That no such prohibition shall apply to exports other than to Canada or Mexico or be effective during any fiscal period with respect to any variety other than for one period not exceeding 5 days during the week in which Thanksgiving Day occurs, and for not more than two periods not exceeding a total of 14 days during the period December 20 to January 20, both dates inclusive.

* * * * *

[F.R. Doc. 69-7141; Filed, June 16, 1969; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Period and Carryover or Unexpended Funds

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the period March 1, 1969, through February 28, 1970, will amount to $289,747; and

(2) The rate of assessment for such period, payable by each handler in accordance with § 916.41 to be fixed at $0.05 per No. 22D standard lug box, or equivalent quantity of nectarines in other containers or in bulk.

Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should 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 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 12, 1969.

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

[F.R. Doc. 69-7142; Filed, June 16, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 91, 121]

[Docket No. 9653; Notice 69-26]

ADDITIONAL ATTITUDE INSTRUMENT IN LARGE TURBOJET AIRPLANES

Proposed Requirement

The Federal Aviation Administration has under consideration a proposal to amend Parts 25, 91, and 121 of the Federal Aviation Regulations to require a third (additional) attitude indicating instrument, operating from a source of power independent of the normal electrical generating system, on all large turbojet powered airplanes operated under Part 121; and to permit certification and operation of airplanes without a gyroscopic rate of turn instrument installed, if equipped with an additional attitude indicating instrument as proposed.

Persons holding certificates issued under Parts 123 and 135 who operate large turbojet powered airplanes under the operating rules of Part 121 of the Federal Aviation Regulations would be subject to this proposed requirement, if adopted.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 15, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Reported single failures of vertical gyro instrument systems are occurring at a rate between 0.96 and 2.27 per 1,000 hours in scheduled air carrier service (449 to 1,040 hours, mean time between failures) and dual failures, on a probability basis, may be expected in the range from approximately one in 500,000 hours to one in 1 million hours. Total fleet hours projected for 1969 are 5 million hours; therefore, five to 10 dual failures are statistically projected for 1969, and the rate is increasing approximately 5 percent per year.

Electrical failures which result in the loss of one or more attitude indicating instruments are less frequent (on the order of 0.1 per 1,000 hours), but increase the probability of dual failures. As an example of these failures, in March 1962, a scheduled air carrier flight, while cruising at 29,000 feet, experienced complete loss of electrical power except for battery emergency lights. Attempts were made to restore power without success and after 53 minutes the airplane was safely landed at a military airport.

In March 1967, a scheduled airline transcontinental flight lost all four generators (alternators) en route. The aircraft made a VFR approach and landed safely at its destination.

More recently, during 1969, an air carrier airplane was involved in an accident and it is known that the airplane experienced a total electrical failure.

In addition, since December 1968, there have been four reported instances of attitude instrument failure in large turbojet airplanes, each case requiring in-flight corrective action. In one of these cases, as a direct consequence of the malfunctioning instrument, structural damage resulted to the plane when the design load factors were exceeded.

Consideration must also be given to the undetected failure of a single attitude instrument being used by the pilot at the controls. A warning flag is expected when the instrument malfunctions, but there are many cases of reported discrepancies between the pilot's and copilot's attitude instruments when no warning flags appeared. It is a natural tendency in a situation of this kind for the pilot at the controls to continue to follow the faulty instrument in his scan pattern without knowledge of the malfunction. In fact, if the pilot's instrument is the one giving the erroneous reading he probably will not know it until the effect is felt by an increase in "g" forces, the effect shows on another flight instrument, or it is brought to his attention by the copilot. In any event, a potentially dangerous situation exists and a separate "gyro horizon" within the pilot's scan range would immediately alert him to the need for corrective action.

While there are a great many safeguards presently built into the electrical system of transport category airplanes, experience indicates that there have been a number of instances when they did not prevent a system failure. As previously indicated, there also exists the probability that there will be five to 10 dual failures per year of the attitude indicating system in these airplanes for reasons other than electrical failure. When such failures occur they are likely to endanger the safe operation of the airplane, particularly during instrument flight. An additional attitude indicating instrument system powered independently of the aircraft's normal electrical generating system would enable the pilot to have attitude indication in the event such failures occurred.

This proposal is being limited to large turbojet powered airplanes being operated under Part 121, because their flight characteristics and speed require more precise control of aircraft attitude than is required of large reciprocating powered aircraft and their operating record has shown them to be more "prone to upset."

There are several sources that could be used to power an additional attitude indicating instrument system, each independent of the airplane's normal electrical generating system. One method would be to connect the additional attitude instrument system to the airplane's battery through a separate static inverter. Another would be to connect the instrument to a separate nickel-cadmium battery through the system's own static inverter. In any case, we believe the source should be capable of operating the instrument for a minimum of 30 minutes after total failure of the airplane's electrical generating system. The system also should have the capability of accurate presentation without manual switching should the airplane's generating system fail. These requirements would give the flight crew sufficient time to take corrective action, or land, as the situation may warrant, without additional risks from lack of a basic reference instrument.

One year should allow sufficient time for the procurement, programing, and installation of the additional attitude indicating system proposed. Accordingly, if adopted, the amendment would require compliance 1 year from the effective date of the amendment.

In addition to the foregoing, the FAA is proposing to amend Parts 25, 91, and 121 of the Federal Aviation Regulations to the extent necessary to permit certification and operation of an airplane without a gyroscopic rate of turn instrument, if the airplane is equipped with an additional instrument system as proposed herein for large turbojet powered airplanes. With respect to this proposal, the agency particularly requests comment upon the feasibility and desirability of such an amendment.

In consideration of the foregoing, it is proposed to amend the Federal Aviation Regulations as follows:

1. By amending Parts 25, 91, and 121 to the extent necessary to permit the certification and operation of an airplane without a gyroscopic rate of turn instrument when it is equipped with an additional gyroscopic bank and pitch indicator system (artificial horizon) as proposed herein for large turbojet powered airplanes.

2. By amending Part 121 by adding the following paragraph to § 121.305:

§ 121.305 Flight and navigation equipment.

* * * * *

(j) After (1 year from adoption), on large turbojet powered airplanes, in addition to two gyroscopic bank and pitch indicators (artificial horizons) for use at the pilot stations, a third such instrument which:

(1) Is powered from a source independent of the electrical generating system;

(2) Is capable of reliable operation for a minimum of 30 minutes after total failure of the electrical generating system;

(3) Operates independently of any other attitude indicating system;

(4) Is operative without manual selection after total failure of the electrical generating system; and

(5) Is located before the pilot in command in the manner required by § 25.1321(b) of this chapter.

This amendment is proposed under the authority of sections 307 and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, and 1354), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 11, 1969.

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

[F.R. Doc. 69-7090; Filed, June 16, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-PC-2]

CONTROL ZONE AND TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a part-time control zone and alter the transition areas for the Kamuela Airport, Kamuela, Hawaii.

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 Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, Hawaii 96812. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. 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 be also submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons in the Office of the Regional Counsel, 1833 Kalakaua Avenue, Honolulu, Hawaii.

The proposed part-time control zone and alteration of the 700-foot transition area are required to provide controlled airspace for aircraft executing instrument approach and departure procedures at the Kamuela Airport. The alteration of the 1,200-foot transition area will provide controlled airspace for direct flight from the Upolu Point VORTAC to the Jackson intersection and transition between airways. Weather reporting service will be available from 7:30 a.m. to 5:30 p.m. local standard time daily. Communications and air traffic control service will be available through the Kona Combined Station/Tower and the Honolulu ARTCC.

In consideration of the foregoing, the FAA proposes the following airspace actions:

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

KAMUELA, HAWAII

Within a 5-mile radius of the Kamuela Airport (lat. 20°00'17" N., long. 155°40'16" W.), and within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius zone to 9 miles northeast of the Kamuela VOR. This control zone is effective following the specific date and during times established in advance by a Notice to Airmen. The effective times will thereafter be continuously published in the Pacific Chart Supplement.

The Kamuela transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

KAMUELA, HAWAII

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kamuela Airport (lat. 20°00'17" N., long. 155°40'16" W.); within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius area to 11.5 miles northeast of the Kamuela VOR; and that airspace extending upward from 1,200 feet above the surface bound on the north by V-16, on the west by V-11, and on the southeast by V-3 and the Kamuela control zone.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Honolulu, Hawaii, on June 4, 1969.

W. C. MOORE,
Captain, U.S. Navy,
Acting Director, Pacific Region.

[F.R. Doc. 69-7091; Filed, June 16, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 4]

RELEASE OF CONFIDENTIAL INFORMATION

Notice of Opportunity To Present Written Views, Suggestions or Objections

The Federal Trade Commission is considering amending Part 4 of the rules of practice by revising § 4.11 which provides for the release of confidential information, for good cause shown, contained in its books and records.

Interested persons may file written data, views, or argument for consideration in connection with this proposal not later than July 16, 1969, with the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. All comments submitted in writing will be available for examination at the Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., in Room 130, Washington, D.C.

The proposed amendments are as follows:

§ 4.11 Release of confidential information.

(a) The Commission may by order direct that certain records, files, papers, or information contained in its confidential records be made public or disclosed to a particular applicant. To the extent that copies of such records are provided by the Commission, the fees prescribed in § 4.8(c) will apply.

(b) Request by a member of the public for such disclosure shall be in writing, addressed to the Secretary of the Commission, and shall set forth the interest of the applicant in the subject matter; a description of the specific information, files, documents, or other material, inspection of which is requested; whether copies are desired; and the purpose for which the information or material, or copies, will be used if the request is granted.

(c) In the event that information contained in the confidential records of the Commission is desired for inspection, copying, or use by another governmental agency, a request therefor may be made by the administrative head of the agency. Such request shall be in writing, addressed to the Secretary of the Commission, and shall describe the information or material desired, its relevancy to to the work and function of the agency, and, if the production of documents or records or the taking of copies thereof is asked, the use which is intended to be made of them.

(d) Any official or employee of the Commission who is served with a subpoena or other compulsory process, except a subpoena issued within the scope of § 3.36 of this chapter, requiring the production of any document or record or the disclosure of any information which is designated in § 4.10 as a part of the confidential records of the Commission, shall promptly advise the Commission of the service of such subpoena or other compulsory process, the nature of the documents or information sought, and all relevant facts and circumstances. If the official or employee so served has not received instructions from the Commission prior to the return date of the subpoena or other compulsory process, he shall appear in response thereto and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal on this paragraph.

(e) The Commission will consider and act upon requests and compulsory process under this section with due regard for statutory restrictions, its rules and the public interest, and the established legal standards for determining whether justification exists for the disclosure of the confidential information and records. In such consideration and action it is the policy of the Commission to favor maximum disclosure. When the Commission's consideration of the request or compulsory process, and of the specified confidential records, satisfies it that there is substantial justification for disclosure, the Commission will, where appropriate and applicable, notify the source of such records that a request or compulsory process for disclosure has been received, and that unless good cause is shown in writing within ten (10) days, or within such other time as may be allowed by the Commission, as to why the specified records or information should not be released, the request for disclosure will be granted. Failure to respond to such notice within the time allowed, or failure to show good cause for nondisclosure, shall constitute sufficient basis, if the Commission so determines, for the disclosure; but if there is a response, the notice and all communications with respect thereto shall not be disclosed by the Commission.

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

Issued: May 21, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-7115; Filed, June 16, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

Modification of Grazing District No. 1; Correction

In F.R. Doc. 69-5370 (34 F.R. 7335-7338), in the issue of May 6, 1969, the following corrections are hereby made:

At page 7335, change "Tps. 9, 10, and 11 N., R. 2 E.," to "Tps. 8, 9, 10, and 11 N., R. 2 E."

