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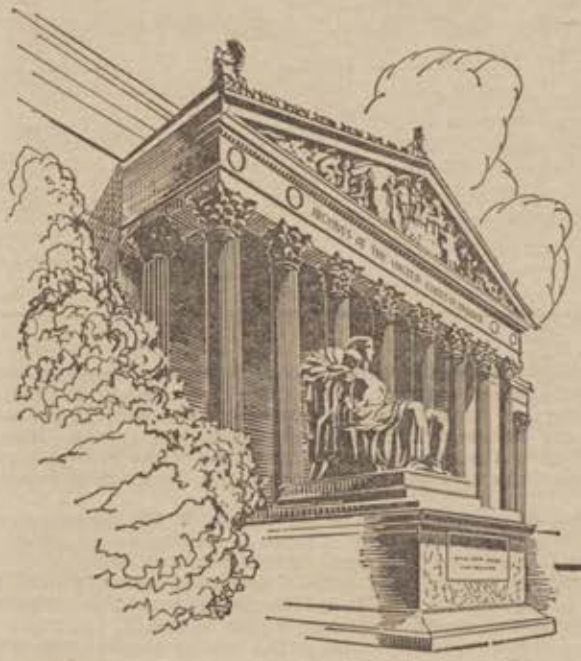
Agencies in this issue—

Detailed list of Contents appears inside.



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Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

3 CFR

PROCLAMATION:
3919 12079

7 CFR

362 12081
1421 (2 documents) 12081

PROPOSED RULES:
Ch. X 12102
1131 12102

9 CFR

318 12084

10 CFR

PROPOSED RULES:
40 12107

14 CFR

39 12085
71 (4 documents) 12085, 12086

PROPOSED RULES:
39 (2 documents) 12102, 12103
71 (10 documents) 12103–12106

18 CFR

PROPOSED RULES:
141 12109

19 CFR

19 12086
31 12087

21 CFR

31 12087
120 (2 documents) 12088
121 (5 documents) 12088–12090
146 12091
148 12091

24 CFR

203 12092

32 CFR

48 12092
52 12097
80 12097
80a 12097
1701 12098
1713 12098

47 CFR

74 12099

PROPOSED RULES:
74 12108

49 CFR

PROPOSED RULES:
Ch. III 12107

50 CFR

33 12099

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3919

NATIONAL DAY OF PARTICIPATION

By the President of the United States of America

A Proclamation

Apollo 11 is on its way to the moon. It carries three brave astronauts; it also carries the hopes and prayers of hundreds of millions of people here on earth, for whom that first footfall on the moon will be a moment of transcendent drama. Never before has man embarked on so epic an adventure.

In the words of the plaque the Apollo astronauts expect to leave on the moon, they go "in peace for all mankind." The adventure is not theirs alone, but everyone's; the history they are making is not only scientific history, but human history. That moment when man first sets foot on a body other than earth will stand through the centuries as one supreme in human experience, and profound in its meaning for generations to come.

In past ages, exploration was a lonely enterprise. But today, the miracles of space travel are matched by miracles of space communication; even across the vast lunar distance, television brings the moment of discovery into our homes, and makes all of us participants.

As the astronauts go where man has never gone; as they attempt what man has never tried, we on earth will want, as one people, to be with them in spirit; to share the glory and the wonder, and to support them with prayers that all will go well.

In order that as many as possible can have the opportunity to share as fully as possible in this surpassing occasion, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Monday, July 21, 1969, to be a National Day of Participation; and I invite the Governors of the States and the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

All executive departments, independent establishments, and other governmental agencies, including their field services, shall be closed on the National Day of Participation, and all of their employees (except employees of the Department of State, the Department of Defense, or other agencies who in the judgment of their agency heads should be at their posts of duty for national security or other public reasons), shall be excused from duty on that day. And I direct that the flag of the United States be displayed on all public buildings on that day.

I urge the Governors of the States, the mayors of cities, the heads of school systems, and other public officials to take similar action. I also urge private employers to make appropriate arrangements so that as many of our citizens as possible will be able to share in the significant events of that day. And, finally, I call upon all of our people, on that historic day, to join in prayer for the successful conclusion of Apollo 11's mission and the safe return of its crew.

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

Richard Nixon

[F.R. Doc. 69-8547; Filed, July 16, 1969; 4:03 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 25]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Pesticides Containing Sodium Arsenite and Arsenic Trioxide Compounds

On July 25, 1968, Interpretation No. 25 of the Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act was published in the FEDERAL REGISTER (33 F.R. 10561) setting forth certain requirements with respect to registration of pesticides containing sodium arsenite and arsenic trioxide compounds. This interpretation was scheduled to become effective 90 days after its publication. Subsequent thereto, on October 15, 1968 (33 F.R. 15294), a notice was published delaying the effective date of this interpretation until further notice.

After thorough consideration of all relevant matters, Interpretation 25 is made effective as follows:

§ 362.123 Interpretation with respect to labeling of sodium arsenite or arsenic trioxide products.

(a) *Home use unacceptable.* Labeling for economic poisons submitted in connection with registration under the Act bearing directions for use of products containing more than 2 percent sodium arsenite or more than 1.5 percent arsenic trioxide in or around the home is not acceptable.

(b) *Required warning against home use.* In addition to other warning and caution statements required by the regulations and interpretations under the Act, labels for such products with acceptable directions for agricultural, commercial, or industrial use must bear, in a prominent position, the warning statement(s) as indicated below:

(1) All products; "Do Not Use or Store in or Around the Home."

(2) Products intended for area treatments such as herbicide use; "Do Not Allow Domestic Animals to Graze Treated Areas."

Effective date. This interpretation shall become effective upon publication in the FEDERAL REGISTER, on which date procedures set forth in section 4 of the Act (7 U.S.C. 135b) shall be instituted for the cancellation of the registration of any product failing to comply with this interpretation.

Done at Washington, D.C., this 15th day of July, 1969.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 69-8472; Filed, July 17, 1969; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Wheat Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Wheat Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 34 F.R. 8897 and 9701 containing regulations for price support loans and purchases applicable to the 1969 crop of wheat are amended as follows:

In § 1421.2119, paragraph (b) is amended to correct basic county support rates as follows:

§ 1421.2119 Support rates, premiums, and discounts.

* * * * *

(b) *Basic support rates (counties).*

* * *

State	County	Rate per bushel	
		From	To
Nebraska	Pawnee	$1.23	$1.28
Pennsylvania	Bradford	1.30	1.34

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

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

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8478; Filed, July 17, 1969; 8:47 a.m.]

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

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Grain Sorghum Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and any amendments thereto and the 1966 and Subsequent Crops Grain Sorghum Loan and Purchase Program regulations (31 F.R. 8000) and any amendments thereto, which contain regulations of a general nature with respect to price support operations, are further supplemented by revising §§ 1421.2575—1421.2579 to read as follows, effective as to the 1969 crop of grain sorghum. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Sec.
1421.2575 Availability.
1421.2576 Compliance requirements.
1421.2577 Warehouse charges.
1421.2578 Maturity of loans.
1421.2579 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 1421.2575 Availability.

A producer desiring a price support loan must request a loan on his eligible grain sorghum on or before May 31, 1970, on grain sorghum stored in Oklahoma and Texas and on or before June 30, 1970, on grain sorghum stored in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1969 crop grain sorghum he may sell to CCC. The Purchase Agreement must be delivered to CCC on or before June 30, 1970, with respect to grain sorghum stored in the States of Oklahoma and Texas, and on or before July 31, 1970, with respect to grain sorghum stored in any other State.

§ 1421.2576 Compliance requirements.

To be eligible for a loan or purchase, a producer must qualify for a price support payment under the 1966-69 Feed

Grain Program Regulations (31 F.R. 8339), and any amendments thereto, on grain sorghum of the 1969 crop on the farm on which the grain sorghum tendered for loan or purchase was produced except that such qualification is not necessary with respect to grain sorghum produced in any area of the United States in which the feed grain program is not in effect.

§ 1421.2577 Warehouse charges.

Subject to the provisions of § 1421.2569, the following schedule of deductions for grain sorghum stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall apply:

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of June 30, 1970	Deduction (cents per hundredweight)	Maturity date of July 31, 1970
(1)		(1)
	27	Prior to June 3, 1969.
	26	June 3-June 18, 1969.
Prior to June 4, 1969	25	June 19-July 4, 1969.
June 4-June 19, 1969	24	July 5-July 20, 1969.
June 20-July 5, 1969	23	July 21-Aug. 5, 1969.
July 6-July 21, 1969	22	Aug. 6-Aug. 21, 1969.
July 22-Aug. 6, 1969	21	Aug. 22-Sept. 6, 1969.
Aug. 7-Aug. 22, 1969	20	Sept. 7-Sept. 22, 1969.
Aug. 23-Sept. 7, 1969	19	Sept. 23-Oct. 8, 1969.
Sept. 8-Sept. 23, 1969	18	Oct. 9-Oct. 24, 1969.
Sept. 24-Oct. 9, 1969	17	Oct. 25-Nov. 9, 1969.
Oct. 10-Oct. 25, 1969	16	Nov. 10-Nov. 25, 1969.
Oct. 26-Nov. 10, 1969	15	Nov. 26-Dec. 11, 1969.
Nov. 11-Nov. 26, 1969	14	Dec. 12-Dec. 27, 1969.
Nov. 27-Dec. 12, 1969	13	Dec. 28, 1969-Jan. 12, 1970.
Dec. 13-Dec. 28, 1969	12	Jan. 13-Jan. 28, 1970.
Dec. 29, 1969-Jan. 13, 1970.	11	Jan. 29-Feb. 13, 1970.
Jan. 14-Jan. 29, 1970	10	Feb. 14-Mar. 1, 1970.
Jan. 30-Feb. 14, 1970	9	Mar. 2-Mar. 17, 1970.
Feb. 15-Mar. 2, 1970	8	Mar. 18-Apr. 2, 1970.
Mar. 3-Mar. 18, 1970	7	Apr. 3-Apr. 18, 1970.
Mar. 19-Apr. 3, 1970	6	Apr. 19-May 4, 1970.
Apr. 4-Apr. 19, 1970	5	May 5-May 20, 1970.
Apr. 20-May 5, 1970	4	May 21-June 5, 1970.
May 6-May 21, 1970	3	June 6-June 21, 1970.
May 22-June 6, 1970	2	June 22-July 7, 1970.
June 7-June 30, 1970	1	July 8-July 31, 1970.

[1] Dates storage charges start, all dates inclusive.

§ 1421.2578 Maturity of loans.

Loans mature on demand but not later than: June 30, 1970, on grain sorghum stored in the States of Oklahoma and Texas and July 31, 1970, on grain sorghum stored in all other States.

§ 1421.2579 Support rates and discounts.

(a) *Basic support rates (terminals).* Basic support rates for loan and settlement purposes for grade No. 2 or better grain sorghum stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per hundredweight
Sioux City, Iowa	$1.69
Omaha, Nebr	1.73
Council Bluffs, Iowa	1.73
Atchison, Kans	1.83
Kansas City, Kans	1.83
Kansas City, Mo	1.83
St. Joseph, Mo	1.83
Cairo, Ill	1.97
East St. Louis, Ill	1.97
St. Louis, Mo	$1.97
Memphis, Tenn	2.02
Beaumont, Tex	2.06
Brownsville, Tex	2.06
Corpus Christi, Tex	2.06
Galveston, Tex	2.06
Houston, Tex	2.06
Port Arthur, Tex	2.06
Baton Rouge, La	2.06
New Orleans, La	2.06
Los Angeles, Calif	2.26
Long Beach, Calif	2.26
Oakland, Calif	2.26
San Francisco, Calif	2.26
Wilmington, Calif	2.26
Stockton, Calif	2.26
Astoria, Oreg	2.24
Portland, Oreg	2.24
Kalama, Wash	2.24
Longview, Wash	2.24
Seattle, Wash	2.24
Tacoma, Wash	2.24
Vancouver, Wash	2.24

(b) *Basic support rates (counties).* Basic county support rates for loan and settlement purposes for farm-stored and country warehouse-stored grain sorghum are established for grain sorghum grading No. 2 or better and are as follows:

ALABAMA

County	Rate per cwt.
All counties	$1.62

ARIZONA

County	Rate per cwt.	County	Rate per cwt.
Apache	$1.50	Mohave	$1.60
Cochise	1.76	Navajo	1.50
Coconino	1.50	Pima	1.81
Gila	1.50	Pinal	1.87
Graham	1.60	Santa Cruz	1.79
Greenlee	1.50	Yavapai	1.50
Maricopa	1.87	Yuma	1.89

ARKANSAS

County	Rate per cwt.	County	Rate per cwt.
Arkansas	$1.72	Lee	$1.78
Ashley	1.67	Lincoln	1.69
Baxter	1.53	Little River	1.49
Benton	1.45	Logan	1.49
Boone	1.50	Lonoke	1.72
Bradley	1.56	Madison	1.45
Calhoun	1.54	Marion	1.50
Carroll	1.48	Miller	1.49
Chicot	1.69	Mississippi	1.78
Clark	1.54	Monroe	1.75
Clay	1.72	Montgomery	1.49
Cleburne	1.73	Nevada	1.50
Cleveland	1.71	Newton	1.50
Columbia	1.50	Ouachita	1.53
Conway	1.68	Perry	1.54
Craighead	1.77	Phillips	1.76
Crawford	1.48	Pike	1.50
Crittenden	1.78	Poinsett	1.78
Cross	1.78	Polk	1.45
Dallas	1.55	Pope	1.53
Desha	1.71	Prairie	1.74
Drew	1.67	Pulaski	1.71
Faulkner	1.69	Randolph	1.74
Franklin	1.50	St. Francis	1.78
Fulton	1.61	Saline	1.60
Garland	1.54	Scott	1.45
Grant	1.55	Searcy	1.50
Greene	1.75	Sebastian	1.48
Hempstead	1.50	Sevier	1.47
Hot Spring	1.55	Sharp	1.61
Howard	1.49	Stone	1.57
Independence	1.66	Union	1.50
Izard	1.55	Van Buren	1.68
Jackson	1.72	Washington	1.45
Jefferson	1.71	White	1.74
Johnson	1.50	Woodruff	1.76
Lafayette	1.50	Yell	1.53
Lawrence	1.73		

