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PART I
(Part II begins on page 9949)

NOTICE

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Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Administration
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Trade Commission
Fiscal Service
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Geological Survey
Internal Revenue Service
International Joint Commission—United States and Canada
Interstate Commerce Commission
Land Management Bureau
National Park Service
Public Health Service
Securities and Exchange Commission
Social and Rehabilitation Service
Social Security Administration
Wage and Hour Division

Detailed list of Contents appears inside.

FEDERAL REGISTER

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SUBCHAPTER C—AIRCRAFT

[Docket No. 69-CE-9-AD; Amdt. 39-790]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and A99 Airplanes

As a result of tests conducted by the manufacturer on Beech Models 99 and A99 airplanes, it has been determined that an unsafe condition exists due to the installation of incorrect autofeather valves on the propeller overspeed governor. This valve affects the time required to autofeather the propeller in the event of an engine malfunction. An incorrect valve will sufficiently delay the autofeather cycle so as to cause high propeller drag during a critical phase of takeoff and reduce both controllability and single engine climb performance.

Since this condition may exist in other airplanes of the same type design, appropriate action is required to bring about:

1. An inspection to determine whether the improper autofeather valve is installed on the propeller overspeed governor in the affected airplanes.

2. Replacement of all improper valves found during the inspection and reidentification of the propeller overspeed governor on all affected airplanes.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

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

BEECH. Applies to Models 99 and A99, Serial Nos. U-2, U-3, U-5 through U-10, U-12 through U-35, U-37 through U-60, U-62 through U-77, U-79 through U-87, U-89 through U-95, U-98, U-100 through U-103, U-107, U-108 Airplanes.

Compliance: Required within the next 10 hours' time-in-service after the effective date of this airworthiness directive, unless already accomplished.

To prevent excessive propeller drag in the event of engine failure during takeoff, accomplish the following:

Visually inspect Beech P/N 115-389014 propeller overspeed governor to determine whether Woodward Governor autofeather valve P/N 1310-115-E is installed. The letter E denotes a major change to this assembly. If the Change E valve is installed, reidentify the propeller overspeed governor by engraving a -3 on the governor nameplate after Beech P/N 115-389014. If Woodward Governor autofeather valve P/N 1310-115-E is not installed, remove the existing valve and install Woodward Governor valve P/N 1310-115-E in accordance with Beech Service Instructions No. 0214-241 and reidentify the overspeed governor by engraving a -3 on the governor nameplate after Beech P/N 115-389014. Any other method of identification approved as an equivalent by the Chief, Engineering & Manufacturing Branch, Federal Aviation Administration, Central Region, is also satisfactory.

NOTE: The autofeather valve, which also contains the identifying information, is mounted on the lower side of the propeller overspeed governor.

This amendment becomes effective June 28, 1969.

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

Issued in Kansas City, Mo., on June 20, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-7576; Filed, June 26, 1969; 8:45 a.m.]

[Docket No. 9672; Amdt. 39-791]

PART 39—AIRWORTHINESS DIRECTIVES

Britten-Norman Ltd. Models BN-2 and BN-2A Aircraft

There have been reports of fuel leakage from cracks found on the fuel line P/N BN-57-439 between the fuel pump and the carburetor on Britten-Norman Ltd. Models BN-2 and BN-2A Aircraft that could result in an engine compartment fire. In view of the serious consequences of such a fire and since this condition is likely to exist or develop in other aircraft of the same type design, an airworthiness directive (AD) is being issued to require a repetitive inspection of the fuel line. This inspection may be discontinued when a Dunlop fuel line PN/6/W2/121/51/51/24.0 or 6/W2/121/51/51/15.5 has been installed.

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

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

BRITTEN-NORMAN LTD. Applies to BN-2 and BN-2A Aircraft with fuel line P/N NB-57-439.

Compliance required as indicated.

(a) To prevent fuel leaks in the engine compartment, before the next flight and before each subsequent flight, inspect fuel line P/N NB-57-439 installed between the engine driven fuel pump and the carburetor for evidence of leakage in accordance with Britten-Norman Ltd. Service Bulletin BN-2/SB.11 Issue 2 dated February 24, 1969, or later ARB approved issue, or an FAA approved equivalent.

(b) If during the inspection required by paragraph (a) of this AD evidence of leakage is found, replace P/N NB-57-439 with a serviceable part of the same part number, or with Dunlop P/N 6/W2/121/51/51/24.0 or 6/W2/121/51/51/15.5.

(c) The repetitive inspections required by paragraph (a) of this AD may be discontinued when Dunlop P/N 6/W2/121/51/51/24.0 or 6/W2/121/51/51/15.5 has been installed in accordance with Britten-Norman Ltd. Service Bulletin BN-2/SB 11 Issue 2, dated February 24, 1969, or later ARB approved issue, or an FAA approved equivalent.

This amendment becomes effective July 2, 1969.

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

Issued in Washington, D.C., on June 23, 1969.

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

[F.R. Doc. 69-7577; Filed, June 26, 1969; 8:46 a.m.]

[Docket No. 69-EA-37; Amdt. 39-788]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

On page 7579 of the FEDERAL REGISTER for May 10, 1969, the Federal Aviation Administration published a proposed airworthiness directive which would require a modification to the wing fuel access doors of the Fairchild Hiller F-27 type aircraft.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published.

This amendment is effective July 9, 1969.

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

Issued in Jamaica, N.Y., on June 20, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 39.13 of Part 39 of the Federal Aviation Regulations so as to add a new airworthiness directive described as follows:

FAIRCHILD HILLER. Applies to F-27 Type Airplanes, Serial Nos. 1 through 75, Certificated in all categories.

Compliance required within the next 400 hours' time in service after the effective date of this AD, unless already accomplished.

To reduce working of the wing outer panel fuel access door attach bolts, and to prevent possible cracking of the lower skin radiating from the holes drilled for attaching screws of the nut retainer plate assembly, accomplish the following:

(a) For Serial Nos. 1 through 65 airplanes, comply with Fairchild Hiller Service Bulletin No. 57-4, Revision 2 dated October 31, 1963, or equivalent method, approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) For Serial Nos. 1 through 75 airplanes, comply with Fairchild Hiller Service Bulletin 57-5, Revision 1 dated April 21, 1966, or equivalent method, approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

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

[F.R. Doc. 69-7580; Filed, June 26, 1969; 8:46 a.m.]

[Docket No. 69-EA-76; Amdt. 39-789]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive which will be applicable to Fairchild Hiller UH-12 type helicopters.

The manufacturer has recently received reports from military operators of UH-12 helicopters that failures have been found in the inserts for the attachment of a collective control system bracket to the upper transmission housing. The collective control system bracket provides the fulcrum for the collective yoke and is therefore a highly critical part of the control system and is attached to the transmission housing by only two bolts.

Since this is a deficiency which can exist in other helicopters of the same design, an airworthiness directive is being issued which will require inspection and replacement where necessary of the yoke support bracket attachment bolts and inserts and eventual replacement of the inserts and bolts with different seried parts.

Since expeditious adoption of the amendment is required, in the public interest, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

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

FAIRCHILD HILLER. Applies to UH-12D, UH-12E, UH-12E-L, UH-12L, and UH-12L4 type helicopters certified in all categories.

Compliance required as indicated.

To prevent failure of the attachment of collective yoke support brackets, P/N 31351 or 31483, to upper transmission housings, P/N 23541 or 23541-5, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, inspect the collective yoke support bracket attachment bolts for torque and visually inspect the Rosan inserts in the transmission housing for cracks or any other damage. Replace damaged inserts, and inserts where a bolt torque of less than 50 inch pounds is encountered, prior to further flight in accordance with Fairchild Hiller Service Bulletins SB UH12L-23-1 and SB UH12D through G-23-1 dated May 20, 1969 or an alternate method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, remove the Rosan R206SB-8 inserts and install Rosan RD206SB-8 inserts in their place, and install MS20073-04-7 bolts in accordance with Fairchild Hiller Service Bulletins SB UH12L-12-1 and SB UH12D through G-23-1 dated May 20, 1969, or an alternate method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective July 9, 1969.

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

Issued in Jamaica, N.Y., on June 20, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-7581; Filed, June 26, 1969; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-WE-35]

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

Alteration of Transition Area

On May 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7975) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would amend the Blanding, Utah, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective August 21, 1969.

Issued in Los Angeles, Calif., on June 19, 1969.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the description of the Blanding, Utah, transition area is amended to read as follows:

BLANDING, UTAH

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Blanding, Utah, airport (latitude 37°34'50" N., longitude 109°28'55" W.) and within 3.5 miles each side of the 188° bearing from the Blanding, Utah RBN (latitude 37°31'03" N., longitude 109°29'31" W.) extending from the 6-mile radius area to 11.5 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 5 miles west of the 188° and 008° bearings from the Blanding RBN extending from 18.5 miles south to 7 miles north of the RBN, and within 5 miles each side of a direct line between the Blanding RBN and the Dove Creek, Colo., VORTAC. Excluding that portion within R-6410 during the times that R-6410 is in use.

[F.R. Doc. 69-7575; Filed, June 26, 1969; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9652; Amdt. 655]

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	
IND VOR	Terry DME/Radar Fix (final)	Direct	2400	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-36	500-1	500-1	500-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn not authorized. Final approach crs, 022°.
Minimum altitude over Terry DME/Radar Fix on final approach crs, 2400'.
Crs and distance, Terry DME/Radar Fix to airport, 022°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Terry DME/Radar Fix, make climbing left turn to 2400' and proceed direct to IND VOR.
NOTES: (1) Use Indianapolis altimeter setting. (2) DME or radar required.
MSA within 25 miles of facility: 000°-180°—2500'; 180°-360°—2300'.

City, Indianapolis; State, Ind.; Airport name, Indianapolis-Terry; Elev., 920'; Fac. Class., H-BVORTAC; Ident., IND; Procedure No. VOR Runway 36, Amdt. Orig.; Eff. date, 17 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 (ADF)

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	
SCK VOR	LOM	Direct	2000	T-dn	300-1	300-1	300-1
Woodward Int.	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
				S-dn-29R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 111° Outbnd, 291° Inbnd, 1-minute right turns, minimum altitude 1600'.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 291°-5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, turn left, heading 200°, climb to 2000', intercept SCK VOR R 251° or on 254° bearing from SC LOM and proceed to Byron Int.
MSA within 25 miles of facility: 000°-090°—3900'; 090°-180°—4400'; 180°-270°—5100'; 270°-360°—2000'.

City, Stockton; State, Calif.; Airport name, Stockton Metropolitan; Elev., 29'; Fac. Class., LOM; Ident., SC; Procedure No. NDB (ADF) Runway 29R, Amdt. 6; Eff. date, 17 July 69; Sup. Amdt. No. 5; Dated, 21 Oct. 67

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	
				T-dn*%	300-1	300-1	300-1
				C-dn*	600-1	600-1	600-1½
				A-dn*	800-2	800-2	800-2

Shuttle descent to 6000' on R 045°, LWS VOR.
Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 4600' within 10 miles
Minimum altitude over facility on final approach crs, 3700'
Crs and distance, facility to airport, 246°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LWS VOR, climb to 5000' on R 246° within 15 miles of LWS VOR.
*Alternate minimums not authorized when weather service not available. Use Walla Walla altimeter setting when Lewiston altimeter not available. Authorized ceiling minimums 300' higher when Walla Walla altimeter used.
%Takeoffs all runways: Climb direct LWS VOR, thence climb on LWS VOR R 234°, within 10 miles to cross the VOR at or above 3000' northbound on V253; 3000' westbound on V520; 3500' southbound on V253.
MSA within 25 miles of facility: 000°-090°—5200'; 090°-180°—6600'; 180°-270°—7100'; 270°-360°—6600'.

City, Lewiston; State, Idaho; Airport name, Lewiston-Nez Perce County; Elev., 1438'; Facility, L-BVOR; Ident., LWS; Procedure No. VOR-1, Amdt. 4; Eff. date, 17 July 69; Sup. Amdt. No. VOR Runway 25, Amdt. 3; Dated, 29 Feb. 68

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	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-29R*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn not authorized. All maneuvering and descent shall be accomplished in the VOR holding pattern, 122° Outbnd, 302° Inbnd, 1-minute right turns, minimum altitude 1600'.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 304°—4. miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing VOR, turn left, heading 297°, climb to 2000', intercept SCK VOR R 251°, and proceed to Byron Int.
*400-¾ authorized with operative HIRL, except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—4400'; 180°-270°—5100'; 270°-360°—2000'.

City, Stockton; State, Calif; Airport name, Stockton Metropolitan; Elev., 29'; Facility, H-BVORTAC; Ident., SCK; Procedure No. VOR Runway 29R, Amdt 9; Eff. date, 17 July 69; Sup. Amdt. No. 8; Dated, 21 Oct. 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:

Hibbing, Minn.—Chisholm-Hibbing Municipal, VOR Runway 13, Amdt. 1, 23 Dec. 1967 (established under Subpart C).
Hibbing, Minn.—Chisholm-Hibbing Municipal, VOR Runway 31, Amdt. 4, 23 Dec. 1967 (established under Subpart C).
Lawrenceville, Ga.—Gwinnett County, VOR 1, Orig., 15 Sept. 1966 (established under Subpart C).

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

Zionsville, Ind.—Terry Memorial, VOR Runway 1, Orig., effective 27 Apr. 1967, canceled, effective 17 July 1969.

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
Walnut Grove Int	Courtland Int	Direct	2500	C-dn	500-1	500-1	500-1½
Courtland Int	LOM (final)	Via S crs localizer	1300	S-dn-2*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn S side of crs, 196° Outbnd, 016° Inbnd, 2000' within 10 miles of OM.
Minimum altitude at glide slope interception Inbnd, 1300'.
Altitude of glide slope and distance to approach end of runway at OM, 1220'—4 miles; at MM, 219'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile after passing MM, climb straight ahead to 1000', turn left heading 300°, climbing to 2000' intercept and proceed NW on SAC VOR, R 329° within 20 miles of SAC VOR, or when directed by ATC, climb to 2500' on SAC ILS N crs within 20 miles of OM.
*400-¾ required if glide slope not utilized. Reduction not authorized.

City, Sacramento; State, Calif.; Airport name, Sacramento Municipal; Elev., 21'; Facility, ILS; Ident., I-SAC; Procedure No. ILS Runway 2, Amdt. 12; Eff. date, 17 July 69; Sup. Amdt. No. 11; Dated, 27 Aug. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Linden VOR	LOM	Direct	2600	T-dn	300-1	300-1	300-1½
Woodward Int	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
SCK VOR	LOM	Direct	3000	S-dn-29R*	300-1½	300-1½	300-1½
Orange Int	LOM	Direct	2000	A-dn	600-2	600-2	600-2
Stomar Int	MOD VOR	Via MOD R 180°	3000				
MOD VOR	Simms Int	Via MOD R 323°	2000				
Granger Int	Simms Int	Via MOD R 060°/ SCK LOC E crs.	3000				
Simms Int	LOM (final)	Via SCK LOC E crs.	1600				

Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 111° Outbnd, 291° Inbnd, 1-minute right turns, minimum altitude 1600'.
Minimum altitude at glide slope interception Inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1528'—5.4 miles; at MM, 248'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, heading 200°, climb to 2000', intercept SCK VOR R 251°, or 254° bearing from SC LOM and proceed to Byron Int.
NOTES: (1) Back crs unusable. (2) When authorized by ATC, LIN DME may be used between LIN R 167° and R 165° via 19-mile clockwise arc at 3000' to position aircraft on SCK LOC E crs for straight-in approach.
*300-¾ required when glide slope not used. Reduction not authorized.
MSA within 25 miles of LOM: 000°-090°—3900'; 090°-180°—4400'; 180°-270°—5100'; 270°-360°—2000'.

City, Stockton; State, Calif.; Airport name, Stockton Metropolitan; Elev., 29'; Fac. Class., ILS; Ident., I-SCK; Procedure No. ILS Runway 29R, Amdt. 8; Eff. date, 17 July 69; Sup. Amdt. No. 7; Dated, 21 Oct. 67

6. 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: 4.2 miles after passing Carson Lake Int.
HIB VOR	Carson Lake Int	Direct	3300	Climb to 2900' direct to HIB VOR. Supplementary charting information: 2126' steel tower 4.6 miles W of airport. Runway 13, TDZ elevation, 1352'.

Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 3300' within 10 miles of Carson Lake Int.
FAF, Carson Lake Int. Final approach crs, 128°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over Carson Lake Int, 2300'.
MSA: 000°-090°—3100'; 090°-180°—2800'; 180°-360°—3200'.
NOTES: (1) Final approach from holding pattern at Carson Lake Int not authorized. Procedure turn required. (2) Inoperative components table does not apply to REIL Runway 13. (3) Dual VOR receivers required.
CAUTION: Runways 18/36 and 4/22 unlighted.
%IFR departure procedures: Aircraft departing Runway 31, climb to 2600' on runway heading before turning west- or south-bound. Aircraft departing Runway 22, climb to 2600' on runway heading before turning west- or north-bound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	2000	1	648	2000	1	648	2000	1¼	648	2000	1¼	648
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	1	648	2000	1	648	2000	1¼	648	2000	2	648
A	Standard.		T 2-eng. or less—Standard. ⅞				T over 2-eng.—Standard. ⅞					

City, Hibbing; State, Minn.; Airport name, Chisholm-Hibbing Municipal; Elev., 1352'; Facility, HIB; Procedure No. VOR Runway 13, Amdt. 2; Eff. date 17 July 69; Sup. Amdt. No. 1; Dated, 23 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE TERMINAL VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.9 miles after passing HIB VOR.
Kelsey Int	Cotton Int	EVM R 180°	2900	Climb to 2900' on R 308° within 10 miles; return to VOR.
Shaw Int	HIB R 128°	263° crs 1 mile	2900	
D.R. position R 128°	Cotton Int	HIB, R 128°	2900	Supplementary charting information:
Cotton Int	HIB VOR (NOPT)	HIB, R 128°	2900	2126' steel tower 4.6 miles W of airport. Runway 31, TDZ elevation, 1343'.

Procedure turn N side of crs, 128° Outbnd, 308° Inbnd, 2900' within 10 miles of HIB VOR.
FAF, HIB VOR. Final approach crs, 308°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over HIB VOR, 2900'; over Swan Int, 1660'.
MSA: 000°-090°—3100'; 090°-180°—2800'; 180°-360°—3200'.
NOTE: Inoperative table does not apply to REIL Runway 31.
CAUTION: Runways 18/36 and 4/22 unlighted.
%IFR departure procedures: Aircraft departing Runway 31, climb to 2600' on runway heading before turning west- or south-bound. Aircraft departing Runway 22, climb to 2600' on runway heading before turning west- or north-bound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1660	1	317	1660	1	317	1660	1	317	1660	1	317
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1760	1	408	1820	1	468	1820	1¼	468	1920	2	568
	Dual VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1600	1	257	1600	1	257	1600	1	257	1600	1	257
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hibbing; State, Minn.; Airport name, Chisholm-Hibbing Municipal; Elev., 1352'; Facility, HIB; Procedure No. VOR Runway 31, Amdt. 5; Eff. date, 17 July 69; Sup. Amdt. No. 4; Dated, 23 Dec. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8 miles after passing OCR VORTAC.
				Climbing left turn to 3000', proceed to Talmo Int. via OCR VORTAC R 054° and hold.
				Supplementary charting information: Hold NE, 1 minute, right turns, 234° Inbnd. Final approach crs to runway threshold.

Procedure turn not authorized.
FAF, OCR VORTAC. Final approach crs, 076°. Distance FAF to MAP, 8 miles.
Minimum altitude over OCR VORTAC, 3000'; over Agnes Int or 3-mile DME Fix, 2500'.
MSA: 000°-360°—3100'.
NOTES: (1) Radar required. (2) Use Atlanta, Ga., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-7	1640	1	606	1640	1	606	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1680	1	646	1680	1	646	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Lawrenceville; State, Ga.; Airport name, Gwinnett County; Elev., 1034'; Facility, OCR; Procedure No. VOR Runway 7, Amdt. 1; Eff. date, 17 July 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 15 Sept. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE TERMINAL VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ANB VOR.
Steele Int	ANB VOR	ANB, R 328°	3000	Climbing right turn to 4000' to Gossett Int via ANB VOR, R 186° and hold. Supplementary charting information: Hold S, 1 minute, right turns, 006° inbnd. LRCO 122.1.
Gossett Int	ANB VOR	ANB, R 186°	3000	

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 3000' within 10 miles of ANB VOR.
Final approach crs, 070°.
MSA: 000°-090°—3200'; 090°-180°—4000'; 180°-270°—3000'; 270°-360°—2000'.
NOTE: Use ANB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1180	1	654	1180	1	654	1180	1½	654	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.			