At page 7337, add "Secs. 4 and 5, fractional;" between "T. 9 N., R. 1 W." and "Secs. 10 to 15, inclusive, fractional."

JOHN O. CROW,
Associate Director.

JUNE 9, 1969.

[F.R. Doc. 69-7096; Filed, June 16, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CLARKSON COLLEGE OF TECHNOLOGY 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. 69-00616-25-62700. Applicant: Clarkson College of Technology, Potsdam, N.Y. 13676. Article: Electrolytic tank plotting unit. Manufacturer: F. C. Robinson & Partners, Ltd., United Kingdom. Intended use of article: The article will be used by undergraduate students in courses in electromechanical energy conversion. The use of this article will make possible the precise plotting of fields with a minimum of error due to boundry effects and polarization. Further research will require the plotting of electric fields in the vicinity of insulators and conductors in high voltage power work. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00617-33-46040. Applicant: University of Colorado Medical Center and Webb-Waring Institute for Medical Research, 4200 East Ninth Avenue, Denver, Colo. 80220. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for studies given in detail of the following types of specimens:

1. Tissues of lung and nerve.
2. The examination of cells from cultures of lung, nerve, and bacteria.
3. To study cell fractions prepared from lung, nerve, and bacteria.
4. The study of macromolecules isolated from previous mentioned specimens.

Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00618-33-46500. Applicant: Wabash College, Crawfordsville, Ind. 47933. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses are for developing egg cells and chambers of *Drosphilia*. Cellular reconstructions of this type require that the sections be cut extremely thin to determine specific intracellular relationships. Equal thickness serial sections are mandatory and the thickness must easily be varied by the operator between 50 angstroms and 2 microns. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00619-33-74600. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Signal analyser, Model Biomac 1000, and integrator. Manufacturer: Data Lab. Ltd., United Kingdom. Intended use of article: the article will be used mainly as a signal averager for experiments measuring changes in optical properties of nerves during their activity. Changes in optical properties are of interest because they provide information about what happens to the structure of nerve cells during their activity. The changes in optical properties result in changes in light intensity reaching a photodetector. Since these changes are very much smaller than the noise level, many sweeps must be averaged before a change can be measured. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00621-33-46040. Applicant: Lenox Hill Hospital, 100 East 77th Street, New York, N.Y. 10021. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used by several investigators for various projects. A study is being made of a very recently discovered virus which is present in the oocysts of avian malarial parasite, *Plasmodium gallinaceum* which in turn infects *Aedes aegypti* mosquitoes. Another involves the ultrastructural study of various renal glomerular diseases taken from patient biopsies. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00622-33-46500. Applicant: University of Minnesota, College of Veterinary Medicine, St. Paul, Minn. 55101. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses will be for high resolution electron microscopy involving the ultrastructure of the nucleus of neoplastic cells and the study of demyelinating diseases of the nervous system. For quantitative work in ultrastructure it is necessary to cut long series of equal thickness serial sections and to be able to quickly and easily change the thickness of the sections from 50 angstroms to 2 microns. Application received by Commissioner of Customs: May 19, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7076; Filed, June 16, 1969; 8:45 a.m.]

FLORIDA 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. 69-00286-33-46070. Applicant: Florida State University, Department of Biological Science, Tallahassee, Fla. 32306. Article: Scanning electron microscope, Model Stereoscan MK IIA. Manufacturer: Cambridge Equipment Co., United Kingdom. Intended use of article: The article will be used primarily to examine biological material. Since not too much is known concerning the use in this field, the applicant anticipates a great deal of developmental work. To date studies have been made of sensory tissue from insects and mammals. Of particular interest are studies of the olfactory structure in a series of animals and visual structures in insects. Also, the applicant is studying the morphology of taste papillae, both fungiform and circumvallate. The microvilli of the taste receptors in the inner pore of the taste buds are of particular concern. A number of graduate students will use the microscope in conjunction with their research problems. 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 and was available to the applicant within a reasonable delivery time as defined in § 602.1(f)(2) of the above-cited regulations. Reasons: At the time the applicant decided to purchase the foreign article, the only scanning electron microscope being manufactured in the United States was the Model SM-1 manufactured by the K Square Corp. (K Square) which provided a guaranteed resolution of 500 angstroms. The guaranteed resolution of the foreign article is 300 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) We have been advised by the Department of Health, Education, and Welfare (HEW) that for the purposes for which the foreign article is intended to be used, the best attainable resolution is a pertinent characteristic.

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. 69-7077; Filed, June 16, 1969; 8:45 a.m.]

KOSAIR CRIPPLED CHILDREN 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. 69-00354-33-61200. Applicant: Kosair Crippled Children Hospital, 982 Eastern Parkway, Louisville, Ky. 40217. Article: Table for correction of spine deformities. Manufacturer: Ets Belembert Constructeur, France. Intended use of article: The article will be used in connection with research program on scoliosis deformities. The article has a type of traction factor as well as a derotation factor unavailable on any domestically manufactured table. These features have already been clearly pointed out in photographs to show correction of the rib hump or gibbous. 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 a treating table which combines traction with derotation to be used in a research and educational program on scoliosis deformities. We are advised by the Department of Health, Education, and Welfare in a memorandum dated April 9, 1969, that derotation is pertinent to the purposes for which the foreign article is intended to be used and there is no known equivalent instrument or apparatus produced in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7078; Filed, June 16, 1969; 8:45 a.m.]

MICHIGAN 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. 69-00326-01-78030. Applicant: Michigan State University, Department of Chemistry, East Lansing, Mich. 48823. Article: Spectrophotometer, Model 225. Manufacturer: Bodenseewerk Perkin-Elmer & Co. GmbH., West Germany. Intended use of article: The article will be used for high resolution studies of gases and crystals. Among the gaseous molecules to be studied are the hydrogen halides (HX) and methyl halides (CH_3X) in the regions of the fundamental and overtone vibrations. Simple molecular and ionic crystals will also be studied. In this case, the capabilities of resolving splittings due to intermolecular coupling, and isotopic shifts, will be required. 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 an infrared recording spectrophotometer which is capable of scanning the wave member range 5,000 to 200 reciprocal centimeters (CM^{-1}). The most closely comparable domestic instrument is the Model IR-12 manufactured by Beckman Instruments, Inc., which has a wave number range of 4,000 to 200 reciprocal centimeters. For the purposes for which the foreign article is intended to be used, the additional upper range is a pertinent characteristic. For this reason, we find that the Beckman Model IR-12 is not of equivalent scientific value to the foreign article for the purposes for which the 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. 69-7079; Filed, June 16, 1969; 8:45 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. 69-00293-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for studies on the structural and metabolic effects of hormones in adipose tissue, liver, blood vessels, and other tissues. It will also be used in highly specialized investigations (e.g. of cell membranes and other fine structures) and in routine work at the highest resolution. 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 bona fide order for the article. Reasons: Applicant placed the order for the foreign article on June 17, 1968. At that time, the only electron microscope being manufactured in the United States was the Model EMU-4 of the Radio Corp. of America (RCA). The foreign article has a guaranteed resolving capability of 5 angstroms, whereas the RCA Model EMU-4 had a resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is a pertinent characteristic. The foreign article also 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. The lower accelerating voltages afford optimum contrast for unstained specimens and the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, 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 bona fide order for the article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7080; Filed, June 16, 1969; 8:45 a.m.]

TULANE UNIVERSITY 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. 69-00637-33-46040. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, La. 70112. Article: Electron microscope, Model JEM 100B with spare parts and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used by certain investigators in the field of fine structure of the nervous system, and for high-resolution work to be carried out by the faculty. Investigations currently in progress include those described below:

1. Fine structure of the nervous system.
2. Fine structure of interneurons and synapses.
3. Electronmicroscopic and EM radio autographic studies of synthesis and release of certain hormones produced in the hypothalamus.
4. Electroncytochemistry and E.M. radio-autography.
5. Heart innervation.

Application received by Commissioner of Customs: May 27, 1969.

Docket No. 69-00638-33-46040. Applicant: University of California, Davis, School of Medicine, Davis, Calif. 95616. Article: Electron microscope, Model EM 801. Manufacturer: GEC—AEI Electronics, Ltd., United Kingdom. Intended Use of Article: The article will be used by graduate students, predoctoral and postdoctoral fellows in these laboratories for biological research in the following areas:

a. Changes in the nervous system and liver in response to toxic and physical agents.

b. Mitochondrial membrane changes as related to biochemical enzyme function.

c. Examination of macromolecules to characterize the size and shape and to compare the differences after isolation under diverse metabolic states.

d. Virus isolates and their effects in producting congenital deformities in marmosa monkeys, and rats.

e. Changes in the adrenal cortex of rats under various physiologic states and in the human fetal adrenals at various ages of gestation and in normal and diseased muscle of human, monkey, guinea pig, mouse, rat, and chicken.

f. Three dimensional reconstruction to study relationships and interconnections of cellular organelles in the adrenal cortex of rats and frogs requiring magnifications of X 30,000–X 70,000 on the microscope screen.

Application received by Commissioner of Customs: May 28, 1969.

Docket No. 69-00639-99-62800. Applicant: Ohio University, Athens, Ohio 45701. Article: Pneumatic servo mechanism, Type PCM 140. Manufacturer: Feedback Ltd., United Kingdom. Intended use of article: The article will be used as a teaching aid by the instructor to demonstrate the characteristics of automatic control systems of various orders of complexity and to show how these overall characteristics may be affected by changing the parameters and individual system components. Also, the article will be used by students in laboratory sessions where they will verify theories developed in the classroom by conducting quantitative experiments using the article. Application received by Commissioner of Customs: May 28, 1969.

Docket No. 69-00641-00-00500. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, N. Mex. 87544. Article: Accelerator tube. Manufacturer: Dowlish Developments Ltd., United Kingdom. Intended use of article: The article will be used to replace a present tube fabricated at the Los Alamos Laboratory. The article will allow the operation of the accelerator at higher voltages, making possible higher energy particles for nuclear physics research. Application received by Commissioner of Customs: May 28, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7081; Filed, June 16, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

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. 69–00327–56–07730. Applicant: University of California, San Diego, Scripps Institution of Oceanography, Post Office Box 109, La Jolla, Calif. 92037. Article: Guinier-Hagg X-Ray diffraction instrument, Model XDC–700. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for educational purposes in courses SIO 199, 209, 246, and 264; and in courses AEP 171, 174, and 294. It will also be used extensively in graduate student research in the following areas:

a. Investigation of the lunar material returned to Earth as part of the Apollo program;

b. Research on the structure of manganese concretion minerals on the ocean floor;

c. Research on superconducting compounds.

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 an X-ray diffraction instrument which has the capabilities of a built-in crystal monochromator, a focusing system for the X-ray beam and a vacuum enclosure for the entire system. We are advised by the National Bureau of Standards (NBS) in a memorandum dated March 17, 1969, that the capabilities for focusing the X-ray beam, monochromatizing the X-rays and the system vacuum enclosure are all pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no instrument or apparatus being manufactured in the United States, which provides these pertinent characteristics.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–7084; Filed, June 16, 1969; 8:45 a.m.]