CALIFORNIA

County	Rate per cwt.	County	Rate per cwt.
Alameda	$2.01	San Benito	$1.97
Amador	2.01	San Bernardino	1.97
Butte	1.96	San Diego	1.91
Calaveras	2.01	San Francisco	2.04
Colusa	1.99	San Joaquin	2.05
Contra Costa	2.01	San Luis Obispo	1.91
El Dorado	1.95	San Mateo	2.02
Fresno	1.98	Santa Barbara	1.90
Glenn	1.97	Santa Clara	2.00
Imperial	1.93	Santa Cruz	1.95
Inyo	1.71	Shasta	1.78
Kern	1.96	Sierra	1.66
Kings	1.98	Siskiyou	1.78
Lake	1.92	Solano	2.00
Lassen	1.69	Sonoma	1.99
Los Angeles	1.99	Stanislaus	2.03
Madera	2.02	Sutter	1.98
Marin	2.01	Tehama	1.88
Merced	2.02	Tulare	1.96
Modoc	1.78	Tuolumne	2.02
Monterey	1.95	Ventura	1.98
Napa	2.00	Yolo	2.01
Orange	1.98	Yuba	1.98
Placer	1.98		
Plumas	1.81		
Riverside	1.93		
Sacramento	2.01		

COLORADO

County	Rate per cwt.	County	Rate per cwt.
Baca [1]	$1.48	All other counties	$1.42

FLORIDA

County	Rate per cwt.
All counties	$1.62

GEORGIA

County	Rate per cwt.
All counties	$1.67

IDAHO

County	Rate per cwt.
All counties	$1.36

ILLINOIS

County	Rate per cwt.
All counties	$1.49

INDIANA

County	Rate per cwt.
All counties	$1.52

IOWA

County	Rate per cwt.	County	Rate per cwt.
Adair	$1.46	Mahaska	$1.44
Adams	1.49	Marion	1.45
Appanoose	1.48	Marshall	1.39
Audubon	1.48	Mills	1.49
Boone	1.42	Monona	1.49
Buena Vista	1.43	Monroe	1.45
Calhoun	1.43	Montgomery	1.49
Carroll	1.47	O'Brien	1.45
Cass	1.47	Osceola	1.44
Cherokee	1.45	Page	1.51
Clarke	1.48	Palo Alto	1.40
Clay	1.42	Plymouth	1.45
Crawford	1.49	Pocahontas	1.41
Dallas	1.43	Polk	1.42
Davis	1.45	Pottawattamie	1.49
Decatur	1.49	Ringgold	1.51
Des Moines	1.40	Sac	1.45
Dickinson	1.41	Shelby	1.49
Emmet	1.39	Sioux	1.45
Fremont	1.49	Story	1.41
Greene	1.44	Taylor	1.53
Guthrie	1.46	Union	1.50
Hamilton	1.40	Van Buren	1.42
Harrison	1.49	Wapello	1.45
Henry	1.40	Warren	1.46
Humboldt	1.40	Washington	1.40
Ida	1.45	Wayne	1.50
Jasper	1.42	Webster	1.43
Jefferson	1.43	Woodbury	1.46
Keokuk	1.43	Wright	1.38
Lee	1.42	All other counties	1.37
Lucas	1.48		
Lyon	1.45		
Madison	1.46		

(See footnote at end of document.)

KANSAS

County	Rate per cwt.	County	Rate per cwt.
Allen [1]	$1.55	Linn	$1.58
Anderson	1.57	Logan	1.40
Atchison	1.59	Lyon [1]	1.53
Barber [1]	1.56	McPherson [1]	1.53
Barton [1]	1.51	Marion [1]	1.53
Bourbon	1.56	Marshall	1.52
Brown	1.56	Meade [1]	1.52
Butler [1]	1.55	Miami	1.58
Chase [1]	1.53	Mitchell [1]	1.51
Chautauqua [1]	1.58	Montgomery [1]	1.58
Cherokee [1]	1.58	Morris [1]	1.53
Cheyenne	1.40	Morton [1]	1.54
Clark [1]	1.53	Nemaha	1.53
Clay [1]	1.51	Neosho [1]	1.56
Cloud [1]	1.51	Ness [1]	1.50
Coffey [1]	1.54	Norton [1]	1.46
Comanche [1]	1.53	Osage	1.55
Cowley [1]	1.58	Osborne [1]	1.50
Crawford [1]	1.56	Ottawa [1]	1.51
Decatur [1]	1.42	Pawnee [1]	1.51
Dickinson [1]	1.53	Phillips [1]	1.47
Doniphan	1.56	Pottawatomie	1.53
Douglas	1.58	Pratt [1]	1.51
Edwards [1]	1.51	Rawlins	1.40
Elk [1]	1.57	Reno [1]	1.53
Ellis [1]	1.49	Republic [1]	1.50
Ellsworth [1]	1.52	Rice [1]	1.53
Finney [1]	1.44	Riley [1]	1.52
Ford [1]	1.50	Rooks [1]	1.48
Franklin	1.58	Rush [1]	1.51
Geary [1]	1.52	Russell [1]	1.49
Gove [1]	1.42	Saline [1]	1.52
Graham [1]	1.45	Scott [1]	1.44
Grant [1]	1.50	Sedgwick [1]	1.55
Gray [1]	1.48	Seward [1]	1.53
Greeley	1.41	Shawnee	1.55
Greenwood [1]	1.55	Sheridan [1]	1.40
Hamilton [1]	1.45	Sherman	1.40
Harper [1]	1.58	Smith [1]	1.49
Harvey [1]	1.54	Stafford [1]	1.51
Haskell [1]	1.52	Stanton [1]	1.47
Hodgeman [1]	1.50	Stevens [1]	1.53
Jackson	1.56	Sumner [1]	1.58
Jefferson	1.58	Thomas	1.40
Jewell [1]	1.49	Trego [1]	1.46
Johnson	1.58	Wabaunsee [1]	1.53
Kearny [1]	1.45	Wallace	1.40
Kingman [1]	1.54	Washington [1]	1.50
Kiowa [1]	1.51	Wichita [1]	1.42
Labette [1]	1.58	Wilson [1]	1.56
Lane [1]	1.46	Woodson [1]	1.55
Leavenworth	1.59	Wyandotte [1]	1.58
Lincoln [1]	1.51		

KENTUCKY

All counties	$1.62

LOUISIANA

All counties	$1.62

MICHIGAN

All counties	$1.47

MINNESOTA

All counties	$1.42

MISSISSIPPI

All counties	$1.62

MISSOURI

County	Rate per cwt.	County	Rate per cwt.
Adair	$1.48	Carter	$1.49
Andrew	1.59	Cass	1.58
Atchinson	1.53	Cedar	1.57
Audrain	1.49	Chariton	1.57
Barry	1.58	Christian	1.58
Barton	1.58	Clark	1.46
Bates	1.59	Clay	1.59
Benton	1.55	Clinton	1.59
Bollinger	1.67	Cole	1.47
Boone	1.50	Cooper	1.53
Buchanan	1.59	Crawford	1.49
Butler	1.70	Dade	1.58
Caldwell	1.59	Dallas	1.50
Callaway	1.47	Daviess	1.57
Camden	1.45	De Kalb	1.59
Cape Girardeau	1.68	Dent	1.46
Carroll	1.59	Douglas	1.58
		Dunklin	1.72

See footnotes at end of table.

MISSOURI—Continued

County	Rate per cwt.	County	Rate per cwt.
Franklin	$1.54	Osage	$1.47
Gasconade	1.50	Ozark	1.58
Gentry	1.55	Pemiscot	1.73
Greene	1.58	Perry	1.63
Grundy	1.56	Pettis	1.56
Harrison	1.53	Phelps	1.48
Henry	1.58	Pike	1.45
Hickory	1.54	Platte	1.59
Holt	1.56	Polk	1.58
Howard	1.54	Pulaski	1.45
Howell	1.58	Putnam	1.52
Iron	1.65	Ralls	1.48
Jackson	1.59	Randolph	1.53
Jasper	1.58	Ray	1.59
Jefferson	1.63	Reynolds	1.46
Johnson	1.59	Ripley	1.70
Knox	1.46	St. Charles	1.54
Laclede	1.45	St. Clair	1.57
Lafayette	1.59	St. Francois	1.65
Lawrence	1.58	St. Louis	1.56
Lewis	1.46	Ste. Genevieve	1.63
Lincoln	1.44	Saline	1.58
Linn	1.56	Schuyler	1.47
Livingston	1.58	Scotland	1.46
McDonald	1.58	Scott	1.70
Macon	1.53	Shannon	1.49
Madison	1.65	Shelby	1.51
Maries	1.48	Stoddard	1.70
Marion	1.47	Stone	1.58
Mercer	1.53	Sullivan	1.54
Miller	1.47	Taney	1.58
Mississippi	1.69	Texas	1.58
Moniteau	1.49	Vernon	1.57
Monroe	1.50	Warren	1.53
Montgomery	1.51	Washington	1.63
Morgan	1.51	Wayne	1.69
New Madrid	1.71	Webster	1.52
Newton	1.58	Worth	1.54
Nodaway	1.55	Wright	1.58
Oregon	1.59		

NEBRASKA

County	Rate per cwt.	County	Rate per cwt.
Adams [1]	$1.47	Kearney [1]	$1.46
Antelope	1.44	Knox	1.44
Boone	1.44	Lancaster	1.51
Boyd	1.41	Madison	1.46
Buffalo [1]	1.44	Merrick [1]	1.47
Burt	1.49	Nance	1.44
Butler	1.48	Nemaha	1.51
Cass	1.51	Nuckolls [1]	1.48
Cedar	1.45	Otoe	1.51
Clay [1]	1.47	Pawnee	1.52
Colfax	1.49	Phelps [1]	1.44
Cuming	1.49	Pierce	1.46
Custer	1.42	Platte	1.46
Dakota	1.45	Polk [1]	1.47
Dawson [1]	1.41	Redwillow	1.42
Dixon	1.45	Richardson	1.53
Dodge	1.49	Saline	1.51
Douglas	1.49	Sarpy	1.49
Fillmore	1.48	Saunders	1.49
Franklin [1]	1.45	Seward	1.49
Frontier	1.42	Sherman [1]	1.43
Furnas [1]	1.43	Stanton	1.48
Gage	1.51	Thayer [1]	1.48
Garfield [1]	1.41	Thurston	1.48
Gosper [1]	1.43	Valley [1]	1.41
Greeley [1]	1.44	Washington	1.49
Hall [1]	1.46	Wayne	1.45
Hamilton [1]	1.47	Webster [1]	1.47
Harlan [1]	1.45	Wheeler	1.44
Holt	1.41	York [1]	1.47
Howard [1]	1.45	All other counties	1.40
Jefferson	1.50		
Johnson	1.52		

NEVADA

All counties	$1.46

NEW MEXICO

County	Rate per cwt.	County	Rate per cwt.
Chaves	$1.54	Lea [1]	$1.61
Curry [1]	1.62	Luna	1.51
Debaca	1.51	Quay [1]	1.59
Eddy	1.51	Roosevelt [1]	1.59
Guadalupe [1]	1.56	Union [1]	1.56
Harding [1]	1.58	All other counties	1.50
Hidalgo	1.51		

NORTH CAROLINA

County	Rate per cwt.
All counties	$1.67

NORTH DAKOTA

All counties	$1.37

OHIO

All counties	$1.52

OKLAHOMA

County	Rate per cwt.	County	Rate per cwt.
Adair [1]	$1.60	Le Flore [1]	$1.66
Alfalfa [1]	1.62	Lincoln [1]	1.65
Atoka [1]	1.68	Logan [1]	1.64
Beaver [1]	1.56	Love [1]	1.69
Beckham [1]	1.65	McClain [1]	1.69
Blaine [1]	1.65	McCurtain [1]	1.64
Bryan [1]	1.70	McIntosh [1]	1.65
Caddo [1]	1.67	Major [1]	1.64
Canadian [1]	1.66	Marshall [1]	1.70
Carter [1]	1.70	Mayes [1]	1.63
Cherokee [1]	1.65	Murray [1]	1.69
Choctaw [1]	1.70	Muskogee [1]	1.65
Cimarron [1]	1.56	Noble [1]	1.63
Cleveland [1]	1.68	Nowata [1]	1.61
Coal [1]	1.68	Okfuskee [1]	1.65
Comanche [1]	1.69	Oklahoma [1]	1.65
Cotton [1]	1.69	Okmulgee [1]	1.65
Craig [1]	1.62	Osage [1]	1.60
Creek [1]	1.65	Ottawa [1]	1.62
Custer [1]	1.65	Pawnee [1]	1.61
Delaware [1]	1.62	Payne [1]	1.64
Dewey [1]	1.62	Pittsburg [1]	1.66
Ellis [1]	1.58	Pontotoc [1]	1.67
Garfield [1]	1.64	Pottawatomie [1]	1.65
Garvin [1]	1.69	Pushmataha [1]	1.68
Grady [1]	1.68	Roger Mills [1]	1.63
Grant [1]	1.61	Rogers [1]	1.63
Greer [1]	1.66	Seminole [1]	1.65
Harmon [1]	1.66	Sequoyah [1]	1.65
Harper [1]	1.57	Stephens [1]	1.70
Haskell [1]	1.65	Texas [1]	1.55
Hughes [1]	1.65	Tillman [1]	1.66
Jackson [1]	1.66	Tulsa [1]	1.65
Jefferson [1]	1.71	Wagoner [1]	1.64
Johnston [1]	1.69	Washington [1]	1.62
Kay [1]	1.61	Washita [1]	1.65
Kingfisher [1]	1.65	Woods [1]	1.60
Kiowa [1]	1.67	Woodward [1]	1.59
Latimer [1]	1.65		

OREGON

All counties	$1.51

PENNSYLVANIA

All counties	$1.67

SOUTH CAROLINA

All counties	$1.67

SOUTH DAKOTA

County	Rate per cwt.	County	Rate per cwt.
Bon Homme	$1.43	McCook	$1.40
Charles Mix	1.39	Minnehaha	1.42
Clay	1.45	Moody	1.40
Douglas	1.40	Turner	1.43
Hanson	1.39	Union	1.45
Hutchinson	1.42	Yankton	1.45
Lake	1.39	All other counties	1.38
Lincoln	1.45		