City, Talladega; State, Ala.; Airport name, Talladega Municipal; Elev., 520'; Facility, ANB; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 17 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 15.5-mile DME Fix.
VNA VORTAC	5-mile DME Fix (NOPT)	VNA, R 045°	1800	Climb to 2000', right turn to VNA VORTAC via R 045° and hold. Supplementary charting information: Hold W, 1 minute, left turns, 67W° Inbnd.

Procedure turn not authorized. Approach crs (profile) starts at 5-mile DME Fix.
Final approach crs, 045°.
Minimum altitude over 5-mile DME Fix, 1800'; over 11-mile DME Fix, 1800'.
MSA: 000°-090°—2600'; 090°-180°—1800'; 180°-270°—1700'; 270°-360°—1800'.
NOTES: (1) Radar required. (2) Use Robins AFB altimeter setting. (3) No weather reporting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-4	860	1	525	860	1	525	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	920	1	585	920	1	585	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Cochran; State, Ga.; Airport name, Cochran; Elev., 335'; Facility, VNA; Procedure No. VOR/DME Runway 4, Amdt. Orig.; Eff. date, 17 July 69

7. 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: 3.7 miles after passing CYS VORTAC.
CYS VORTAC, R 267° CW	CYS VORTAC, R 317°	10-mile Arc	8000	Left climbing turn to 8000', heading 145° to intercept CYS VOR, R 166°, direct to Numn Int.
CYS VORTAC, R 317° CW	CYS VORTAC, R 016°	10-mile Arc, R 004° lead radial	7600	
CYS VORTAC, R 016°/010°	CYS VORTAC (NOPT)	Direct	7600	Supplementary charting information:
CYS VORTAC, R 081° CCW	CYS VORTAC, R 016°	10-mile Arc, R 028° lead radial	7600	Final approach crs to center of airport.
CYS VORTAC, R 026°/010°	CYS VORTAC (NOPT)	Direct	7600	Tank, 2.1 miles NNE of airport, 6337'.
Millbrook Int	CYS VORTAC	Direct	8500	
Silver Crown Int	CYS VORTAC	Direct	8000	

Procedure turn W side of crs, 016° Outbnd, 196° Inbnd, 7000' within 10 miles of CYS VORTAC.
FAF, CYS VORTAC. Final approach crs, 196°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over CYS VORTAC, 7000'.
MSA: 000°–180°—7500'; 180°–360°—10,100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	6640	1	484	6640	1	484	6640	1½	484	6720	2	564
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6156'; Facility, CYS; Procedure No. VOR-1, Amdt. 8; Eff. date, 17; Sup. Amdt. No. 7; dated, 8 May 69

8. 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, 4868'; LOC 6.5 miles after passing PU LOM.
Stone Int	PU LOM (NOPT)	120° Mag and W crs PUB LOC 9.4 miles.	6900	Climb to 7000' on the back crs of PUB ILS to PCX NDB and hold;* or, when directed by ATC, continue straight ahead to 5000' then right-climbing turn to 7000' direct PU LOM and hold.
PUB VORTAC	PU LOM	Direct	7000	
Rosebank Int	PU LOM	Direct	7300	
Hanover Int	PU LOM	Direct	7300	
Pinon Int	PU LOM	Direct	7300	Supplementary charting information:
PCX NDB	PU LOM	Direct	7000	*Hold E, 255° Inbnd, right turns, 1 minute.
Cedarwood Int	PU LOM	Direct	7500	Runway 7L, TDZ elevation, 4668'.
Vigil Int	PU LOM	Direct	7000	
R 008°, PUB VORTAC CCW	PU LOM	10-mile DME Arc	7300	
R 133°, PUB VORTAC CW	Swallows Fix	17-mile DME Arc PUB, R 247 lead radial.	7000	
Swallows Fix	PU LOM (NOPT)	Direct	6900	

Procedure turn S side of crs, 255° Outbnd, 075° Inbnd, 7000' within 10 miles of PU LOM.
FAF, PU LOM. Final approach crs, 075°. Distance FAF to MAP, 6.5 miles.
Minimum altitude over PU LOM, 6900'.
Minimum glide slope interception altitude, 6900'. Glide slope altitude at OM, 6834'; at MM, 4920'.
Distance to runway threshold at OM, 6.5 miles; at MM, 0.6 mile.
MSA: 000°–180°—7400'; 180°–270°—13, 300'; 270°–360°—11,100'.
%IFR departure procedures: Takeoff all runways: Climb direct to Pueblo VORTAC, climb in holding pattern, 248° Inbnd, 1 minute, right turns, to minimum crossing altitude for direction of flight: from R 200° CW to R 245°, MCA 7200'; R 313°, MCA 5300'.
CAUTION: 6320' tower 5.5 miles NW of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7L	4868	½	200	4868	½	200	4868	½	200	4868	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7L	5260	½	592	5260	½	592	5260	½	592	5260	¾	592
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5340	1	615	5340	1	615	5340	1½	615	5360	2	635
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Pueblo; State, Colo.; Airport name, Pueblo Memorial; Elev., 4725'; Facility, I-PUB; Procedure No. ILS Runway 7L, Amdt. 8; Eff. date, 17 July 69; Sup. Amdt. No. 7; Dated, 29 May 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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

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

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Houston ASR minimum vectoring altitude chart.										Descend aircraft to MDA after passing FAF 5-mile radius of La Porte Municipal Airport reference point. Supplementary charting information: 629' monument 5 miles NNW, 447' tower 3 miles NNW, 449' stack 3 miles S of La Porte Municipal Airport. Use Houston, Tex., altimeter setting.

Missed approach: Climb to 1500' right or left turn direct to La Porte intersection and hold E, 1 minute, right turns, 262° Inbnd. Or, when directed by ATC, climb to 2500' and proceed direct to HOU VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS	
C	740	1	711	740	1	711		NA		NA	
A	Not authorized.		T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

City, La Porte; State, Tex.; Airport name, La Porte Municipal; Elev., 29'; Facility, Houston Radar; Procedure No. Radar-1, Amdt. 2; Eff. date, 17 July 69; Sup. Amdt. No. 2; Dated, 22 May 69

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on June 10, 1969.

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

[F.R. Doc. 69-7168; Filed, June 26, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-583, Amdt. 10]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Implementation of Truth in Lending Act and Regulations of Federal Reserve Board Relating Thereto; Record Keeping Provisions as to Evidence of Compliance

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1969.

In Regulation SPR-30, issued concurrently herewith, a new Part 374 is promulgated which calls attention to the Truth in Lending Act adopted by Congress in 1968 and which goes into effect on July 1, 1969. It also calls attention to the Federal Reserve Board's Regulation Z which implements the Act and which will be applicable to air carriers and foreign air carriers subject to the Federal Aviation Act of 1958. This amendment to Part 249 reflects the record-retention requirements of the Federal Reserve Board's Regulation Z.

Since this regulation is for informational purposes only, notice and public procedure hereon are unnecessary and the regulation may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 249 of the Economic Regulations (14 CFR Part 249), effective July 1, 1969, as follows:

1. Amend the Table of Contents as follows:

Subpart C—Truth in Lending Act and Regulations Thereunder

Sec.
249.30 Applicability.
249.31 Preservation and inspection of evidence of compliance.

AUTHORITY: The provisions of this Subpart C issued under secs. 204(a) and 407 of the Federal Aviation Act of 1958, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377; Titles I and V of the Consumer Credit Protection Act, Public Law 90-321, 82 Stat. 146 et seq., 15 U.S.C. 1601-1665; Regulation Z of the Board of Governors of the Federal Reserve System, 12 CFR Part 226.

2. Add Subpart C to read as follows:

Subpart C—Truth in Lending Act and Regulations Thereunder

§ 249.30 Applicability.

This subpart is applicable to all air carriers and foreign air carriers as defined in section 101 of the Federal Aviation Act of 1958, including, without limitation, direct carriers, air taxi operators authorized under Part 298 of this chapter, indirect air carriers authorized under Parts 296 and 297 of this chapter, tour operators authorized under Part 378 of this chapter, and foreign air carriers holding permits pursuant to section 402 of the Act to engage in indirect foreign air transportation.

§ 249.31 Preservation and inspection of evidence of compliance.

Evidence of compliance with the requirements imposed under Regulation Z of the Board of Governors of the Federal Reserve System (12 CFR Part 226), implementing the provisions of Title I (Truth in Lending Act) and Title V (General Provisions) of the Consumer Credit Protection Act (Public Law 90-321; 82 Stat. 146 et seq.), insofar as they pertain to air carriers and foreign air carriers, other than advertising requirements under § 226.10 of Regulation Z, shall be preserved by the carrier for a period of not less than 2 years after the date each disclosure is required to be made. Each carrier shall permit the Board's authorized representatives to inspect its relevant records and evidence of compliance with 12 CFR Part 226.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7604; Filed, June 26, 1969; 8:48 a.m.]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-30]

PART 374—IMPLEMENTATION OF THE TRUTH IN LENDING ACT WITH RESPECT TO AIR CARRIERS AND FOREIGN AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1969.

Title I of the Consumer Credit Protection Act (82 Stat. 146 et seq.; 15 U.S.C. 1601–1665), which is known as the Truth in Lending Act, contains a delegation to the Board of the duty of enforcing its provisions as to "any air carrier or foreign air carrier subject to" the Federal Aviation Act of 1958.[1] The purpose of the Truth in Lending Act is to require disclosure of credit terms covering virtually the entire breadth of consumer credit. In light of the above delegation, the Board finds it desirable to issue a Special Regulation calling attention to the above provision of the Truth in Lending Act and the regulations of the Federal Reserve Board relating thereto[2] insofar as they relate to air carriers and foreign air carriers. The regulation also prescribes the procedure for processing alleged violations.[3]

Since the regulation herein is purely informational and procedural, notice and public procedure hereon are not necessary and the regulation may be made effective on less than 30 days' notice. The Board further finds that the rule should be made effective on July 1, 1969, the effective date of the Truth in Lending Act.

In consideration of the foregoing, the Civil Aeronautics Board hereby enacts new Part 374 of its Special Regulations (14 CFR Part 374), effective July 1, 1969, to read as follows:

Sec.
374.1 Purpose.
374.2 Applicability.
374.3 Compliance with Act and regulations.
374.4 Procedure.

AUTHORITY: The provisions of this Part 374 issued under sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324; Titles I and V of the Consumer Credit Protection Act (Truth in Lending Act), 82 Stat. 146 et seq., 15 U.S.C. 1601–1665; Regulation Z of the Board of Governors of the Federal Reserve System, 12 CFR Part 226.

[1] Section 108(a)(5) of the Truth in Lending Act.

[2] 12 CFR Part 226. The Board of Governors of the Federal Reserve System (Federal Reserve Board) has the statutory responsibility for prescribing regulations to carry out the purposes of the Act.

[3] Contemporaneously, the Board is also amending Part 249 (Preservation of Air Carrier Accounts, Records and Memoranda) to reflect the 2-year record keeping requirement as to evidence of compliance imposed on air carriers and foreign air carriers by the Federal Reserve Board's regulations (Regulation Z).

§ 374.1 Purpose.

Section 108(a)(5) of the Truth in Lending Act (Title I of the Consumer Credit Protection Act, Public Law 90–321; 82 Stat. 146 et seq., 15 U.S.C. 1601–1665 and hereafter referred to as the "Act"), effective July 1, 1969, provides that the Civil Aeronautics Board shall have the duty of ensuring compliance with the requirements of title I "with respect to any air carrier or foreign air carrier subject to" the Federal Aviation Act of 1958. In addition, section 108(b) of the Act provides that "(f)or the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act." The Board of Governors of the Federal Reserve System, which has the statutory responsibility for prescribing regulations to carry out the purposes of the Act, has promulgated Regulation Z (12 CFR Part 226) to implement the provisions of the Act. The purpose of this part is to implement the Act and Regulation Z of the Board of Governors of the Federal Reserve System insofar as applicable to the Civil Aeronautics Board's responsibility thereunder.

§ 374.2 Applicability.

This regulation is applicable to all air carriers and foreign air carriers as defined in section 101 of the Federal Aviation Act of 1958, including, without limitation, direct carriers, air taxi operators authorized under Part 298 of this chapter, indirect air carriers authorized under Parts 296 and 297, of this chapter, tour operators authorized under Part 378 of this chapter, and foreign air carriers holding permits pursuant to section 402 of the Act to engage in indirect foreign air transportation.

§ 374.3 Compliance with Act and regulations.

All air carriers and foreign air carriers shall comply with the applicable provisions of title I of the Consumer Credit Protection Act and Regulation Z of the Board of Governors of the Federal Reserve System.

§ 374.4 Procedure.

The procedure set forth in Subpart B of Part 302 of the Board's rules of practice in economic proceedings (Part 302 of this chapter) shall be applicable to proceedings for enforcement of the provisions of title I of the Consumer Credit Protection Act and Regulation Z of the Board of Governors of the Federal Reserve System.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7603; Filed, June 26, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 113—LADIES' HANDBAG MANUFACTURING INDUSTRY

PART 247—GUIDES FOR THE LADIES' HANDBAG INDUSTRY

The Commission from time to time, publishes Guides to advise the business community of the Commission's views as to the requirements of laws which it administers. Guides are published in the belief that the businessman who is fully informed of the legal pitfalls he may encounter can conduct his affairs so as to avoid legal difficulties. It is the Commission's further belief that the more knowledge businessmen have respecting the laws it administers, the more likelihood there is that they will conduct their business in accordance therewith.

Trade practice rules for this industry were promulgated by the Commission in August 1936. Since that time changes in industry technology and legislation have rendered certain portions of these rules obsolete. Thus these Guides, a revision of the trade practice rules, are reflective of existing technology and law, and as such, are designed to assist industry members and protect the public interest.

Proceedings to establish these Guides were instituted pursuant to an industry application. Proposed Guides were thereafter released by the Commission to afford interested or affected parties an opportunity to present the Commission with their views, suggestions, objections, or other information concerning the proposed Guides. After full consideration of all comments that were received, and other pertinent information, the Commission adopted the Guides in their present form.

While the Guides are interpretive of laws administered by the Commission and thus are advisory in nature, proceedings to enforce the requirements of law as explained in the Guides may be brought under the Federal Trade Commission Act (15 U.S.C. secs. 41–58) and the Clayton Act, as amended by the Robinson-Patman Act (15 U.S.C. sec. 13). Briefly stated, the Federal Trade Commission Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce," as commerce is defined therein. The applicable provisions of the amended Clayton Act are referred to, where appropriate, in the Guides.

The content of these Guides is not to be construed as an expression of opinion concerning the relative merits of the various materials used in the manufacture of the products of this industry. Rather, the disclosure provisions of the Guides are intended to insure that the

consumer is not deceived into thinking he is receiving one material when actually he is furnished another.

Commissioner Jones filed a dissenting statement copies of which may be obtained from the Bureau of Industry Guidance, Federal Trade Commission, Washington, D.C. 20580.

The Guides become effective August 26, 1969, and supersede the trade practice rules for the Ladies' Handbag Manufacturing Industry (Part 113) as promulgated on August 18, 1936.

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

Sec.

247.0 Definitions.
247.1 Misrepresentation (general).
247.2 Misrepresentation and deception as to material composition.
247.3 Form of disclosure as to material composition.
247.4 Misrepresentation as to aniline finish, graining, embossing, and processing.
247.5 Misuse of terms such as "Scuffproof," "Scratchproof," "Scuff Resistant," and "Scratch Resistant."
247.6 Deceptive pricing.
247.7 Discriminatory prices, rebates, discounts, etc.
247.8 Advertising or promotional allowances, or services or facilities.
247.9 Inducing or receiving illegal discrimination in price, advertising or promotional allowances, or services or facilities.

AUTHORITY: The provisions of this Part 247 issued under secs. 5, 6, 38 Stat. 719, as amended, 15 U.S.C. 45, 46; 49 Stat. 1526; 15 U.S.C. 13, as amended.

§ 247.0 Definitions.

For purposes of this part the following definitions apply:

(a) "Industry member" means any person, firm, corporation, or organization engaged in the manufacture, sale, or distribution of any industry products as defined below.

(b) "Industry product" means all kinds and types of ladies' handbags, shoulder bags, purses, pocketbooks, and similar articles, of any composition.

§ 247.1 Misrepresentation (general).

No representation should be made in advertising, labeling, or any other manner, which is likely to mislead or deceive any purchaser concerning the material composition, quality, finish, durability, price, origin, construction, ease of cleaning, or any other feature, of an industry product.

[Guide 1]

§ 247.2 Misrepresentation and deception as to material composition.

(a) The material composition of an industry product should not be misrepresented in any manner. Included in, but not limited to, representations which should not be made concerning material composition are the following:

(1) Any representation that an industry product or part thereof is made of top grain leather, split leather, leather from the skin or hide of a certain animal, vinyl, plastic, brass or other metal, or any other material, when such is not the fact.

(2) Any representation that an industry product is made wholly or substantially of a particular material when such is not the fact.

(3) Any trade name, coined name, trademark or other word, term or representation which has the capacity and tendency to convey the impression that an industry product is made in whole or in part from the skin or hide of an animal, or that material in the product is leather, split leather, vinyl, plastic, or other material, when such is not the fact. Also any stamping, tag, label, or other device, in the shape of an animal silhouette, used in connection with an industry product having the appearance of leather but which is not wholly or substantially made from the skin or hide of such an animal should not be used.

(4) Any trade name, coined name, trademark or other word, term or representation that has the capacity and tendency to convey the impression that an industry product is made in whole or in part from the skin or hide of an animal which in fact is nonexistent.

(b) In some instances the failure to disclose certain pertinent facts concerning the material composition of an industry product may have the capacity and tendency to mislead or deceive purchasers. Generally such instances involve split leather which has the appearance of being top grain leather, or nonleather material which has the appearance of being leather, or leather which has been processed to simulate a different kind of leather. Included in, but not limited to, disclosures which should be made concerning material composition are the following:

(1) Disclosure should be made of the split leather content of an industry product or part thereof if the split leather is visible or if any representation is made as to composition thereof.

NOTE: Split leather should be considered as that leather which results from the splitting of hides or skins into two or more thicknesses, other than the grain or hair side.

(2) Disclosure should be made concerning the material composition of an industry product or part thereof which is made of a nonleather material having the appearance of leather. Such disclosure may either state that the material is not leather or describe the general nature of the material in a manner that would clearly show that it is not leather. Thus, some examples of the manner in which such material may be described are:

Nonleather
Imitation Leather
Simulated Leather
Vinyl
Vinyl Coated Fabric
Plastic

NOTE: Nonleather materials which have the appearance of leather and which primarily contain ground, pulverized or shredded leather, are subject to subparagraph (2) of this paragraph (b). Such materials may be described as "Nonleather", "Imitation Leather" or "Simulated Leather" or as "Ground Leather", "Pulverized Leather" or "Shredded Leather", as the case may be.

When nonleather material has been processed to simulate a particular kind of leather, such as alligator leather, any representation as may be made concerning the simulated appearance of the product should be immediately accompanied by the disclosure relating to the nonleather composition of the product. Some examples of the manner in which such material may be described are:

"Not Leather Simulated Alligator Grain"
"Plastic with Imitation Alligator Grain"

(3) Disclosure should be made of the kind of leather of which an industry product or part thereof is made when the leather has been embossed, dyed, or otherwise processed to simulate the appearance of a different kind of leather. Thus, a product made wholly of top grain cowhide which has been processed to simulate alligator may be described as:

"Top Grain Cowhide"

Any additional representation as may be made concerning the simulated appearance of the product should be immediately accompanied by the disclosure relating to the actual kind of leather in the product. An example of the manner in which such a product may be described is:

"Top Grain Cowhide Simulated Alligator Grain"

(4) Disclosure should be made that any material in an industry product is backed with another kind of material when the backing is not apparent upon casual inspection of the product, or when representations are made which in the absence of such disclosure would be deceptive as to composition of the product. Some examples of the manner in which such material may be represented are:

"Top Grain Cowhide Backed with Split Cowhide"
"Split Cowhide Backed with Simulated Leather"
"Vinyl Backed with Other Material"

If the backing material is visible and is split leather, nonleather material having the appearance of leather, or leather processed to simulate a different kind of leather, disclosure should be made consistent with subparagraphs (1), (2), and (3) of this paragraph (b).