UNIVERSITY OF MARYLAND

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. 69–00302–65–46040. Applicant: University of Maryland, Department of Mechanical Engineering, College Park, Md. 20740. Article: Electron microscope, HU–200E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in studying the configurations of imperfections in metals and alloys so as to arrive at the underlying problems of strength, ductility, brittleness, fracture, creep, fatigue, etc. A significant effort is also being made to study the structures of polymers as well as to problems relating to oxidation. 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 provides an accelerating voltage of 200 kilovolts. The most closely comparable instrument being manufactured in the United States is the Radio Corp. of America's (RCA) Model EMU–4B electron microscope which provides a maximum of 100-kilovolt accelerating voltage. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 21, 1969, that the additional penetrating power available with 200-kilovolt accelerating voltage will allow the applicant to study thicker metallurgical specimens and, consequently, permit the direct correlation between the results of the experiment and the behavior of bulk specimens. For such experiments, NBS finds that the 200-kilovolt accelerating voltage of the foreign article to be a pertinent characteristic.

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–7085; Filed, June 16, 1969; 8:45 a.m.]

UNIVERSITY OF MICHIGAN

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. 69–00275–65–61060. Applicant: The University of Michigan, Purchasing Office, Ann Arbor, Mich. 48105. Article: Biaxial stress tester. Manufacturer: Mand Precision Engineering Co., Ltd., United Kingdom. Intended use of article: The article will be used in certain formal laboratory experiments where a comparison between strain hardening behavior due to uniaxial tension and balanced biaxial tension can be made by students. In addition, the tester will be used in formal research 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 the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a biaxial stress tester intended to be used for testing sheet metal when subjected to biaxial tension for true stress—true strain information and for experiments where a comparison between strain hardening behavior due to uniaxial tension and balanced biaxial tension will be made. We are advised by the National Bureau of Standards (NBS), in a memorandum dated March 17, 1969, that there is no known domestic instrument which is capable of fulfilling the purposes for which the foreign apparatus 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. 69–7086; Filed, June 16, 1969; 8:45 a.m.]

UNIVERSITY OF TEXAS 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. 69-00628-33-46040. Applicant: The University of Texas Medical School at San Antonio, 7703 Floyd Curl Drive, San Antonio, Tex. 78229. Article: Electron microscope, Model JEM 7A. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for biological research in the following areas:

(1) Examination of virus ultrastructure—Thin sections and negatively stained preparations of viruses and viral components will be examined so as to determine their architecture and molecular structure.

(2) Low magnification examination of virus infected cells. Immunologic labeling of viral antigens for detection by low magnification electron microscopy is a valuable technique in searching for viral agents in tissues or cell cultures.

Application received by Commissioner of Customs: May 26, 1969.

Docket No. 69-00630-33-46040. Applicant: Columbia University Medical School, 630 West 168th Street, New York, N.Y. 10032. Article: Electron microscope, Model EM 98. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for teaching and training of medical students, residents, Ph. D. candidates, trainees, and visiting Fellows as well as for research on the structure, function, and disease of the eye. Various aspects of ocular morphology are being investigated (cornea, uvea, trabecular meshwork, retina, and ciliary body) as well as comparative studies of the normal structure and physiology of animals and humans. Application received by Commissioner of Customs: May 26, 1969.

Docket No. 69-00633-88-74000. Applicant: New York State Museum and Science Service—Geological Survey, Room 973, State Education Building Annex, Albany, N.Y. 12224. Article: Portable single-channel seismograph and accessories, Model FS-3. Manufacturer: Huntec Ltd., Canada. Intended use of article: The article will be used for a scientific study of the preglacial drainage patterns and glacial and post glacial surficial deposits of New York State to gain a better understanding of its Pleistocene history. Application received by Commissioner of Customs: May 26, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7087; Filed, June 16, 1969; 8:45 a.m.]

UNIVERSITY OF VIRGINIA 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. 69-00623-33-46500. Applicant: University of Virginia, Department of Biology, Gilmer Hall, Charlottesville, Va. 22903. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for producing extremely thin sections (50-75 angstroms thick) of uniform thickness in order to permit the resolution of subunits in the walls of microtubules b by high resolution electron microscopy. Such techniques are required as a part of a research project concerned with studying the structure and function of cytoplasmic microtubules in the differentiation and motility of animal cells. Application received by Commissioner of Customs: May 19, 1969.

Docket No. 69-00624-89-70000. Applicant: University of Alaska, Geophysical Institute, College, Alaska 99701. Article: Light-weight portable radiometer, Model PDI-QK. Manufacturer: Physikalisk Meteorologisures Observatorium, Switzerland. Intended use of article: The article will be used for the McCall Glacier project to measure the albedo of different surfaces, and to measure the albedo changes of the snow cover during the season in different altitudes. Furthermore, the long wave outgoing radiation of different surfaces can be measured. Application received by Commissioner of Customs: May 22, 1969.

Docket No. 69-00625-01-78030. Applicant: University of Massachusetts—Boston, 100 Arlington Street, Boston, Mass. 02116. Article: Spectrophotometer, Model 225. Manufacturer: Bodenseewerk Perkin-Elmer & Co., GmbH, West Germany. Intended use of article: The article will be used for teaching and research. More specifically, the use of the instrument will encompass structural investigations of organoborones. Some of the compounds will be studied in the gas phase, for which high spectral resolution is needed, others will be studied as crystals, for which access to the higher frequency overtone region is needed. Information on overtone frequencies is essential also for studies of vibrational anharmonicity in connection with the investigations of molecular force fields and determination of vibrational force constants. Application received by Commissioner of Customs: May 23, 1969.

Docket No. 69-00626-33-62550. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Plethysmograph, impedance. Manufacturer: Chalmers University, Sweden. Intended use of article: The article will be used to evaluate an electrical method for measuring pulmonary blood volume, flow, and changes in transthoracic electrical impedance changes in laboratory animals. Application received by Commissioner of Customs: May 23, 1969.

Docket No. 69-00627-01-77040. Applicant: Florida State University, Department of Chemistry, Tallahassee, Fla. 32306. Article: Mass spectrometer, Model MS-902. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for studies of the kinetics and energetics of mass spectral reactions. One of the most important uses for this instrument will be the study of isotopically labeled maleimides which have been obtained by degradation of chlorophylls from organisms cultured in isotopically mixed media. The laboratory in which this instrument will be operated will be open for use by any scientist in the south east region of the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-7082; Filed, June 16, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0829) has been filed by FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, proposing the establishment of tolerances (21 CFR 120.254) for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl *N*-methylcarbamate) and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl *N*-methylcarbamate in or on the raw agricultural commodities potatoes and sugarcane at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide and its metabolite is a microcoulometric gas chromatographic technique with a nitrogen detector cell.

Dated: June 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7094; Filed, June 16, 1969; 8:45 a.m.]

CERTAIN SHORT-ACTING SYSTEMIC SULFONAMIDES

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following short-acting systemic sulfonamide drugs:

A. Preparation containing sulfachlorpyridazine; Sonilyn Tablets, 0.5 gram; Mallinckrodt Chemical Works, 3600 North Second Street, St. Louis, Mo. 63160 (NDA 13-141).

B. Preparations containing sulfadiazine:

1. Sulfadiazine Tablets, 0.5 gram; Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 4-122).

2. Coco-Diazine Suspension, 10 grams per 100 cc.; Eli Lilly & Co. (NDA 6-317).

3. Sulfadiazine and Sodium Bicarbonate Tablets, 0.324 gram of each; Pitman-Moore, Division of the Dow Chemical Co., Research Center, Box 10, Zionsville, Ind. 46077 (NDA 5-573).

4. Sodium Sulfadiazine Solution Ampoules 25%; Parke Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 5-592).

5. Sulfadiazine Tablets, 0.5 gram; Parke Davis & Co. (NDA 4-154).

6. Sulfadiazine Tablets, 0.5 gram; The Upjohn Co., Kalamazoo, Mich. 49001 (NDA 4-305).

7. Sulfadiazine Tablets, 0.5 gram; Lederle Laboratories Division, American Cyanamide Co., Pearl River, N.Y. 10965 (NDA 4-054).

8. Sodium Sulfadiazine Injection, 0.25 gram per cc.; Lederle Laboratories Division, American Cyanamid Co. (NDA 5-036).

9. Sulfadiazine Tablets, 0.3 and 0.5 gram; Abbott Laboratories, North Chicago, Ill. 60064 (NDA 4-125).

C. Preparations containing sulfaethidole:

1. Sul-Spansion (Sustained Release Suspension), 0.65 gram per 5 cc.; Smith, Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 10-643).

2. Sul-Spantab (Sustained Release Tablets), 0.65 gram; Smith, Kline & French (NDA 11-135).

D. Preparations containing sulfamerazine:

1. Sulfamerazine Tablets, 0.5 gram; previously marketed by Eli Lilly & Co. (NDA 5-349).

2. Sulfamerazine Tablets, 0.5 gram; Merck & Co., Rahway, N.J. 07065 (NDA 5-301).

E. Preparations containing sulfamethizole: Thiosulfil Suspension, 0.25 gram per 5 cc., and Tablets, 0.25 gram and 0.50 gram; Ayerst Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017 (NDA 8-565).

F. Preparation containing sulfamethoxazole: Gantanol Tablets, 0.5 gram; Hoffmann-La Roche, Inc., 340 Kingland Avenue, Nutley, N.J. 07110 (NDA 12-715).

G. Preparations containing sulfisomidine: Elkosin Tablets, 0.5 gram, and Elkosin Suspension in Syrup, 0.25 gram per 4 milliliters; CIBA Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901 (NDA 8-070).

H. Preparations containing sulfisoxazole:

1. Gantrisin Syrup and Pediatric Suspension, 0.5 gram of sulfisoxazole per 5 cc.; previously marketed by Hoffmann-La Roche, Inc. (NDA 6-911).

2. Gantrisin Tablets, 0.5 gram of sulfisoxazole; Hoffmann-La Roche, Inc. (NDA 6-525).

3. Gantrisin Acetyl Pediatric Suspension and Syrup, the equivalent of 0.5 gram of sulfisoxazole per 5 cc. in the form of sulfisoxazole acetyl; Hoffmann-La Roche, Inc. (NDA 9-182).

4. Lipo Gantrisin, the equivalent of 1.0 gram of sulfisoxazole per 5 cc., in the form of sulfisoxazole acetyl; Hoffmann-La Roche, Inc. (NDA 9-182).

5. Gantrisin Injectable, sulfisoxazole (as the diethanolamine salt) 0.4 gram per cc.; Hoffmann-La Roche, Inc. (NDA 6-917).

I. Preparations containing sulfadiazine and sulfamerazine: Sulfonamides Duplex Suspension, sulfamerazine 5 grams and sulfadiazine 5 grams per 100 cc.; Eli Lilly & Co. (NDA 6-317).

J. Preparations containing sulfadiazine, sulfamerazine, and sulfamethazine:

1. Neotrizine Tablets, sulfadiazine 0.167 gram, sulfamerazine 0.167 gram, and sulfamethazine 0.167 gram; Eli Lilly and Co. (NDA 6-317).

2. Neotrizine Suspension, sulfadiazine, sulfamerazine, and sulfamethazine 3.33 grams each per 100 cc.; Eli Lilly & Co. (NDA 6-317).

3. Sulfatriad Tablets, sulfadiazine 0.1875 gram, sulfamethazine 0.1875 gram, and sulfamerazine 0.125 gram; Smith, Miller & Patch, Inc., 902 Broadway, New York, N.Y. 10010 (NDA 6-334).

4. Neotresamide Tablets, sulfamerazine 0.1 gram, sulfadiazine 0.2 gram, and sulfamethazine 0.2 gram; Merck & Co., Inc. (NDA 6-437).

5. Triple Sulfas Tablets, sulfadiazine 0.167 gram, sulfamethazine 0.167 gram, and sulfamerazine 0.167 gram; Lederle Laboratories Division, American Cyanamid Co. (NDA 6-920).