TENNESSEE

All counties	$1.62

TEXAS

County	Rate per cwt.	County	Rate per cwt.
Anderson	$1.73	Borden [1]	$1.62
Andrews [1]	1.62	Bosque [1]	1.73
Angelina	1.77	Bowie [1]	1.68
Aransas	1.88	Brazoria	1.83
Archer [1]	1.67	Brazos	1.78
Armstrong [1]	1.63	Brewster	1.50
Atascosa	1.80	Briscoe [1]	1.62
Austin	1.82	Brooks	1.82
Bailey [1]	1.62	Brown [1]	1.70
Bandera	1.74	Burleson	1.77
Bastrop	1.75	Burnet	1.67
Baylor [1]	1.66	Caldwell	1.78
Bee	1.87	Calhoun	1.85
Bell [1]	1.73	Callahan	1.66
Bexar	1.76	Cameron [1]	1.91
Blanco	1.70	Camp [1]	1.73

TEXAS—Continued

County	Rate per cwt.	County	Rate per cwt.
Carson [1]	1.63	Jackson	1.81
Cass [1]	1.70	Jasper	1.76
Castro [1]	1.62	Jeff Davis	1.50
Chambers	1.77	Jefferson	1.79
Cherokee	1.72	Jim Hogg	1.78
Childress [1]	1.66	Jim Wells	1.88
Clay [1]	1.72	Johnson [1]	1.73
Cochran [1]	1.62	Jones [1]	1.66
Coke [1]	1.66	Karnes	1.82
Coleman [1]	1.65	Kaufman [1]	1.68
Collin [1]	1.70	Kendall	1.75
Collingsworth [1]	1.66	Kenedy	1.86
Colorado	1.80	Kent	1.64
Comal	1.76	Kerr [1]	1.74
Comanche [1]	1.70	Kimble [1]	1.70
Concho [1]	1.70	King [1]	1.65
Cooke [1]	1.72	Kinney	1.68
Coryell [1]	1.70	Kleberg	1.86
Cottle [1]	1.64	Knox [1]	1.66
Crane [1]	1.62	Lamar [1]	1.67
Crockett [1]	1.62	Lamb [1]	1.62
Crosby [1]	1.62	Lampasas [1]	1.73
Culberson	1.50	La Salle	1.70
Dallam [1]	1.58	Lavaca	1.77
Dallas [1]	1.73	Lee	1.77
Dawson [1]	1.62	Leon	1.75
Deaf Smith [1]	1.62	Liberty	1.82
Delta [1]	1.66	Limestone [1]	1.75
Denton [1]	1.73	Lipscomb [1]	1.58
De Witt	1.81	Live Oak	1.84
Dickens [1]	1.62	Llano	1.66
Dimmit	1.66	Loving	1.53
Donley [1]	1.63	Lubbock [1]	1.62
Duval	1.81	Lynn [1]	1.62
Eastland [1]	1.66	McCulloch [1]	1.70
Ector [1]	1.61	McLennan [1]	1.73
Edwards	1.53	McMullen	1.80
Ellis [1]	1.70	Madison	1.78
El Paso	1.50	Marion [1]	1.73
Erath	1.70	Martin [1]	1.62
Falls [1]	1.75	Mason [1]	1.70
Fannin [1]	1.73	Matagorda	1.79
Fayette	1.77	Maverick	1.65
Fisher [1]	1.66	Medina	1.75
Floyd [1]	1.62	Menard [1]	1.70
Foard [1]	1.66	Midland [1]	1.61
Fort Bend	1.83	Milam	1.76
Franklin [1]	1.70	Mills [1]	1.73
Freestone [1]	1.73	Mitchell [1]	1.62
Frio	1.72	Montague [1]	1.72
Gaines	1.62	Montgomery	1.82
Galveston [1]	1.83	Moore [1]	1.59
Garza [1]	1.62	Morris [1]	1.65
Gillespie	1.74	Motley [1]	1.64
Glasscock [1]	1.62	Nacogdoches	1.71
Goliad	1.86	Navarro [1]	1.70
Gonzales	1.77	Newton	1.76
Gray [1]	1.63	Nolan [1]	1.65
Grayson [1]	1.70	Nueces	1.91
Gregg [1]	1.71	Ochiltree	1.58
Grimes	1.80	Oldham [2]	1.62
Guadalupe	1.76	Orange	1.77
Hale [1]	1.62	Palo Pinto [1]	1.70
Hall [1]	1.64	Panola	1.68
Hamilton [1]	1.70	Parker [1]	1.70
Hansford [1]	1.58	Parmer [1]	1.62
Hardeman [1]	1.66	Pecos [1]	1.62
Hardin	1.77	Polk	1.79
Harris	1.83	Potter [1]	1.62
Harrison [1]	1.72	Presido	1.47
Hartley [1]	1.58	Rains [1]	1.73
Haskell [1]	1.66	Randall [1]	1.62
Hays	1.73	Reagan [1]	1.62
Hemphill [1]	1.61	Real	1.72
Henderson	1.68	Red River [1]	1.70
Hidalgo	1.89	Reeves	1.55
Hill [1]	1.73	Refugio	1.88
Hockley [1]	1.62	Roberts [1]	1.59
Hood [1]	1.71	Robertson	1.76
Hopkins [1]	1.73	Rockwall [1]	1.73
Houston	1.77	Runnels [1]	1.66
Howard [1]	1.62	Rusk [1]	1.71
Hudspeth	1.50	Sabine	1.71
Hunt [1]	1.70	San Augustine	1.71
Hutchinson [1]	1.58	San Jacinto	1.82
Irion [1]	1.62	San Patricio	1.91
Jack [1]	1.71	San Saba [1]	1.70
Scurry [1]	1.64	Schleicher	1.50
Shackelford [1]	1.68	Upton [1]	1.62
Shelby	1.71	Uvalde	1.72
Sherman [1]	1.58	Val Verde	1.61
Smith [1]	1.70	Van Zandt [1]	1.73
Somervell [1]	1.71	Victoria	1.83
Starr	1.84	Walker	1.81
Stephens [1]	1.71	Waller	1.83
Sterling [1]	1.64	Ward [1]	1.61
Stonewall [1]	1.68	Washington	1.78
Sutton	1.50	Webb	1.73
Swisher [1]	1.62	Wharton	1.81
Tarrant [1]	1.71	Wheeler [1]	1.63
Taylor [1]	1.66	Wichita [1]	1.67
Terrell [1]	1.50	Wilbarger [1]	1.67
Terry [1]	1.62	Willacy	1.90
Throckmorton [1]	1.69	Williamson [1]	1.73
Titus [1]	1.70	Wilson	1.77
Tom Green [1]	1.66	Winkler [1]	1.61
Travis	1.73	Wise [1]	1.72
Trinity	1.79	Wood [1]	1.73
Tyler	1.76	Yoakum [1]	1.62
Upshur [1]	1.69	Young [1]	1.71
		Zapata	1.73
		Zavala	1.66

UTAH

All counties	$1.36

VIRGINIA

All counties	$1.67

WASHINGTON

All counties	$1.51

WISCONSIN

All counties	$1.42

WYOMING

All counties	$1.41

(c) *Discounts.* The basic support rate shall be adjusted by discounts as follows:

	Cents per hundredweight
(1) Class:	
Mixed grain sorghum	3
(2) Grade:	
No. 3 (not over 14 percent moisture)	3
No. 4 (not over 14 percent moisture)	5
Smutty	5
(3) Weed control law (where required by § 1421.74)	15

(4) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the grain sorghum, such as (but not limited to) moisture, heat damage, test weight, weevily, musty, sour, stones, weathered, discolored. Such discounts will be established not later than the time delivery of grain sorghum to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices.

NOTE: Discounts are cumulative except only one grade discount shall be applied.

Effective date: Upon publication in the FEDERAL REGISTER.

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

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8477; Filed, July 17, 1969; 8:45 a.m.]

[1] Refer to paragraph (b) of § 1421.2571 in determining the support value of grain sorghum shipped from points in these counties and stored in transit to a terminal market.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Frozen Products

On August 30, 1968, there was published in the FEDERAL REGISTER (33 F.R. 12258), a notice of proposed amendments to § 318.1 of the Meat Inspection Regulations (9 CFR 318.1). After due consideration of all relevant matters concerning such notice and under the authority of section 21 of the Federal Meat Inspection Act, as amended (21 U.S.C., Supp. III, sec. 621), the regulation in § 318.1 is amended as set forth below.

Statement of considerations. Maintaining a clean, safe, and wholesome meat supply remains a prime function of the Consumer Protection Program of the Department of Agriculture.

The present regulation provides for reinspection of all products as often as may be necessary in order to ascertain whether they are sound, healthful, wholesome, and fit for human food, but no specified, uniform reinspection method has heretofore been adopted for programwide application. This amendment applies a consistent type and standard of reinspection throughout the Consumer Protection Program. A uniform system of reinspection will be advantageous to the meat packing industry.

Modern mechanized packinghouse industry operations have resulted in much faster slaughtering operations and greater volumes of product. These greater volumes of product and mechanized handling methods necessitate the utilization of statistical sampling plans to assure the American consumer of a clean, wholesome meat supply because 100 percent reinspection is not practical or economical.

Six negative comments were received regarding the proposed amendment. The major objections were due to a misinterpretation of the intent of the amendment or objection to a portion of Part 318 that was unchanged and has been in the regulations for many years.

The amendment is the same as the proposal set forth in the notice of rule making except for clarification of the footnote concerning sampling plans. It does not appear that further notice and other public procedure would elicit additional factual information with respect to the amendment. Since the amendment is designed for increased protection of the meat supply, it should be made effective promptly. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable, and good cause

is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

In § 318.1 paragraph (a) is amended by changing the introductory portion preceding the proviso therein and paragraph (b) is amended by changing the portion preceding subparagraph (1) therein as follows:

§ 318.1 Reinspection of products; frozen products.

(a) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by Program employees as often as may be necessary in order to ascertain whether they are sound, healthful, wholesome, and fit for human food at the time they leave official establishments. This reinspection procedure may be accomplished through use of statistically sound sampling plans that assure a high level of confidence. Meat inspection supervisors shall designate the type of plan and the inspector shall select the specific plan to be used in accordance with instructions issued to them by the Administrator.[1] If upon reinspection, any article is found to have become adulterated, all official inspection legends thereon shall be removed or defaced and the article shall be condemned and destroyed for human food purposes in accordance with the provisions of this subchapter:

* * * * *

(b) Care shall be taken to see that product is in good condition when placed in freezers at official establishments and, also, when it is removed from freezers at official establishments for transportation or storage elsewhere. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition. The reinspection may be accomplished through utilization of statistical sampling plans.

* * * * *

(Sec. 21, 34 Stat. 1260, as amended by 81 Stat. 584, 21 U.S.C., Supp. III, sec. 621; 29 F.R. 16210, as amended; 33 F.R. 10750)

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

Done at Washington, D.C., this 15th day of July 1969.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 69-8497; Filed, July 17, 1969; 8:49 a.m.]

[1] Further information concerning sampling plans which have been adopted for specific products may be obtained from the Officers in Charge of Program circuits. These sampling plans are developed for individual products by the Washington staff and will be distributed for field use as they are developed. The type of plan applicable depends on factors such as whether the product is in containers, stage of preparation, and procedures followed by the establishment operator. The specific plan applicable depends on the kind of product involved, such as livers, oxtails, etc.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-SW-30; Amdt. 39-798]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 170, 172, and 175 Series Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require inspection and repair or replacement of muffler assemblies on certain modified Cessna 170, 172, and 175 series airplanes was published in 34 F.R. 8168.

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

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:

CESSNA. Applies to all Cessna Model 170, 172, and 175 series airplanes modified in accordance with Supplemental Type Certificates SA3-13, SA3-126, SA3-571, SA3-672, SA3-674, SA135CE, SA420CE, SA421CE, or SA424CE, incorporating a Piper Muffler Assembly, P/N 10308-00, with the installation of a Lycoming engine.

Compliance required as indicated.

To detect cracks in the muffler assembly, acomplish the following:

(a) Inspect muffler assemblies with less than 950 hours' time in service on the effective date of this AD, in accordance with paragraph (c) below within the next 50 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service from the last inspection until accumulating 950 hours' time in service, then comply with paragraph (b) below.

(b) Inspect muffler assemblies with more than 950 hours' time in service on the effective date of this AD, in accordance with paragraph (c) below within the next 50 hours' time in service and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

(c) Inspect the engine exhaust muffler and shroud assembly (including the internal baffle tube and tail pipe), carburetor heat shroud and air duct, support braces, clamps and brackets, exhaust stacks and manifolds. Remove muffler assembly, disconnect air ducts, stacks, and shrouds as necessary, and visually inspect exterior and interior surfaces with a probe light and mirror for signs of cracks, corrosion, burn-throughs, heat damage, collapsed stack, or weld separations. Special attention should be given to the exhaust stack under the carburetor heat shroud. Except for the initial inspection, the muffler assembly need not be removed from the airplane if the shroud is opened for inspection of external portions of the muffler and the internal portions are inspected through the muffler tail pipe outlet and one end of the muffler at the stack connection.

Caution. Do not alter these mufflers to remove the internal baffle tube without prior FAA approval.

(Piper Service Letter No. 324B describes the critical areas.)

(d) Replace or repair parts having any of the defects listed in paragraph (c) before further flight, and thereafter comply with the inspection requirements of paragraph (a) or (b), whichever is applicable. Make welding repairs and pressure test in accordance with Advisory Circular AC 43.13-1 or an FAA-approved equivalent. Care should be exercised when reinstalling the exhaust system components to prevent distortion or preloading of parts.

This amendment becomes effective August 20, 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 Fort Worth, Tex., on July 11, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-8469; Filed, July 17, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-52]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the time of designation of the Palm Springs, Calif., control zone.

The Palm Springs control zone is presently designated from 0600 to 2300 hours local time daily. Due to changes in aircraft activity the hours of operation of the Palm Springs control tower will be changed to 0600 to 2200 hours local time daily. Therefore action is taken herein to redesignate the Palm Springs control zone with effective hours coincident with those of the control tower.