(5) Disclosure as to the composition of an industry product, composed of more than one kind of leather or composed of leather and nonleather material having the appearance of leather, should clearly indicate the part to which the representation is applicable. Thus, some examples of the manner in which products composed of top grain cowhide except for the handles have the appearance of leather may be described are:

"Top Grain Cowhide with Handle of Simulated Leather"
"Top Grain Cowhide with Plastic Handle"
"Top Grain Cowhide with Split Leather Handle"

[Guide 2]

§ 247.3 Form of disclosure as to material composition.

All disclosures under § 247.2 should appear in the form of a stamping on the

product, or on a tag, label, or card attached thereto, and be affixed with such degree of permanence as to remain on or attached to the product until it is received by the consumer purchaser. All such disclosures on industry products shall also appear in all advertising of the products irrespective of the media used whenever statements, representations or depictions appear in such advertising which in the absence of such disclosures would have the capacity and tendency to create a false impression that the products, or parts thereof, are of a certain kind of composition. The disclosures affixed to products and made in advertising should be of such conspicuousness and clarity as to be noted by purchasers and prospective purchasers casually inspecting the products or casually reading, or listening to, such advertising. A disclosure made in connection with any such statement, representation or depiction should be in close conjunction therewith.

[Guide 3]

§ 247.4 Misrepresentation as to aniline finish, graining, embossing, and processing.

A representation should not be made that an industry product has been:

(a) Colored, finished, or dyed with aniline dye when such is not the fact; or

(b) Dyed, embossed, grained, processed, finished, or stitched in a certain manner when such is not the fact.

[Guide 4]

§ 247.5 Misuse of terms such as "Scuffproof", "Scratchproof", "Scuff Resistant", and "Scratch Resistant".

(a) An industry product should not be represented as "Scuffproof", "Scratchproof", or as not subject to wear in any other respect, unless the outer surface of the product is immune to scuffing, scratches, or is in fact not subject to wear as represented.

(b) An industry product should not be represented as "Scuff Resistant", "Scratch Resistant", or as resistant to wear in any other respect, unless there is a basis for such claim and the outer surface of the product is in fact meaningfully and significantly resistant to scuffing, scratches, or to wear as represented.

[Guide 5]

§ 247.6 Deceptive pricing.

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

NOTE: The Commission's Guides Against Deceptive Pricing furnish additional guidance respecting price savings representations and are to be considered as supplementing this section. See Part 233 of this chapter for the Guides Against Deceptive Pricing.

[Guide 6]

§ 247.7 Discriminatory prices, rebates, discounts, etc.

NOTE: § 247.7 is interpretive of sections 2 (a) and (b) of the amended Clayton Act.

(a) Industry members, engaged in commerce, in the course of such commerce, should not grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by the U.S. Government, State and local government entities, schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which industry products are sold or delivered to different purchasers;

NOTE: Cost justification under the above proviso (2) depends upon savings in cost based on all facts relevant to the transactions under the terms of such proviso. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor or a greater promotional allowance or other service or facility paid for or furnished by a competitor.

NOTE: "Meeting competition in good faith" is an affirmative defense which may be undertaken by a supplier charged with a violation of subsection (a), (d), or (e) of section 2 of the amended Clayton Act who can defend his actions by establishing that his lower price or granting of disproportionate promotional allowance or other service or facility was made in good faith to meet an equally low price of a competitor or a greater promotional allowance or other service or facility paid for or furnished by a competitor. This defense, however, is subject to important limitations. For instance, it is insufficient to defend a charge of violating subsection (a), (d), or (e) of section 2 of the amended Clayton Act solely on the basis that competition in a particular industry is very keen, requiring that special prices or allowances be given to some customers if a seller is "to be competitive."

(b) The following are examples of price differential practices to be considered as subject to the provisions of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by the U.S. Government, State and local government entities, schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when—

(1) The commerce requirements specified in this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and provided that—

(3) The price differential was not justified by cost savings (see paragraph (a)(2) of this section); or

(4) The price differential was not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a)(4) of this section); or

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a)(5) of this section):

Example 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant a discount of the same percentage to other customers on their purchases during such period.

Example 2. An industry member sells handbags to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example 3. An industry member sells handbags directly to a retailer at a lower price than he charges distributors whose retail customers compete with the favored retailer.

Example 4. An industry member pays freight on shipments to one customer and does not pay freight on shipments to another

customer, or pays freight on shipments to a distributor's customer and does not pay such freight on shipments to other distributors' customers thereby effecting a difference in price between customers.

Example 5. Terms of 3/10 prox. are granted by an industry member to some customers on handbags purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take an additional discount when making payment to the industry member within the time prescribed or granted an extended period of time within which to avail themselves of the originally offered discount.

Example 6. An industry member invoices handbags to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers; or supplies other goods or premiums to one or more, but not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

NOTE: *Functional discounts.* Neither this section, nor section 2(a) of the Clayton Act, as amended, of which this section is interpretive, expressly permits or prohibits the granting of functional discounts. The propriety of such discounts is contingent, principally, on whether they may substantially lessen competition or tend to create a monopoly. Ordinarily, however, a seller may grant a lower price to wholesalers than to retailers to the extent that such wholesalers resell to retailers, without such effects as may substantially lessen competition or tend to create a monopoly. But if such wholesalers also sell at retail, in competition with other of the seller's retail customers, they may not properly be granted a price lower than the prices granted to competing retailers on that portion of the goods they sell at retail.

[Guide 7]

§ 247.8 Advertising or promotional allowances, or services or facilities.

(a) *Advertising or promotional allowances.* No member of the industry engaged in commerce should pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any industry products manufactured, sold, or offered for sale by such member, unless such payment or consideration is offered to and made available on proportionally equal terms to all other customers competing in the distribution of the seller's products of like grade and quality.

(b) *Services or facilities.* No member of the industry engaged in commerce should discriminate in favor of one purchaser against another purchaser or purchasers of industry products bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such products unless such services or facilities are offered to and made available on proportionally equal terms to all other customers competing in the distribution of the seller's products of like grade and quality.

NOTE 1: The "meeting competition in good faith" defense which is set forth in the note following paragraph (a) (5) of § 247.7 is also applicable to provisions of both (a) and (b) of this section.

NOTE 2: For further guidance in this area see Part 240 of this chapter for the Commission's Guides for Advertising Allowances and Other Merchandising Payments and Services.

[Guide 8]

§ 247.9 Inducing or receiving illegal discrimination in price, advertising or promotional allowances, or services or facilities.

NOTE: § 247.9 is interpretive of section 2(f) of the amended Clayton Act and of section 5 of the Federal Trade Commission Act, as amended.

(a) Industry members engaged in commerce, in the course of such commerce, should not knowingly induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, as reflected in §§ 247.7 and 247.8.

(b) The following are examples of inducing or receiving discriminations in price, advertising or promotional allowances, or services or facilities, to be considered as subject to this section when the requisites of an improper discrimination on the part of the seller as reflected in §§ 247.7 and 247.8 are present and the party receiving the discriminations knows or has reason to know that the discriminations are illegal.

Example 1. An industry member purchases handbags purportedly for resale to retailers, and is charged a lower price than the seller charges other customers for handbags which they resell at retail; but the member then transfers such handbags to another part of its business where they are resold at retail, thereby receiving a discrimination in price which is covered in § 247.7.

Example 2. An industry member induces suppliers to contribute sums of money to defray some or all of the costs of advertising sponsored by such member and designed to promote the sale of such suppliers' handbags in its place of business, when the industry member knows or should know that allowances for such purpose are not made available on proportionally equal terms by the same suppliers to other customers competing with the favored member, thereby receiving a discrimination in promotional allowances subject to the provisions reflected in § 247.8.

[Guide 9]

Promulgated by the Federal Trade Commission June 27, 1969.

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

[F.R. Doc. 69-7593; Filed, June 26, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

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

[Regs. No. 5]

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

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

ALLOWANCE IN LIEU OF SPECIFIC RECOGNITION OF OTHER COSTS

This amendment is prepared to conform to the Department of Health, Education, and Welfare budget policy for fiscal 1970 in implementation of the President's Review of the 1970 Budget which was released on April 15, 1969, by the Executive Office of the President. For this reason, it is determined that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act, 5 U.S.C. 553, is unnecessary.

(Secs. 1102, 1814(b) and 1833(a), 49 Stat. 647, as amended, 79 Stat. 296, 79 Stat. 302; 42 United States Code 1302, 1395, et seq.)

Subpart D of Social Security Administration Regulations No. 5, as amended (20 CFR 405.101 et seq), is amended by amending § 405.428 to read as follows:

§ 405.428 Allowance in lieu of specific recognition of other costs.

(a) *Cost reporting period ending before July 1, 1969.* With respect to any cost reporting period ending before July 1, 1969, there shall be included as an element of reasonable cost of services an allowance in lieu of specific recognition of other costs in providing and improving services amounting to 2 percent of allowable costs (with the exception of interest expense and the allowance of this principle) except that for proprietary providers the allowance shall be 1½ percent of allowable costs (with the exception of interest expense, the allowance under this principle and the return allowed on equity capital).

(b) *Cost reporting period beginning after June 30, 1969.* With respect to any cost reporting period beginning after June 30, 1969, there shall not be included as an element of reasonable costs any allowance in lieu of specific recognition of other costs.

(c) *Cost reporting period beginning before July 1, 1969, and ending after June 30, 1969.* With respect to any cost reporting period beginning before July 1, 1969, and ending after June 30, 1969, an allowance in lieu of specific recognition of other costs in providing and improving services shall be calculated in accordance with the provisions of paragraph (a) of this section: *Provided*, That, there

shall be included as an element of reasonable costs of services only that part of such allowance in lieu of specific recognition of other costs which is apportioned to that part of the cost reporting period falling before July 1, 1969. The amount to be apportioned to the period before July 1, 1969, is computed by applying to the amount computed in accordance with paragraph (a) of this section, a fraction whose numerator is the number of months before July 1969, and denominator the total number of months in the cost reporting period. (Where a cost reporting period ends on a day other than the last day of the month, the days in the reporting period before July 1969, shall be included in the numerator, and the total days in the reporting period shall be included in the denominator.)

Effective date. This amendment shall be effective July 1, 1969.

Dated: June 12, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 24, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-7602; Filed, June 26, 1969; 8:47 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 121—FOOD ADDITIVES

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

CARBARSONE (NOT U.S.P.)

Correction

In F.R. Doc. 69-7321 appearing at page 9708 in the issue of Saturday, June 21, 1969, in the fourth line of the second column, the figure "0.375%" should read "0.0375%".

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 225—ACCEPTANCE OF BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES AS SECURITY IN LIEU OF SURETY OR SURETIES ON PENAL BONDS

Miscellaneous Amendments

The Department of the Treasury finds it necessary to amend its regulations at 31 CFR Part 225 which govern the acceptance of Treasury securities in lieu of surety or sureties on penal bonds in order to replace an obsolete statutory reference with the current reference, and to reflect the revision of Subpart O of Part 306 of this chapter which appeared at 34 F.R. 9676 insofar as the revised § 306.117(b)(1)(ii) authorizes Federal Reserve banks to apply book-entry procedures to Treasury securities deposited under this part. The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the amendments involve rules of agency procedure.

Accordingly, Part 225, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is amended in the following ways:

§§ 225.16, 225.20, 225.21 [Amended]

1. In §§ 225.16, 225.20, and 225.21, the phrase "section 1126 of the Revenue Act of 1926, as amended" is deleted and the phrase "6 U.S.C. 15" is substituted therefor.

§ 225.22 [Revoked]

2. The existing § 225.22 is revoked.

3. A new § 225.22 is added to read:

§ 225.22 Conversion to book-entry Treasury securities.

Transferable Treasury bonds, notes, certificates of indebtedness, or bills deposited with a Federal Reserve bank or branch bank under this part may be converted into book-entry Treasury securities in accordance with Subpart O of Part 306 of this chapter, and the pertinent provisions of that subpart shall apply to such Treasury securities.

(6 U.S.C. 15)

Effective date. These amendments shall be effective on July 15, 1969.

Dated: June 23, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-7607; Filed, June 26, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4671]

[Sacramento 1781]

CALIFORNIA

Addition of Lands to the Farallon National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as an addition to the Farallon National Wildlife Refuge:

MOUNT DIABLO MERIDIAN

Unsurveyed Southeast Farallon Island together with the rocks, heads, reefs, and islands which lie southeast of the Middle Farallon Island offshore in California, situated between latitude 37°41'00" and 37°42'00" north and between longitude 122°59'20" and 123°01'10" west from Greenwich.

The area described contains approximately 120 acres in San Francisco County.

2. The lands described in paragraph 1 were reserved as a lighthouse station by Executive order dated August 8, 1859. The administration of the lands for wildlife purposes will be subordinate to their administration by the U.S. Coast Guard for lighthouse purposes.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 23, 1969.

[F.R. Doc. 69-7572; Filed, June 26, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart G—Scholarship Grants to Schools of Medicine, Osteopathy, Dentistry, Optometry, Podiatry, Pharmacy or Veterinary Medicine

Subpart J—Scholarship Grants to Schools of Nursing

Notice of proposed rule making, public rule-making procedures, and postponement of effective date have been omitted in the issuance of the following revised Subpart G—Scholarship Grants to Schools of Medicine, Osteopathy, Dentistry, Optometry, Podiatry, Pharmacy, or Veterinary Medicine, and new Subpart J—Scholarship Grants to Schools of Nursing, which relate solely to grants. The purpose of the revision of Subpart G is to implement the amendments made to section 780 of the Public Health Service Act by Public Law 90-490 (82 Stat. 779), including the addition of schools of veterinary medicine as eligible grantees, the change in eligibility requirements so that scholarships may be awarded only to students of exceptional financial need who need such assistance to pursue a course of study at the school for such year, and the amendment which permits a school to transfer to its Federal Capital Contribution Fund up to 20

percent (or a higher percentage with the approval of the Secretary) of the amount paid to it from appropriations for any fiscal year for scholarships; and to make certain other miscellaneous amendments. The purpose of the new Subpart J is to implement the provisions of Public Law 90-490 (82 Stat. 785) authorizing a new program of scholarship grants to schools of nursing.

The following revised Subpart G shall become effective upon the date of publication in the FEDERAL REGISTER, but only with respect to grants made under section 780 of the Public Health Service Act as amended (42 U.S.C. 295g) from appropriations for fiscal years ending after June 30, 1969. The following new Subpart J shall become effective upon the date of publication in the FEDERAL REGISTER.

Part 57 is amended as follows:

1. Subject G is revised to read as follows:

Subpart G—Scholarship Grants to Schools of Medicine, Osteopathy, Dentistry, Optometry, Podiatry, Pharmacy, or Veterinary Medicine

Sec.
57.601 Definitions.
57.602 Eligibility of schools.
57.603 Application by school.
57.604 Grant award; determination of number of students.
57.605 Use of funds.
57.606 Nondiscrimination.
57.607 Eligibility and selection of scholarship recipients.
57.608 Maximum amount of scholarship award.
57.609 Payment of scholarship award.
57.610 Records, reports, inspection.
57.611 Noncompliance.

AUTHORITY: The provisions of this Subpart G issued under sec. 780(d), Public Health Service Act as amended, 79 Stat. 1056; 42 U.S.C. 295g(d).

§ 57.601 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) *Act.* The Public Health Service Act, as amended.

(b) *Secretary.* The Secretary of Health, Education, and Welfare, or any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) *School.* A public or other nonprofit school of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, or veterinary medicine which provides a course of study, or a portion thereof, which leads respectively to a degree of Doctor of Medicine, Doctor of Dental Surgery or an equivalent degree, Doctor of Osteopathy, Doctor of Optometry or an equivalent degree, Doctor of Podiatry or an equivalent degree, Bachelor of Science in pharmacy or an equivalent degree, or Doctor of Veterinary Medicine or an equivalent degree, and which is accredited as provided in section 721(b)(1)(B) or section 773(b)(2) of the Act.

(d) *Scholarship or scholarship award.* The amount of money awarded to a student by a school as authorized by section 780(c) of the Act.

(e) *Scholarship grant.* A grant to a school for making scholarship awards as authorized by section 780(a) of the Act.

(f) *Full-time student.* A student who is enrolled in a school and pursuing a course of study which constitutes a full-time academic workload, as determined by the school, leading to a degree specified in § 57.601(c).

(g) *Fiscal year.* The Federal fiscal year beginning July 1 and ending on the following 30th day of June.

(h) *National of the United States.* (1) A citizen of the United States or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22)).

(i) *State.* A State or the District of Columbia, Puerto Rico, or the Virgin Islands.

§ 57.602 Eligibility of schools.

To be eligible for a scholarship grant under this subpart, the applicant school shall:

(a) Meet the applicable requirements of section 780(a) of the Act;

(b) Submit an application as required by § 57.603; and

(c) Be located in a State.

§ 57.603 Application by school.

Each school desiring a scholarship grant under the Act shall submit an application in such form and at such time as the Secretary may require. The application shall be executed by an official authorized to act for the applicant school and to assume on behalf of the applicant school the obligations imposed by the terms and conditions of any scholarship grant, including the regulations of this subpart.

§ 57.604 Grant award; determination of number of students.

(a) The Secretary shall award annually to each eligible school applying therefor a scholarship grant in an amount computed in accordance with section 780(b) of the Act. When the amount of funds available for any fiscal year is less than the total of the amounts so computed, the grant awarded to each participating school shall be reduced proportionately.

(b) For purposes of computing the amount of the scholarship grant to be awarded to any school for any fiscal year, the number of full-time students of such school shall be the number which the Secretary, on the basis of information relating to the school's past and anticipated enrollment, determines to be the number of such students to be enrolled in such school on October 15 of such year.

§ 57.605 Use of funds.

(a) *Scholarship awards.* Except for funds transferred as provided in paragraph (b) of this section, scholarship grant funds shall be obligated by the grantee school solely for awarding scholarships to students during the period specified in the grant award document. Any funds not so transferred, and not required to discharge such obligations, shall be returned to the Public Health Service.

(b) *Transfer of funds.* In the case of a school which has in operation a Health Professions Student Loan Fund established with Federal Capital Contributions pursuant to section 740 of the Act, not to exceed 20 per centum of the amount paid to a school from the appropriation for any fiscal year for scholarships under section 780 of the Act and this subpart, or such larger percentage thereof as the Secretary may approve for such school for such year, may be transferred to the sums available to the school for (and shall be regarded as) Federal Capital Contributions, to be used for the same purpose as such sums.

§ 57.606 Nondiscrimination.

(a) No eligible applicant shall be denied a scholarships on the ground of sex or creed.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 57.607 Eligibility and selection of scholarship recipients.

(a) *Eligibility.* Scholarships may be awarded with respect to any year only to students who are:

(1) Nationals of the United States or who are in a State for other than temporary purposes and intend to become permanent residents of the United States;

(2) Enrolled and in good standing, or accepted for enrollment, in the school as full-time students; and

(3) Of exceptional financial need who need such financial assistance to pursue a course of study at the school for such year.

(b) *Selection of scholarship recipients and determination of need.* It shall be the responsibility of the school to select qualified applicants and to make reasonable determinations of need.

(1) In determining whether a student is one of exceptional financial need who needs such financial assistance to pursue a course of study at the school for such year, the school shall take into consideration:

(i) The financial resources available to the student; and

(ii) The costs reasonably necessary for the student's attendance at the school, including any special needs and obligations which directly affect the student's ability to attend the school on a full-time basis.

(2) In making scholarship awards to students of exceptional financial need as determined pursuant to subparagraph (1) of this paragraph, a school may give

priority to those students whose backgrounds are characterized by educational, cultural, or economic deprivation.

(c) *Records of approval or disapproval.* The records of the school shall indicate the basis for approval or disapproval of all or any part of each student application for a scholarship award.

§ 57.608 Maximum amount of scholarship award.