The drugs are regarded as new drugs. Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

SULFACHLORPYRIDAZINE, SULFADIAZINE, SULFAETHIDOLE, SULFAMERAZINE, SULFAMETHIZOLE, SULFAMETHOXAZOLE, SULFISOMIDINE, SULFISOXAZOLE, AND COMBINATIONS OF SULFADIAZINE AND SULFAMERAZINE WITH AND WITHOUT SULFAMETHAZINE

A. *Effectiveness classification.* The Food and Drug Administration concludes that:

1. These sulfonamides are effective in the treatment of chancroid; trachoma; nocardiosis; urinary tract infections due to susceptible organisms (usually *E. coli, Klebsiella aerobacter, Staphylococcus aureus,* and *Proteus mirabilis*) in uncomplicated cases; toxoplasmosis as adjunctive therapy; with pyrimethamine; malaria due to chloroquine-resistant strains of *Plasmodium falciparum,* when used as adjunctive therapy; meningococcal meningitis where the organism has been demonstrated to be susceptible; hemophilus influenzae meningitis as adjunctive therapy with parenteral and intrathecal streptomycin. Of these sulfonamides, only sulfadiazine is effective in the prophylaxis of rheumatic fever, as an alternative to penicillin.

2. These drugs are possibly effective for the treatment of acute and chronic otitis media (most commonly due to streptococci, staphylococci, pneumococci, *H. influenza* (in infants), and *Escherichia intermedia*); pneumococcal infections; gas gangrene; lymphogranuloma venereum; chronic urinary tract infections; sinusitis; and staphylococcal infections, especially *S. aureus,* except in urinary tract infections in uncomplicated cases.

3. There is a lack of substantial evidence of effectiveness of these drugs for: The treatment of tonsillitis; actinomycosis; gonococcal infections; streptoccal infections; all meningitides, except meningococcal infections and *H. influenzae*

meningitis as adjunctive therapy with parenteral and intrathecal streptomycin; Salmonella infections; systemic infections due to *Hemophilus influenzae*, except in otitis media (in infants) due to susceptible strains of this organism and *H. influenzae* meningitis as adjunctive therapy with parenteral and intrathecal streptomycin; systemic infections due to *Klebsiella pneumoniae;* pneumonia, except in that due to *Nocardia; Streptococcus faecalis* infections; proteus infections other than *Proteus mirabilis* and *Proteus vulgaris; Pseudomonas aeruginosa* infections; respiratory infections cystitis, pyelitis, prostatitis, and urethritis unless in uncomplicated infections due to susceptible organisms; pharyngitis; wound infections; skin and soft tissue infections; for the prevention of bacteremia and subacute bacterial endocarditis and for prophylaxis in patients with indwelling catheters, ureterostomies, urinary stasis, cord bladder, and bed-ridden patients; and before and after genitourinary surgery and instrumentation.

B. *Form of drug.* These sulfonamide preparations are in tablet, suspension, or syrup form suitable for oral administration, or in a form suitable for parenteral administration, and contain per dosage unit an amount appropriate for administration in the dosage ranges described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation. Include the following information in order that the physician may make an intelligent selection of the agent to be used: Blood levels of free, acetylated, conjugated, and protein-bound sulfa with various dosages of the sulfonamide; solubility of free, acetylated, and conjugated sulfonamide at pH 5.0, 6.0, and 7.5; ratio of free sulfonamide to conjugated sulfonamide in serum and cerebrospinal fluids; and mode of excretion, amount excreted in urine, and concentration of free sulfonamide in urine.)

ACTIONS

The systemic sulfonamides are bacteriostatic agents. The spectrum of activities is similar for all. Sulfonamides competitively inhibit bacterial synthesis of folic acid (pteroylglutamic acid) from aminobenzoic acid. Resistant strains are capable of utilizing folic acid precursors or preformed folic acid.

In vitro sulfonamide sensitivity tests are not always reliable. The test must be carefully coordinated with bacteriologic and clinical response. Aminobenzoic acid should be added to the culture media when the patient is already taking sulfonamide. Currently, the increasing frequency of sulfonamide-resistant organisms is the major limitation of therapeutic usefulness.

Wide variation in blood levels may result with identical doses; therefore, blood levels should be measured in patients receiving sulfonamides for serious infections. Levels of 12–15 milligram-percent are optimal. Twenty milligram-percent should be the maximum level as the occurrence of adverse reactions, particularly crystalluria, occur at this level and above. These levels are usually determined on the basis of total sulfonamide concentration; however, only free sulfonamides are microbiologically active.

INDICATIONS

Chancroid.

Trachoma.

Nocardiosis.

Urinary tract infections due to susceptible organisms (usually *E. coli., Klebsiella aerobacter, Staphylococcus aureus,* and *Proteus mirabilis*) in uncomplicated cases.

Toxoplasmosis as adjunctive therapy with pyrimethamine.

Malaria due to chloroquine-resistant strains of *Plasmodium falciparum,* when used as adjunctive therapy.

Meningococcal meningitis where the organism has been demonstrated to be susceptible.

Hemophilus influenzae meningitis as adjunctive therapy with parenteral and intrathecal streptomycin.

Add for sulfadiazine only: Propyhlaxis of rheumatic fever as alternative to penicillin.

CONTRAINDICATIONS

Hypersensitivity to sulfonamides.

Infants less than 2 months of age (except in the treatment of congenital toxoplasmosis as adjunctive therapy with pyrimethamine).

Pregnancy at term and during the nursing period because sulfonamides pass the placenta and are excreted in the milk and may cause kernicterus.

WARNINGS

Sulfonamides are bacteriostatic and resistance is frequent in organisms responsible for common infections.

Sulfa drugs will not eradicate group A streptococci and have not been demonstrated to prevent such sequelae of these infections as rheumatic fever and glomerulonephritis.

Deaths associated with the administration of sulfonamides have been reported from hypersensitivity reactions, agranulocytosis, aplastic anemia, and other blood dyscrasias.

The presence of clinical signs such as sore throat, fever, pallor, purpura, or jaundice may be early indications of serious blood disorders.

Blood counts and renal function tests are recommended during treatment.

PRECAUTIONS

Sulfonamides should be given with caution to patients with impaired renal or hepatic function and in those with severe allergy or bronchial asthma.

The frequency of renal complications is considerably lower in patients receiving the more soluble sulfonamides. Urinalysis with careful microscopic examination should be obtained at least once a week in patients receiving sulfonamides.

Blood counts should also be obtained regularly in patients receiving sulfonamide therapy for longer than 2 weeks.

In glucose-6-phosphate dehydrogenase-deficient individuals, hemolysis may occur. This reaction is frequently dose-related.

Adequate fluid intake must be maintained in order to prevent crystalluria and stone formation.

ADVERSE REACTIONS

Blood dyscrasias: Agranulocytosis, aplastic anemia, thrombocytopenia, leukopenia, hemolytic anemia, purpura, hypoprothrombinemia, methemoglobinemia.

Allergic reactions: Erythema multiforme (Stevens-Johnson Syndrome), generalized skin eruptions, epidermal necrolysis, urticaria, serum sickness, pruritis, exfoliative dermatitis, anaphylactoid reactions, periorbital edema, conjunctival and scleral injection, photosensitization, arthralgia, and allergic myocarditis.

Gastrointestinal reactions: Nausea, emesis, abdominal pains, hepatitis, diarrhea, anorexia, pancreatitis, and stomatitis.

C.N.S. reactions: Headache, peripheral neuritis, mental depression, convulsions, ataxia, hallucinations, tinnitus, vertigo, and insomnia.

Miscellaneous reactions: Drug fever, chills, and toxic nephrosis with oliguria and anuria. Periarteritis nodosum and L.E. phenomenon have occurred.

The sulfonamides bear certain chemical similarities to some goitrogens, diuretics (acetazolamide and the thiazides), and oral hypoglycemia agents. Goiter production, diuresis, and hypoglycemia have occurred rarely in patients receiving sulfonamides. Cross-sensitivity may exist with these agents.

DOSAGE AND ADMINISTRATION

SYSTEMIC SULFONAMIDES ARE CONTRAINDICATED IN INFANTS UNDER 2 MONTHS OF AGE, except in the treatment of congenital toxiplasmosis as adjunctive therapy with pyrimethamine.

1. *Oral dosage forms:*

a. Usual dose for infants over 2 months of age and children:

Initial dose: One-half of the 24-hour dose.

Maintenance dose: 150 mg./kg./24 hours or 4 gm./M²/24 hours—dose to be divided into 4–6 doses/24 hours with maximum of 6 gm./24 hours.

Rheumatic fever prophylaxis: Under 30 kg. (66 lb.)—0.5 Gm./24 hours; over 30 kg. (66 lb.)—1.0 gm./24 hours.

b. Usual adult dose:

Initial dose: 2–4 gm.

Maintenance dose: 2–4 gm./24 hours, divided in 3–6 doses/24 hours.

2. *Parenteral dosage forms:*

INJECTABLE SULFONAMIDES SHOULD BE USED ONLY WHEN ORAL ADMINISTRATION IS IMPOSSIBLE.

Usual dose for infants over 2 months of age, children, and adults:

Initial dose: One-half of the 24-hour dose.

Maintenance dose: 100 mg./kg./24 hours or 2.25 gm./M²/24 hours, administered in a 5 percent solution—

a. Subcutaneous administration, divided into three doses/24 hours; and

b. Intravenous administration, divided into 4 doses/24 hours.

D. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide a substantial evidence of effectiveness.

E. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (that is, an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to bring the application up to date by submitting a supplement containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. For preparations claiming sustained-action, timed-release, or other delayed or prolonged effect, these data should show that the drug is available at a rate of release which will be safe and effective. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described in the proposal for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER of February 27, 1969 (34 F.R. 2673).

2. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding paragraphs 1 and 2 are acted upon, provided that within 60 days after publication hereof in the FEDERAL REGISTER the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described above. (See paragraph D above for indications which may continue to be used for the period described therein.)

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in the proposed regulation (§ 130.4(f) (1), (2), and (3)) published in the FEDERAL REGISTER of February 27, 1969. Such applications should include proposed labeling that is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation marketed or proposed for marketing. For preparations claiming sustained action, timed release, or other delayed or prolonged effect, these data should show that the drug is available at a rate of release that will be safe and effective.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from publication hereof in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drug submits to the Food and Drug Administration within 180 days from publication hereof, a new-drug application.

c. The applicant submits additional information that may be required for the approval of the application within a reasonable time as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. *Opportunity for a hearing.* 1. An applicant or any person who would be adversely affected by an order requiring deletion of the claims for which the drug lacks substantial evidence of effectiveness as described in paragraph A3 above may request a hearing within 30 days following publication hereof.

2. If no request for a hearing is received, the approval of all previously approved applications providing for such claims will be regarded as withdrawn and the applications will be approvable as supplemented in accord with this announcement. If such request is filed, an announcement will be published in the FEDERAL REGISTER setting forth the provisions of section 505(e) of said act on the basis of which the Commissioner proposes to withdraw approval of such new-drug applications and all amendments and supplements thereto, and staying those parts of this announcement which provide for labeling deleting such claims to be in use within 60 days after publication hereof.

H. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for these drugs solely for the conditions of use for which the drugs are regarded as effective as described herein.

I. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this anouncement.