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

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

In § 71.171 (34 F.R. 4557) the Palm Springs, Calif., control zone is amended by deleting " * * * 0600 to 2300 hours, * * * " and substituting " * * * 0600 to 2200 hours, * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on July 10, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

[F.R. Doc. 69-8468; Filed, July 17, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-9]

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

Designation of Transition Area

On page 7287 of the FEDERAL REGISTER dated May 3, 1969, the Federal Aviation

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

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

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Crookston Municipal Airport-Kirkwood Field latitude coordinate recited in the Crookston, Minn., transition area designation as "latitude 96°37'10" W." is changed to read "latitude 96°37'15" W.".

This amendment shall be effective 0901 G.m.t., September 18, 1969.

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

Issued in Kansas City, Mo., on June 26, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

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

CROOKSTON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Crookston Municipal Airport-Kirkwood Field (latitude 47°50'30" N., longitude 96°-37'15" W.); and within 3 miles each side of the 304° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the 5-mile radius area to 8 miles northwest of the airport, and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 124° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the airport to 12 miles southeast of the airport; and within 8 miles southwest of the 124° and 304° bearings from Crookston Municipal Airport-Kirkwood Field, extending from 2 miles northwest to 6 miles southeast of the airport, excluding the portion which overlies the Grand Forks, N. Dak. 1,200-foot floor transition area.

[F.R. Doc. 69-8500; Filed, July 17, 1969; 8:49 a.m.]

[Airspace Docket No. 69-CE-11]

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

Designation of Transition Area

On page 6488 of the FEDERAL REGISTER dated April 15, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at New Ulm, Minn.

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

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The New Ulm Municipal Airport longitude coordinate recited in the New Ulm, Minn., transition area designation as "longitude 94°30'10" W." is changed to read "longitude 94°30'05" W.".

This amendment shall be effective 0901 G.m.t., August 21, 1969.

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

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

BROWNING ADAMS,
Acting Director, Central Region.

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

NEW ULM, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of New Ulm Municipal Airport (latitude 44°19'15" N., longitude 94°30'05" W.); and within 2 miles each side of the 307° bearing from New Ulm Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 307° bearing from New Ulm Municipal Airport extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 127° bearing from New Ulm Municipal Airport, extending from the airport to 12 miles southeast of the airport.

[F.R. Doc. 69-8501; Filed, July 17, 1969; 8:49 a.m.]

[Airspace Docket No. 69-CE-14]

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

Designation and Alteration of Transition Areas

On page 6794 of the FEDERAL REGISTER dated April 23, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate and alter transition areas at Wausau, Mosinee, and Marshfield, Wis.

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

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

(1) The Central Wisconsin Airport latitude coordinate recited in the Mosinee, Wis., transition area designation as "latitude 44°46'40" N." is changed to read "latitude 44°46'35" N.".

(2) The Marshfield Municipal Airport coordinates recited in the Marshfield, Wis., transition area alteration as "latitude 44°38'10" N., longitude 90°11'20" W." are changed to read "latitude 40°-38'10" N., longitude 90°11'15" W.".

This amendment shall be effective 0901 G.m.t., August 21, 1969.

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

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

BROWNING ADAMS,
Acting Director, Central Region.

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

MOSINEE, WIS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.), excluding the portions which overlie the Wausau and Stevens Point, Wis., transition areas.

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

MARSHFIELD, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Municipal Airport (latitude 40°38'10" N., longitude 90°11'15" W.); within 2 miles each side of the 216° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport; and within 2 miles each side of the 325° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

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

WAUSAU, WIS.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 138° bearing from Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.), extending from the 5-mile radius control zone to 9 miles southeast of the airport; and that airspace extending upward from 1200 feet above the surface bounded on the North by a line 6 miles north of and parallel to the Wausau VOR 273° radial, the arc of a 15-mile radius circle centered on the Wausau Municipal Airport and a line 9 miles north of and parallel to the Wausau VOR 106° radial, on the East by an arc of a 35-mile radius circle centered on the Wausau VOR, on the South by a line 5 miles south of and parallel to the Stevens Point, Wis. 089° radial, the arc of a 15-mile radius circle centered on the Stevens Point VOR, the Stevens Point VOR 230° radial, the Camp Douglas, Wis., transition area, and V-345, on the West by longitude 90°40'00" W.

[F.R. Doc. 69-8502; Filed, July 17, 1969; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-169]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Reimbursable Compensation

On May 14, 1969, there was published in the FEDERAL REGISTER (34 F.R. 7654) a notice of proposed rulemaking to amend § 19.5(b) of the Customs Regulations (19 CFR 19.5(b)) to provide for obtaining reimbursement from the

bonded warehouse proprietors for the contributions of the Government for the warehouse officers' uniform allowances, retirement, life insurance, and health benefits. Interested persons were given 30 days in which to submit in writing any data, views, or arguments pertaining to the proposed amendment.

Two parties have filed objections to the proposed amendment. The Bureau, however, after further consideration and for the reasons stated in the notice of proposed rulemaking, has decided that the Government contributions for uniform allowances, retirement, life insurance, and health benefits for warehouse officers constitute part of the compensation of such officers reimbursable under section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) by the warehouse proprietor.

Therefore, the proposed amendment is hereby adopted without change. Section 19.5(b) is amended by substituting the following in lieu of the first sentence:

§ 19.5 Customs warehouse officer; compensation of.

* * * * *

(b) The charge to be made for the services of a customs warehouse officer or a customs employee temporarily assigned to act as a customs warehouse officer at a bonded warehouse on a regular workday during his basic 40-hour workweek shall be computed at a rate per hour equal to 134 percent of the hourly rate of regular pay of the particular employee with an addition equal to any night pay differential actually payable under 5 U.S.C. 5545. The rate per hour equal to 134 percent of the hourly rate of regular pay is computed as follows:

	Hours	Hours
Gross number of working hours in 52 40-hour weeks		2080
Less:		
8 national holidays—January 1, February 22, May 30, July 4, 1st Monday in September, November 11, 4th Thursday in November, and December 25	64	
Annual leave—26 days	208	
Sick leave—13 days	104	376
Net number of working hours		1704
Gross number of working hours in 52 40-hour weeks		2080
Working hour equivalent of Government contributions for employee uniform allowance, retirement, life insurance, and health benefits computed at 10 percent of annual rate of pay of employee		208
Equivalent annual working hour charge to customs appropriation		2288
Ratio of annual number of working hours charged to customs appropriation to net number of annual working hours 2288 / 1704 = 134 percent.		

* * * * *

(Secs. 555, 624, 46 Stat. 743, 759; 19 U.S.C. 1555, 1624)

This amendment shall become effective on the first day of the pay period beginning 30 days after publication of this amendment in the FEDERAL REGISTER.

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

Approved: July 8, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8496; Filed, July 17, 1969; 8:49 a.m.]

[T.D. 69-167]

PART 31—CUSTOMHOUSE BROKERS

Retention and Microfilming of Records

On March 19, 1969, notice of proposed rule making regarding amendment of the Regulations relating to the retention and microfilming of records by customhouse brokers, 19 CFR Chapter I, Part 31, §31.23, was published in the FEDERAL REGISTER (34 F.R. 5382). Interested persons were given 15 days in which to submit data, views, or arguments regarding the proposed amendment.

After consideration of the relevant matters received, the amendment is hereby adopted as proposed and is set forth below:

§ 31.23 Retention of books and papers.

(a) *Period and place of retention.* The books and papers as defined in §31.1(e) and required by §§ 31.21 and 31.22 to be kept by a broker shall be retained within the customs district to which they relate for at least 6 years after the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 6 years from the date of withdrawal.

(b) *Microfilming of books and papers.* A customhouse broker may, with the approval of the district director of customs of the district in which he is licensed, record on microfilm any books and papers, other than books of account, required to be retained under the provisions of paragraph (a) of this section which are not less than 3 years old. A request for approval of the district director shall be accompanied by a description of the system of filing and indexing the spools of microfilm. Retention and availability of the microfilm during the remainder of the period of retention shall satisfy the requirements of paragraph (a) of this section.

(R.S. 251, secs. 624, 641; 19 U.S.C. 1624, 1641)

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

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

Approved: July 8, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8495; Filed, July 17, 1969; 8:49 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 31—NONALCOHOLIC BEVERAGES

Soda Water, Identity Standard; Order Listing Enzyme-Modified Soy Protein in Carrier of Propylene Glycol as Optional Foaming Agent

In the matter of amending the definition and standard of identity for soda water (21 CFR 31.1) to permit the use of enzyme-modified soy protein in a carrier of propylene glycol as an optional foaming agent:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter that was published in the FEDERAL REGISTER of May 10, 1969 (34 F.R. 7578), and based on a petition submitted by the National Soft Drink Association, 1128 16th Street NW., Washington, D.C. 20036.

Having considered the information submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 31.1(b)(7) be revised to read as follows:

§ 31.1 Soda water; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(7) One or more of the foaming agents ammoniated glycyrrhizin, gum ghatti, licorice, or glycyrrhiza, yucca (Joshua-tree), yucca (Mohave), quillaia (soapbark) (Quillaja saponaria Mol.), and enzyme-modified soy protein in a carrier of propylene glycol.

* * * * *

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

by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance

[F.R. Doc. 69-8456; Filed, July 17, 1969; 8:46 a.m.]

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

Inert Ingredients or Adjuvants in Pesticide Formulations

On November 14, 1961 (26 F.R. 10640), the Commissioner of Food and Drugs published a proposal to exempt certain inert ingredients in pesticide formulations from the requirement of a tolerance. At that time, it was stated that the U.S. Department of Agriculture had concluded that all ingredients in an economic poison formulation that is used in the production, storage, or transportation of raw agricultural commodities are "pesticide chemicals."

Since that time various inert ingredients in pesticide formulations have been exempted from the requirement of a tolerance under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act, the most recent exemptions being published April 3, 1969 (34 F.R. 6041). This added a number of surfactants to § 120.1001 and included a notice of a deadline for the regulation of surfactants and other adjuvants used in pesticide formulations. Objections were received including a request for a hearing on the deadline date and its application to surfactants as well as to all other adjuvants used in pesticide formulations. The Commissioner concluded that no factual issue for a hearing on the provisions of the order was presented and the objections were not filed. The purpose of this document is to clarify the deadline included in the order of April 3, 1969.

All inert ingredients or adjuvants in pesticide formulations subject to the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act should be cleared by December 31, 1969, unless evidence is presented to show that enough progress has been made in the investigation to warrant the conclusion that continued use would be without undue hazard to the public health. In no event should use without clearance be continued beyond December 31, 1970.

This document is published pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408, 68 Stat. 511-18, as amended; 21 U.S.C. 346a) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 10, 1969.

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

[F.R. Doc. 69-8454; Filed, July 17, 1969; 8:45 a.m.]

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

cis-N-[(1,1,2,2-Tetrachloroethyl) thio] - 4 - Cyclohexene-1,2-Dicarboximide

A petition (PP 9F0797) was filed with the Food and Drug Administration by the Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94804, proposing the establishment of tolerances for residues of the fungicide *cis-N*-[(1,1,2,2-tetrachloroethyl) thio] - 4 - cyclohexene - 1,2 - dicarboximide in or on the raw agricultural commodities: Cherries (sour) at 50 parts per million; apricots, nectarines, and peaches at 30 parts per million; tomatoes at 15 parts per million; and cherries (sweet), cucumbers, melons, plums, and prunes at 5 parts per million.

Subsequently the petitioner amended the petition by reducing the proposed tolerances for residues in or on nectarines from 30 parts per million to 2 parts per million and in or on cherries (sweet), cucumbers, plums, and prunes from 5 parts per million to 2 parts per million.

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

Based on consideration given the data in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.267 *cis-N*-[(1,1,2,2-Tetrachloroethyl)thio]-4 - cyclohexene - 1,2 - dicarboximide; tolerances for residues.

Tolerances are established for residues of the fungicide *cis-N*-[(1,1,2,2-tetrachloroethyl)thio] - 4 - cyclohexene - 1, 2-dicarboximide in or on raw agricultural commodities as follows:

50 parts per million in or on cherries (sour).

30 parts per million in or on apricots and peaches.

15 parts per million in or on tomatoes.

5 parts per million in or on melons.

2 parts per million in or on cherries (sweet), cucumbers, nectarines, and plums (fresh prunes).

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

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

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

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8452; Filed, July 17, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SODIUM SALT OF POLYACRYLIC ACID

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8L2291) filed by Crucible Chemical Co., 6017 Northwest Highway, Chicago, Ill. 60631, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use, as set forth below, of the sodium salt of polyacrylic acid in defoaming agents used in processing food and in food-contact coatings.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. By inserting alphabetically in the table in § 121.1099(a)(2) a new item, as follows:

§ 121.1099 Defoaming agents.

* * * * *

(a) * * *

(2) * * *

Substances	*Limitations*
* * *	* * *
Polyacrylic acid, sodium salt.	As a stabilizer and thickener in defoaming agents containing dimethylpolysiloxane in an amount reasonably required to accomplish the intended effect.
* * *	* * *

* * * * *

2. By inserting alphabetically in the table in § 121.2557(d)(3) a new item, as follows:

§ 121.2557 Defoaming agents used in coatings.

* * * * *

(d) * * *

(3) * * *

List of substances	*Limitations*
* * *	* * *
Polyacrylic acid, sodium salt.	As a stabilizer and thickener in defoaming agents containing dimethylpolysiloxane.
* * *	* * *

* * * * *

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

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

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

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8457; Filed, July 17, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 9B2409, 9B2410) filed by Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of two additional substances as reactants in the preparation of polyurethane resins for use in contact with dry bulk food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2522(a)(2) is amended by alphabetically inserting in the list of substances two new items as follows:

§ 121.2522 Polyurethane resins.

* * * * *

(a) * * *

(2) List of substances:

* * * * *

α-Hydro-ω-hydroxypoly(oxytetramethylene).

* * * * *

Poly(oxycarbonylpentamethylene).