The amount of the scholarship award to any student shall not exceed the amount of such student's financial need, as determined by the school in accordance with § 57.607, and shall in no case exceed $2,500 for any 12-month period.

§ 57.609 Payment of scholarship award.

(a) Scholarship awards shall be paid to students in such installments as are deemed appropriate by the school, except that no scholarship recipient may receive more during any given installment period (e.g., semester, term, or quarter) than he needs for such period.

(b) No payment shall be made from any scholarship award to any student if at the time of such payment such student is not a full-time student as defined in § 57.601(f).

§ 57.610 Records, reports, inspection.

(a) *Records and reports.* Each scholarship grant shall be subject to the condition that the school shall maintain such records and file with the Secretary such reports relating to the use of scholarship grant funds as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be maintained for a period of 5 years, or until audit by representatives of the Department of Health, Education, and Welfare has been completed and any questions arising therefrom have been resolved, whichever is sooner.

(b) *Inspection and audit.* Any application for a scholarship grant shall constitute the consent of the applicant school to inspection and fiscal audit, by persons designated by the Secretary, of the fiscal and other records of the applicant school which relate to the grant.

§ 57.611 Noncompliance.

Whenever the Secretary finds that a participating school has failed in a material respect to comply with the Act or the regulations of this subpart, he may, after reasonable notice, withhold further payments, and take such other action as he finds necessary to carry out the purposes of the Act and regulations. In such case no further expenditures shall be made by the school from the scholarship grant until the Secretary determines there is no longer any such failure of compliance.

2. A new Subpart J is added as follows:

Subpart J—Scholarship Grants to Schools of Nursing

Sec.
57.901 Definitions.
57.902 Eligibility of schools.
57.903 Application by school.
57.904 Grant award; determination of number of students.
57.905 Use of funds.
57.906 Nondiscrimination.
57.907 Eligibility and selection of scholarship recipients.
57.908 Maximum amount of scholarship award.
57.909 Payment of scholarship award.
57.910 Records, reports, inspection.
57.911 Noncompliance.

AUTHORITY: The provisions of this Subpart J issued under sec. 860(d), Public Health Service Act as amended, 82 Stat. 786; 42 U.S.C. 298c(d).

§ 57.901 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) *Act.* The Public Health Service Act, as amended.

(b) *Secretary.* The Secretary of Health, Education, and Welfare, or any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) *School.* A public or other nonprofit school of nursing as defined in section 843 of the Act.

(d) *Scholarship or scholarship award.* The amount of money awarded to a student by a school as authorized by section 860(c) of the Act.

(e) *Scholarship grant.* A grant to a school for making scholarship awards as authorized by section 860(a) of the Act.

(f) *Full-time student.* A student who is enrolled in a school and pursuing a course of study which constitutes a full-time academic workload, as determined by the school, leading to a diploma in nursing, an associate degree in nursing, a baccalaureate degree in nursing or an equivalent degree, or a graduate degree in nursing.

(g) *Fiscal year.* The Federal fiscal year beginning July 1 and ending on the following 30th day of June.

(h) *National of the United States.* (1) A citizen of the United States or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22)).

(i) *State.* A State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 57.902 Eligibility of schools.

To be eligible for a scholarship grant under this subpart, the applicant school shall:

(a) Meet the applicable requirements of section 860(a) of the Act;

(b) Submit an application as required by § 57.903; and

(c) Be located in a State.

§ 57.903 Application by school.

Each school desiring a scholarship grant under the Act shall submit an application in such form and at such time as the Secretary may require. The application shall be executed by an official authorized to act for the applicant school and to assume on behalf of the applicant school the obligations imposed by the terms and conditions of any scholarship grant, including the regulations of this subpart.

§ 57.904 Grant award; determination of number of students.

(a) The Secretary shall award annually to each eligible school applying therefor a scholarship grant in an amount computed in accordance with section 860(b) of the Act. When the amount of funds available for any fiscal year is less than the total of the amounts so computed, the grant awarded to each participating school shall be reduced proportionately.

(b) For purposes of computing the amount of the scholarship grant to be awarded to any school for any fiscal year, the number of full-time students of such school shall be the number which the Secretary, on the basis of information relating to the school's past and anticipated enrollment, determines to be the number of such students to be enrolled in such school on October 15 of such year.

§ 57.905 Use of funds.

(a) *Scholarship awards.* Except for funds transferred as provided in paragraph (b) of this section, scholarship grant funds shall be obligated by the grantee school solely for awarding scholarships to students during the period specified in the grant award document. Any funds not so transferred, and not required to discharge such obligations, shall be returned to the Public Health Service.

(b) *Transfer of funds.* In the case of a school which has in operation a Nursing Student Loan Fund established with Federal Capital Contributions pursuant to section 822 of the Act, not to exceed 20 per centum of the amount paid to a school from the appropriation for any fiscal year for scholarships under section 860 of the Act and this subpart, or such larger percentage thereof as the Secretary may approve for such school for such year, may be transferred to the sums available to the school for (and shall be regarded as) Federal Capital Contributions, to be used for the same purpose as such sums.

§ 57.906 Nondiscrimination.

(a) No eligible applicant shall be denied a scholarship on the ground of sex or creed.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 57.907 Eligibility and selection of scholarship recipients.

(a) *Eligibility.* Scholarships may be awarded with respect to any year only to students who are:

(1) Nationals of the United States or who are in a State for other than temporary purposes and intend to become

permanent residents of the United States;

(2) Enrolled and in good standing, or accepted for enrollment, in the school as full-time students; and

(3) Of exceptional financial need who need such financial assistance to pursue a course of study at the school for such year.

(b) *Selection of scholarship recipients and determination of need.* It shall be the responsibility of the school to select qualified applicants and to make reasonable determinations of need.

(1) In determining whether a student is one of exceptional financial need who needs such financial assistance to pursue a course of study at the school for such year, the school shall take into consideration:

(i) The financial resources available to the student; and

(ii) The costs reasonably necessary for the student's attendance at the school, including any special needs and obligations which directly affect the student's ability to attend the school on a full-time basis.

(2) In making scholarship awards to students of exceptional financial need as determined pursuant to subparagraph (1) of this paragraph, a school may give priority to those students whose backgrounds are characterized by educational, cultural, or economic deprivation.

(c) *Records of approval or disapproval.* The records of the school shall indicate the basis for approval or disapproval of all or any part of each student application for a scholarship award.

§ 57.908 Maximum amount of scholarship award.

The amount of the scholarship award to any student shall not exceed the amount of such student's financial need, as determined by the school in accordance with § 57.907, and shall in no case exceed $1,500 for any 12-month period.

§ 57.909 Payment of scholarship award.

(a) Scholarship awards shall be paid to students in such installments as are deemed appropriate by the school, except that no scholarship recipient may receive more during any given installment period (e.g., semester, term, or quarter) than he needs for such period.

(b) No payment shall be made from any scholarship award to any student if at the time of such payment such student is not a full-time student as defined in § 57.901(f).

§ 57.910 Records, reports, inspection.

(a) *Records and reports.* Each scholarship grant shall be subject to the condition that the school shall maintain such records and file with the Secretary such reports relating to the use of scholarship grant funds as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be maintained for a period of 5 years, or until audit by representatives of the Department of Health, Education, and Welfare has been completed and any questions arising therefrom have been resolved, whichever is sooner.

(b) *Inspection and audit.* Any application for a scholarship grant shall constitute the consent of the applicant school to inspection and fiscal audit, by persons designated by the Secretary, of the fiscal and other records of the applicant school which relate to the grant.

§ 57.911 Noncompliance.

Whenever the Secretary finds that a participating school has failed in a material respect to comply with the Act or the regulations of this subpart, he may, after reasonable notice, withhold further payments, and take such other action as he finds necessary to carry out the purposes of the Act and regulations. In such case no further expenditures shall be made by the school from the scholarship grant until the Secretary determines that there is no longer any such failure of compliance.

Dated: May 19, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: June 24, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-7600; Filed, June 26, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER F—AID TO FISHERIES

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Provision for Fees

JUNE 23, 1969.

Section 7 of the Fishermen's Protective Act of 1967 (Public Law 90-482; 22 U.S.C. 1977), authorized the Secretary of the Interior to set fees to be charged for the furnishing of a Guarantee Agreement. The Fishermen's Protective Act Procedures, which became effective February 9, 1969, established fees, based on anticipated losses, to provide for payment of the administrative costs and one-third of the estimated claims to be paid from the Fishermen's Protective Fund. Experience to date in the payment of claims under this program indicates that a change in the fee schedule for the fiscal year ending June 30, 1970, is not warranted at this time.

To avoid the necessity for issuing two Guarantee Agreements within a period of 5 months with the consequent additional cost to the owners, the regulations were amended on February 25, 1969, to provide for an optional fee covering the balance of the fiscal year ending June 30, 1969, and the fiscal year ending June 30, 1970. It is now necessary to delete that portion of the regulation relating to Guarantee Agreements covering both fiscal years.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 1003). Furthermore this amendment has the effect of continuing fees which were previously adopted and so makes no change in the conduct of the program. This amendment is hereby adopted and will become effective July 1, 1969.

Section 258.5 is hereby amended by changing paragraph (b) and deleting paragraph (d) in its entirety as follows:

§ 258.5 Fees.

* * * * *

(b) The fees to be paid by an applicant during the fiscal year ending June 30, 1970, shall be as follows: For each vessel $60 plus $1.80 per gross ton as listed on the vessel's documents. Fractions of a ton are not included.

* * * * *

(d) [Deleted]

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-7573; Filed, June 26, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 240]

WINE

Notice of Proposed Rule Making

Correction

In F.R. Doc. 69-7063 appearing at page 9440 in the issue of Tuesday, June 17, 1969, in the table of § 240.1051 the entry in the "Use" column opposite the "Material" entry "Isinglass" now reading "do", should read "To clarify wine".

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3380]

OUTER CONTINENTAL SHELF MINERAL DEPOSITS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 5 of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462, 464; 43 U.S.C. 1334), it is proposed to amend certain regulations in Part 3380 of Title 43 and to transfer certain regulations therein to Part 250 of Title 30 as set forth below.

The principal purpose of the proposed amendments is to clarify and prescribe specific procedures to be taken by the Department prior to leasing of mineral deposits in all areas of the Outer Continental Shelf. In addition, certain regulations contained in Part 3380 of Title 43 which pertain to functions of the Geological Survey are transferred to Part 250 of Title 30.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed amendments of 30 CFR Part 250 to the Director, U.S. Geological Survey, Washington, D.C. 20242, and with respect to the proposed amendments to 43 CFR Part 3380, to the Director, Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 24, 1969.

I. Part 3380 of Chapter II of Title 43 of the Code of Federal Regulations is amended as follows:

1. Section 3380.0-3 is revised to read as follows:

§ 3380.0-3 Purpose and authority.

The Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.), referred to in this part as "the act", among other things, authorizes the Secretary of the Interior to issue on a competitive basis leases for oil and gas, sulphur, and other minerals in submerged lands of the Outer Continental Shelf, as defined in section 2 of the act. Subject to the supervisory authority of the Secretary, the regulations in this part shall be administered by the Director, Bureau of Land Management, hereinafter referred to in this part as the Director.

2. The last sentence of § 3380.0-3 is redesignated as a new § 3380.0-4 to read as follows:

§ 3380.0-4 Applicability of public land laws.

The laws and regulations pertaining to the public lands of the United States are not applicable to the submerged lands of the Outer Continental Shelf. Mineral deposits in the submerged lands of the Outer Continental Shelf are subject to disposition only in accordance with the provisions of the act and the regulations promulgated by the Secretary thereunder.

3. Sections 3381.1, 3381.2, 3381.3, and 3381.4 are redesignated §§ 250.50, 250.51, 250.52, and 250.53, respectively, of Chapter II of Title 30 of the Code of Federal Regulations.

4. Section 3381.5 is redesignated § 3385a.2 and its content is included in a new Subpart 3385a, as hereinafter provided.

5. Section 3380.2 (a) and (b) is redesignated § 3381.1 (a) and (b), respectively, and § 3380.2(c) is deleted and its content is included in the revision of Subpart 3382, as hereinafter provided.

6. Subpart 3381—Cooperative Conservation Provisions is deleted and a new Subpart 3381 is added as follows:

Subpart 3381—Leasing Areas

§ 3381.1 Leasing maps.

* * * * *

§ 3381.2 Resources evaluation.

At such time as an area of the Outer Continental Shelf is initially considered for mineral leasing, or as the need arises, the Director shall request the Director, Geological Survey, to prepare a summary report describing the potential mineral resources of a specified area and shall request other Federal agencies as appropriate to prepare reports describing to the extent known any other valuable resources contained within the specified area and the potential effect of mineral operations upon the resources or upon the total environment.

§ 3381.3 Nominations of tracts.

In selecting tracts for oil and gas, sulphur, or other mineral leasing, the Director will receive and consider nominations of tracts or requests describing areas and expressing an interest in leasing of minerals, or, from time to time, upon his own motion, upon approval of the Secretary, may issue calls for nominations of tracts for the leasing of minerals in specified areas. Nominations of tracts should be addressed to the Director, with copies to the appropriate Bureau of Land Management field office and the appropriate oil and gas supervisor of the Geological Survey. The Director, Geological Survey, shall submit recommendations to the Director on tract selections and lease terms and conditions.

§ 3381.4 Selection of tracts.

The Director, prior to the final selection of tracts for leasing, either selected on his own motion or nominated pursuant to § 3381.3, shall evaluate fully the potential effect of the leasing program on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during exploration, development and operational phases. He shall request and consider the views and recommendations of appropriate Federal agencies and may hold public hearings and may consult with State agencies, organizations, and individuals to aid him in his evaluation and determinations. The Director shall develop special leasing stipulations and conditions necessary to protect the environment and all other resources, and such special stipulations and conditions shall be contained in the proposed notice of lease offer. The proposed notice of lease offer, together with all views and recommendations received and the Director's findings or actions thereon, shall be submitted to the Secretary for final approval.

§ 3381.5 Notice of lease offer.

Upon approval of the Secretary, the Director shall publish the notice of lease offer at the expense of the United States in the FEDERAL REGISTER, as the official publication, and in other publications as may be desirable. The publication in the FEDERAL REGISTER shall be at least 30 days prior to the date of the sale. The notice shall state the place and time at which bids will be filed, and the place, date, and hour at which bids will be opened. The notice shall contain any special stipulations or conditions which will become a part of any lease issued pursuant to such notice, including stipulations or conditions for the protection of the environment, aquatic life and other resources.

§ 3381.6 Tracts subject to drainage.

Upon direction of the Secretary, the Director, after obtaining the recommendation of the Director, Geological Survey, is authorized to publish on his own motion notices of lease offer of tracts which have been determined by the Director, Geological Survey, to be subject to drainage of their oil and gas deposits from wells on other tracts. The Director may request and consider the views and recommendations of appropriate Federal and State agencies prior to publishing the notice of lease offer. The notice shall be published in accordance with § 3381.5.

7. Section 3382.1 is revised to read as follows:

§ 3382.1 General.

Tracts will be offered for lease by competitive sealed bidding under conditions specified in the notice of lease offer. Each oil and gas lease issued pursuant to section 8 of the act shall cover a compact area not exceeding 5,760 acres.

8. Section 3382.2 is redesignated § 3385a.1 and is included in a new Subpart 3385a, as hereinafter provided. A new § 3382.2 is added as follows:

§ 3382.2 Term.

(a) All oil and gas leases shall be issued for a term of 5 years and so long thereafter as oil or gas may be produced from the leasehold in paying quantities, or drilling or well reworking operations, as approved by the Secretary under § 3385a.1, are conducted thereon.

(b) All sulphur leases shall be issued for a term of 10 years and so long thereafter as sulphur may be produced from the leasehold in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon.

(c) Other mineral leases shall be issued for such terms as may be prescribed at the time of offering the leases in the notice of lease offer.

9. Section 3382.3 is deleted. Its content is included in a new § 3381.5, as heretofore provided.

10. The first sentence of § 3382.5 is revised to read as follows:

§ 3382.5 Award of lease.

Sealed bids received in response to the notice of lease offer shall be opened at the place, date, and hour specified in the notice. The opening of bids is for the sole purpose of publicly announcing and recording the bids received and no bids will be accepted or rejected at that time. In accordance with section 8 of the act, leases will be awarded only to the highest responsible qualified bidder. The United States reserves the right and discretion to reject any and all bids received for any tract, regardless of the amount offered. Awards of leases will be made only by written notice from the authorized officer. Such notices shall transmit the lease forms for execution. * * *

11. Section 3383.4 is redesignated § 3385a.3 and is included in a new Subpart 3385a, as hereinafter provided.

12. Paragraph (a) of § 3383.5 is revised as follows:

§ 3383.5 Effect of suspensions on royalty and rental.

(a) In the event that under the provisions of 30 CFR 250.12 (c) or (d)(1) the regional oil and gas supervisor of the Geological Survey with respect to any lease directs the suspension of both operations and production, or with respect to a lease on which there is no producible well directs the suspension of operations, no payment of rental or minimum royalty will be required for the period of the suspension.

(b) In the event the anniversary date of a lease falls within a period of suspension directed by the supervisor under paragraph (a) of this section, the prorated rentals or minimum royalties, if any are due and payable as of the date the suspension period terminates, shall be computed and notice thereof given the lessee. Payment of the amount due shall be made by the lessee within 30 days after receipt of such notice. The anniversary date of a lease will not change by reason of any period of lease suspension or rental or royalty relief resulting therefrom.

13. Paragraph (b) of § 3383.5 is redesignated paragraph (e) of § 250.12 of Chapter II of Title 30 of the Code of Federal Regulations.

14. In § 3384.1 in the first sentence the amount "$15,000" is changed to read "$50,000", and in the first and the sixth sentences the amounts "$100,000" are changed to read "$300,000".

15. In § 3384.2 the amount "$100,000" is changed to read "$300,000".

16. A new Subpart 3385a is added as follows:

Subpart 3385a—Extension of Leases

§ 3385a.1 Extension of leases by drilling or well reworking operations.

* * * * *

§ 3385a.2 Directional drilling.

* * * * *

§ 3385a.3 Compensatory payments.

* * * * *

§ 3385a.4 Effect of suspensions on lease term.

In the event that under the provisions of 30 CFR 250.12 (c) or (d)(1), the regional oil and gas supervisor of the Geological Survey directs the suspension of either operations or production, or both, with respect to any lease, the term of the lease will be extended by a period equivalent to the period of the suspension. In the event that under the provisions of 30 CFR 250.12 (c) or (d)(1), the supervisor approves the suspension of either operations or production, or both, with respect to any lease, the term of the lease will not be deemed to expire so long as the suspension remains in effect.

II. Part 250 of Chapter II of Title 30 of the Code of Federal Regulations, as published on May 7, 1969, on page 7381 of the FEDERAL REGISTER in a notice of proposed rule making to amend regulations governing oil and gas operations on the Outer Continental Shelf, are amended as follows:

1. Paragraph (c) of § 250.12 is amended by adding after the word "operation" the words "including production".

2. Paragraph (d) of § 250.12 is amended and a new paragraph (e) (as heretofore redesignated from 3383.5 (b)) is added to read as follows:

§ 250.12 Regulation of operations.

* * * * *

(d) *Other suspensions.* (1) In addition to the provisions of section 12 (c) and (d) of the act providing for suspension of operations and production, the supervisor in the interest of conservation may direct or, at the request of a lessee, may approve the suspension of operations or production, or both, including the approval of suspension of production for leases on which a well has been drilled and determined by the supervisor to be capable of being produced in paying quantities and thereafter temporarily abandoned or permanently plugged and abandoned to facilitate proper development of the lease. Suspensions of operations or production, or both, may be approved for an initial period, not exceeding 2 years, and for succeeding periods, not exceeding 1 year each.

(2) As to any leases maintained under section 6 of the act covering minerals in addition to oil and gas, the supervisor may suspend operations separately as to oil and gas or as to any other mineral designated in the suspension, order, or grant.

(3) The supervisor is authorized by written notice to the lessee to suspend any operation, including production, for failure to comply with applicable law, the lease terms, the regulations in this part, OCS orders, or any other written order or rule including orders for filing of reports and well records or logs within the time specified.