2. If the article is proposed for marketing in another form or for a use other that the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this notice. A request for such meeting should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication hereof in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the drugs listed above or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300).
Supplements: Office of Marketed Drugs (MD-300), Bureau of Medicine.
Original abbreviated new-drug applications: Office of Marketed Drugs (MD-300), Bureau of Medicine.
Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 9, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-7095; Filed, June 16, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Proposed Issuance of Provisional Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) is considering the issuance of a provisional operating license, set forth below, which would authorize Rochester Gas & Electric Corp. (RG&E) to possess, use, and operate the Robert Emmett Ginna Nuclear Power Plant Unit No. 1, a pressurized, light water moderated, and cooled reactor. The reactor is located at RG&E's Brookwood site, in Wayne County, N.Y., about 16 miles east of the city of Rochester. The reactor is designed to operate at 1,300 megawatts thermal; however, until the Commission has reviewed (1) the Class I piping analysis and (2) the results of the research and development programs on heat transfer tests of the cooler tubes, fan motor tests, and process instrument transmitters, the power level will be restricted to 5 megawatts thermal. Upon completion of the

above items and upon written notification from the Commission, operation at 1,300 megawatts will be allowed in accordance with the provisions of the license and the Technical Specifications appended thereto.

Prior to issuance of the provisional operating license, the facility will be inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR–19, issued by the Commission on April 25, 1966, as amended by the Commission on November 12, 1966, and April 10, 1967. Upon issuance of the provisional operating license, RG&E will be required to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140 of the Commission's regulations.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed provisional operating license, see (1) the application for provisional operating license (Amendments No. 6 through 19) filed during the period of January 18, 1968, through April 16, 1969, (2) the report of the Advisory Committee on Reactor Safeguards, dated May 15, 1969, (3) a related safety evaluation prepared by the Division of Reactor Licensing, (4) the Technical Specifications which are incorporated in the proposed license and designated as Appendix A thereto, and (5) the Special Nuclear Materials Transfer Schedule, designated as Appendix B to the license, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 13th day of June 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

PROPOSED PROVISIONAL OPERATING LICENSE

The Atomic Energy Commission (the Commission) having found that:

a. The application for provisional operating license (Amendments No. 6 through 19, dated Jan. 18, 1968, Apr. 9, 1968, Sept. 23, 1968, Sept. 30, 1968, Oct. 10, 1968, Oct. 16, 1968, Dec. 2, 1968, Dec. 6, 1968, Jan. 31, 1969, Feb. 3, 1969, Feb. 12, 1969, Mar. 14, 1969, Mar. 28, 1969, and Apr. 16, 1969, respectively) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in title 10, Chapter I, CFR;

b. The facility has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR–19, as amended;

c. There are involved features, characteristics and components as to which it is desirable to obtain actual operating experience before the issuance of an operating license for the full term requested in the application;

d. There is reasonable assurance (i) that upon satisfactory completion of (1) the Class I piping analysis and (2) the research and development programs on heat transfer tests of the cooler tubes, fan motor tests, and process instrument transmitter tests that the facility can be operated at power levels not in excess of 1,300 megawatts thermal in accordance with this license without endangering the health and safety of the public and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

e. The applicant is technically and financially qualified to engage in the activities authorized by this license, in accordance with the rules and regulations of the Commission;

f. The applicant has furnished proof of financial protection to satisfy the requirements of 10 CFR Part 140;

g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating License No. DPR–_____ is hereby issued to Rochester Gas and Electric Corp. (RG&E), as follows:

1. This license applies to the Robert Emmett Ginna Nuclear Power Plant Unit No. 1, a closed cycle, pressurized, light water moderated and cooled reactor, and electric generating equipment (the facility). The facility is located on the applicant's site on the south shore of Lake Ontario, Wayne County, N.Y., about 16 miles east of the city of Rochester, and is described in license application Amendment No. 6, "Final Facility Description and Safety Analysis Report," as supplemented and amended (Amendments No. 7 through 19).

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses RG&E:

A. Pursuant to section 104b of the Atomic Energy Act of 1954, as amended (the Act) and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the facility as a utilization facility at the designated location on RG&E's Brookwood Site;

B. Pursuant to the Act and 10 CFR Part 70, "Special Nuclear Material," to receive, possess and use at any one time up to 2,300 kilograms of contained uranium-235 in connection with operation of the facility;

C. Pursuant to the Act and 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to receive, possess and use 72.6 microcuries of neptunium-237 composed of six sealed sources contained in irradiation surveillance capsules; to receive, possess and use 600 curies of polonium-beryllium contained in encapsulated form as primary source rods in neutron source assemblies; and to possess and use 65,000 curies of antimony-beryllium contained in encapsulated form as a secondary source; and

D. Pursuant to the Act, and Parts 30 and 70, to possess, but not to separate, such byproduct and special nuclear material as may be produced by operation of the facility.

3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Part 20, § 30.34 of Part 30, § 40.41 of Part 40, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* RG&E is authorized to operate the facility at steady state power levels up to a maximum of 5 megawatts thermal until the items in section d are satisfactorily completed at which time operation at steady state power levels up to 1,300 megawatts thermal will be authorized.

B. *Technical specifications.* The Technical Specifications contained in Appendix A [1] attached hereto are hereby incorporated in this license. RG&E shall operate the facility at power levels not in excess of 1,300 megawatts thermal in accordance with the Technical Specifications, and may make changes therein only when authorized by the Commission in accordance with the provisions of § 50.59 of 10 CFR Part 50.

C. *Reports.* In addition to the reports otherwise required under this license and applicable regulations:

(1) RG&E shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety functions. For each such occurrence, RG&E shall promptly notify by telephone or telegram the appropriate Atomic Energy Commission Regional Office listed in Appendix D of 10 CFR Part 20, and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (Director, DRL), with a copy to the Division of Compliance.

(2) RG&E shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications contained in the Final Facility Description and Safety Analysis Report (safety analysis report) of the Technical Specifications.

(3) RG&E shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the safety analysis report.

(4) As soon as possible after the completion of 6 months of operation of the facility (calculated from the date of initial criticality), RG&E shall begin submitting reports in writing in accordance with the requirements of the Technical Specifications.

D. *Records.* RG&E shall keep facility operation records in accordance with the requirements of the Technical Specifications.

4. Pursuant to § 50.60 of 10 CFR Part 50, the Commission has allocated to RG&E for use in the operation of the facility 14,567 kilograms of uranium-235 contained in uranium in the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to RG&E and returns to the Commission are contained in Appendix B [1] which is attached hereto. Transfers by the Commission to RG&E in accordance with Column 2 in Appendix B will be conditional upon RG&E's return to the Commission of material substantially in accordance with Column 3 (including the subcolumns headed "Scrap" and "Depleted Fuel").

5. This license is effective as of the date of issuance and shall expire eighteen (18) months from said date unless extended for

[1] This item was not filed with the Office of the Federal Register, but will be available for public inspection in the Public Document Room of the Atomic Energy Commission.

cause shown, or upon the earlier issuance of a superseding operating license.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-7238; Filed, June 16, 1969; 10:24 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19139]

TAG AIRLINES, INC.

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 proceeding is assigned to be held on June 25, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 10, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-7143; Filed, June 16, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18564-18566; FCC 69-619]

RADIO ANTILLES, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio Antilles, Inc., Ponce, P.R., Docket No. 18564, File No. BP-17547; Requests: 1490 kc, 250 w, 1 kw-LS, U, Class IV; Arecibo Broadcasting Corp., Inc. (WMNT), Manati, P.R., Docket No. 18565, File No. BP-17857; Has: 1500 kc, 250 w, 1 kw-LS, U, Class II, Requests: 1500 kc, 5 kw, DA-1, U, Class II; ZABA Radio Corp., Ponce, P.R., Docket No. 18566, File No. BP-17862; Requests: 1490 kc, 250 w, 1 kw, U, Class IV; for construction permits.

1. The Commission has before it for consideration the above captioned applications, which are mutually exclusive in that simultaneous operation of the stations as proposed would result in prohibited overlap of contours as defined by § 73.37 of the Commission's rules, and the petition of Arecibo Broadcasting Corp. for reconsideration and nunc pro tunc acceptance of its application.

2. To finance first year costs of construction and operation, which it estimates will total $49,622, Radio Antilles will rely on loans and stock subscription payments from its two stockholders. However, the balance sheet of the minority stockholder does not indicate sufficient liquid assets to meet his commitment. Also, the majority stockholder indicated, on March 3, 1967, that a $20,000 commitment from his mother would become available upon the settlement of her estate, the applicant has not advised the Commission that the funds are now available. In fact, all of Antilles' supporting financial documentation is no longer current. Accordingly, a financial issue will be specified.

3. Antilles also fails to meet the Commission's program survey requirements set forth in our public notice of August 22, 1968, 33 F.R. 12113. The applicant's principal states that he has spent a great deal of time in the Ponce area and has talked to many people about community radio needs. However, as to a survey and actual interviews with these persons, he names 11 community leaders with whom he has conferred, but fails to list any specific suggestions and comments made. Since the Commission is unable to determine whether the applicant is aware of and responsive to the needs of the Ponce area, a Suburban issue will also be specified.

4. Zaba Radio proposes to meet its first year costs, estimated to total $69,054, with $800 cash and a bank loan of $65,000. Thus, the applicant is more than $3,000 short of the required available liquid assets. Furthermore, the loan commitment letter does not specify the terms of repayment, and accordingly there is no provision for first year payments thereon included in applicant's costs. Moreover, both the bank letter and the corporate pro forma balance sheet are no longer current. Thus, a financial issue is specified.

5. A suburban issue is also necessary as to Zaba Radio. This applicant did conduct a "Radio Preference Survey," interviewing more than 75 persons chosen at random, as well as 13 "community leaders." However, the only suggestions reported are a need for expanded programing devoted to the dissemination of public service and community health information and an observation that there is a need to inform the farmers of new techniques which have been developed in scientific farming and modern equipment available to them. Thus, Zaba's listing of suggestions as to community needs received through the consultations with community leaders falls far short of an adequate showing in this regard. Although these two suggestions were properly attributed and reported, this report is obviously far too limited in scope to fulfill the Commission's requirement, included in the aforesaid public notice, that the listing of consultations "should include the significant suggestions as to community needs received through the consultations with community leaders." In addition to the foregoing financial and programing issues, a transmitter site issue is also necessary, because of the fact that Zaba's site photographs, being only four in number and thus oriented in only four directions, are inadequate for a determination as to whether the site is satisfactory.

6. The Arecibo Broadcasting Corp. (WMNT) application was originally tendered for filing on August 15, 1967, and returned as not acceptable for filing on November 2, 1967, because of overlap prohibited by § 73.37 of the Commission's rules.[1] On December 4, 1967, Arecibo filed its petition for reconsideration of our action rejecting its application, and resubmitted its application with field intensity measurements which establish that there would in fact be no prohibited overlap between these two proposals.[2] The applicant seeks reconsideration for the purpose of nunc pro tunc acceptance of its application, so that it can be treated as timely filed with the applications of Radio Antilles and Zaba Radio. (The cutoff date (Radio Antilles application) was Aug. 17, 1967.)

7. Pointing out that the Commission must accord precedence to field intensity measurements over theoretical values under § 73.152 of the rules, Arecibo cites Natick Broadcast Associates, Inc. v. FCC, 11 RR 2d 2065 (1967), in support of its contention that WMNT's application must be considered to have been acceptable at the time of the original tender even though the measurements were not submitted until after the application had been returned. We are of the view that the rationale of the Natick decision does apply in this case. Accordingly, since the WMNT proposal, based on the subsequently filed measurement data, indicates no prohibited overlap, it will be accepted for filing nunc pro tunc August 15, 1967, and consolidated for hearing with the Antilles and Zaba applications.