* * * * *

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

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

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

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8455; Filed, July 17, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

XYLENE-FORMALDEHYDE RESINS CONDENSED WITH 4,4'-ISOPROPYLIDENEDIPHENOL - EPICHLOROHYDRIN EPOXY RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2322) filed by General Electric Co., 1 Plastics Avenue, Pittsfield, Mass. 01201, and other relevant material, concludes that (1) § 121.2559 should be amended to provide for use of resins produced by the condensation of allyl ether of mono-, di-, or trimethylol phenol and capryl alcohol as optional adjuvants in resins regulated under that section and (2) that § 121.2559 should be expanded to provide for use of its subject resins in contact with food at temperatures not to exceed 160° F.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2559 is revised to read as follows:

§ 121.2559 Xylene-formaldehyde resins condensed with 4,4'-isopropylidenediphenol-epichlorohydrin epoxy resins.

The resins identified in paragraph (a) of this section may be safely used as a food-contact coating for articles intended for use in contact with food, in accordance with the following prescribed conditions.

(a) The resins are produced by the condensation of xylene-formaldehyde resin and 4,4'-isopropylidenediphenol-epichlorohydrin epoxy resins, to which may have been added certain optional adjuvant substances required in the production of the resins or added to impart desired physical and technical properties. The optional adjuvant substances may include resins produced by the condensation of allyl ether of mono-, di-, or trimethylol phenol and capryl alcohol and also may include substances identified in § 121.2514(b)(3), with the exception of paragraph (b)(3)(xxxi) and (xxxii) of that section.

(b) The resins identified in paragraph (a) of this section may be used as a food-contact coating for articles intended for contact at temperatures not to exceed 160° F. with food of types I, II, VI A and B, and VIII described in table 1 of § 121.2526(c) provided that the coating in the finished form in which it is to contact food meets the following extractive limitations when tested by the methods provided in § 121.2514(e):

(1) The coating when extracted with distilled water at 180° F. for 24 hours yields total extractives not to exceed 0.05 milligram per square inch of food-contact surface.

(2) The coating when extracted with 8 percent (by volume) ethyl alcohol in distilled water at 160° F. for 4 hours yields total extractives not to exceed 0.05 milligram per square inch of food-contact surface.

(c) The resins identified in paragraph (a) of this section may be used as a food-contact coating for articles intended for contact at temperatures not to exceed room temperature with food of type VI–C described in table 1 of § 121.2526(c) provided the coating in the finished form in which it is to contact food meets the following extractives limitations when tested by the methods provided in § 121.2514(e):

(1) The coating when extracted with distilled water at 180° F. for 24 hours yields total extractives not to exceed 0.05 milligram per square inch of food-contact surface.

(2) The coating when extracted with 50 percent (by volume) ethyl alcohol in distilled water at 180° F. for 24 hours yields total extractives not to exceed 0.05 milligram per square inch.

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

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

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

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8458; Filed, July 17, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

2,6-BIS(1-METHYLHEPTADECYL)-*p*-CRESOL

No comments were received in response to the notice published in the FEDERAL REGISTER of February 27, 1969 (34 F.R. 2672), proposing that § 121.2566 be amended:

1. To provide for additional use of 2,6-bis(1-methlyheptadecyl)-*p*-cresol as an antioxidant and/or stabilizer in olefin polymers that contact food generally rather than just nonfatty food as presently permitted under the provisions of that section; and

2. To include a thickness limitation further restricting the present use of the subject additive in olefin polymers in contact with food containing more than 8 percent of alcohol based upon new information indicating that migration of the additive to such foods could be significantly higher than originally contemplated.

In the case of No. 1 above, a petition (FAP 8B2221) was filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662 (notice was given in the FEDERAL REGISTER of October 25, 1967; 32 F.R. 14791). The proposal regarding No. 2 above was on the initiative of the Commissioner of Food and Drugs.

Having considered the data submitted in the petition, and other relevant information, the Commissioner concludes that § 121.2566 should be amended as proposed with the exception that the proposed thickness limitation be revised as set forth below so as to apply to the polymers generally rather than just films and coatings as was proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), (d), 72 Stat. 1786–87; 21 U.S.C. 348(c)(1), (d)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by revising the limitations for the subject item to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
2,6-Bis(1-methylheptadecyl)-*p*-cresol.	For use only at levels not exceeding 0.3 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4. The average thickness of such polymers in the form in which they contact fatty food or food containing more than 8 percent of alcohol shall not exceed 0.004 inch.
* * *	* * *

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

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

(Secs. 409(c)(1), (d), 72 Stat. 1786–87; 21 U.S.C. 348(c)(1), (d))

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8450; Filed, July 17, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP8B2225) filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional optional substance (identified below) as an antioxidant and/or stabilizer in polymers used in the manufacture of articles for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
Poly(1,4 - cyclohexylenedimethylene - 3,3'-thiodipropionate) partially terminated with stearyl alcohol and produced when approximately equal moles of 1,4-cyclohexanedimethanol and 3,3'-thiodipropionic acid are made to react in the presence of stearyl alcohol so that the final product has an average molecular weight in the range of 1,800–2,200, as determined by vapor pressure osmometry, and has a maximum acid value of 2.5.	For use only: 1. In polypropylene complying with § 121.2501(c), item 1.1, and used in contact with nonfatty, nonalcoholic food. 2. At levels not to exceed 0.5 percent by weight of polypropylene complying with § 121.2501(c), item 1.1, and used in contact with fatty, nonalcoholic food. The average thickness of such polymers in the form in which they contact fatty, nonalcoholic food shall not exceed 0.005 inch.
* * *	* * *

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

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

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

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8451; Filed, July 17, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS

PART 148—ANTIBIOTIC DRUGS; PACKAGING AND LABELING REQUIREMENTS

Miscellaneous Amendments

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 146 and 148 are amended as follows to make revisions that are in effect of an editorial nature:

1. Section 146.2 is amended in paragraph (c) by revising subparagraphs (2), (5), (7), and (8) and adding new subparagraphs (9) and (10), as follows:

§ 146.2 Requests for certification, check tests and assays, and working standards; information and samples required.

* * * * *

(c) * * *

(2) The quantity of each ingredient used in making the batch and a statement that each such ingredient conforms to the requirements or standards prescribed therefor, if any, by specific regulations or official compendium or otherwise approved by the Commissioner.

* * * * *

(5) The results of the latest tests and assays made by or for him on the batch as required for the drug by specific regulations.

* * * * *

(7) Unless previously submitted, the results and dates of the latest tests and assays made by or for him on the antibiotic(s) used in making the batch as required by specific regulations.

(8) The number of accurately representative samples that are required for the batch by specific regulations:

(i) In the case of drugs such as dry powders, solutions, ointments, and suspensions, the sample shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal. In no case, however, shall more than 5,000 immediate containers have been packaged during each such interval of sampling, except for a sample collected for sterility testing.

(ii) In the case of drugs such as tablets or other such unit dosage forms, the sample shall be collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal. In no case, however, shall more than 5,000 tablets have been tableted during each interval of sampling, except for a sample collected for time of disintegration. If the person who packages the tablets into dispensing-size containers is not the manufacturer, such sample shall be collected throughout the entire time of packaging the batch into such containers.

(iii) In the case of drugs packaged for repacking or for use in the manufacture of another drug, the samples must be representative of the batch. Such samples may be taken from a composite composed of portions taken from a representative number of bulk containers, the composite consisting of no more than 10 times the amount required for conducting the required tests and assays.

(9) In the case of an initial request for certification, each ingredient used in making the batch other than ingredients required by specific regulations: 1 package of each containing approximately 5 grams. Results and dates of the latest tests and assays made by or for him on such ingredients shall precede or accompany the submission.

(10) The results and dates of tests and assays made by or for him on the nonantibiotic active ingredients used in making the batch.

* * * * *

2. Section 148.2 is revised to read as follows:

§ 148.2 Packaging requirements.

Each antibiotic drug described in Parts 148a, 148b, et seq., and 149a, 149b, et seq., of this chapter shall be packaged in immediate containers which shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate containers shall be tight containers as defined by the U.S.P., except if it is dispensed as an ointment or cream, the immediate containers shall be well-closed containers as defined by the U.S.P.

(a) If it is a sterile preparation, the containers shall be sterile at the time of filling and closing and shall be so sealed that the contents cannot be used without destroying the seal.

(b) If it is intended for parenteral use, it shall be in containers of colorless, transparent glass (unless it is packaged to contain a single dose), closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each container shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and administration of the volume, whether administered in single or multiple doses.

(c) If it is dispensed as a tablet, capsule, troche, pellet, or suppository, it may be enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except for the provision that it shall be capable of tight reclosure. The immediate container may contain a dessicant separated from the drug by a plug of cotton or other like material.

(d) If it is dispensed as an ointment or cream, it shall be in collapsible tubes which shall not be larger than the ½-ounce size if the ointment is represented for ophthalmic use, and in no case larger than the 2-ounce size, except that if it is labeled for institutional use, it may be packaged in immediate containers of glass.

(e) If it is intended for ophthalmic use or for inhalation therapy, the closure shall be one through which a hypodermic needle cannot be introduced.

The amendments herein are editorial in nature in that for cross-reference purposes they relocate existing requirements. Accordingly, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

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

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8453; Filed, July 17, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

MISCELLANEOUS AMENDMENTS

In § 203.390 paragraphs (a)(2) and (b)(2) are amended to read as follows:

§ 203.390 Waiver of title—mortgages on property formerly held by the Secretary.

(a) *Mortgages sold by the Secretary.* * * *

(2) The Secretary will accept an assignment of a mortgage previously sold by him, where the mortgagee is unable to complete foreclosure because of a defect in the mortgage instrument, a defect in the mortgage transaction, or a defect in title which existed at or prior to the time the mortgage assignment was filed for record. In such instances, the Secretary will not object to title by reason of any such defect.

(b) *Property sold by the Secretary.* * * *

(2) The Secretary will accept an assignment of a mortgage executed in connection with the sale of property by him, where the mortgagee is unable to complete foreclosure because of a defect in the mortgage instrument, a defect in the mortgage transaction, or a defect in title which existed at or prior to the time the mortgage was filed for record. In such instances, the Secretary will not object to title by reason of any such defect.

In § 203.402 paragraph (f) is amended to read as follows:

§ 203.402 Items included in payment—conveyed properties.

* * * * *

(f) Foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property by the mortgagee and of conveying and evidencing title to the property to the Secretary) actually paid by the mortgagee and approved by the Commissioner, in an amount not in excess of two-thirds of such costs or $75, whichever is the greater. Where the foreclosure involves a mortgage sold by the Secretary on or after August 1, 1969, or a mortgage executed in connection with the sale of property by the Secretary on or after such date, the mortgagee shall be reimbursed (in addition to the amount determined under the foregoing) for any extra costs incurred in the foreclosure as a result of a defect in the mortgage instrument, or a defect in the mortgage transaction or a defect in title which existed at or prior to the time the mortgage (or its assignment by the Secretary) was filed for record, if the mortgagee establishes to the satisfaction of the Commissioner that such extra costs are over and above those customarily incurred in the area.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., July 14, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-8480; Filed, July 17, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

[DoD Directive 1332.17]

PART 48—RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN

The Deputy Secretary of Defense approved the following:

Subpart A—General Information

Sec.
48.101 Purpose.
48.102 Definitions.

Subpart B—Election of Options

48.201 Options.
48.202 Limitation on number of annuities.
48.203 Election of options.
48.204 Change or revocation of election.
48.205 Election form.
48.206 Information regarding elections.

Subpart C—Designation of Beneficiaries

48.301 Designation.
48.302 Substantiating evidence regarding dependency and age of dependents.
48.303 Condition affecting entitlement of widow or widower.

Subpart D—Reduction of Retired Pay

48.401 Computation of reduction.
48.402 Effective date of reduction.
48.403 Payment of nonwithheld reduction of retired pay.
48.404 Ages to be used.
48.405 Action upon removal from temporary disability retired list.
48.406 Withdrawal and reduction of percentage or amount of participation.

Subpart E—Annuity

48.501 General information.
48.502 Effective date of annuity.
48.503 Claims for annuity payments.
48.504 Payment to children.
48.505 Establishing eligibility of annuitants.
48.506 Recovery of erroneous annuity payments.
48.507 Restriction on participation.
48.508 Certain 100 percent disability retirements.

Subpart F—Miscellaneous

Sec.
48.601 Annual report.
48.602 Organization.
48.603 Correction of administrative deficiencies.
48.604 Transition and protective clauses.

AUTHORITY: The provisions of this Part 48 issued under 10 U.S.C. 1444.

Subpart A—General Information

§ 48.101 Purpose.

The purpose of the Retired Serviceman's Family Protection Plan is to permit each member of the uniformed services to elect to receive a reduced amount of any retired pay which may be awarded him as a result of service in his uniformed service in order to provide an annuity payable after his death (while entitled to retired pay) to his widow, child, or children, subject to certain limitations specified in the law and elaborated in the regulations in this part.

§ 48.102 Definitions.

(a) The terms "Plan" or "RSFPP" as hereinafter used means the Retired Serviceman's Family Protection Plan (formerly called the Uniformed Services Contingency Option Act).

(b) The term "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Corps of Environmental Science Services Administration, and Commissioned Corps of Public Health Service.

(c) The term "member" means a commissioned officer, commissioned warrant officer, warrant officer, nurse, flight officer, or a person in an enlisted grade (including an aviation cadet) of any of the uniformed services, and a person in any of these categories who is entitled to or is in receipt of retired pay, except persons excluded in title 10, United States Code, section 1431(a), as amended.

(d) The term "widow" includes "widower" and refers to the lawful spouse of the member on the date of retirement with pay.

(e) The term "child" means, in all cases, a member's child, who is living on the date of retirement of the member with pay and who meets the following requirements:

(1) A legitimate child under 18 years of age and unmarried.

(2) A stepchild, under 18 years of age and unmarried, who is in fact dependent on the member for support (see paragraphs (f) and (g) of this section).

(3) A legally adopted child, under 18 years of age and unmarried.

(4) A child, as defined above, who is 18 or more years of age and unmarried, and who is incapable of self-support because of being mentally defective or physically incapacitated if that condition existed prior to reaching age 18.

(5) A child as defined above, who is at least 18, but under 23 years of age and unmarried, who is pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized

educational institution. (Applicable only in the case of members who retired on or after Nov. 1, 1968).

(6) A child loses his eligibility for an annuity under this part if he is adopted by a third person before the parent-member's death. His eligibility is not affected if he is adopted by a third person after the parent-member's death (36 Comp. Gen. 325).