(e) *Reduction of rental and royalty.* * * *

3. In the second sentence of § 250.50 (as heretofore redesignated) the word "Secretary" is changed to read "Director".

4. In paragraph (a) and in the last sentence of paragraph (b) of § 250.52 (as heretofore redesignated) the words "Secretary" are changed to read "Supervisor".

5. In the first sentence of paragraph (a) and in the last sentence of paragraph (b) of § 250.53 (as heretofore redesignated) the words "Secretary" are changed to read "Director".

[F.R. Doc. 69-7591; Filed, June 26, 1969; 8:47 a.m.]

Geological Survey

[30 CFR Part 250]

OIL AND GAS AND SULPHUR OPERATIONS IN OUTER CONTINENTAL SHELF

Notice of Proposed Rule Making

CROSS REFERENCE: For a document proposing to transfer certain regulations

from Part 3380 of Title 43 to Part 250 of Title 30, see F.R. Doc. 69-7591, Department of the Interior, Bureau of Land Management (43 CFR Part 3380), *supra*.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946). This marketing order program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1969 crop of Washington potatoes and of the marketing prospects for this season. Harvesting is expected to begin the first week in July. The grade, size, cleanliness, and maturity requirements provided herein, which are the same as those currently in effect (33 F.R. 9756), are necessary to prevent immature potatoes, or those that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The proposed regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days 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)). The proposed regulation follows:

§ 946.324 Limitation of shipments.

During the period July 16, 1969, through July 15, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c) through (f) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties: U.S. No. 2, or better grade.

(2) *Size*—(i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties: At least "fairly clean."

(b) *Minimum maturity requirements*—(1) *Round and long white (White Rose) varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *Other long varieties (including but not limited to Russet Burbank and Norgold).* "Slightly skinned" which means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of seed potatoes or to shipments of potatoes for any of the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Starch;
(4) Canning or freezing;
(5) Dehydration;
(6) Export;
(7) Potato chipping; or
(8) Prepeeling.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section, unless such potatoes are handled in accordance with paragraph (e) of this section, shall:

(1) Notify the committee of intent so to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment;

(2) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture in lieu of a Federal-State Inspection Certificate, except shipments for export; and

(3) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of handlers or receivers to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(4) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler, such handler shall submit to the committee a revised special purpose shipment report.

(e) *Special purpose shipments exempt from safeguards.* In the case of shipments of potatoes: (1) To freezers or dehydrators in the counties of Grant, Adams, Franklin, Benton, and Yakima in the State of Washington and (2) for canning, freezing, dehydration, potato chipping, or prepeeling within the district where grown, the handler of such potatoes shall be exempt from safeguard requirements of paragraph (d) of this section whenever the processor of such potatoes has signed an agreement with the committee to meet the reporting and other requirements of this part specified by the committee.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, recoval of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part (Order No. 946).

(h) *Applicability to imports.* Pursuant to section 608e–1 of the Act and § 980.1 "Import regulations" (§ 980.1 of this chapter), Irish potatoes of the red skinned round type imported during the months of July and August shall meet the grade, size, quality and maturity requirements specified for round varieties in paragraphs (a) and (b) of this section.

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

Dated: June 23, 1969.

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

[F.R. Doc. 69-7589; Filed, June 26, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

EXECUTIVE, ADMINISTRATIVE AND PROFESSIONAL EXEMPTIONS

Notice of Proposed Rule Making

Section 13(a)(1) of the Fair Labor Standards Act of 1938, as amended (29

U.S.C. 213(a)(1)), provides an exemption from the minimum wage and overtime requirements of the Act for any employee employed in a bona fide executive, administrative, or professional capacity, as such terms are defined and delimited by regulations of the Secretary of Labor. The Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor has been delegated the authority to issue such regulations (34 F.R. 1203), and the regulations are contained in 29 CFR Part 541. Among other things, they provide that executive employees must be paid at a rate of not less than $100 a week on a salary basis ($75 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa), that administrative employees must be paid at a rate of not less than $100 a week on a salary or fee basis ($75 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa), and that professional employees must be paid at a rate of not less than $115 a week on a salary or fee basis ($95 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa). These regulations also contain special high salary provisions for such employees who are paid $150 a week or more, including those in Puerto Rico, the Virgin Islands, or American Samoa.

The salary tests in 29 CFR Part 541 were last amended effective September 30, 1963, for nonretail industries and September 3, 1965, for retail and service activities. A recent report containing data pertaining to earnings of executive, administrative, and professional employees indicates that significant increases in wages and salary levels have taken place since the salary tests were last amended. Based on an analysis of the data, it is proposed that the minimum weekly salary requirements for exemption under 29 CFR Part 541 be as follows:

	United States	Puerto Rico, the Virgin Islands, and American Samoa
Executive	$130	$100
Administrative	130	100
Professional	150	125

It is also proposed that the minimum salary for application of the special high salary provisions be increased to $200 a week.

Copies of the report upon which these proposals are predicated are available upon request at the Wage and Hour and Public Contracts Divisions, 14th Street and Constitution Avenue NW., Washington, D.C.

Notice is hereby given of a public hearing to be held beginning at 9:30 a.m. on September 16, 1969, in Room 107 A, B, C, of the Department of Labor Building at 14th Street and Constitution Avenue NW., Washington, D.C., before a hearing examiner to be designated for that purpose, at which interested persons may submit oral data, views, or arguments concerning the foregoing proposals. All persons wishing to be heard on the proposals shall, not later than August 15, 1969, file with the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, a notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the persons or organizations he is representing.

3. The approximate length of time requested for his presentation.

Interested persons may also file written data, views, or arguments with the Administrator at the above address at any time prior to the hearing, or they may be filed at the hearing.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentations to matters pertinent to the proposals. Upon completion, the hearing examiner shall certify the record to me, and upon consideration thereof, and the written submissions and other information as may be available, I shall make appropriate changes in 29 CFR Part 541.

Signed at Washington, D.C., this 24th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69-7609; Filed, June 26, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-36]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Idaho Falls, Idaho, control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Subsequent to the designation of the original Idaho Falls, Idaho, control zone and transition area the criteria for such areas has been changed. Accordingly, it is necessary to alter this airspace to comply with the new criteria.

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

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

IDAHO FALLS, IDAHO

That airspace extending upward from the surface within a 5-mile radius of Fanning Field, Idaho Falls, Idaho (latitude 43°31'05" N., longitude 112°04'05" W.) within 3.5 miles each side of the Idaho Falls VOR 223° radial, extending from the 5-mile-radius zone to 11 miles southwest of the VOR; within 3.5 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile-radius zone to 11 miles northeast of the VOR and within 3 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile-radius zone to 9 miles northeast of the RBN.

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

IDAHO FALLS, IDAHO

Thas airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 5 miles southeast of the Idaho Falls VOR 036° and 216° radials, extending from 21.5 miles northeast to 18.5 miles southwest of the VOR and within 6 miles northwest and 9 miles southeast of the 029° radial of the Pocatello VORTAC extending from 23 to 47 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00" W., and the south edge of V-298, thence via the south edge of V-298 and V-328 to longitude 111°38'00" W., thence south via this longitude to the INT of an arc of a 23-mile-radius circle centered on the Idaho Falls VOR, thence clockwise via the 23-mile-radius arc to longitude 112°10'00" W., thence direct to latitude 43°20'30" N., longitude 112°45'30" W., thence direct latitude 43°-32'00" N., longitude 112°35'00" W., thence to latitude 43°50'20" N., longitude 112°30'00" W., thence direct to point of beginning.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of

section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 19, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-7578; Filed, June 26, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-42]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the descriptions of the Montrose, Colo., control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The criteria for establishment of control zones and transition areas has been changed. Accordingly, it is necessary to alter these areas to conform to the new criteria.

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

In § 71.171 (34 F.R. 4557) the description of the Montrose, Colo., control zone is amended by deleting the numerals "* * * 2 * * *" and "* * * 7 * * *" in the second and third lines respectively and substituting "* * * 4 * * *" and "* * * 14 * * *" therefor.

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

MONTROSE, COLO.

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 9.5 miles southwest of the Montrose VOR 313° and 133° radials extending from 7 miles southeast to 24.5 miles northwest of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 19, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-7579; Filed, June 26, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. MC-19 (Sub-No. 9)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Agency Relationships

JUNE 24, 1969.

This proceeding is being initiated to examine and consider the agency relationships existing in the regulated household goods moving industry with a view to determining what action, if any, this Commission should take or propose with respect to the further regulation and control of these arrangements. Today, most of the major household goods carriers engaged in operations in interstate or foreign commerce subject to our jurisdiction appear to operate through three different types of agents—carrier-agents, noncarrier hauling agents, and booking agents. The background of the development of some of these carrier systems is described in such cases as North American Van Lines, Inc., Common Carrier Application, 41 M.C.C. 771 (1943); North American Van Lines, Inc., Investigation of Control, 60 M.C.C. 701 (1955); United Van Lines, Inc., Extension of Operations, 42 M.C.C. 451 (1943); Geitz Storage and Moving Co., Inc., Investigation of Control, 65 M.C.C. 257 (1955); Aero Mayflower Transit Co., Inc., Com. Car. Application, 20 M.C.C. 633 (1939); and Grayvan Lines, Inc., Common Carrier Application, 32 M.C.C. 719 (1942):

Generally, the carrier-agents are small motor common carriers holding interstate authority from this Commission to transport household goods in a limited area. They accept shipments for their own transportation when moving within the scope of their operating authority and for the account of the national van line when moving to points beyond their own authority. Noncarrier hauling agents hold no interstate operating authority in their own right, but may provide independent intrastate service under appropriate intrastate rights. Apparently many such agents own motor vehicles and operate in the same manner as the carrier-agents, except that all interstate shipments are transported for the account of the national van line. Booking agents perform no actual transportation, but confine their operations to the booking of shipments for transportation by the national van lines.

The householder, in arranging for the interstate movement of his household goods, usually deals directly with these agents or with employees of these agents, and not with the national van line principals. The agent is thus the point of contact between the public and the authorized motor common carrier of household goods, and his role in the rendition of interstate moving service is an extremely important one not only from an operational standpoint, but from a public relations viewpoint as well. The householder judges the adequacy of the interstate household goods moving service by the agent's performance. The manner in which these agents are selected, their qualifications, the agreements pursuant to which they are employed, including terms relating to tenure, performance standards, bonding, methods of compensation, and other similar requirements, the circumstances under which they are discharged or replaced, and other related factors are all matters of vital interest and concern to the shipping public which this Commission has a duty to protect. Compare American Trucking Assns., Inc. v. United States, 344 U.S. 298 (1953).

At the present time, the household goods carriers may freely create, exchange, or replace their agents subject to no control and regulation by this Commission. To some extent, the present situation with respect to these agency relationships seems to have created an atmosphere of instability and concomitant irresponsibility within the household goods moving industry inconsistent with the public interest and the National Transportation Policy. It therefore is desirable and necessary that all aspects of these agency relationships be explored and fully considered by this Commission. It is for these purposes that the instant proceeding is instituted.

It is ordered, That, based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act (49 U.S.C. 301 set seq.), and more specifically sections 204(a) (1), (6), and (7), 204(b), and 208(a) thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purposes (1) of inquiring into the nature of existing agency agreements and relationships entered into by motor common carriers of household goods operating in interstate or foreign commerce subject to the Interstate Commerce Act, (2) of investigating the effect these agency agreements and relationships have upon the adequacy of interstate moving services and the obligation of the authorized common carrier principals to perform reasonably adequate and continuous service pursuant to the terms of their certificates, (3) of considering whether there should be adopted rules and regulations, or attached to the exercise of the privileges granted by the certificates

such reasonable terms, conditions, or limitations, governing these agency relationships, including the formulation of appropriate requirements as to the registration of agents with this Commission and the determination by this Commission of such agents' fitness, as well as the possible prescription of uniform agency agreements, agent qualifications and performance standards, bonding and tenure requirements, methods of compensation, and other related matters, and (4) of taking such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of household goods operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That (1) all respondents herein that participate in agency relationships of the type here under investigation, be, and they are hereby, directed, and (2) any other interested party including shippers, agents, or carriers not subject to the Interstate Commerce Act, be, and they are hereby, invited, to submit to this Commission, on or before July 28, 1969, representations, consisting of a signed original and 15 copies, setting forth the extent of such participation and the practices connected therewith. Respondents filing representations should include therein, among other things, the following information to assist this Commission in accomplishing the purposes of this investigation: representative blank agreements of the kind generally used by them in connection with their agents, including an indication of the usual terms embraced in signed agreements and the extent of such agreements' use within their organization; the criteria utilized by them in the selection, discharge, or replacement of their agents; the steps taken by them to police their agents' dealings with the public; their performance standards; bonding and tenure requirements, if any; methods of compensation; and all other relevant information pertaining to the establishment, maintenance, and termination of agency relationships.

It is further ordered, That thereafter any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before August 18, 1969, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list the Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That a copy of this order be served upon the Household Goods Carriers' Bureau, Inc., American Movers Conference, Movers' and Warehousemen's Association of America, Inc., and the motor common carrier respondents; that a copy be mailed to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over motor transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-7595; Filed, June 26, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A-493]

EDWARD P. CHURCHILL, SR.

Notice of Loan Application

JUNE 23, 1969.

Edward P. Churchill, Sr., Box 45, Wrangell, Alaska 99929, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 37.4-foot, registered length vessel to engage in the fishery for halibut, salmon, and herring.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-7584; Filed, June 26, 1969; 8:46 a.m.]

National Park Service

[Order 7]

ASSISTANT SUPERINTENDENT ET AL., LAKE MEAD NATIONAL RECREATION AREA

Delegation of Authority Regarding Execution of Contracts for Construction, Supplies, Equipment, or Services

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute, approve and administer contracts not in excess of $200,000 for supplies, equipment, services, and construction, in conformity with applicable regulations and statutory authority and subject to availability of appropriations. Contracts for construction will be entered into only with the advice and consent of the appropriate design and construction office chief.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 3. *General Supply Officer.* The General Supply Officer may execute, approve, and administer contracts not in excess of $5,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 4. *General Supply Assistant.* The General Supply Assistant may execute, and approve and administer contracts not in excess of $500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 5. *Supervisory Park Rangers.* The Supervisory Park Rangers, Temple Bar, Mohave, and Overton Districts, may issue purchase orders not in excess of $300 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 6. *Maintenancemen.* The Maintenancemen, Temple Bar, Mohave, and Overton Districts, may issue purchase orders not in excess of $300 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 7. *Revocations.* This order supersedes Order No. 6, as published in 33 F.R. 14654, dated October 1, 1968.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

Dated: June 3, 1969.

C. E. JOHNSON,
Acting Superintendent, Lake Mead National Recreation Area.

[F.R. Doc. 69-7574; Filed, June 26, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

STANFORD 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. 69-00620-33-77040. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Mass spectrometer, Model CH-7. Manufacturer: Varian/MAT GmbH, West Germany. Intended use of article: The article will be used in the following areas:

1. The detection and structure elucidation of metabolites of anesthetics in the liver.

2. The detection of impurities in anesthetics.

3. General mass spectrometry of compounds found to be of scientific importance to members of the Department of Anesthesia.

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

Docket No. 69-00634-88-46070. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Scanning electron microscope, Model JSM-2 with the following accessories:

1. Goniometer stage, Model JSM-GS;

2. 35-mm. reflex camera with hood, Model JSM-F;

3. Rapid scan television, Model JSM-TVS;

4. Goniometer Stage for Vacuum Evaporator, Model JEE-RTS.

Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for educational and scientific purposes outlined below:

1. Educational purposes will encompass the application of the scanning electron microscope to paleontological problems demonstrated in elementary and intermediate level courses taught within the Department of Geology. Students in advanced courses of botany and zoology will have similar access to the instrument.

2. Scientific purposes will take in a wide variety of investigations involving the examination of both hard (e.g. rock specimens, alloys) and soft (e.g. biological materials, organic polymers) specimens, as well as lunar samples returned during the Apollo project.

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

Docket No. 69-00635-33-46040. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Electron microscope, Model Elmiskop 1A. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for ultrastructural work on central nervous system tissue; for study of the developing brain in experimental animals and for study of degenerative diseases on human biopsy material. It will also be used to teach students the principles of the electron microscope in order that they clearly understand its operation and use. Application received by Commissioner of Customs: May 27, 1969.

Docket No. 69-00636-33-46040. Applicant: Boston University Medical Center, University Hospital, 750 Harrison Avenue, Boston, Mass. 02118. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for training advanced students at the postdoctoral level and for research programs concerned with the study of human disease states and comparable diseases in animal models at the ultrastructural level. The proposed projects are as follows:

1. The ultrastructure of human coronary artery, cerebral artery, and aortic atherosclerosis will be compared with naturally occurring and experimentally induced lesions in the new world monkey.

2. The fine structure of bascular smooth muscle cells and hopefully elastic fibers grown in tissue culture with various nutrients will be evaluated to correlate morphologic findings with biochemical data in respect to mucopol lysaccaride and lipid metabolism.

3. Human nutritional diseases will be investigated, the various vitamin deficiency states, protein deficiency and amino acid deficiency will be studied at the ultrastructural level in experimental animals.

4. Various human tissues procured at the time of surgery or autopsy will be studied with regard to the fine structure of specific cardiovascular, nutritional or immunologic conditions, the pathogenesis of which at the present time are obscure.

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

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

[F.R. Doc. 69-7569; Filed, June 26, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDA-D-132; NDA No. 4-664 and 5-988]

HIGH CHEMICAL CO. AND HARVEY LABORATORIES

Ammonium Sulfate Injection; Notice of Withdrawal of Approval of New-Drug Applications

High Chemical Co., 1760 North Howard Street, Philadelphia, Pa. 19122, holder of approved new-drug application No. 4-664 and all amendments and supplements thereto for the drug Ammozyl Injection (contains 7.5 milligrams of ammonium sulfate per cubic centimeter and 0.75 percent benzyl alcohol) and Harvey Laboratories, Inc., 5109 Germantown Avenue, Philadelphia, Pa. 19144, holder of approved new-drug application No. 5-988 and all amendments and supplements thereto for the injectable drug Dolamin (contains 0.75 percent ammonium sulfate, 0.75 percent benzyl alcohol, and 0.48 percent sodium chloride) have waived opportunity for a hearing on the proposed withdrawal of approval of such applications as announced in the FEDERAL REGISTER of November 22, 1968 (33 F.R. 17322).

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120), finds on the basis of new information evaluated with the evidence available when the applications were approved that there is a lack of substantial evidence that the subject drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of new-drug applications No. 4-664 and No. 5-988 and all amendments and supplements thereto applying to Ammozyl Injection and Dolamin are withdrawn, effective on the date of signature of this document.

Accordingly, ammonium sulfate injection for human use labeled for the treatment of pain syndromes will be regarded as a new drug for which no approval is in effect.

Dated: June 20, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-7570; Filed, June 26, 1969; 8:45 a.m.]

[Docket No. FDC-D-124; NDA Nos. 30-517V, 34-765V, F-3197]

STANDARD MILLING CO., INC.

Notice of Withdrawal of Approval of New-Drug Applications

Standard Milling Co., Inc., 1501 Fourth Street, Lubbock, Tex. 79408, holder of the following approved new-drug applications and supplements thereto:

1. No. 30-517V for medicated animal feeds containing diethylstilbestrol;

2. No. 34-765V for medicated animal feeds containing medroxyprogesterone acetate; and

3. No. F-3197 for medicated animal feeds containing diethylstilbestrol and chlortetracycline;

has waived opportunity for a hearing on the proposed withdrawal of approval of said applications. A notice of opportunity for hearing on the proposed withdrawal of approval of these applications was published in the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6004).

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that the methods used in and facilities and controls used for the manufacture, processing, and packaging of the medicated feeds are inadequate to assure and preserve their identity, strength, quality, and purity.

Therefore pursuant to the foregoing finding, approval of new-drug applications Nos. 30-517V, 34-765V, and F-3197, and all amendments and supplements pertaining thereto, are withdrawn effective on the date of signature of this document.

Dated: June 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-7571; Filed, June 26, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-44]

WESTINGHOUSE ELECTRIC CORP.

Notice of Filing of Petition for Rule Making

Notice is hereby given that Westinghouse Electric Corp., Gateway Center, Pittsburgh, Pa., by letter dated May 20, 1969, has filed with the Atomic Energy Commission a petition for rule making to amend the Commission's regulations pertaining to the licensing of byproduct material.