8. To meet its estimated costs of construction for the proposed changes, Arecibo will need a total of $34,292 during the first year. In its financial exhibit the applicant states that it will need $12,000 for operating costs for 1 year for its FM station and $33,300 for construction costs for both proposals—AM and

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[1] Commission studies, using the values of conductivities normally assumed for the land areas of Puerto Rico and giving consideration to the salt water paths involved, indicated overlap between the WMNT proposed 2.0 mv/m groundwave contour and the 25 mv/m contour of a proposal by Abacoa Radio Corp. (File No. BP-17292), licensee of Station WRAI, to change station location from Rio Piedras to San Juan, install directional antenna system, and increase power to 10 kilowatts, on 1520 kilocycles. Since the WMNT application was not tendered for filing prior to the WRAI cutoff date (Mar. 30, 1967), it was not timely filed for consideration with that proposal.

[2] Analysis of the applicant's measurements, which were made in reasonable agreement with the provisions of § 73.186, indicates that the established value of effective conductivity along the radials used (85° and 90° TRUE) is considerably lower than the values normally assumed for Puerto Rico. Based on Arecibo's exhibits, there will be 7.5 miles of clearance between the proposed WMNT 2.0 mv/m contour and the WRAI proposed 25 mv/m, and 10.5 miles clearance between the WMNT proposed 25 mv/m contour and the WRAI proposed 2 mv/m contour.

FM.[3] In an attempt to establish its financial qualifications for the instant proposal, Arecibo relies on a letter from a bank stating that it could favorably consider an application for a loan up to $50,000. However, the letter does not specify the terms and conditions of the loan and the repayment thereof. Similarly, line of credit letters from two of the principals do not specify the terms. Furthermore, all of these letters of credit combine the instant proposal and the applicant's FM proposal for a new station. (Most of the applicant's liquid assets are reserved for the latter.) Finally, all of the applicant's supporting documentation is no longer current. Accordingly, a financial issue will be specified.

9. Arecibo points out that its president and stockholders are residents of Manati and are aware of the needs and interests of the public, both in WMNT's present and its proposed service area. Also Arecibo states that its gain area is substantially the same type of area as that presently served to the south of Manati. Although Arecibo filed a section IV–A exhibit "to call attention to matters of special interest in connection with its programming," it did not conduct a program survey, pointing out that its president and stockholders are residents of Manati and are thus aware of the needs and interests of the public—as to both its present service area and the gain area. In our public notice of August 22, 1968, we stated that the survey information is expected of all applicants for increased facilities serving a substantial amount of new area or population. Since a grant of the instant proposal of Arecibo would result in a substantial increase in its service area and population served, a Suburban issue must be specified as to Arecibo.[4]

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from Radio Antilles, Inc., and Zabo Radio Corp. and the availability of other primary aural (1 mv/m or greater in case of FM) service to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMNT and the availability of other primary service to such areas and populations.

(3) To determine, with respect to the application of Radio Antilles, Inc.:

(a) The availability of loans and funds necessary to meet the costs of construction and operation of the proposed station during the first year.

(b) In light of the evidence adduced pursuant to (a) above, whether this applicant is financially qualified.

(4) To determine the efforts made by Radio Antilles to ascertain the community needs and interests of the area to be served, and the means by which it proposes to meet those needs and interests.

(5) To determine, with respect to the application of Zaba Radio Corp.:

(a) The terms of its bank loan commitment.

(b) The sources of additional funds necessary to meet the cost of construction and operation of the proposed station during the first year.

(c) In light of the evidence adduced pursuant to (a) above, whether this applicant is financially qualified.

(6) To determine the efforts made by Zaba Radio to ascertain the community needs and interests of the area to be served, and the means by which it proposes to meet those needs and interests.

(7) To determine whether the transmitter site proposed by Zaba Radio is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

(8) To determine, with respect to the application of Arecibo Broadcasting Corp., Inc.:

(a) The terms and conditions of a bank loan commitment and letters of credit from two principals.

(b) The amount of funds which will be available for the instant proposal after all of the costs of construction of its FM station have been expended.

(c) The sources of additional funds, if any, which will be necessary to meet the costs of construction and operation of the proposed station during the first year.

(d) In light of the evidence adduced pursuant to (a) above, whether this applicant is financially qualified.

(9) To determine the efforts made by Arecibo Broadcasting to ascertain the community needs and interests of the area to be served, and the means by which it proposes to meet those needs and interests.

(10) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

(11) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would on a comparative basis better serve the public interest.

(12) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

12. *It is further ordered*, That, the petition of Arecibo Broadcasting Corp., Inc., licensee of Station WMNT, Manati, P.R., for reconsideration and nunc pro tunc acceptance of the application of Arecibo Broadcasting Corp., Inc., is granted, and said application is hereby accepted for filing as of August 15, 1967.

13. *It is further ordered*, That, in the event of a grant of the application of Radio Antilles, Inc., the construction permit shall contain the following conditions:

(a) Permittee shall install an approved type frequency monitor.

(b) Permittee shall assume responsibility for the elimination of interference due to external cross-modulation and for the installation and adjustment of filter circuits or other equipment in the antenna systems of the proposed operation and of Stations WPAB, WISO or any other stations which may be necessary, to prevent adverse effects due to internal cross-modulation and reradiation. In addition, field observations shall be made to determine whether spurious emissions exist, and any objectionable interference problems resulting therefrom shall be eliminated.

(c) Permittee shall accept such interference as may be imposed by existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

14. *It is further ordered*, That, in the event of a grant the application of Zaba Radio Corporation, permittee shall accept such interference as may be imposed by existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

15. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

16. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 4, 1969.

Released: June 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-7144; Filed, June 16, 1969; 8:47 a.m.]

[3] Arecibo was granted a construction permit for a new FM Station for Manati, P.R. (WMNT–FM) (BPH–5897), on Mar. 21, 1968. The deadline for completion of construction is now July 15, 1969.

[4] Arecibo's nighttime proposal indicates an increase of approximately 80 percent in its service area and 55 percent in population (4.57 mv/m limited contour).

[5] Commissioner Robert E. Lee concurring in the result; Commissioner Wadsworth absent.

FEDERAL MARITIME COMMISSION

CITY OF LOS ANGELES AND MATSON NAVIGATION CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward C. Farrell, Assistant City Attorney, City of Los Angeles, Post Office Box 151, San Pedro, Calif. 90733.

Agreement No. T-2309, between the City of Los Angeles (City) and Matson Navigation Co. (Matson) is a commitment and guarantee agreement whereby the City agrees to proceed at its own cost and expense with the development and construction of a marine container terminal facility at Berths 207-209, Los Angeles Harbor. The parties agree to negotiate a long-term Preferential Berth Assignment on the basis of minimum and maximum guarantees for Matson's use of the facility. If construction of the facility is completed prior to any required approval of the preferential berthing agreement by the Federal Maritime Commission, Matson shall have the right and obligation to occupy the facility at tariff rates under the regular form of Preferential Berth Assignment in use at the time by the City. Matson agrees to be obligated to City for certain costs, as outlined in the agreement.

Dated: June 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7131; Filed, June 16, 1969; 8:47 a.m.]

CITY OF OAKLAND AND MARINE TERMINALS CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Oakland, Calif. 94607.

Agreement No. T-1908-4, between the City of Oakland and Marine Terminals Corp. (MTC), modifies the basic agreement which provides for the nonexclusive preferential assignment to MTC of certain premises in the "Port Area" of Oakland, Calif. The purpose of the modification is to increase the amount by which MTC may be reimbursed for the cost of constructing the bulk commodity bagging facility.

Dated: June 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7132; Filed, June 16, 1969; 8:47 a.m.]

FEARNLEY & EGER AND A. F. KLAVENESS & CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Fearnley & Eger and A. F. Klaveness & Co. A/S Joint Service.

Notice of Agreement filed for approval by:

Seymour H. Kligler, Esq., Herman Goldman, Equitable Building, 120 Broadway, New York, N.Y. 10005.

Agreement No. 8512-4 between six (6) Norwegian companies under the operation and control of Fearnley & Eger and three (3) Norwegian companies under the operation and control of A. F. Klaveness & Co., A/S modifies the basic joint service Agreement No. 8512, as amended, covering various worldwide trades. The purpose of the modification is to accomplish the withdrawal of Fearnley & Egers Befragtningsforretning A/S as a party to the joint service pursuant to Article 12 of the basic agreement.

Dated: June 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7133; Filed, June 16, 1969; 8:47 a.m.]

FERN LINE—BARBER-FERN LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement filed for approval by:

Seymour H. Kligler, Esq., Herman Goldman, Equitable Building, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9346-1 between six (6) Norwegian companies under the management and control of Fearnley & Eger and operating under approved Agreement No. 9346 modifies the joint service covering the trade to and from ports of the United States and various worldwide areas as set forth in the agreement. The purpose of the modification is to accomplish the withdrawal of Fearnley & Eger Befragtningsforretning A/S as a party

to the joint service pursuant to Article 10 of the basic agreement.

Dated: June 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7134; Filed, June 16, 1969; 8:47 a.m.]

[Docket No. 69-26]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade

Third supplemental order and special permission No. 5043.

By the original order in this proceeding served May 14, 1969, the Commission placed under investigation a 10 percent general rate increase of the subject carrier, and suspended to and including September 17, 1969, Supplement No. 51 to Tariff FMC-F No. 3 (Pan-Atlantic Steamship Corp. FMC-F Series) and Supplement No. 15 to Tariff FMC-F No. 2 (Pan-Atlantic Steamship Corp. FMC-F Series), among other tariff matters. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 255, filed by Sea-Land Service, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to the extent necessary to permit the filing, upon statutory notice, of pages which will eliminate certain maximum rates thereby changing tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority is granted to Sea-Land Service, Inc., to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 69-26 to make the requested changes in rates and provisions held in effect by reason of suspension in said docket, said changes to become effective on statutory notice as requested by Special Permission Application No. 255.

2. The authority granted hereby does not prejudice the rights of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon this Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed hereunder shall bear the notation: "Issued under authority of Third Supplemental Order in Docket No. 69-26 and Federal Maritime Commission Special Permission No. 5043."

4. This special permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction and filing of tariff publications, except insofar as it permits the statutory filing of requested changes.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-7135; Filed, June 16, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-288 etc.]

ATLANTIC RICHFIELD CO. AND GULF OIL CORP.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 5, 1969.

Atlantic Richfield Co., Docket No. RI69-288 et al.; Gulf Oil Corp., Docket No. RI69-298.

In the order accepting contract amendments, providing for hearings on and suspension of proposed changes in rates, issued December 13, 1968, and published in the FEDERAL REGISTER December 24, 1968 (34 F.R. 19212), page 4, line 1, Docket No. RI69-298, Gulf Oil Corp.: Under column headed "Supp. No." change "38" to read "40".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7106; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. RI69-374 etc.]

PAN AMERICAN PETROLEUM CORP. AND AZTEC OIL & GAS CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 5, 1969.

Pan American Petroleum Corp., Docket No. RI69-374 et al.; Aztec Oil & Gas Co., Docket No. RI69-379.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 30, 1968, and published in the FEDERAL REGISTER January 9, 1969 (34 F.R. 329), Appendix A, page 7, line 1, Docket No. RI69-379, Aztec Oil & Gas Co.: Under column headed "Supp. No." change "35" to "36".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7107; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. RI69-349 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 5, 1969.

Pan American Petroleum Corp., Docket No. RI69-349 et al.; Pan American Petroleum Corp. (Operator) et al., Docket No. RI69-350.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 27, 1968, and published in the FEDERAL REGISTER January 8, 1969 (34 F.R. 278), Appendix A, page 7, Docket No. RI69-350, Pan American Petroleum Corp. (Operator) et al. (Opposite Rate Schedule No. 232, under column headed "Supp. No." change "3" to read "4".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7108; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. G-6931 etc.]

STAR GAS CO. ET AL.