(f) The term "stepchild" means a child of a member's spouse by a former marriage. The stepchild relationship terminates upon the divorce of the parent spouse, but not upon the death of the parent spouse.

(g) The term "in fact dependent" means that the stepchild must be dependent on the member for over half of his or her support.

(h) The term "retirement" means retirement with eligibility to receive retired pay.

(i) The term "retired pay" includes retired, retirement, equivalent and retainer pay awarded as a result of service in the uniformed services.

(j) The term "reduced retired pay" means the retired pay remaining after the cost of participation in RSFPP has been subtracted.

(k) The term "department concerned" means (1) the Department of the Army with respect to the Army, (2) the Department of the Navy with respect to the Navy and Marine Corps, (3) the Department of the Air Force with respect to the Air Force, (4) the Department of Transportation with respect to the Coast Guard, (5) the Department of Commerce with respect to the Environmental Science Services Administration, and (6) the Department of Health, Education, and Welfare with respect to the Public Health Service.

(l) The term "dependent" means the prospective annuitants described in paragraphs (d) and (e) of this section.

(m) The term "Board of Actuaries" means the Government Actuary in the Department of the Treasury, the Chief Actuary of the Social Security Administration, and a member of the Society of Actuaries appointed by the President to advise the Secretary of Defense on the administration of the Plan.

(n) The term "Joint Board" means representatives of the uniformed services appointed under the provisions of § 48.602.

(o) The term "years of service" means years of service creditable in the computation of basic pay.

(p) The term "election" means the choice of options made by the member under the RSFPP. This term includes a modification of a previous election or an election submitted after a revocation of a previous option(s) elected.

(q) The term "elections in effect" means valid elections existing on the day of retirement.

(r) A recognized educational institution is defined as a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution which meets one or more of the following criteria:

(1) It is operated or directly supported by the United States, or a State, or local governmental agency.

(2) It is accredited by a nationally recognized or State recognized accrediting agency.

(3) It is approved as an educational institution by a State or local governmental agency.

(4) Its credits are accepted for transfer (or for admission) by three or more accredited schools on the same basis as credits from an accredited school.

Subpart B—Election of Options

§ 48.201 Options.

As provided in § 48.203, a member may elect one or more of the following annuities. The amount must be specified at time of election, and may not be for more than 50 per centum nor less than 12½ per centum of his retired pay, in no case may be less than a $25 monthly annuity be elected. If the election is made in terms of dollars, the amount may be more than 50 per centum of the retired pay that he would receive if he were to retire at the time of election; however, if such elected amount exceeds 50 per centum of his retired pay when he does retire, it shall be reduced to an amount equal to such 50 per centum. Also, if the dollar amount elected is less than 12½ per centum of his retired pay when he does retire, it shall be increased to an amount equal to such 12½ per centum.

(a) Option 1 is an annuity payable to or on behalf of his widow, the annuity to terminate upon her death or remarriage.

(b) Option 2 is an annuity payable to or on behalf of his surviving child or children as defined in § 48.102, the annuity to terminate when there ceases to be at least one such surviving child eligible to receive the annuity. Each payment under such annuity shall be paid in equal shares to or on behalf of the surviving children remaining eligible at the time the payment is due. A member who had this option in effect on the date of retirement, and who retired on or after November 1, 1968, may apply to the Secretary concerned to have a child (other than a child described in § 48.102(e)(4)) who is at least 18 but less than 23 years of age considered not to be an eligible beneficiary under this paragraph (b) or § 48.202. Normally such applications will be approved.

(c) Option 3 is an annuity to or on behalf of his widow and surviving child or children. Such annuity shall be paid to the widow until death or remarriage, and thereafter each payment under such annuity shall be paid in equal shares to or on behalf of the surviving children remaining eligible at the time the payment is due. A member may provide for allocating, during the period of the surviving spouse's eligibility, a part of the annuity under this Subpart B for payment to those of his surviving children who are not children of that spouse. The sum allotted will not exceed the equitable share for which such children would be eligible after the death of the widow.

(d) When no eligible beneficiary remains to benefit from the option elected, the member's retired pay will be restored (except as provided in § 48.604, for certain members retired before Aug. 13, 1968). All elections on file on Aug. 13, 1968, for members not entitled to receive retired pay will be considered to include the restoration feature with attendant cost factors being applied at time of retirement. For the purpose of this paragraph, a child (other than a child described in § 48.102(e)(4)) who is at least 18 but less than 23 years of age, and is not pursuing a course of study as defined in § 48.102(e)(5), shall be considered an eligible beneficiary unless an approved application by the member pursuant to § 48.201(b) that such a child is not to be considered an eligible beneficiary is in effect (for members who retire on or after Nov. 1, 1968).

§ 48.202 Limitation on number of annuities.

When a member desires to provide both the annuity provided by Option 1 and Option 2, he may elect amounts that, in total, meet the limitations specified in § 48.201. The cost of each annuity, and the amount of each annuity shall be determined separately. A member may not elect the combination of Options 1 and 3 or Options 2 and 3 in any case. The combined amount of the annuities may not be more than 50 per centum nor less than 12½ per centum of his retired pay. In no case may less than a $25 per month combined annuity be provided.

§ 48.203 Election of options.

(a) A member who has completed less than 19 years of service as defined in § 48.102(o) may elect to receive a reduced amount of retired pay in order to provide one or more of the annuities as specified in §§ 48.201 and 48.202, payable after his death while entitled to retired pay to or on behalf of his surviving widow, child, or children. To be effective, the election by such a member must be dated, signed, witnessed, and delivered to appropriate service officials, or postmarked not later than midnight on the day in which he completes 19 years of service. Such an election will become effective immediately upon subsequent retirement. The latest election, change, or revocation made in accordance with this subsection will, if otherwise valid, be the effective election, unless superseded by a change as provided in paragragh (b) of this section.

(b) Except as provided in paragraph (c) of this section, a member who fails or declines to make an election before completion of 19 years of service may make an election after that time. However, unless the election is made at least 2 years prior to the date the member becomes entitled to receive retired pay, it will not be effective. The same applies to subsequent changes or revocations made prior to retirement.

(c) If an election, revocation, or change was made prior to August 13,

1968, the 19-year and 2-year provisions are automatically in effect on August 13, 1968, for members who were not entitled to retired pay on such date, unless the member applies under § 48.604(d) to remain under the provisions of the law prior to August 13, 1968. In this case the "18 years of service" and "3 years prior to receipt of retired pay" rules will apply.

(d) A member retired for physical disability on or after November 1, 1968 who is awarded retired pay prior to completion of 19 years of service may make an election which is subject to the restrictions set forth in § 48.507. The election by such member shall be made before the first day for which he is entitled to retired pay. Elections made under this subsection prior to November 1, 1968, must be made by the member retiring for physical disability prior to completing 18 years.

(e) If, because of military operations, a member is assigned to an isolated station, or is missing, interned in a neutral country, captured by a hostile force, or beleaguered or besieged, and for that reason is unable to make an election before completing 19 years of service, he may make the election within 1 year after he ceases to be assigned to that station or returns to the jurisdiction of his service as the case may be, and such election shall become effective immediately upon subsequent retirement.

(f) A member to whom retired pay is granted retroactively, and who is otherwise eligible to make an election, may make the election within 90 days after receiving notice that such pay has been granted him.

(g) Whenever a member is determined to be mentally incompetent by medical officers of the uniformed services or of the Veterans Administration, or is adjudged mentally incompetent by a court of competent jurisdiction and because of such mental incompetency is incapable of making any election within the time limitations prescribed by the Plan, the Secretary of the Department concerned may make the appropriate election on behalf of such member upon request of the spouse, or if there be no spouse, by or on behalf of the child or children of such member. If such member is subsequently determined to be mentally competent by the Veterans Administration or a court of competent jurisdiction, he may, within 180 days after such determination or judgment, change or revoke the election made on his behalf. In such a case, the change or revocation will be effective on the date of the member's request for such change or revocation. Deductions previously made shall not be refunded.

(h) All elections on file on August 13, 1968, for members not entitled to receive retired pay shall be subject to the provisions of this section unless the member makes the application specified in § 48.604(d).

(i) A person who was a former member of the armed forces on November 1, 1953, and who is granted retired pay after that date, may, at the time he is granted that pay, make an election as provided in § 48.201.

§ 48.204 Change or revocation of election.

(a) A change of election is a change in the amount of the annuity or annuities under any option, or a change in any option or options selected. A revocation is a cancellation of a previous election and constitutes a withdrawal from coverage under the Plan.

(b) A member may change or revoke his election as often as he desires prior to the completion of 19 years of service. Such a change or revocation must be dated, signed, witnessed, and delivered to appropriate service officials, or postmarked not later than midnight on the day in which the member completes 19 years of service. The latest election, change, or revocation which is submitted in accordance with this subsection will be effective at retirement.

(c) A member who desires to make an election or change or revoke his election after he has completed 19 years of service may do so prior to his retirement. However, such an election, change or revocation will be effective only if at least 2 years elapse between the date of the election, change, or revocation and the date of eligibility to receive retired pay.

(d) A revocation will not prohibit the filing of a new election at a later date which will become valid under applicable validation provisions.

(e) A member may, on or after November 1, 1968, at any time prior to his retirement, change or revoke his election (provided the change does not increase the amount of the annuity elected) to reflect a change in the marital or dependency status of the member or his family caused by death, divorce, annulment, remarriage, or acquisition of a child, if such change or revocation is made within 2 years of such change in status.

(f) Notification of a change in family status is not a change of election.

(g) All changes and revocations on file on August 13, 1968, for members not entitled to retired pay shall be subject to the provisions of this section unless the member makes the application specified in § 48.604(d).

§ 48.205 Election form.

The form for making election after October 31, 1968, is prescribed as Election of Options, Retired Serviceman's Family Protection Plan, DD Form 1688.[1] It will be submitted as directed herein. All copies will be signed, and any otherwise complete, signed copy, when properly submitted, may be used to substantiate the fact of election, modification, revocation, or change in family status.

§ 48.206 Information regarding elections.

(a) All members of the Reserve component who will have accumulated sufficient service to be eligible for retired pay at age 60, will be counseled on the Plan before reaching their 57th birth dates in order to insure that valid elections can be made prior to their 58th birth dates. An election, modification, or revocation submitted subsequent to attaining age 58 will be valid only if it is made and submitted at least 2 years prior to the first date for which retired pay is granted.

(b) It is the responsibility of the department concerned to provide election forms and to promulgate information concerning the benefits of the Plan to all members so as to allow a timely election.

(c) Members retiring for physical disability prior to the completion of 19 years of service will, prior to retirement, be counseled and furnished information concerning the operation of the Plan.

[1] Filed as part of the original document. Copies may be obtained from Military Personnel Officer.

Subpart C—Designation of Beneficiaries

§ 48.301 Designation.

(a) All legal beneficiaries described in § 48.102 must be named at the date of retirement pursuant to the option elected. Although a member without dependents may make an election, it will not be effective unless he has eligible dependents at the time of his retirement.

(b) When a change in family status occurs prior to retirement which would effect a change as provided in § 48.204(e), new DD Form 1688,[1] Election of Options, Retired Serviceman's Family Protection Plan, should be filed to evidence such change.

§ 48.302 Substantiating evidence regarding dependency and age of dependents.

At the time of submitting the election, or prior to retirement, the member must indicate his wife's and youngest child birth date as applicable to the option elected. At or before the time of his retirement, he must submit proof of final dissolution of prior marriages, if any, both for himself and his spouse. The age of the dependents must be substantiated by a birth certificate or other competent evidence. The birth date of a member must be verified by his service record. All required substantiating evidence must be at the disbursing office which would normally pay the member retired pay or retainer pay immediately following retirement so as to permit the establishment of accurate pay accounts and to prevent the creation of indebtednesses or overpayments.

§ 48.303 Condition affecting entitlement of widow or widower.

A member may have a different lawful spouse at the time of retirement from the lawful spouse he had at the time of election. The lawful spouse at the time of retirement is the spouse eligible for an annuity at the time of member's death. Divorce of the member will remove the former spouse as a prospective annuitant.

Subpart D—Reduction of Retired Pay

§ 48.401 Computation of reduction.

(a) The reduction to be made in the retired pay of a member who has made

an election shall be computed by the uniformed service concerned in each individual case, based upon tables of factors prepared by the Board of Actuaries. The computation shall be based upon the applicable table in effect on the date of retirement.

(b) An adjustment may be made in the reduction of retired pay upon the finding of an administrative error or a mistake of fact (see § 48.603).

(c) If a member elects to be covered by option 3, and on the date he is awarded retired pay has no children eligible to receive the annuity, or has only a child or children aged 18–22 (other than a child described in § 48.102 (e)(4) and elects, at retirement, that such child or children shall not be considered to be eligible beneficiaries, he shall have his costs computed as though he had elected option 1. If he elects option 3, and on the date he is awarded retired pay has no wife eligible for the annuity, he shall have his costs computed as though he had elected option 2.

(d) If a member elects option 3, and after he becomes entitled to retired pay, there is no eligible spouse because of death or divorce, upon the retired member's application, no deductions from his retired pay shall be made after the last day of the month in which there ceases to be an eligible spouse. Children otherwise eligible will continue to be eligible for the annuity in event of the member's death. No amounts by which the member's retired pay is reduced before that date may be refunded to or credited on behalf of that person.

(e) The amount of reduction in retired pay and the annuity payable established for each individual at the time of his retirement shall remain unaltered except as provided in §§ 48.203(g), 48.401(b), 48.401(d), and 48.406, regardless of future pay increases or decreases.

§ 48.402 Effective date of reduction.

The effective date of reduction in retired pay will be the effective date of retirement with pay. The reduction in retired pay will be terminated on the date the member ceases to be entitled to retired pay or on the first day of the month following that in which there is no eligible beneficiary (for exception to this rule see § 48.604).

§ 48.403 Payment of nonwithheld reduction of retired pay.

(a) A member of a uniformed service who is entitled to retired pay and has made an election shall, during any period in which he is not receiving retired pay (including periods of active duty), deposit the amount which would have been withheld from his retired pay had he been receiving that pay.

(b) Such deposit will be payable to Treasurer of the United States and shall be forwarded monthly to the disbursing office which would normally pay the member his retired pay.