The petitioner requests that the Commission amend its regulations "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 30 so as to exempt from licensing requirements electron tubes, designed for use as radar receiver protectors, containing not more than 150 millicuries of tritium.

A copy of the petition for rule making is available for public inspection in the

Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 23d day of June 1969.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 69-7568; Filed, June 26, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20884; Order 69-6-122]

AIR PANAMA INTERNATIONAL S.A.

Order Regarding Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1969.

This proceeding involves the application of Air Panama International S.A. (Air Panama) for a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act. Iberia Air Lines of Spain (Iberia) owns a 33 percent stock interest in Air Panama.

The Bureau of Operating Rights of the Board has filed a motion to make Iberia a party to this proceeding and to broaden the issues governing the disposition of Air Panama's application.[1] The Bureau proposes to expand the issues to determine whether Iberia will be engaging in foreign air transportation under section 402 of the Act, whether Iberia should be issued a foreign air carrier permit, and whether any terms, conditions or limitations should be imposed upon Iberia by amendment of its permit or otherwise relating to the manner in which its services and those of Air Panama are held out, identified, and performed.

No answers to the Bureau's motion have been filed. Upon consideration of the matters presented by the Bureau's motion, we have decided to grant the motion of the Bureau. In view of the admitted relationship between Iberia and Air Panama, the public interest requires that the issues in this proceeding be sufficiently broad to explore such relationship and to take whatever action is required by the public interest. The public interest further requires that Iberia be made a party to this proceeding in order that it can be bound by such action.

Accordingly, it is ordered:

1. That Iberia be and it is hereby made a party in this proceeding; and

2. That the issues in this proceeding be broadened to include the issues whether Iberia will be engaging in foreign air transportation under section 402 of the Act, whether Iberia should be issued a foreign air carrier permit, and whether any terms, conditions or limitations should be imposed upon Iberia by amendment of its permit or otherwise relating to the manner in which its services and those of Air Panama are held out, identified, and performed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-7605; Filed, June 26, 1969; 8:48 a.m.]

[Docket No. 21113; Order 69-6-124]

NORTHEAST AIRLINES, INC.

Order of Investigation and Suspension Regarding Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1969.

By tariff revisions[1] marked to become effective July 1, 1969, Northeast Airlines, Inc. (Northeast), proposes to (1) increase its Discover America fares to/from Florida to 160 percent of the jet day coach fares; (2) increase the military and youth reservation and standby fares to 80 and 60 percent, respectively, of the jet day coach fares; (3) eliminate all of its night first-class and night coach fares; (4) eliminate weekend travel to/from Florida at family fares, Discover America fares, and military and youth reservation fares; and (5) add a traffic imbalance surcharge of $3 between Baltimore/Washington, Boston, Hartford, New York/Newark, and Philadelphia, on the one hand, and Miami/Fort Lauderdale, and Tampa/St. Petersburg, on the other.[2]

The proposed $3 traffic imbalance surcharge on normal first-class and coach fares would apply southbound from November 1969 through April 15, 1970, on flights scheduled to depart from 4 a.m. through 12 noon, daily. Northbound, the surcharge would apply from December 1969 through May 15, 1970, on flights scheduled to depart from 12 noon through 9:59 p.m. The proposed surcharge reflects increases between New York and Miami of 3.09 percent for first-class service and 4.17 percent for coach service. Northeast estimates that the effect of its various proposals will be the generation of $4.6 million in additional passenger revenues per year.

National Airlines, Inc. (National), and the Southern Florida Hotel and Motel Association (Association) have filed complaints against Northeast's proposals requesting their suspension and investigation. National asserts that the deliberate application of Northeast's changes, aimed specifically at the Florida markets, causes these proposals to be unjustly discriminatory to the traveling public; and that the strong competition, empty seats, seasonality, and heavy peaking reflect the competitive nature of the East Coast-Florida market and are problems which will not be solved by Northeast's proposals. National further alleges that there is no justification for burdening this portion of the traveling public with surcharges and travel restrictions, that the traveling public should receive the benefit of the fact that the East Coast-Florida market is highly competitive.

The Association, on the other hand, asserts that Northeast has increased its flight frequencies far beyond the market's ability to utilize the additional new capacity; that this is the major cause of its problems rather than the alleged special costs incurred in its Florida operations; and that Northeast ignores the fare discount methods which the carriers have traditionally used in the Florida market to fill slack traffic periods. The Association contends that Northeast's proposals will further depress its load factors; and that a serious discrimination would be imposed upon Florida travelers by introducing directional surcharges, raising fares, and further limiting the availability of the discount fares in these markets, without taking similar action with respect to its Bermuda and Bahama services.

In support of its proposal and in answer to the complaints, Northeast alleges that the primary purpose of its tariff revisions is to reduce or recover certain additional operating costs which are incurred in its predominant north-south recreational travel markets due to the high degree of traffic imbalance and the consequent unused capacity which is produced. Northeast submits that while the purpose of weekend discount fares is to induce passengers to travel during off-peak periods, weekends in the East Coast-Florida markets are in fact peak travel periods; that the increases in discount fares are necessary since their present levels are not justified by underlying costs; and that the carrier is simultaneously eliminating night first-class and coach fares because it believes they no longer serve the purpose for which they were intended. Northeast submits that neither of the complaints contains matters worthy of serious consideration by the Board, and that they should, accordingly, be dismissed.

Upon consideration of the tariff proposals, the complaints and answer thereto, and other relevant matters, the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the tariffs in question should

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[1] Iberia presently serves New York, N.Y., from points in Spain and Portugal. Iberia, Lineas Aereas de Espana, S.A., 29 CAB 1295 (1959). The Bureau cites the following matters, among others, as showing a relationship between Iberia and Air Panama. Iberia is the largest single shareholder in Panama holding 1,650 shares of a total of 5,000 shares of stock issued and outstanding; three of the nine directors of Air Panama are nominees of Iberia; and an agreement between Iberia and Air Panama provides that Iberia will supply Air Panama with advice, assistance, and services, including the provision upon request of qualified employees and equipment.

[1] Airline Tariff Publishers, Inc., Agent, Tariffs, CAB Nos. 90, 98, 101, and 117, filed with a posting date of May 16, 1969.

[2] The carrier has requested a waiver from the requirements of Part 221 of the Board's economic regulations to enable publication of the proposal in the form proposed.

be suspended pending investigation. Since the Board has determined that it would suspend the proposed $3 directional surcharge, we will herein deny the carrier's request for a waiver to publish this aspect of the proposal.

Northeast's proposals regarding the various promotional fares can be expected to have a significant impact on the price conscious segment of the traveling public. Taking New York-Miami as a typical example, the proposed fare changes would be as follows:

Fare description	Fare		Increase	
	Proposed	Present	Amount	Percent
Military and Youth (o.w.):				
Reservation	$58	$49	$9	18.4
Standby	43	37	6	16.2
Night Service (o.w.):				
First-class	[1] 97	65	32	49.2
Coach	[1] 72	57	15	26.3
Discover America (r.t.)	115	110	5	4.5

[1] Normal day fares.

Furthermore, the impact upon the public of the proposed changes would be greater than indicated by the above table, since the carrier is also proposing to blackout weekend travel to/from Florida for Discover America fares, family fares, and military and youth reservation fares. Hence, these fares would apply only from Monday noon to Friday noon, with Discover America fares continuing to be blacked-out altogether during the peak winter season. Finally the $3 peak-hour on-season surcharge would be reflected in all promotional fares which are based on a percentage of the applicable full adult fare.

It has been the Board's policy to give the carriers considerable flexibility in pricing promotional fare services. However, it has also been the Board's policy not to permit broad substantive changes involving increased charges which affect significant volumes of traffic without careful review of the impact of the proposals on the public and the industry as a whole. In view of the scope of these proposals, the Board believes that they must be considered as a general increase in revenues.

The Board remains concerned about the declining trend of the industry's passenger load factors and the effect which this situation may be having upon the industry's continuing ability to maintain existing fare levels. We note that Northeast's passenger load factor of 46.3 percent for the calendar year 1968 is down substantially from recent years.[3] The carrier's load factor for the first 3 months of 1969, which averaged 46.7 percent, is particularly disturbing since load factors for the first quarter are normally significantly higher in the Florida market than for the year as a whole. The Board continues to be of the view that the traveling public should not be asked to pay for the operation of a volume of capacity which is significantly out of line with market demand.

[3] These are system load factors; however, they are heavily weighted by the carrier's operations in the Florida markets.

The Board would like to make it clear that its decision to suspend the proposal here before it does not represent a departure from our basic policy of affording the carriers broad discretion in the matter of promotional fares. Nor does it represent a conclusion that certain modifications in the various promotional fares, either as to level or applicable conditions or both, would not be in order at this time. Our decision rests essentially on the fact that the proposal would result in a substantial increase in revenues, and has broad implications for the industry as a whole which we are not prepared to accept in total without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares, charges, and provisions described in Appendix A attached hereto,[4] and rules, regulations, or practices affecting such fares, charges, and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares, charges, and provisions, and rules, regulations, and practices affecting such fares, charges, and provisions;

2. Pending hearing and decision by the Board, the fares, charges, and provisions described in Appendix A hereto[4] are suspended and their use deferred to and including September 28, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of National Airlines, Inc., in Docket 21056 and Southern Florida Hotel and Motel Association in Docket 21057 are hereby dismissed;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

5. The waiver application of Airline Tariff Publishers, Inc., Agent, which would permit Northeast to publish the proposed surcharge in a manner not permitted by the regulations is hereby denied; and

6. A copy of this order be filed with the aforesaid tariffs and be served on Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and the Southern Florida Hotel and Motel Association, which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7606; Filed, June 26, 1969; 8:48 a.m.]

[4] Filed as part of the original document.

[5] Gillilland and Adams, Members, would have let the fares go into effect.

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 26]

AFFILIATED CAPITAL CORP.

Notice of Receipt of Application for Permission To Acquire Control of State Savings and Loan Association et al.

JUNE 24, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received applications from the Affiliated Capital Corp., Houston, Tex., for permission to acquire control of State Savings and Loan Association, Lubbock, Texas, Arlington Savings Association, Arlington, Tex., and Center Savings Association, Houston, Tex., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition of control of Arlington Savings Association is to be effected by the exchange of approximately 70 percent of the outstanding stock of Arlington Savings Association for cash and stock in Affiliated Capital Corp. and assumption of indebtedness by Affiliated Capital Corp. The proposed acquisitions of Center Savings Association and State Savings and Loan Association are to be effected by cash purchases. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-7610; Filed, June 26, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ALASKA HOUSEHOLD GOODS MOVERS, INC., ET AL.

Bureau of Domestic Regulation; Notice of Intent To Cancel Inactive Tariffs

The domestic offshore files of the Federal Maritime Commission contain several tariffs which have for a period of time been classified as inactive either due to the absence of any tariff changes for a period of 1 year or longer; or because the Commission's staff has been advised in writing that the tariff filers no longer offer a common carrier service. The following carriers (including their last known addresses) fall into the "inactive" category:

Alaska Household Goods Movers, Inc., Seattle, Wash.
Alaska Seavan, Inc., Seattle, Wash.
Aloha Navigation Co., Ltd., 1401 Middle Harbor Road, Oakland, Calif.
Berger Transportation Co., Ames Terminal, Seattle 6, Wash.

Beverly Hills Transfer & Storage Co., 221 South Beverly Drive, Beverly Hills, Calif. 90212.
Container Transport International, Inc., 17 State Street, New York, N.Y. 10004.
Furniture Forwarding, Inc., Indianapolis, Ind.
Ghezzi Trucking Co., 2200 Sixth Avenue, Room 941, Seattle, Wash. 98121.
Hawaiian Pacific Line, Inc., 149 California Street, San Francisco, Calif.
Knudsen Fast Freight, Anchorage, Alaska.
Puerto Rico Transfer, 760 North Ogden Avenue, Chicago 22, Ill.
Pyramid Van Lines, Inc., 184 Harbor Way, South San Francisco, Calif.
Skipper's Freight Forwarding Service Co., 218 Washington Avenue, Carlstadt, N.J.
Trans Ocean Van Service, 1143 Caspian Avenue, Long Beach, Calif.

Inactive tariffs reflect inaccurate information to the shipping public and serve no useful purpose in the Commission's files. Further, Rule 18(g) of Tariff Circular No. 3, as amended (46 CFR 531.18(g)), requires the cancellation of inactive tariffs; and accordingly the Commission proposes to cancel these tariffs in the absence of a showing of good cause as to why they should not be canceled.

Now, therefore it is ordered, That the above carriers advise the Director, Bureau of Domestic Regulation at 1405 I Street NW., Washington, D.C. 20573, in writing within 30 days after the publication of this order in the FEDERAL REGISTER of any reasons why the Commission should not cancel inactive tariffs;

It is further ordered, That a copy of this order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this order will be canceled.

It is further ordered, That this notice be published in the FEDERAL REGISTER and a copy thereof filed with any tariff canceled pursuant to this notice.

By the Commission.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-7608; Filed, June 26, 1969; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temp. Reg. D-18]

SECRETARY OF TRANSPORTATION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Transportation to extend the firm term of the Indianapolis, Ind., Air Route Traffic Control Center lease on a year-to-year basis, beginning September 15, 1971, and to repair, alter, and improve the space as long as it is leased.

2. *Effective date.* This delegation is effective immediately.

3. *Expiration date.* This delegation shall expire 10 years from the effective date of the lease covering the rented premises.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471, 486(d)), authority is delegated to the Secretary of Transportation to extend the firm term of the Indianapolis, Ind., Air Route Traffic Control Center lease on a year-to-year basis, beginning September 15, 1971, for not more than 10 years, and to repair, alter, and improve the space as long as it is leased.

b. The Secretary of Transportation may redelegate this authority to any officer, official, or employee of the Department of Transportation.

c. This authority shall be exercised in accordance with applicable limitations and requirements of the above-cited Act.

Dated: June 20, 1969.

J. W. CHAPMAN, JR.,
Acting Administrator
of General Services.

[F.R. Doc. 69-7583; Filed, June 26, 1969; 8:46 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

LAKE ERIE-NIAGARA ICE BOOM

Notice of Hearing Regarding Installation Date

Notice is hereby given that the International Joint Commission will conduct a public hearing on Tuesday, July 29, 1969, at 10 a.m., local time, in Hearing Room No. 1, General William J. Donovan State Office Building, 125 Main Street, Buffalo, N.Y. The purpose of the hearing is to receive testimony and evidence from interested persons as to the desirability of providing more flexible requirements regarding the dates when the ice boom at the entrance of the Niagara River is to be installed in the fall and opened in the spring.

The present method of operation of the boom is prescribed in the Commission's Order of Approval of June 9, 1964, as amended by Supplementary Order of May 25, 1965. Installation of the floating boom and the transverse cable shall commence not earlier than November 1 and complete closure shall not be accomplished before the first Monday of December or such later date as may be communicated to the operators by the Commission. All sections of the floating boom must be opened by the first Monday of April, with disassembly completed by May 15, or by such earlier dates, respectively, as the Commission may communicate to the operators, Ontario Hydro, and the Power Authority of the State of New York.

At the hearing, opportunity will be given to all interested persons to express their views orally or by written statements as to the desirability of amending the said Order of Approval. Fifteen (15) copies of written statements should be filed with each Secretary ten (10) days in advance of the hearing with thirty (30) copies being deposited at the hearing.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission, Washington, D.C. 20440.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa 4, Ontario, Canada.

JUNE 24, 1969.

[F.R. Doc. 69-7621; Filed, June 26, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

JUNE 23, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 24, 1969, through July 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-7585; Filed, June 26, 1969; 8:46 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

JUNE 23, 1969.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 24, 1969, through July 3, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7586; Filed, June 26, 1969; 8:46 a.m.]

[File 24 W-2909]

DOMALITE CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 23, 1969.

I. Domalite Corp. (Issuer), 1224 F Street NW., Washington, D.C., a District of Columbia corporation, incorporated on August 7, 1968, with principal offices at 1224 F Street NW., Washington, D.C., filed with the Washington Regional Office of the Commission on February 17, 1969, Form 1-A Notification with exhibits for an offering of 60,000 shares of its common stock (10 cents par value), at $5 per share for an aggregate offering price of $300,000, in order to obtain an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

The Commission has reasonable cause to believe that:

A. The notification and offering circular of Domalite Corp. contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The background as a professional gambler and the convictions for criminal offenses of Joseph A. Nesline, the president and principal stockholder of the Issuer; and

2. The present cost price advantage of the Issuer over certain of its competitors, the loss of which may have an adverse effect on its gross profits.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The Issuer failed to disclose in the Notification that Joseph A. Nesline is an affiliate of the Issuer;

2. The certified financial statements contained in the offering circular were not prepared in accordance with generally accepted accounting principles and practices in that they were certified by a Certified Public Accountant who was not independent;

3. The Issuer failed to file copies of provisions of the governing instruments defining the rights of the holders of the Issuer's equity securities; and

4. The Issuer failed to disclose the aggregate annual remuneration of all officers and directors of the Issuer as a group and the annual remuneration of each of the three highest paid officers of the Issuer.

C. The offering, if made, would be made in violation of the anti-fraud provisions of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

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

[F.R. Doc. 69-7587; Filed, June 26, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

JUNE 23, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 24, 1969, through July 3, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-7588; Filed, June 26, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 24, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41671—*Commodity rates from and to East Baytown, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-54), for interested rail carriers. Rates on property moving on point-to-point commodity rates, from and to East Baytown, Tex., on the Missouri Pacific Railroad Co. and Southern Pacific Co., on the one hand, to and from points in the United States and Canada, on the other.

Grounds for relief—Rate relationship.

FSA No. 41672—*Sulphur from Donner, La.* Filed by Southwestern Freight Bureau, agent (No. B-46), for interested rail carriers. Rates on sulphur, as described in the application, in carloads, from Donner, La., to specified points in Alabama, Florida, Georgia, Indiana, Kentucky, North Carolina, Ohio, South Carolina, and Virginia.

Grounds for relief—Market competition.

Tariff—Supplement 25 to Southwestern Freight Bureau, agent, tariff ICC 4795.

FSA No. 41673—*Proportional rates on corn and corn products to Kankakee, Ill.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2950), for interested rail carriers. Rates on corn and corn products, as described in the application, in carloads, from points in Illinois on the Kankakee Belt Line branch of the Penn Central Co., to Kankakee, Ill., applicable only on traffic destined to western termini of eastern trunk lines and to points in trunk-line and New England territories.

Grounds for relief—Barge-rail competition.

Tariff—Supplement 170 to Penn Central Co. tariff ICC 2382.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7596; Filed, June 26, 1969; 8:47 a.m.]