Findings and Order; Correction

JUNE 5, 1969.

Star Gas Co. (successor to United Carbon Co.) and other Applicants listed herein, Docket No. G-6931 et al.; Magna Oil Corp., Docket No. G-19958.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing, issued May 20, 1969, and published in the FEDERAL REGISTER May 29, 1969 (34 F.R. 8312), page 12, column 6: Change Supplement No. "8" to read Supplement No. "9" related to Docket No. G-19958.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7109; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. RI69-77 etc.]

SUNRAY DX OIL CO.

Order Permitting Rate Filing, Accepting Supplement and Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 5, 1969.

Sunray DX Oil Co., Docket No. RI69-77 et al.; Sunray DX Oil Co., Docket No. RI69-77.

In the order permitting rate filing, accepting supplement and contract amendment, providing for hearings on and suspension of proposed changes in rates, issued September 11, 1968, and published in the FEDERAL REGISTER September 18, 1968 (34 F.R. 14191), page 2, Docket No. RI69-77, Sunray DX Oil Co.: (Opposite Rate Schedule No. 259) under column headed "Supp. No." change "5" to read "7".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7110; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. RI69-740]

TEXACO, INC.

Order Accepting Superseding Contract, Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

JUNE 5, 1969.

In the order accepting superseding contract, providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued May 9, 1969, and published in the FEDERAL REGISTER May 15, 1969 (34 F.R. 7733), on page 2 (opposite Rate Schedule No. 327): Under column headed "Effective Date Unless Suspended" change "5-17-69" to read "6-1-69" and change Footnote "4" to read Footnote "11". Under column headed "Date Suspended Until" change "5-18-69" to read "6-2-69". On page 2, under Footnotes: Add a new footnote to read:

[11] The stated effective date is the effective date requested by Respondent.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7111; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. RI69-732 etc.]

TEXACO, INC., ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 5, 1969.

Texaco, Inc., Docket No. RI69-732 et al.; Texaco, Inc., Docket No. RI69-732; Reading & Bates Production Co. et al., Docket No. RI69-733.

In the order accepting contract amendment, providing for hearings on and suspension of proposed changes in rates, issued May 9, 1969, and published in the FEDERAL REGISTER May 16, 1969 (34 F.R. 7837), page 2, line 1, Docket No. RI69-732, Texaco, Inc.: Under column headed "Effective Date Unless Suspended" change "5-27-69" to read "6-1-69." Under column headed "Date Suspended Until" change "10-27-69" to read "11-1-69." On page 2, Docket No. RI69-733, Reading & Bates Production Co. et al. (Operator) (Opposite Rate Schedule No. 1) under column headed "Supp. No." change "2" to read "3".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7112; Filed, June 16, 1969; 8:46 a.m.]

[Docket No. G-3620 etc.]

J. R. WELCH ET AL.

Findings and Order; Correction

JUNE 5, 1969.

J. R. Welch (successor to Carl D. and Edith Rhyne Jackson d.b.a. Jackson Brothers) and other Applicants listed herein, Docket No. G-3620 et al.; Ray A. Jones (successor to Quaker State Oil Refining Corp., Docket No. CI65-1354; Sabiana Oil Co., Inc., et al., Docket No. CI69-855 (G-12057).

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued May 7, 1969, and published in the FEDERAL REGISTER May 17, 1969 (34 F.R. 7877), on page 10, paragraph (N): Change Docket No. "G-12059" to read Docket No. "G-12057". On page 16, fourth column: Change the effective date to "11-1-68" in lieu of "1-1-68" related to Docket No. CI65-1354.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-7113; Filed, June 16, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter New York Corp., which is a bank holding company located in New York, N.Y., for the prior approval of the Board of the acquisition by Applicant of all of the outstanding voting shares (less directors' qualifying shares) of the successor by merger to Scarsdale National Bank and Trust Co., Scarsdale, N.Y.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Dated at Washington, D.C. this 10th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-7071; Filed, June 16, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4759]

APPALACHIAN POWER CO. ET AL.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealers in Commercial Paper and Exemption From Competitive Bidding

JUNE 11, 1969.

In the matter of Appalachian Power Company, 40 Franklin Road, Roanoke, Va. 24009; Indiana & Michigan Electric Company, 2101 Spy Run Avenue, Fort Wayne, Ind. 46801; Ohio Power Company, 301 Cleveland Avenue SW., Canton, Ohio 44701.

Notice is hereby given that Appalachian Power Co. ("Appalachian"), Indiana & Michigan Electric Co. ("I&M"), and Ohio Power Co. ("Ohio Power"), electric utility subsidiary companies of American Electric Power Co., Inc., a registered holding company, have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

The applicant companies request that from the date of the granting of this application to June 30, 1971, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issuance and sale of notes to banks and to dealers in commercial paper up to the maximum amounts allowable under the certificates of incorporation of the respective companies. As of March 31, 1969, such amounts were $56,300,000 in the case of Appalachian, $39,500,000 in the case of I&M, and $74,600,000 in the case of Ohio. Such

amounts represent the maximum amounts of notes presently to be authorized under this application. Changes may be made in the maximum amount of notes to be outstanding for each of the applicant companies after the filing of a posteffective amendment setting forth such changes and upon the granting of such posteffective amendment by further order of the Commission. The applicant companies propose, under such exemption, to issue and sell from time to time and renew from time to time short-term notes to banks and to dealers in commercial paper prior to June 30, 1971: *Provided*, That none of such notes shall mature later than December 31, 1971. The proceeds from the issue and sale of the notes will be used by each of the applicant companies to reimburse its treasury for past expenditures made in connection with its construction program, to pay part of the cost of its future construction program, and for other corporate purposes. Such construction expenditures, for the second half of 1969 and for the years 1970 and 1971, are estimated to total $318 million for Appalachian, $360 million for I&M, and $274 million for Ohio. The application states that, unless otherwise authorized by the Commission, any short-term debt of any of the applicants outstanding after June 30, 1971, will be retired from internal cash resources, permanent debt or equity financing, or cash capital contributions.

Each note payable to a bank to be issued by the applicant companies will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance or renewal thereof. Each such note will bear interest at the prime rate of commercial banks at the time of issuance and will be prepayable at any time without premium or penalty. None of the applicant companies will effect any borrowings from banks pursuant to this application until a posteffective amendment thereto has been filed setting forth the name or names of the banks from which such borrowings are to be effected and such posteffective amendment shall have been granted by further order of the Commission.

The commercial paper notes will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5 million and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes of each applicant will be sold directly to two dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. The dealers may reoffer the commercial paper at a discount rate one-eighth of 1 percent per annum less than the discount rate to the applicant companies. No commercial paper notes will be issued having a maturity more than 90 days at an effective interest cost which exceeds the effective interest cost at which the applicant companies could borrow from banks. The dealers will reoffer the commercial paper notes to not more than 100 of their customers identified and designated in a list (nonpublic) prepared in advance. It is expected that the applicant companies' commercial paper notes will be held by each dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

The applicant companies request exemption from the competitive bidding requirements of Rule 50 for the proposed issue and sale of their commercial paper pursuant to paragraph (a)(5) thereof. They state that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as the applicant companies are published daily in financial publications. The applicants also request authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

The application states that fees and expenses related to the proposed transactions are estimated not to exceed $1,000 for each of the applicant companies. It is further stated that the Virginia State Corporation Commission has jurisdiction over the transactions proposed by Appalachian and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 30, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-7100; Filed, June 16, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 51, Amdt. 1]

ERIE-LACKAWANNA RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 51, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 51 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-7116; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 55, Amdt. 1]

KANSAS CITY SOUTHERN RAILWAY CO. ET AL.

Car Distribution

To: Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co., and Missouri-Kansas-Texas Railroad Co.

Upon further consideration of Car Distribution Direction No. 55, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 55 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m.,

June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7117; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 54-A]

NORFOLK AND WESTERN RAILWAY CO. AND ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 54, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 54 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., June 10, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 10, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7118; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 52, Amdt. 1]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 52, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 52 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7120; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 53, Amdt. 1]

PENN CENTRAL CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 53, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 53 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7119; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 50, Amdt. 1]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., Norfolk and Western Railway Co., and Chicago, Burlington & Quincy Railroad Co.

Upon further consideration of Car Distribution Direction No. 50, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 50 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7121; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 56]

SEABOARD COAST LINE RAILROAD CO. AND ST. LOUIS-SAN FRANCISCO 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 Seaboard Coast Line Railroad Co. shall deliver to the St. Louis-San Francisco 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. Exceptions: 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 carriers 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 carriers 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., June 11, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., July 13, 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 at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 10, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7122; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Corrected Car Distribution Direction 44-A]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., and The Atchison, Topeka and Santa Fe Railway Co.

Upon further consideration of Corrected Car Distribution Direction No. 44, and good cause appearing therefor:

It is ordered, That:

Corrected Car Distribution Direction No. 44 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., June 10, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 10, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7123; Filed, June 16, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 46, Amdt. 2]

SOUTHERN RAILWAY CO. AND MISSOURI PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 46, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 46 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 29, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-7124; Filed, June 16, 1969; 8:46 a.m.]