(c) The disbursing office will in all cases inform the member of the amount to be deposited and when such deposits are to be made.

(d) In the event deposits are not made within 30 days of the due date, the disbursing office will inform the member concerned that he is delinquent from such due date and thereafter his designated beneficiaries will not be eligible for the annuity provided under the Plan until the arrears have been paid. The notification of delinquency will advise the member that 15 additional days have been granted to him in which to remit his deposit, and that if the arrears are not deposited within that period, the member will be charged interest to include the first day of delinquency. In no case will the expiration date of the 15 days exceed a date later than 45 days from the date the deposit was due. The interest will be computed monthly and the rate will be that used in computing the cost tables in effect on the date of the member's retirement. If such member later becomes in receipt of retired pay, any arrears with compound interest will be withheld.

§ 48.404 Ages to be used.

Ages to be used for calculating reductions of retired pay will be the ages of the member and his eligible dependents on their nearest birth dates as of the date of the member's retirement.

§ 48.405 Action upon removal from temporary disability retired list.

(a) Any member on the temporary disability retired list established pursuant to title 10, United States Code, Chapter 61, who has elected to receive reduced retired pay in order to provide one or more of the annuities specified in the Plan, and who is subsequently removed from the list due to any reason other than permanent retirement, shall have refunded to him a sum which represents the difference between the amount by which his retired pay has been reduced and the cost of an amount of term insurance which is equal to the protection provided his dependents during the period he was on the temporary disability retired list.

(b) If the member concerned is returned to active duty, his election as previously made will continue or he may change or revoke the election as provided in § 48.204.

(c) Time creditable for the purpose of the two year interval required to make a change, revocation or new election valid includes service before, during, and after temporary disability retirement. (See §§ 48.203 and 48.204 and Comptroller Decision B–144158, Dec. 23, 1960.) Active duty after removal from a temporary disability retired list is a necessity in such a case.

§ 48.406 Withdrawal and reduction of percentage or amount of participation.

A retired member who is participating in the Plan may revoke his election and withdraw from participation, or he may reduce the amount of the survivor annuity; however, an approved withdrawal or reduction will not be effective earlier than the first day of the seventh month beginning after the date his application is received by the Finance Center controlling his pay record. (For special rules covering participating members retired before Aug. 13, 1968, without option 4, see § 48.604.) No application for reduction will be approved which requests a change in options. A request to reduce an annuity or to withdraw from the Plan is irrevocable, and a retired member who withdraws may never again participate in the Plan. Approval of a request for a reduction will not be made when such reduction results in an annuity of less than 12½ per centum of the member's retired pay or less than a $25 monthly annuity. The new cost, after such reduction in survivor annuity, will be computed from the applicable cost table at the time of retirement. No amounts by which a member's retired pay is reduced may be refunded to, or credited on behalf of, the member by virtue of an application made by him under this section.

Subpart E—Annuity

§ 48.501 General information.

Except as provided in § 48.506(a), no annuity payable under the Plan shall be assignable, or subject to execution, levy, attachment, garnishment, or other legal process. Annuities payable under this Plan shall be in addition to any pensions or other payments to which the beneficiaries may now or hereafter be entitled under other provisions of law (except as provided in § 48.507), and may not be considered as income under any law administered by the Veterans Administration, except for the purpose of title 38, United States Code, section 415(g) and chapter 15.

§ 48.502 Effective date of annuity.

All annuities payable under this Plan except those payable to beneficiaries described in § 48.102(e)(5) shall accrue from the first day of the month in which the retired member dies and shall be due and payable not later than the 15th day of each month following that month and in equal monthly installments thereafter, except that no annuity shall accrue or be paid for the month in which entitlement to that annuity terminates.

§ 48.503 Claims for annuity payments.

Upon official notification of the death of a retired member who has elected under the Plan, the department concerned shall forward to the eligible surviving beneficiaries the necessary information and forms (DD Form 768, Application for Annuity Under Retired Serviceman's Family Protection Plan) for making application for annuity payments. Such information shall include the place to which the application should be forwarded and to which questions regarding annuity payments should be addressed.

§ 48.504 Payment to children.

(a) Annuities for a child or children will be paid to the child's guardian, or if there is no guardian, to the person(s) who has care, custody, and control of the child or children.

(b) Annuities payable to or on behalf of an eligible child as defined in § 48.102 (e)(5) accrue as of the first day of the month in which—

(1) The member (upon whose retired pay the annuity is based) dies if the eligible child's 18th birthday occurs in the same or a preceding month, or

(2) The 18th birthday of an eligible child occurs if the member (upon whose retired pay the annuity is based) died in a preceding month, or

(3) A child first becomes (or again becomes) eligible, if that eligible child's 18th birthday and the death of the member (upon whose retired pay the annuity is based) both occurred in a preceding month or months. An eligible child under this subparagraph might become ineligible at age 18 and again become eligible by furnishing proof of pursuit of a full time course of study or training as enumerated in § 48.102(e)(5).

§ 48.505 Establishing eligibility of annuitants.

(a) Eligibility for the annuity will be established by such evidence as may be required by the department concerned.

(b) If a child as defined in § 48.102(e)(4) is a designated annuitant, the department concerned shall require proof that the incapacity for self-support existed prior to the child's reaching age 18. Proof that continued incapacitation exists will be required every 2 years after the child passes the age of 18 years, except in a case where medical prognosis indicates recovery is impossible.

(c) If a child as defined in § 48.102(e)(5) is a designated annuitant, as specified in § 48.504(b), the department concerned shall require proof from the institution at least semiannually that the child is pursuing a full-time course of training as prescribed. For the purpose of proving eligibility, a child is considered to be pursuing a full-time course of study or training during an interval between school periods that does not exceed 150 days if he has demonstrated to the satisfaction of the department concerned that he has a bona fide intention of commencing, resuming, or continuing to pursue a full-time course of study or training in a recognized educational institution immediately after that interval.

§ 48.506 Recovery of erroneous annuity payments.

(a) The Secretary of the Department concerned is empowered to use any means provided by law to recover amounts of annuities erroneously paid to any individual under the Plan. He may authorize such recovery by adjustment in subsequent payments to which the individual is entitled.

(b) There need be no recovery when in the judgment of the Secretary of the Department concerned and the Comptroller General of the United States, the individual to whom the erroneous payment was made is without fault and recovery would be contrary to the purpose of the Plan or would be against equity and good conscience.

§ 48.507 Restriction on participation.

(a) If a person who has made an election under the Plan retires with a physical disability before the completion of 19 years of service and then dies in retirement, his widow and eligible children can receive monthly survivor annuities only if they are not eligible for Dependency and Indemnity Compensation payments from the Veterans Administration. If either the widow or children are eligible for dependency and indemnity compensation payments, then payment of annuities under the Plan may not be made to any member of the family. If the retired member's death was not service connected and his widow or children are not eligible for payments from the Veterans Administration, they may receive the provided annuity payments under the Plan.

(b) If the beneficiaries on whose behalf the election was made are restricted as in § 48.507(a), from receiving annuities, the amounts withheld from the elector's retired pay as a result of the election will be refunded to the beneficiaries, less the amount of any annuity paid, and without interest.

(c) Upon notification of the death of the member in such a case, the department concerned will take the following actions:

(1) Notify the Central Office of the Veterans Administration of the death of the member and request that the department concerned be advised if an award is made under chapter 11 or 13, title 38, United States Code.

(2) Request the Central Office of the Veterans Administration to forward to the eligible widow and/or children an application form for survivor benefits under chapter 11 or 13, title 38, United States Code, with instructions for completion and submission.

§ 48.508 Certain 100 percent disability retirement.

An election filed on or after August 13, 1968 is not effective if the member dies within 30 days following retirement from a disability of 100 per centum (under the standard schedule of rating disabilities in use by the Veterans Administration) for which he was retired under chapter 61, title 10, United States Code, unless—

(a) Such disability was the result of injury or disease received in line of duty as a direct result of armed conflict, or

(b) His widow or children are not entitled to dependency and indemnity compensation under chapter 13, title 38, United States Code.

Subpart F—Miscellaneous

§ 48.601 Annual report.

Information and data for the preparation of the annual report of the Board of Actuaries will be compiled by the Office of the Secretary of Defense after promulgation of appropriate instructions to each of the uniformed services. These instructions will be in consonance with Executive Order 10499 directing the Secretary of Defense to administer the provisions of the law.

§ 48.602 Organization.

(a) The Joint Board for the Retired Serviceman's Family Protection Plan shall consist of a principal and alternate member for each of the uniformed services appointed by the Department Secretary concerned. Alternate members will be auhorized to act in the absence of the principal. The Board shall meet on call of the Chairman. A quorum shall consist of representatives of at least four of the participating services.

(b) The Board shall establish procedures for the orderly conduct of business to be approved by the Assistant Secretary of Defense (Manpower and Reserve Affairs).

(c) The duties of the Board will include but not be limited to the following:

(1) Making recommendations to the Secretary of Defense for:

(i) Changes to the Executive order delegating to him functions conferred on the President by law,

(ii) Changes to these regulations,

(iii) Changes to the law, and

(iv) Measures to insure uniform operating policies.

(2) Promulgating tables of annuity costs as prescribed by the Board of Actuaries.

(3) Promulgating cost of term insurance as required in § 48.405.

(d) The Chairmanship of the Joint Board will be designated by the Assistant Secretary of Defense (Manpower and Reserve Affairs).

§ 48.603 Correction of administrative deficiencies.

(a) The Secretary of the Department concerned may correct any election or any change or revocation of an election when he considers it necessary to correct an administrative error. Information on such corrections shall be compiled by each department for inclusion in the report prescribed by § 48.601.

(b) Except when procured by fraud, a correction under the section is final and conclusive on all officers of the United States.

(c) Information on all corrections to elections under this Plan which are made under title 10, section 1552, United States Code, shall be compiled and this information forwarded to the Board of Actuaries for an actuarial analysis.

§ 48.604 Transition and protective clauses.

(a) A retired member who is participating in the Plan without inclusion of former option 4, which provided for restoration of retired pay when no eligible beneficiary remained in his election, may before September 1, 1969, elect to have that option included in his election. The election to include such option 4 becomes effective on the first day of the month following the month in which that election was made. The retired member must on or before the effective date agree to pay to the Treasury both the total additional amount to cover the option had it been effective when he retired, and the interest which would have accrued on the additional amount up to the effective

date of the new option 4. No such additional amount (except interest) shall accrue for months after the first month for which the individual had no eligible beneficiary. However, if undue hardship or financial burden would result, payments may be made in from two to 12 monthly installments when the monthly amount involved is $25 or less, or in from two to 36 installments when the monthly amounts involved exceed $25. No amounts by which a member's retired pay was reduced may be refunded to, or credited on behalf of, the retired member by virtue of an application made by him under this § 48.604. A retired member who does not make the additional election provided under this § 48.604 within the time limits will not be allowed to reduce an annuity or withdraw from participation in the Plan as provided by § 48.406.

(b) Members who have elected and are not yet retired will automatically participate under the provisions of § 48.201.

(c) Elections in effect on August 13, 1968, will remain under the cost tables applicable on the date of the member's retirement.

(d) Any member who has filed an election, modification, or revocation prior to August 13, 1968, may before September 1, 1969, submit a written application to the Secretary concerned requesting that such election, modification, or revocation remain under the time-of-election provisions of the law applicable on the date it was filed.

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

[F.R. Doc. 69-8446; Filed, July 17, 1969; 8:45 a.m.]

PART 52—SOLE SURVIVING SONS

Definitions

A sentence has been added to § 52.3(a) so that the paragraph reads as follows:

§ 52.3 Definitions.

As used in this part, the following definitions will apply:

(a) "Sole surviving son" means the only remaining son in a family of which, because of hazards incident to service in the Armed Forces of the United States, the father, or one or more sons or daughters—

(1) Have been killed;

(2) Have died as a result of wounds, accident, or disease;

(3) Are in a captured or missing-in-action status; or

(4) Are permanently 100 percent physically disabled (to include 100 percent mental disability) as determined by the Veterans Administration or one of the military services, and are hospitalized on a continuing basis, and not gainfully employed by virtue of such disability.

Once qualified as a sole surviving son, such status is permanently retained even though there is no living family survivor (Supreme Court Decision, McKart v. U.S. (May 26, 1969, No. 403—October Term 1968))

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

[F.R. Doc. 69-8447; Filed, July 17, 1969; 8:45 a.m.]

PART 80—PERMANENT-RESIDENCE ALIENS SERVING IN ARMED FORCES OF UNITED STATES TO FULFILL NATURALIZATION REQUIREMENTS; SEPARATION OF

PART 80a—NATURALIZATION OF ALIENS WHO HAVE SERVED HONORABLY IN AN ACTIVE DUTY STATUS IN THE ARMED FORCES OF THE UNITED STATES DURING CERTAIN PERIODS OF HOSTILITIES

Redesignation

Part 80 which was published as a revision at page 8352, May 30, 1969, is republished as Part 80a, under a new title. The remaining portions of the document are unchanged.

Sec.
80a.1 Purpose.
80a.2 Applicability and scope.
80a.3 Policy and procedure.

AUTHORITY: The provisions of this Part 80a issued under sec. 301, 80 Stat. 371; 5 U.S.C. 301.

§ 80a.1 Purpose.

This part establishes uniform procedures to facilitate the naturalization of aliens who have served honorably in an active duty status in the Armed Forces of the United States during the Vietnam hostilities or during any other future period of hostilities that may be designated by the President.

§ 80a.2 Applicability and scope.

(a) Provisions of this part apply to the Military Departments and cover all aliens who have rendered honorable service on active duty during the period beginning February 28, 1961, and ending on a date designated by the President by Executive order as the date of termination of the Vietnam hostilities.

(b) This part shall also apply during any future period which the President by Executive order shall designate as a period in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force.

(c) Under section 329 of the Immigration and Naturalization Act, as amended by Public Law 90-633 (8 United States Code 1440), an alien member who has served honorably in active duty status at any time during the qualifying periods, and who is otherwise eligible, may be naturalized whether or not he has been lawfully admitted to the United States for permanent residence, if the member was inducted, enlisted, or reenlisted in the United States (inclusive of Puerto Rico, Guam, Virgin Islands, Canal Zone, American Samoa, or Swains Island).