[Notice 856]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 24, 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 115311 (Sub-No. 100 TA) (Correction), filed May 14, 1969, published FEDERAL REGISTER, issue of May 24, 1969, and republished as corrected this issue. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Clyde W. Carver, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, accessories and material, equipment and supplies*, used in the installation thereof, from Marrero, La., to points in Georgia, Alabama, Mississippi, Arkansas, Tennessee, Kentucky, South Carolina, North Carolina, Virginia, West Virginia, Missouri, Illinois, Indiana, Ohio, Pennsylvania, Maryland, District of Columbia, and Delaware, for 180 days. NOTE: The purpose of this republication is to show 180 days in lieu of 30. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 116077 (Sub-No. 266 TA), filed June 17, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, liquid or dry bulk, from Pineville, Rapides Parish, La., to points in Alabama, Georgia, Missouri, and Tennessee (except Kingsport, Tenn.), for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co. (Mr. J. C. Jessen, A. T. M.—Motor Carrier Section), Wilmington, Del. 19898. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 123067 (Sub-No. 88 TA), filed June 19, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed jet fuel*, in bulk, from Douglasville, Ga., to Greensboro and Swannanoa, N.C., and Roanoke, Va., for 150 days. Supporting shipper: Central Oil Asphalt Corp., 1520 Cleveland Avenue SW., Roanoke, Va. 24015. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 123490 (Sub-No. 11 TA) (Correction), filed June 2, 1969, published FEDERAL REGISTER, issue of June 11, 1969, and republished as corrected this issue. Applicant: CHIP CARRIERS, INC., 927 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chips, twists, or puffs; fried porkskins; potato chips and bakery goods*, between plants and warehouses of Frito-Lay, Inc., in Oklahoma and Texas on the one hand, and plants and warehouses of Frito-Lay, Inc., in Kansas, Missouri, Iowa, Nebraska, Colorado, on the other hand; and between plants and warehouses in Texas, and plants and warehouses in Oklahoma, for 180 days. NOTE: The purpose of this republication is to show "between plants and warehouses in Texas," which was inadvertently omitted. Supporting shipper: Frito-Lay, Inc., Post Office Box 35034, Dallas, Tex. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 125479 (Sub-No. 10 TA) (Correction), filed June 5, 1969, published FEDERAL REGISTER, issue of June 12, 1969, and republished as corrected this issue. Applicant: JOSEPH KORNACKER, doing business as KORNACKER TRUCKING CO., 3050 West 10th Street, Waukegan, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsite and/or facilities of Anheuser-Busch, Inc., at St. Louis, Mo., and Columbus, Ohio, to Chicago, Ill., and *empty bottles* on return, for 180 days. NOTE: The purpose of this republication is to include the return movements. Supporting shipper: Arthur White, President, Marg-Ann, Inc., 8331 South Michigan Avenue, Chicago, Ill. Send protests to: District Supervisor William E. Gallagher, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128985 (Sub-No. 2 TA), (Correction), filed June 5, 1969, published FEDERAL REGISTER, issue of June 14, 1969, and republished as corrected this issue. Applicant: M. L. WILKERSON, doing business as, WILKERSON TRUCKING COMPANY, R.F.D. No. 5, Lenoir City, Tenn. 37771. Applicant's representative: Walter Hardwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exhaust pots and mufflers; exhaust and tail pipe*, with or without fittings, between the plantsite and storage facilities of Maremont Corp. at or near Loudon, Tenn., on the one hand, and, on the other, points in the States which border on the Mississippi River, and points in the United States on and east of a line beginning at the mouth of Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundary of Itasca and Kochicing Counties, Minn., to the international boundary line between the United States and Canada, for 150 days. NOTE: The purpose of this republication is to show "contract" carrier in lieu of "common" carrier. Supporting shipper: Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 133793 TA (Correction), filed June 9, 1969, published FEDERAL REGISTER, issue of June 19, 1969, and republished as corrected this issue. Applicant: WILEY J. LAMBERT, JR., doing business as U.S. CONTRACT CARRIERS, 3131 South Bristol, Santa Ana, Calif. 92704. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ordnance, engineer, signal, and quartermaster materials, equipment, and supplies, or component parts thereof* (except commodities in bulk and household goods) from the plantsites and warehouses of Atlas Fabricators, Inc., located within Los Angeles County, Calif., to points in Arizona, Arkansas, California, Indiana, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Washington, for 180 days. NOTE: The purpose of this republication is to show 180 days in lieu of 150 days. Supporting shipper: Atlas Fabricators, Inc., 6375 Paramount Boulevard, Long Beach, Calif. 90805. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7597; Filed, June 26, 1969; 8:47 a.m.]

[Notice 368]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 23, 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.

Finance Docket No. 25629. By order of June 16, 1969, the Motor Carrier Board approved the transfer to The "B" Line Tug & Barge Co., a corporation, Portland, Oreg., of water carrier certificate No. W-602, issued in the name of Alace R. Leach, doing business as Towboat Co., Portland, Oreg., authorizing transportation as follows: Common carriage by non-self-propelled vessels with the use of separate towing vessels in the transportation of commodities generally, and by towing vessels in the performance of general towage, in interstate or foreign commerce, between ports and points along the Columbia River, and its tributaries below and including Bingen, Wash., but not including the Willamette River above Albany, Oreg. Clarence A. Potts, 1225 Yeon Building, Portland, Oreg. 97204, attorney for applicants.

No. MC-FC-71324. By order of June 13, 1969, the Motor Carrier Board approved the transfer to Edward J. Huber, Jr., doing business as Silex Trucking Co., Silex, Mo. 63377; of certificate in No. MC-104804, issued October 7, 1949, to C. E. Dwyer, doing business as Dwyer Motor Freight, Rural Route No. 3, Silex, Mo. 63377; authorizing the transportation of: General commodities with the usual exceptions, between Silex, Mo.; and East St. Louis, Ill.; feed and grain, from points in Illinois to Silex, Mo., and points within 20 miles of Silex; and, livestock, between Silex, Mo., and points within 20 miles of Silex on the one hand, and, on the other, National Stock Yards, Ill.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7598; Filed, June 26, 1969; 8:47 a.m.]

[Notice 369]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 24, 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-71416. By order of June 16, 1969, the Motor Carrier Board approved the transfer to Casazza Trucking Co., a corporation, Sparks, Nev., of a portion of the operating right in certificate No. MC-120789 (Sub-No. 4) issued February 8, 1967, to Universal Transport System, Inc., Mountain View, Calif., authorizing the transportation of Road construction machinery and equipment, and excavation and logging machinery and equipment, requiring special equipment, between specified counties in California and Nevada. Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-71417. By order of June 16, 1969, the Motor Carrier Board approved the transfer to Norman W. Wenger, Terre Hill, Pa., of certificate No. MC-117096 issued April 17, 1959, to Erbie W. Sauder, East Earl, Pa., authorizing the transportation of: Stone and sand, between points in Pennsylvania, New Jersey, Maryland, and Delaware. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-71418. By order of June 16, 1969, the Motor Carrier Board approved the transfer to Burchett Trucking Co., Inc., Prestonburg, Ky., of certificate No. MC-108141 issued September 28, 1948, to Arvie M. Burchett, Prestonburg, Ky., authorizing the transportation of: Gas and oil field machinery, equipment, materials, and supplies, between points in Kentucky, Ohio, and West Virginia. Walter Scott Collins, 1117 Cardinal Drive, Prestonburg, Ky. 41653. Louis J. Amato, Post Office Box E., Bowling Green, Ky. 42101, attorneys for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-7599; Filed, June 26, 1969; 8:47 a.m.]

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PART II

Department of Health, Education, and Welfare

Social and Rehabilitation Service

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Grants for Construction and Initial Staffing of Community Mental Retardation Facilities

Title 45—PUBLIC WELFARE

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

PART 416—GRANTS FOR CONSTRUCTION AND INITIAL STAFFING OF COMMUNITY MENTAL RETARDATION FACILITIES

MAY 23, 1969.

Notice of proposed regulations for the programs administered under Title I, Parts C and D, and Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88-164) as amended, was published in the FEDERAL REGISTER, March 1, 1969 (34 F.R. 3689). After consideration of the views presented by interested persons certain substantive changes in the proposed regulations were made providing for consultation, coordination, and review of State plans and applications by city and local governments, citizen groups, and private organizations, concerned with planning and construction of facilities or delivery of services (§§ 416.11, 416.12, 416.15, 416.19, 416.21, 416.93, and 416.94). Certain other technical and clarifying changes have also been made. Accordingly, a new Part 416 is added to Chapter IV of Title 45 of the Code of Federal Regulations as set forth below.

Federal financial assistance extended under this chapter is subject to the regulations in 45 CFR Part 80 issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

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AUTHORITY: The provisions of this Part 416 issued under sec. 133, 77 Stat. 287; 42 U.S.C. 2673; sec. 144, 81 Stat. 529; 42 U.S.C. 2678c. Interpret and apply secs. 131-137, 141-145, 401-407, 408, 77 Stat. 286-290, 81 Stat. 528-530, 77 Stat. 296-299, 79 Stat. 429; 42 U.S.C. 2671-2677, 2678-2678d, 2691-2697.

Subpart A—General

§ 416.1 Terms.

Unless otherwise indicated in the regulations in this part, the terms below are defined as follows:

(a) "Act" means the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended;

(b) "Administrator" means the Administrator of the Social and Rehabilitation Service;

(c) "Community" means a contiguous geographic territory from which the mentally retarded come or might be expected to come to existing or proposed facilities, the delineation of which is based on such factors as population distribution, economic, social and cultural characteristics, natural geographic boundaries, and transportation accessibility. Nothing in the regulations in this part shall preclude the formation of an interstate area with the mutual agreement of the States concerned;

(d) "Community service" means that the services furnished by the facility will be available primarily to the general public of the community or communities served;

(e) "Comprehensive services" means a complete range of services in sufficient quantity to meet the needs of the mentally retarded within the community or communities served and includes: (1) Diagnostic services; (2) treatment services; (3) educational services; (4) training services; (5) personal care; and (6) sheltered workshop services. These services are defined as follows: (i) "Diagnostic services" means coordinated medical, psychological, and social services, supplemented where appropriate by nursing, educational, or vocational services and carried out under the supervision of qualified personnel and which includes (a) Diagnosis, appraisal, and evaluation of mental retardation and associated disabilities, and the strengths, skills, abilities, and potentials for improvement of the individual; (b) determination of the needs of the individual and his family; (c) development of recommendations for a specific plan of services to be provided with necessary counseling to carry out recommendations; and (d) where indicated, periodical reassessment of progress of the individual; (ii) "treatment services" means services under medical direction and supervision providing specialized medical, psychiatric, neurological, or surgical treatment, including dental therapy, physical therapy, occupational therapy, speech and hearing therapy, or other related therapies which provide for improvement in the effective physical, psychological or social functioning of the individual; (iii) "educational services" means services, under the direction and supervision of teachers qualified in special education, which provide a curriculum of instruction for preschool children, for school age children unable to participate in public schools, and for the mentally retarded beyond statutory school age; (iv) "training services" means services, carried out under the supervision of qualified personnel, which provide: (a) Training in self-help and motor skills; (b) training in activities of daily living; (c) vocational training; (d) opportunities for personality development; and (e) experiences conducive to social development; (v) "custodial services" means personal care which includes, where needed, health services supervised by qualified medical or nursing personnel; and (vi) "sheltered workshop services" means services in a facility, under the supervision of personnel qualified to direct such activities, which provides or will provide comprehensive services involving a program of paid work which includes: (a) Work evaluation; (b) work adjustment training; (c) occupational training; and (d) transitional or extended employment;

(f) "Construction" means (1) the construction of new buildings; the acquisition, expansion, remodeling, and alteration of existing buildings, (2) initial equipment for such buildings, and (3) architects' fees. The cost of off-site improvements and the cost of the acquisition of land are not included in this definition of constructions;

(g) "Equipment" means those items which are necessary for the functioning of the facility, but does not include items of current operating expense such as food, fuel, drugs, paper, printed forms, and soap;

(h) "Facility for the mentally retarded" means a specially designed facility for the diagnosis, treatment, education, training, or personal care of the mentally retarded, including sheltered workshops which are part of facilities which provide or will provide comprehensive services for the mentally retarded, and which principally serves the needs of the particular community or communities in or near which the facility is located. These facilities include: (1) "Diagnostic and evaluation clinic" which provides diagnostic and evaluation services only; (2) "day facility" which provides on less than a 24-hour-a-day basis, treatment services, educational services, training services, personal care, or sheltered workshop services or any combination thereof, and may include diagnostic and evaluation services; (3) "residential facility" which provides on

a 24-hour-a-day basis, treatment services, educational services, training services, personal care, or sheltered workshop services or any combination thereof, and may include diagnostic and evaluation services;

(i) "Nonprofit facility for the mentally retarded" means a facility for the mentally retarded which is owned and operated by one or more nonprofit corporation or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(j) "Population" means the latest figures of total population residing in the States as certified by the Federal Department of Commerce;

(k) "Regional Commissioner" means the Regional Commissioner of the Social and Rehabilitation Service.

(l) "State" includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

§ 416.2 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for which payment is made under another part of this chapter, or other authority.

§ 416.3 Consultant fees.

Fees for consultant services are allowable to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant or contract has been awarded. Fees for consultant services may not be paid to any regular full-time Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation under the Act, or which conflict with his duties in such other position.

Subpart B—Grants for Construction of Community Facilities for Mental Retardation

§ 416.10 Allotments; transfer of allotments.

(a) *Allotments to States.* The allotments to the several States under Part C, Title I, of the Act shall be computed as follows:

(1) One-third on the basis of a facility need factor expressed by the relationship of the total population under 21 in each State to the total population under 21 in the United States;

(2) Two-thirds on the basis of total population weighted by financial need. "Financial need" as applied to any State means the relative per capita income as shown by data supplied by the Federal Department of Commerce for the three most recent consecutive years for which satisfactory data are available.

(b) *Transfer of allotment to another State.* A State may submit a request in writing to the Administrator that its allotment or a specified portion thereof be added to the allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a facility for the mentally retarded in such other State. In determining whether the facility with respect to which the request is made will meet the needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, will assist in carrying out the purposes of Part C of Title I of the Act, the Administrator shall consider the accessibility of the facility, and the extent to which services will be made available to the residents of the State making the request.

(c) *Transfer of allotment to the allotment for community mental health facilities.* A State may submit a request in writing to the Administrator that a specified portion of its allotment be added to the allotment to such State under Title II of the Act for the construction of community mental health centers. The Administrator shall adjust the allotments of such State upon either:

(1) Certification by the State agency that it has afforded a reasonable period of time, not less than 6 months, during which application could be made for the portion so specified and that no approvable applications for such funds were received during that period of time; or

(2) A demonstration satisfactory to the Administrator that the need for community mental health centers is substantially greater than for facilities for the mentally retarded, such demonstration to include the concurrence or other views of the State advisory council designated under section 134(a)(3) of Title I, Part C of the Act.

§ 416.11 State plan: Submission; modification; publicizing; accessibility.

(a) *Submission of State plan.* Each State wishing to participate in the program shall submit to the Administrator a State plan which conforms to the Act, the regulations of this subpart, and procedures prescribed by the Administrator.

(b) *Modification of the State plan.* The State agency shall from time-to-time as necessary review its overall State plan. Annually, the State agency shall submit to the Administrator a report which contains such revision of the construction program as the State agency deems necessary to administer the annual construction allotment. A complete revision of the State plan, including the construction program, is to be submitted biennially. Amendments to the State plan may be submitted whenever necessary.

(c) *State advisory council.* The State plan shall provide for the designation of a State advisory council which shall include representatives of each of the following: (1) State agencies concerned with planning, operation, and utilization of facilities for the mentally retarded; (2) non-government organizations or groups concerned with (i) education, (ii) employment, (iii) rehabilitation, (iv) welfare, and (v) health; and (3) representatives of consumers of services, such as parents' groups. Representatives of consumers of service shall include representatives of minority groups. The advisory council shall meet at least once a year to advise and consult with the State agency in carrying out the State plan.

(d) *Publicizing the State plan.* At least 30 days prior to the submission of the State plan or revised construction program to the Administrator, the State agency shall submit evidence that (1) there was published or caused to be published in newspapers and other news media having general circulation throughout the State a general description of the plan and the construction program; and (2) copies of the plan have been made available to interested State and local governmental and private nonprofit agencies and organizations, such as the Comprehensive Health Planning Agency, local area wide health and rehabilitation planning agencies, and units of State and local governments engaged in local area wide planning (Demonstration Cities and Metropolitan Development Act of 1966, Public Law 89-754) for their review and comments. The plan shall be made available for examination as a public document at the office of the State agency.

(e) *Construction schedule.* After approval of the State plan and the construction program the State agency shall establish an annual construction schedule listing projects to be approved in order of relative need insofar as funds are available for construction and for maintenance and operation, on forms prescribed by the Administrator.

(f) *Audit.* The State plan shall provide that the Comptroller General of the United States or his duly authorized representatives will have access for purposes of audit and examination to such records of the State agency as are required to be maintained by the Administrator.

§ 416.12 Adequate services and facilities.

(a) *Adequate services.* The State plan shall provide for services which are necessary to provide adequate mental retardation services for all persons in the State which include:

(1) Diagnostic and evaluation services;

(2) Treatment services;

(3) Training services;

(4) Educational services;

(5) Personal care services;

(6) Sheltered workshop services.

(b) *Adequate facilities.* (1) The State plan shall provide for adequate facilities so that all persons in the State including those unable to pay for services shall have access to adequate services in such numbers as will meet the needs of each area taking into account the caseloads necessary to maintain and operate efficient facilities and the financial resources available therefor. Facilities shall be so planned to serve the needs of the particular community or communities in or near which the facility is located.

(2) The State plan shall provide that a minimum number of 1 percent of the population of the State shall be used to determine need for services in each planning area. Use of any percentage in excess of 3 percent must be submitted to the Administrator for approval prior to its use in the State plan.

(c) *Planning.* The State plan shall show that:

(1) It is consistent with the comprehensive planning for mental retardation services in the State;

(2) Cognizance has been taken of health, rehabilitation, and welfare planning efforts and planning in urban developments and for other related facilities; and

(3) There has been coordination with city, metropolitan areas, and interstate planning agencies to achieve consistency between the State plan for, and the delineation of, areas to be served by mental retardation facilities and other health, rehabilitation, and welfare plans and activities.

(d) *Size of facility.* (1) Diagnostic and evaluation clinics shall be planned to provide services for an annual caseload of not less than 150 or more than 300 retardates.

(2) Day facilities shall be planned to provide services for not less than 40 or more than 200 retardates.

(3) Residential facilities shall be planned for not less than 40 or more than 500 retardates.

(4) The Administrator may at the request of the State agency modify requirements in this paragraph if he finds that such modifications conform with acceptable program standards.

§ 416.13 Priority.

(a) *Areas.* The State plan shall set forth a division of the State into contiguous areas. The basic population, economic, social, and cultural characteristics of each area shall be set forth and described.

(b) *Relative need.* The relative need of each delineated area shall be determined according to the following criteria and the State plan shall indicate the relative weight assigned to each of these criteria in ranking the areas of the State:

(1) Need for additional services for the mentally retarded;

(2) Existence of low income families, low per capita income, chronic unemployment, and substandard housing;

(3) Mean years of schooling completed;

(4) Rate of infant mortality;

(5) Special needs of certain mentally retarded groups within the area especially those with associated handicaps and those beyond school age; and

(6) Present availability of public and private community resources for the retarded (including personnel, services, and facilities) and the utilization of those resources.

The criteria listed in subparagraphs (5) and (6) of this paragraph may not be weighted more than one each without prior approval of the Administrator.

(c) *Approval of projects.* Projects shall be considered in accordance with the priority ranking of areas. If more than one project is submitted from the same area the projects shall be considered in order of importance as given below:

(1) Facilities which alone or in conjunction with other existing facilities provide comprehensive services for the retarded in the particular community or communities.

(2) Facilities which alone or in conjunction with other existing facilities provide multiple but less than comprehensive services for the retarded in the particular community or communities.

(3) Facilities which provide a single service for the retarded in the particular community or communities.

§ 416.14 General standards of construction and equipment.

The State agency shall adopt general standards of construction and equipment for facilities for the mentally retarded assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Administrator and set forth in § 416.27 "Appendix A—General standards of construction and equipment."

§ 416.15 Construction program.

The State program for the construction of facilities for the mentally retarded shall be developed in the following manner:

(a) The State agency shall determine the need for facilities and services in accordance with §§ 416.12 and 416.13 taking into account existing facilities and services. The plan for a delineated area shall take into account planning activities of local agencies and shall be developed after consultation with such local planning bodies as may be involved.

(b) The State agency shall determine, through field investigation and otherwise, the approximate locations in which facilities should be constructed.

(c) After having determined the need for facilities and services, the State agency shall develop an overall construction program. The program shall set forth all such needs in accordance with the standards specified in § 416.12 and shall, insofar as funds are available, provide for construction in the order of relative need determined in accordance with § 416.13.

§ 416.16 Minimum standards of maintenance and operation.

The State plan shall provide minimum standards for the maintenance and operation of facilities receiving aid under Part C, Title I of the Act, and effective not later than July 1, 1969, shall provide for enforcement of such standards.

§ 416.17 Personnel administration.

(a) A system of personnel administration on a merit basis shall be established and maintained with respect to the personnel employed in the administration of the State plan. Such a system shall include provision for:

(1) Impartial administration of the merit system;

(2) Operation on the basis of published rules or regulations;

(3) Classification of all positions on the basis of duties and responsibilities and establishment of qualifications necessary for the satisfactory performance of such duties and responsibilities;

(4) Establishment of compensation schedules adjusted to the responsibility and difficulty of the work;

(5) Selection of permanent appointees on the basis of examinations so constructed as to provide a genuine test of qualifications and so conducted as to afford all qualified applicants opportunity to compete;

(6) Advancement on the basis of capacity and meritorious service; and

(7) Tenure of permanent employees.