[Notice 850]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 12, 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 49304 (Sub-No. 23 TA), filed June 10, 1969. Applicant: BOWMAN TRUCKING COMPANY, INC., Post Office Box 6, Stephens City, Va. 22655. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soft drinks*, from Winchester, Va., to points in Maryland, West Virginia, Pennsylvania, District of Columbia, New Jersey, Delaware, North Carolina, and the New York, N.Y. commercial zone, and return of *empty bottles and shipping containers*, to Winchester, Va., for 150 days. Supporting shipper: Bottler's International, Inc., 447 Millwood Avenue, Winchester, Va. 22601. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 57880 (Sub-No. 10 TA), filed June 9, 1969. Applicant: ASHTON TRUCKING CO., 1201 North Broadway, Monte Vista, Colo. 81144. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, in bags, from Glenwood Springs, Colo., to points in New Mexico and Wyoming, for 180 days. Supporting shippers: Basic Chemical Corp., Post Office Box 249, Glenwood Springs, Colo. 81601; Smith Chemical Co., Post Office Box 788, 645 East Fourth Avenue, Grand Junction, Colo. 81501. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 69981 (Sub-No. 12 TA), filed June 9, 1969. Applicant: ADOLPH E. HULCHER AND AUSTIN W. HULCHER, doing business as A. E. HULCHER AND SON, Post Office Box 167, Virden, Ill. 62690. Applicant's representative: Mack Stephenson, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garbage disposal units, electric*, from Newton, Iowa, to points in Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clinton, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Fulton, Greene, Hancock, Henderson, Henry, Jasper, Jersey, Knox, Logan, McDonough, Macon, Macoupin, Madison, Marion, Mason, Menard, Mercer, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Rock Island, Sangamon, Scott, Shelby, Stark, Tazewell, Vermilion, Warren, Washington, Whiteside, and Woodford Counties, Ill., for 180 days. Supporting shipper: The Maytag Co., Newton, Iowa 50208. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 115669 (Sub-No. 102 TA), filed June 6, 1969. Applicant: DAHLSTEN TRUCK LINE, Clay Center, Nebr. 68933. Applicant's representative: Howard Dahlsten (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed volcanic ash*, from Mankato, Kans., and points within 3 miles thereof, to points in Colorado, Iowa, Missouri, Minnesota, Nebraska, Oklahoma, South Dakota, and Wyoming, for 180 days. Supporting shipper: National Pumicite Development Corp., 5010 L Street, Lincoln, Nebr. Send protests to: District Supervisor Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 117344 (Sub-No. 192 TA), filed June 9, 1969. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same address as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Adhesives*, in bulk, in tank vehicles, from Huntington, Ind., to the plantsite of Steelcraft Manufacturing Co., Cincinnati, Ohio, for 180 days. Supporting shipper: Inmont Corp., 1754 Dana Avenue, Cincinnati, Ohio 45207. 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 118159 (Sub-No. 68 TA), filed June 6, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, 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: *Sodium hypochlorite solution* (in containers), from Houston, Tex., to points in Mississippi and Arkansas, for 180 days. Supporting shipper: The Clorox Co., Oakland, Calif. 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 127844 (Sub-No. 5 TA), filed June 9, 1969. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., doing business as Route 4, Box 48X–A, Sumter, S.C. 29150. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture (crated)* from Mullins, S.C., to points and places in New York, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: Schoolfield Industries, Mullins, S.C. 29574. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 133415 (Sub-No. 3 TA) (Correction), filed May 19, 1969, published FEDERAL REGISTER, issue of June 6, 1969, and republished as corrected this issue. Applicant: SID PLANAMENTA, doing business as S & R AUTO PARTS DELIVERY SERVICE, Peekskill, N.Y. 10566. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer and distributor of automobile parts, uncrated and crated, from shipper's warehouse at Bayonne, N.J.; to points in Nassau, Suffolk, and Westchester Counties, N.Y.; *returned shipments* of the *same commodities*, from points in Nassau, Suffolk, and Westchester Counties, N.Y.; to shipper's warehouse at Bayonne, N.J.; *restriction* under a continuing contract, or contracts, with the Maremont Marketing, Inc., of Bayonne, N.J., for 150 days. NOTE: The purpose of this republication is to include "contract" carrier in lieu of "common" carrier. Supporting shipper: Maremont Marketing, Inc., 21 Division Street, Fairview, N.J. Send protests to: District Supervisor Stephen P. Tomany, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133644 (Sub-No. 1 TA), filed June 9, 1969. Applicant: H. E. McCONNELL AND H. E. McCONNELL, JR., a partnership, doing business as H. E. McCONNELL & SON, 5117½ East Broadway, North Little Rock, Ark. 72117. Applicant's representative: D. R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore, in bulk, in dump vehicles*, from Arkansas River barge line port or ports at or near Little Rock, Ark., to Reynolds Metals Co. plant at or near Bauxite, Ark., for 180 days. Supporting shipper: Orgulf Transport Co., Post Office Box 1460, Cincinnati, Ohio 45201. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 133645 (Sub-No. 1 TA), filed June 9, 1969. Applicant: LEON OLSEN, ALBERT OLSEN AND WILLIAM OLSEN, doing business as LEON OLSEN TRUCKING COMPANY, a partnership, 900 Wisconsin Street, Pine Bluff, Ark. 71601. Applicant's representative: D. R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Bauxite ore, in bulk, in dump vehicles*, from Arkansas River barge line port or ports at or near Little Rock, Ark., to Reynolds Metals Co. plant at or near Bauxite, Ark., for 180 days. Supporting shipper: Orgulf Transport Co., Post Office Box 1460, Cincinnati, Ohio 45201. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 133698 (Sub-No. 1 TA), filed June 4, 1969. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: Charles E. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith (including motion picture film used primarily for commercial theater and television exhibition)*, on traffic having an immediately prior or subsequent movement by air, rail or motor carrier, between Philadelphia, Pa., on the one hand, and, on the other, points in Adams, Bedford, Berks, Blair, Bucks, Cambria, Carbon, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Huntington, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Northampton, Snyder, Union, and York Counties, Pa.; (2) *business papers, reports and records, checks and audit and accounting media*, between Lancaster, Pa., on the one hand, and, on the other, points in Howard County, Md., and those in Spotsylvania and Frederick Counties, Va.; (3) *business papers, reports and records, and audit and accounting media*, between points in Baltimore County, Md., on the one hand, and, on the other, points in Dauphin, Bucks, and Blair Counties, Pa.; (4) *business papers, records and audit and accounting media*, between Harrisburg, Pa., on the one hand, and, on the other, Washington, D.C.; (5) *business papers, business records, and audit and accounting media*, between Allentown, Pa., on the one hand, and, on the other, Washington, D.C., for 150 days. Supporting shippers: Eastman Kodak Co., Rochester, N.Y. 14650; The Service Bureau Corp., 1350 Avenue of the Americas, New York, N.Y. 10019; D & H Distributing Co., Post Office Box 1967, 2525 North Seventh Street, Harrisburg, Pa. 17105; and Raub Supply Co., Lancaster, Pa. 17604. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133787 TA, filed June 9, 1969. Applicant: D & O-FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98901. Applicant's representative: Douglas A. Wilson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bins, pallets, box shook, paper and paper products, packing trays and fillers, and containers*, between points in Washington, Oregon, Idaho, and Montana, and betwen the point of entry to British Columbia, Canada, at Osoyoss, Wash., on the one hand, and Washington, Oregon, Idaho, and Montana, on the other hand, over irregular routes under contract with H. R. Spinner Corp. of Yakima, Wash., for 180 days. Supporting shipper: H. R. Spinner Corp., 115 South First Avenue, Post Office Box 1361, Yakima, Wash. 98901. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 133794 TA, filed June 9, 1969. Applicant: CONVERTERS TRANSPORTATION, INC., Box 351, Garnerville, New York, N.Y. 10923. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods and such commodities as are used in the dyeing or finishing of piece goods*, between Garnerville, N.Y., plantsite of Elk Piece Dye Works, Inc., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, Union, and Passaic Counties, N.J., for 180 days. Supporting shipper: Elk Piece Dye Works, Inc., Garnerville, N.Y. Send protests to: Stephen P. Tomany, District Supervisor,

Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7125; Filed, June 16, 1969; 8:46 a.m.]

[Notice 364]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 12, 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-71156. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Fred Vangenhen, Jr., doing business as Vangenhen and Son, Belleville, Ill., of the certificate in No. MC-32530, issued February 25, 1941, to Jules Vangenhen and Fred Vangenhen, a partnership, doing business as Vangenhen and Son, Belleville, Ill., authorizing the transportation of coal, from points in St. Clair and Madison Counties, Ill., to St. Louis, Mo., and sand and gravel, from St. Louis, Mo., to Belleville, Ill., and points within 5 miles of Belleville. Sam S. Pessin, 25 West Main Street, Belleville, Ill. 62220, attorney for applicants.

No. MC-FC-71298. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Dean O. Konkle, Philadelphia, Pa., of the operating rights in permit No. MC-85070 issued May 13, 1949, to John E. Masciotro, Philadelphia, Pa., authorizing the transportation of pipes, valves, and fittings, from Philadelphia, Pa., to Wilmington, Del., and points in New Jersey within 50 miles of Philadelphia, Pa., and refused, rejected, or damaged shipments of such commodities on return. Anthony D. Pirillo, Jr., 42 South 15th Street, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-71397. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Transippi Motor Freight, Inc., Edwardsville, Ill., of certificate No. MC-80434, issued October 17, 1968, to Hartlage Truck Service, Inc., St. Louis, Mo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the St. Louis, Mo., East St. Louis, Ill., commercial zone as defined by the Commission. James R. Madler, 189 West Madison Street, Chicago, Ill. 60602, attorney for applicants.

No. MC-FC-71362. By order of June 6, 1969, the Motor Carrier Board approved the transfer to Jay D. Miller, doing business as A & B Moving and Storage, Post Office Box 8473, 952 Fairway, Albuquerque, N. Mex. 87108; of a portion of the operating rights in certificate in No. MC-129483, issued March 26, 1968, to Jean Z. Vita, doing business as Vita Moving & Storage, 6029 Fifth Street NE., Seattle, Wash. 98115; authorizing the transportation of: Household goods, from points in Gaines and Culberson Counties, Tex.; to points in Eddy, Lea, Chaves, Curry, Roosevelt, and Otero Counties, N. Mex.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7126; Filed, June 16, 1969; 8:46 a.m.]

[Notice 363]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 11, 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-71106. By order of June 9, 1969, the Motor Carrier Board approved the transfer to M. Krammer Storage Corp., New York, N.Y., of certificate No. MC-13132 issued February 14, 1949, to Max Krammer, doing business as American Storage Co., New York, N.Y., authorizing the transportation of household goods, as defined by the Commission, 17 M.C.C. 467, between New York, N.Y., on the one hand, and, on the other, points and places in Connecticut, New Jersey, New York, and Pennsylvania. Irma F. Bloomberg, 277 Broadway, New York, N.Y. 10007, attorney for applicants.

No. MC-FC-71197. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Lowell L. Rhodes, doing business as Rhodes Truck Service, Wichita, Kans., of the certificate No. MC-13748 issued October 11, 1961, to W. L. Pickett, doing business as Pickett Truck Line, Council Grove, Kans., authorizing the transportation of: General commodities, with the usual exceptions, and certain specifically named commodities, between specified points in Kansas and Missouri. Paul V. Dugan, 1400 Wichita Plaza, Wichita, Kans. 67202, attorney for applicants.

No. MC-FC-71281. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Coastal Van Lines, Inc., Brooklyn, N.Y., of the operating rights in certificate No. MC-86770 issued February 28, 1952, to Central Fireproof Storage Warehouse, Inc., 352 Classon Avenue, Brooklyn, N.Y. 11238, authorizing the transportation of household goods, as defined by the Commission, traversing Indiana for operating convenience only, between Brooklyn, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia; and between New York, N.Y., on the one hand, and, on the other, points in Ohio, Michigan, and Illinois. Morris Honig, Esq., 150 Broadway, New York, N.Y. 10038, attorney for transferee.

No. MC-FC-71296. By order of May 29, 1969, the Motor Carrier Board approved the transfer to Edith V. Hodgson, doing business as Hodgson Transfer, Boulder, Colo.; of certificate of registration in No. MC-107384 (Sub-No. 3), issued March 26, 1964, to Neal F. Hodgson, doing business as Hodgson Transfer, Boulder, Colo.; authorizing certain operations in the State of Colorado. Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-71303. By order of June 5, 1969, the Motor Carrier Board approved the transfer to E Z Messenger Service, Inc., Rego Park, N.Y., of a portion of the permit in No. MC-126283, issued May 17, 1965, to Bergen-Passaic Air Express, Inc., Palisades Park, N.J. authorizing the transportation of automobile accessories, material, parts, and supplies, between Mahwah, N.J., on the one hand, and, on the other, Hoboken, N.J., Newark Airport, Newark, N.J., Tetervoro Airport, Tetervoro, N.J., La Guardia and Kennedy International Airports, New York, N.Y., and Spring Valley Airport, Spring Valley, N.Y. Bowes & Millner, 744 Broad Street, Newark, N.J. 07102, and George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, Attorneys for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7061; Filed, June 13, 1969; 8:48 a.m.]

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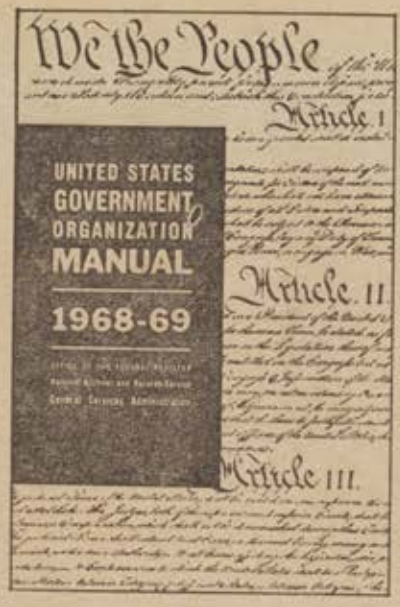

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