(b) Substantial compliance with the Standards for a Merit System of Personnel Administration, issued by the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Secretary of Defense on January 23, 1963, 28 F.R. 734, including any subsequent amendments thereof, will be deemed to meet the requirements of the regulations in this part.

(c) No full-time officer or employee of the State agency, or any firm, organization, corporation, or partnership which such officer or employee owns, controls, or directs, shall receive funds from the applicant directly or indirectly, in payment for services provided in connection with the planning, design, construction, or equipping of the project.

§ 416.18 Fair hearings.

The State plan shall provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with any action of the State agency regarding its application.

§ 416.19 Application; submittal; amendment; processing.

(a) *Submittal of application.* Construction applications, including both a narrative description and an estimate of the cost of the project, shall be submitted to the Administrator through the State agency on forms prescribed by the Administrator. In the case of proposed acquisition of a building, the application shall include (1) such documentation submitted by the applicant as the Administrator may prescribe (including the reports of such real estate appraisers as the Administrator may approve), (2) a statement that the costs in which Federal participation is requested are not excessive for providing mental retardation services, and (3) a statement that the architectural, structural, fire safety, and other pertinent features of the building, including electrical and mechanical systems, as modified by any proposed expansion, remodeling, or alteration will be suitable for the provision of mental retardation services.

(b) *Amendment to application.* An amendment to any application approved by the Administrator shall be processed

in the same manner as an original application, except that the original application's conformity with the priority regulations shall suffice for an amendment which does not modify the factors on which the priority was granted.

(c) *Processing of application.* The State agency shall approve, recommend, and forward applications received in the order of priority, except that the State agency may approve, recommend and forward to the Administrator applications out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority; and

(2) The State agency certifies to the Administrator that financial resources for the construction, maintenance, and operation of projects of higher priority are not then available. Applications for projects located in metropolitan areas (designated by the Bureau of the Budget, in accordance with section 204, Public Law 89–754) and in model cities are to be submitted to the appropriate area-wide planning agency for comments.

§ 416.20 Assurances from applicant.

In addition to any other requirements imposed by law, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Administrator may, at any time, approve exceptions to these conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) That applicant (or other public or nonprofit agency which is to operate the facility) has or will have a fee simple or such other estate or interest in the site including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) That the Administrator's approval of the final working drawings and specifications, which conform to the general standards of construction and equipment, will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the State agency and the Administrator, upon written justification by the applicant, to be required by the needs of the program;

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Administrator;

(e) That applicant will submit to the Adminisrtator for prior approval changes that substantially alter the scope of work, function, utilities, or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time;

(h) That applicant will furnish progress reports and such other information as the Administrator may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276 et seq.) and will receive compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts;

(i) Applicable labor provisions of the Copeland Act (Anti-Kickback) and the Contract Work Hours Standards Act except in the case of contracts in the amount of $2,000 or less;

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability and property damage insurance;

(iii) Representatives of the Administrator and State agency will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(m) That the facility will be operated and maintained in accordance with the minimum standards prescribed by the appropriate State regulatory agency for the maintenance and operation of such facilities;

(n) That the applicant will incorporate, or cause to be incorporated, into construction contracts paid for in whole or in part with funds obtained from the Federal Government under this subpart, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246, and that the grantee will otherwise comply with requirements prescribed by and pursuant to such order;

(o) That applicant will comply with the provisions of Executive Order No. 11296, relating to evaluation of flood hazards; and the provisions of Executive Order No. 11288 relating to the prevention, control, and abatement of water pollution;

(p) That applicant will incorporate into the bid document and construction contracts the standards for the design, construction and alteration of buildings issued by the Administrator of the General Services Administration or the Secretary of Housing and Urban Development pursuant to the Act approved August 12, 1968 (Public Law 90–480). Prior to the issuance of such standards the applicant will incorporate into such bid document and construction contracts the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1–1961, as modified from time-to-time.

(q) That the applicant will conform to all the applicable requirements of the State plan and the regulations of this subpart.

§ 416.21 Community service; services for persons unable to pay; nondiscrimination.

Before an application for the construction of a facility for the mentally retarded is recommended by a State agency for approval, the State agency shall obtain assurances from the applicant that:

(a) The facility will furnish a community service; and that consideration will be given to involvement of residents of the community in management and operation of the facility;

(b) The facility will furnish a reasonable volume of services to persons unable to pay therefor. As used in this paragraph, "persons unable to pay therefor" includes persons who are otherwise self-supporting but are unable to pay the full cost of needed services. Such services may be paid for wholly or partly out of public funds or contributions of individuals and private and charitable organizations such as Community Chest or may be contributed at the expense of the facility itself. In determining what constitutes a reasonable volume of services to persons unable to pay therefor, there shall be considered conditions in the area to be served by the applicant,

including the amount of such services that may be available otherwise than through the applicant. The requirements of assurances from the applicant may be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Administrator, that to furnish such services is not feasible financially;

(c) All portions and services of the entire facility for the construction of which, or in connection with which, aid under the Federal Act is sought, will be made available without discrimination on account of creed; and no professionally qualified person will be discriminated against on account of creed with respect to the privilege of professional practice in the facility.

§ 416.22 Certification to the Administrator.

After the State agency has approved a construction application, it shall recommend it to the Administrator for approval and shall certify:

(a) That the application contains reasonable assurance as to the availability of funds for the cost of construction and the entire cost of maintenance and operation when completed;

(1) Availability of funds for the non-Federal share of construction costs shall mean (i) funds immediately available, placed in escrow, or acceptably pledged, or (ii) funds or fund sources specifically earmarked in a sum sufficient for that purpose, or (iii) other assurance acceptable to the Administrator;

(2) To assure the availability of funds for maintenance and operation, the application for the construction of a new project must include a proposed operating budget for the two-year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet the difference between proposed expenditures and anticipated income for the operation of the constructed addition for the two-year period immediately following its completion, except that any applicant which is concurrently applying for a staffing grant shall so state and the documentation meeting the requirements of § 416.93(b) shall be acceptable unless and until the applicant is notified to the contrary.

(b) That the application is in conformity with and contains the assurances required by the State plan and these regulations.

§ 416.23 Request for construction payments.

Payments will be made on the basis of the certification from the State agency as to amounts due the applicant for the cost of work performed and materials and equipment furnished. Such certification shall be based on adequate inspections by the State agency to determine that work has been performed upon a project or purchases have been made in accordance with the approved plans and specifications. Payments will be made at periodic intervals consistent with the construction progress of the project. Final payment will not be made until after the project is completed and final inspection is made by appropriate representatives of the Administrator.

§ 416.24 Fiscal and accounting requirements.

(a) *Construction allotments.* (1) The State agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(2) The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts reflecting similar information shall be maintained for State funds.

(b) *Construction payments.* (1) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local, or other funds used for matching purposes.

(2) The State agency shall require that applicants receiving Federal funds establish and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects.

(3) The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Administrator for approved construction projects.

§ 416.25 Notice of change of status of facility.

The State agency shall promptly notify the Administrator in writing, if at any time within 20 years after the completion of construction, any facility which received funds under Part C of Title I of the Act is transferred to any person, agency, or organization not qualified to file an application under Part C, Title I of the Act or not approved as a transferee by the State agency; or ceases to be a public or nonprofit facility for the mentally retarded as defined in the Act.

§ 416.26 Good cause for other use of facility.

If within 20 years after completion of any construction for which a construction grant has been made the facility shall cease to be a public or nonprofit facility for the mentally retarded, the Administrator in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded, shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to use for another public purpose which will promote the purpose of the Act; or

(b) There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for the care of the mentally retarded will be so utilized and are substantially equivalent in nature and extent for such purposes.

§ 416.27 Appendix A—General standards of construction and equipment.

(a) *Introduction.* The standards set forth in this subpart have been established by the Administrator as required by the Act. These standards constitute minimum requirements for construction and equipment, and shall apply to all projects for which Federal assistance is requested under the Act. Standards for the design, construction and alteration of buildings issued by the Administrator of the General Services Administration or the Secretary of Housing and Urban Development pursuant to the Act approved August 12, 1968 (Public Law 90–480), must also be incorporated into the bidding documents and construction contracts for all such projects. Prior to the issuance of such standards the USASI "American Standard Specifications for Making Buildings and Facilities Accessible To and Usable by the Physically Handicapped," No. A117.1–1961, as modified from time-to-time, will be incorporated into such bidding documents and construction contracts. The Administrator may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of codes, ordinances, and regulations relating to zoning and to building construction and fire safety as enforced by State, county, city, or other local jurisdictions. In jurisdictions without such code, it shall be the responsibility of the applicant to consult one of the national building codes generally used in the area for all components of the building type which are not specifically covered by the minimum standards set forth herein provided the requirements of the code are not inconsistent with the minimum standards herein.

(b) *Architectural.* (1) Facilities shall be fire safe, structurally safe, and so planned as to carry out effectively the proposed program. The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates;

(2) The submission of programs, drawings, outline specifications, and estimates shall be in three stages as follows:

(i) *First stage.* (a) Program.[1]

(b) Schematic plans.[1]

(c) Outline specifications.

[1] A narrative program and schematic plans in sufficient detail to permit a comprehensive evaluation of the projects are to be submitted with the initial part of the application.

(d) Site survey.
(e) Estimated construction costs.
(ii) *Second stage.* (a) Preliminary plans.
(b) Outline specifications.
(c) Revised cost estimates.
(iii) *Third stage.* (a) Working drawings.
(b) Specifications.
(c) Final cost estimates.

(c) *Construction.* (1) One-story buildings shall be of not less than 1-hour fire-resistive construction throughout except as follows:

(i) Boiler rooms and rooms over 100 square feet in area used for the storage of combustible materials shall be of 2-hour fire-resistive construction;

(ii) Interior nonload-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating;

(iii) Subject to prior approval by the Administrator these requirements may be varied for free-standing facilities containing only educational, recreational, or workshop functions utilized by ambulant groups of mild or moderate levels of mentally retarded.

(2) Buildings more than one story in height shall have a structural framework and building elements of an appropriate fire-resistive combination of materials using steel, concrete and masonry. Load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall be of not less than the following hourly ratings:

	Hours
Columns, girders, trusses	1½
Floor construction including beams	1½
Roof construction including beams	1
Beams supporting masonry; individually protected	2
Bearing walls	2
Corridor partitions	1
Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and rooms used for storage of combustible materials	2

(3) Interior finish of walls and ceilings of all exit ways, storage rooms, and areas of unusual fire hazard shall have a flamespread rating of 25 or less. Interior finish of other areas shall have a flamespread rating of less than 75 except that 10 percent of the aggregate wall and ceiling areas of any space may have a flamespread rating up to 200. Flamespread ratings shall be on the basis of tests conducted in accordance with American Society for Testing Materials, Publication No. E84.

(4) Exit facilities: Exit facilities shall comply with the requirements of the Life Safety Code, National Fire Protection, Association Bulletin No. 101, except that in facilities housing other than acute nursing care residents minimum corridor widths shall be 6 feet and all doorways between occupied spaces and required exits and all exit doorways shall be at least 36 inches wide.

(d) *Mechanical.* All installations of fuel-burning equipment, steam, heating, air conditioning and ventilation, and plumbing systems shall meet all requirements of local and State codes and regulations and shall comply with applicable standards of the following national associations and agencies.

(1) The American Insurance Association (formerly National Board of Fire Underwriters), 85 John Street, New York, N.Y. 10038.

(2) National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110.

(3) United States of America Standards Institute (formerly American Standards Association), 10 East 40th Street, New York, N.Y. 10010.

(4) American Gas Association, 1725 Eye Street NW., Washington, D.C. 20006.

(5) Report of PHS Technical Committee on Plumbing Standards—PHS Publication No. 1038.

(6) American Society of Mechanical Engineers, 29 West 39th Street, New York, N.Y. 10008 (codes relating to pressure vessels).

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electric Code and the following:

(1) Hazardous locations: Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used to store shall comply with the requirements of NFPA No. 56 and No. 70.

(2) Fire alarms: Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Life Safety Code, NFPA No. 101.

(3) If radiation producing equipment is used, rooms in which it is located shall be protected in compliance with applicable requirements and standards of the National Bureau of Standards.

(4) Emergency electric service: Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Life Safety Code, NFPA No. 101.

(f) *Elevators, dumbwaiters, escalators.* (1) Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code of Elevators, Dumbwaiters, and Escalators, ASA A17.1A–1967.

(2) Any multistory mental retardation facility with services, other than for staff, located on one or more floors above the first shall have at least one electric or electrohydraulic elevator except that elevators are not required in two-story buildings of residential occupancy, only, if all physically handicapped occupants are located on the first floor. The minimum inside dimension of the elevator cab shall be five (5) feet.

Subpart C—Grants for Initial Cost of Professional and Technical Personnel of Community Mental Retardation Facilities

§ 416.90 Purpose.

Staffing grants authorized in section 141 of the Act shall be made for the purpose of paying part of the costs of compensation of professional and technical personnel for the initial operation of: (a) New public or other nonprofit facilities; or (b) new services in existing facilities for the mentally retarded.

§ 416.91 Professional and technical staff.

Professional and technical staff for the purpose of this section shall include such staff as physicians, psychologists, social workers, nurses, physical therapists, occupational therapists, special educators, nutritionists, vocational counselors, vocational evaluators, recreational specialists, speech and hearing pathologists, dentists, administrators, aides in professional and technical fields and staff in such other positions as the Administrator may approve.

§ 416.92 Conditions of eligibility.

(a) A grant may be made only if the applicant is a public or nonprofit agency or organization which owns or operates a facility for the mentally retarded; and (1) a grant was made under Title I, Part C of the Act to assist in the construction of the facility, or (2) a new type of service will be provided in an existing facility;

(b) The facility must provide one or more of the comprehensive services for the mentally retarded and be principally designed to serve the needs of the particular community in or near which the facility is or will be located;

(c) In the case of (1) a diagnostic and evaluation clinic, services shall be provided for an annual caseload of not less than 150 or more than 300 retardates; (2) a day facility, services shall be provided for not less than 40 or more than 200 retardates; and (3) a residential facility, services shall be provided for not less than 40 or more than 500 retardates. However, the Administrator may, at any time, modify the caseload requirements of these facilities if he finds that such modifications conform with acceptable program standards;

(d) If the requirements for a grant are met in each instance, there shall be no maximum number of initial staffing grants for which a facility may be eligible;

(e) The type of services will not be regarded as having been previously provided by the facility if it is a component of service: (1) Which during the 2 years immediately preceding an initial grant period has not been provided by the applicant or any predecessor of the applicant in any form, or (2) which the applicant proposes to provide in accordance with methods of treatment or delivery of services not used by the applicant or predecessor of the applicant during such 2-year period, or (3) which the applicant proposes to provide in a way designed to meet the needs of a specific group not served by such a specific program during such 2-year period, or (4) which represents the portion of an expanded component of service attributable to the needs of persons residing in an area where such component was not provided during such 2-year period, or (5) which has been provided by the applicant or predecessor

of the applicant only on a pilot or developmental basis for a period of 9 months or less;

(f) The State mental retardation construction agency shall be requested to submit to the Administrator an evaluation of the application as to the feasibility and effectiveness of the proposal in achieving new and adequate services for the mentally retarded in the community; a statement indicating the relationship of the application to the purposes and priorities of the State construction plan for the mentally retarded; and, such information as the Administrator may require in order to make a finding that Federal funds applied for will be supplemental and that non-Federal funds for mental retardation services have not declined and will not decline in the State during the project period.

§ 416.93 Applications.

Each application shall be submitted to the appropriate Regional Commissioner and shall be in the form and detail required by the Administrator.

(a) The initial application for each project shall include the following information:

(1) Extent of the need in the community for the mental retardation services to be provided;

(2) Ages and level of the mentally retarded to be served and the services to be provided;

(3) Socioeconomic and population characteristics of the community served or to be served;

(4) Accessibility to the facility, including availability of public and private transportation and the number of hours per day and days per week the facility is open;

(5) Type, number and qualifications of professional and technical personnel proposed, and plans for their recruitment and compensation, giving consideration to residents of the community where the facility is located;

(6) Existing and proposed arrangements with other public and private agencies concerned with the mentally retarded in the community; and

(7) Extent to which services contemplated by the proposal have been and are being provided by the applicant or its predecessor with financial assistance Federal, State, and local programs other than under this subpart.

(b) In addition each application shall include the following information:

(1) A statement for each of the two most recent 12-month period of operation, and an estimate for each budget period of the project, of costs incurred or to be incurred and income received or to be received by the applicant and predecessor of the applicant with respect to all services included in the program set forth under paragraph (a) of this section;

(2) Identification of all actual or contemplated staff positions, and the compensation for such positions; and

(3) Identification of those costs for which Federal assistance is requested and the amount thereof.

(c) Any applicant which is concurrently applying for a construction grant shall so state and the documentation meeting the requirements of paragraph (b) of this section shall be acceptable in lieu of the similar information required for construction grant under Title I, Part C of the Act (§ 416.22(a)(2)) unless and until the applicant is notified to the contrary.

(d) Such other information as the Administrator may require.

§ 416.94 Assurances.

In addition to any other requirements imposed by law each staffing grant shall be subject to the condition that the applicant will furnish and comply with the following assurances:

(a) That the services to be provided by the applicant will be made available principally to persons residing in the particular community or communities in or near which such facility is to be situated; and that consideration will be given to involvement of residents of the community in management and operation of the facility;

(b) That the facility will furnish a reasonable volume of services to persons unable to pay therefor (if this is not financially feasible submit justification for such conclusion);

(c) That the services of the facility will not be denied to any person within the community served solely on the ground that such person does not meet a minimum period of residence in such community (if unable to give this assurance, submit supporting information);

(d) That in the selection, compensation, or other employment practices of the facility with respect to its technical or professional personnel referred to in this subpart there shall be no discrimination because of race, creed, sex, or national origin;

(e) That the facility will be maintained and operated in accordance with minimum standards prescribed by the appropriate State authority for the maintenance and operation of such facilities;

(f) That it will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the costs of the project, and permit audit of such records and accounts at any reasonable time; and

(g) That it will comply with all the regulations of this subpart.

§ 416.95 Allocations; priorities.

(a) The total amount of grants that may be awarded in any State in any fiscal year may not exceed the share of that State of any funds appropriated for such year which has been calculated as an allotment to that State in accordance with section 132(a) of the Act, except that the Administrator may, in particular circumstances, modify this requirement if he finds that grants in one or more other States will be less than required.

(b) In determining priority for projects the Administrator shall rank applications in order of the relative effectiveness of the proposed programs giving due weight to comprehensiveness and adequacy of the services to be provided and to the evaluation of the application by the State mental retardation construction authority.

§ 416.96 Federal financial participation.

(a) The Administrator may approve an application for Federal participation up to 75 percentum of eligible compensation costs for the period ending with the close of the 15th month of the initial grant, 60 percentum of such costs for the first year thereafter, 45 percentum of such costs for the second year thereafter, and 30 percentum of such costs for the third year thereafter.

(b) For purposes of this subpart, "compensation" may include remuneration for services, including vacation, holiday and severance pay, sick leave, workmen's compensation and employee insurance, social security taxes and retirement plans cost, and such other benefits in return for services performed as the Administrator finds reasonably necessary to secure the services of qualified personnel in the area.

§ 416.97 Payments.

Payment of the Federal share of the costs of the initial staffing project may be made quarterly, or for such other period as the Administrator may determine, as an advance for estimated costs or as reimbursement to the grantee.

§ 416.98 Records, audits, and reports.

The applicant shall keep such records as the Administrator shall prescribe, and shall make any books, documents, papers, and records of the applicant that are pertinent available for audit and examination by representatives of the Administrator and the Comptroller General of the United States. The applicant shall also submit such reports or other information as the Administrator may require.

§ 416.99 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Administrator in writing giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or in part, at any time at the discretion of the Administrator. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

Effective date. The regulations in this part shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: June 5, 1969.

JOSEPH H. MEYERS,
Acting Administrator,
Social and Rehabilitation Service.

Approved: June 24, 1969.

ROBERT H. FINCH,
Secretary.

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