(1) The induction, enlistment or reenlistment in the United States or its stated possessions must actually be in these land areas, in ports, harbors, bays, enclosed sea areas along their coast or within a marginal belt of the sea extending from the coastline outward 3 geographical miles.

(2) Although enlistment or reenlistment aboard a ship on the high seas or in foreign waters does not meet the requirements of section 329 of the Immigration and Naturalization Act, as amended by Public Law 90-633 (8 United States Code 1440), the provisions of Part 80 of this subchapter may apply.

(d) Residence in the United States or a specified period of physical presence in the United States is not required. In addition, an alien seeking naturalization under section 329 of the Immigration and Naturalization Act, as amended by Public Law 90-633 (8 United States Code 1440), is exempt from all Federal naturalization fees associated with the filing of a petition or the issuance of a certificate of naturalization.

§ 80a.3 Policy and procedure.

Each Military Department will establish procedures containing the provisions outlined in paragraphs (a) and (b) of this section. In addition, each qualifying alien shall be advised of the liberalized naturalization provisions of section 329 of the Immigration and Naturalization Act, as amended by Public Law 90-633 (8 U.S.C. 1440), i.e., that the usual naturalization requirements concerning age, residence, physical presence, court jurisdiction and waiting period are not applicable, and be given appropriate assistance in processing his naturalization application in consonance with procedures issued by the Department of Justice, Immigration and Naturalization Service.

(a) Military basic training and orientation programs shall include advice and assistance to interested aliens in completing and submitting the application and other forms required to initiate naturalization proceedings. In addition, applicants should be advised that:

(1) Under the laws of certain foreign countries, military service in the U.S. Armed Forces may result in the loss of their native country citizenship but that this same service may make them eligible for U.S. citizenship.

(2) Their eligibility for naturalization, based upon the honorable service in active duty status described in section 329 of the Immigration and Naturalization Act, as amended by Public Law 90-633 (8 U.S.C. 1440) will be retained, even though they apply for naturalization after their return to the United States following the termination or completion of their overseas assignment, or after their honorable discharge from the Armed Forces of the United States.

(3) If they are stationed at a base in continental United States, Alaska,

Hawaii, Puerto Rico, Guam, or the Virgin Islands, they should apply for citizenship only if they expect to be stationed at the base for at least 60 days following application. Unless the Immigration and Naturalization Service has at least 60 days in which to complete the case, there is no assurance that it can be completed before the applicant is transferred, since the processing procedures outlined below take time and are not entirely within the control of the Immigration and Naturalization Service.

(i) Every naturalization application must be processed when received by the Immigration and Naturalization Service. The Immigration and Naturalization Service has made special arrangements to expedite the processing of petitions of alien members of the Armed Forces.

(ii) After processing, the alien applicant and two citizen witnesses must personally appear for examination by an officer of the Immigration and Naturalization Service in connection with the filing of a petition for naturalization in court.

(iii) Finally, the applicant must again appear in person before the naturalization court on a date set by the court so that he may be admitted to citizenship.

(4) If they are scheduled for overseas assignment where naturalization courts are not available, they should apply for naturalization on the earliest possible date but no later than 60 days before departure for overseas assignments. While the Immigration and Naturalization Service will accord these cases every possible priority, there is no assurance that they will be completed before the applicant's departure unless the Immigration and Naturalization Service has at least 60 days in which to accomplish the matter.

(i) An alien serviceman who is serving overseas, and has submitted or submits the required naturalization application and forms to the Immigration and Naturalization Service, may not be granted ordinary leave, or Rest and Recuperation (R&R) leave (where authorized in overseas areas) for naturalization purposes, unless a written notification from the Immigration and Naturalization Service has been received by the serviceman informing him that the processing of his application has been completed, and requesting him to appear with two U.S. citizen witnesses before a representative of the Immigration and Naturalization Service at a delegated location for the purpose of completing the naturalization.

(ii) If possible, applicants granted leave for such purposes should advise the Immigration and Naturalization Service when they expect to arrive in the leave area and, in any event, should contact the Immigration and Naturalization Service office immediately upon arrival in that area. The Immigration and Naturalization Service will make every effort to complete the naturalization within the leave period.

(5) The following forms required for naturalization purposes may be obtained from any office of the Immigration and Naturalization Service:

(i) N-400 Application to File a Petition for Naturalization (Must be submitted in triplicate).

(ii) G-325 Biographic Information (Must be submitted in duplicate).

(iii) G-325B Biographic Information (Must be submitted in duplicate).

(iv) FD-258 Applicant Fingerprint Card.

(v) N-426 Certificate of Military or Naval Service (Should be handled on a priority basis so as to avoid prejudicing the early completion of the naturalization process, particularly for an alien who may receive an overseas assignment).

(b) "Naturalization Requirements and General Information" published by the U.S. Department of Justice (Form N-17) describes the naturalization requirements and lists Immigration and Naturalization offices which process applications.

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

[F.R. Doc. 69-8445; Filed, July 17, 1969; 8:45 a.m.]

Chapter XVII—Office of Emergency Preparedness

[OEP Order 1400.1B]

PART 1701—CENTRAL OFFICE AND FIELD ORGANIZATIONS

PART 1713—EQUAL EMPLOYMENT OPPORTUNITY

Miscellaneous Amendments

Sec.
1713.1 Purpose.
1713.2 Authority.
1713.3 OEP employment policy.
1713.4 Designation of Director of Equal Employment Opportunity, Equal Employment Opportunity Officers, and Equal Employment Opportunity Counselor.
1713.5 Processing complaints of discrimination.
1713.6 Right of appeal to the Civil Service Commission.

AUTHORITY: The provisions of this Part 1713 issued under Executive Order 11246, Oct. 24, 1965.

§ 1713.1 Purpose.

This part reaffirms the policy of the Office of Emergency Preparedness of excluding and prohibiting discrimination against employees or applicants for employment in the Office of Emergency Preparedness because of race, color, religion, sex, or national origin. It also prescribes agency standards and procedures for the initiation and adjudication of complaints of discrimination under the provisions of Executive Order No. 11246 of October 24, 1965, and the revised regulations of the Civil Service Commission, effective July 1, 1969 (5 CFR Part 713).

§ 1713.2 Authority.

(a) Executive Order No. 11246 of October 24, 1965, reemphasizes the policy of the Federal Government to provide equal employment opportunity and reaffirms the direct obligation of each agency head to establish and maintain a positive program of equal opportunity within his activities.

(b) That Executive order assigns to the Civil Service Commission the responsibility for supervising and providing leadership and guidance in the area of equal opportunity and for reviewing agency program accomplishments periodically. Furthermore, agencies are required to comply with the regulations, orders, and instructions issued by the Commission pursuant to that order.

§ 1713.3 OEP employment policy.

It is the policy of the Office of Emergency Preparedness to assure, by positive measures, equal opportunity for all qualified persons with respect to employment in this Agency. Each employee of this Agency has a positive obligation to promote and ensure that there is full equality with respect to employment opportunities within this Agency. Discrimination against any employee or applicant for employment in the Office of Emergency Preparedness because of race, color, religion, sex, or national origin is prohibited. The Director of Equal Employment Opportunity, in conjunction with the Director of Administration, shall review the employment practices of this Agency and recommend, where appropriate, updating of the Agency's positive action program so that this policy may be applied effectively with respect to all personnel matters.

§ 1713.4 Designation of Director of Equal Employment Opportunity, Equal Employment Opportunity Officers, and Equal Employment Opportunity Counselor.

(a) The Director of the Office of Emergency Preparedness shall designate a Director of Equal Employment Opportunity for the Agency. The Director of Equal Employment Opportunity, under the immediate supervision of the Director of the Office of Emergency Preparedness, has full operating responsibility for carrying out the non-discrimination employment policy of the Federal Government within the Agency.

(b) The Director, OEP, shall designate an Equal Employment Opportunity Counselor. The Counselor shall seek resolution, on an informal basis, of matters giving rise to any allegation of discrimination prohibited by this part. Employees shall consult with the Counselor before filing formal complaints of discrimination pursuant to this part. In any case in which it is impracticable for an aggrieved employee to consult with the Counselor, the Director shall designate a temporary Counselor to consult with that employee.

(c) The Director shall designate one or more Equal Employment Opportunity Officers whose primary function shall be to receive formal complaints of discrimination and to advise the Director of Equal Employment Opportunity of the receipt of those complaints.

§ 1713.5 Processing complaints of discrimination.

The procedures and standards to be followed in the processing of complaints

of discrimination under this part shall be those prescribed in §§ 713.212 through 713.222 of the regulations of the Civil Service Commission (5 CFR 713.212–713.222). The above-cited sections of those regulations are hereby adopted as the regulations of the Office of Emergency Preparedness for this purpose. The Director of the Office of Emergency Preparedness shall make all final decisions with respect to complaints filed pursuant to this part.

§ 1713.6 Right of appeal to the Civil Service Commission.

(a) *Entitlement.* A complainant may, under the Civil Service Commission regulations, appeal to the Commission if the Director of the Office of Emergency Preparedness has made a decision:

(1) To reject his complaint because (i) it was not timely filed, or (ii) it was not within the purview of this part; or

(2) To discontinue processing of his complaint (i) because of the complainant's failure to prosecute his complaint, or (ii) because of the complainant's separation; or

(3) On the merits of the complaint, if the decision does not resolve the complaint to the complainant's satisfaction.

(b) *Where to appeal.* The complainant shall file any such appeal, in writing, either personally or by mail, with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415.

(c) *Time limit.* A complainant may file an appeal at any time after receipt of his Agency's notice of final decision on his complaint but not later than 15 calendar days after receipt of that notice. The time limit in this section may be extended at the discretion of the Board of Appeals and Review, upon a showing by the complainant that he was not notified of the prescribed time limit and was not otherwise aware of it, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

§ 1701.6 [Amended]

Cancellation and amendment. OEP Order 1400.1A, dated August 19, 1966, and OEP Order 1400.2A, dated May 13, 1966, are hereby canceled. The penultimate sentence of § 1701.6 of Title 32 of the Code of Federal Regulations is amended by deleting "Equal Employment Policy Officer", and inserting in lieu thereof "Director of Equal Employment Opportunity."

Effective date. This order shall become effective July 1, 1969.

Dated: July 11, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-8467; Filed, July 17, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

St. Vincent National Wildlife Refuge, Fla.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), 50 CFR 33.4 is amended to add the St. Vincent National Wildlife Refuge, Fla., to the list of areas open to sport fishing, as legislatively permitted.

Since this amendment benefits the public by relieving existing restrictions on fishing, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i as amended; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

FLORIDA

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St. Vincent National Wildlife Refuge.

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JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

JULY 15, 1969.

[F.R. Doc. 69-8476; Filed, July 17, 1969; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18346; FCC 69-568]

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

ITFS Response Stations

First report and order. In the matter of amendment of Part 74, Subpart I of the Commission rules and regulations governing instructional television fixed stations to provide for the licensing of ITFS response stations in the band 2686–2690 Mc/s; Docket No. 18346, RM-1259.

1. The Commission has before it for consideration its notice of proposed rule making released October 4, 1968 (FCC 68-998), proposing to amend its rules and regulations governing instructional television fixed stations to provide for the licensing of ITFS response stations in the band 2686–2690 Mc/s. This modification was requested by Leland Stanford Junior University (Stanford) in a petition (RM-1259) filed on February 23, 1968. Stanford requested that the Commission amend its rules to provide for the use of low-powered, voice modulated radio transmitters in the upper 4 Mc/s of the Instructional Television Fixed Station band (2500–2690 Mc/s) so that students receiving instruction via an instructional television fixed station may communicate with the instructor to ask and respond to questions as in a school room. It was claimed that such communications would greatly add to the effectiveness of instructional television. The present rules do not provide for such talk-back facilities. The notice invited interested parties to submit comments on or before November 12, 1968, and replies to such comments on or before November 22, 1968. Subsequently the date was extended to December 5, 1968, for filing reply comments.

2. Comments were received from the Michigan State University; Mr. Lloyd P. Morris, Elmwood Park, Ill.; John F. Browne, Jr., and Associates (Browne); Micro-Link Systems, Varian Associates (Micro-Link); National Association of Educational Broadcasters (NAEB); State of Michigan, Department of Edution; Leland Stanford Junior University (Stanford); Comments filed by Wilner, Scheiner & Greeley, Attorneys (Greeley), on behalf of five Catholic Dioceses, two public school boards, and one University; Archdiocese of New York; Association for Graduate Education and Research of North Texas (TAGER); Chicago Area School Television, Inc. (CAST); and A. Earl Cullum, Jr., and Associates. All of the above-listed parties support the Commission's proposed rule making in that they agree that a need exists for the talk-back circuit from the school room, and that it would make the use of Instructional Television Fixed Stations more meaningful from the instructors' and students' viewpoint. However, in varying degrees, Morris, Browne, Micro-Link, NAEB, State of Michigan, Greeley, and CAST suggest that response transmissions such as pushbutton scoring signals and computer-assisted instructional systems, etc., be allowed; and that these forms of data processing would be a desirable adjunct in connection with the instructional use of the station. They argue that any form of modulation that can be contained within the bandwidth should be authorized; and that this is a new method of teaching in remote classrooms and that there should be no restrictions on the use of the response station. Browne and NAEB believe that problems may arise when a number of response stations are on the channel and that provision should be made to allow the ITFS station to key the desired response station carriers on and off. Micro-Link and Browne argue that, due to the proposed simplified licensing procedures, site problems might

occur which would lead to interference problems to ITFS licensees; and that the usual procedure of construction permit and license should be used. Browne suggests that an ITFS station be required to cease operation if notified by another ITFS station that it is causing interference to its operation. Micro-Link further urges that these channels also be made available to applicants other than ITFS systems. Stanford asks that certain changes be made in the FAA notification requirement so that unnecessary notices of proposed construction will not be made, and that it not be necessary to maintain an operating log for the response station.

3. The comments proposing uses other than voice talk-back were not specific as to the purpose and need for such additional uses, and in some cases we are unable to determine whether such uses would be consistent with the objectives of the proposed rules. The service intended to be provided by these rules is a response capability to instructional material sent over the ITFS facility. The petitioner proposed that these be voice circuits. Oral exchange between the instructor and the pupil is a time-tested part of the learning process. In recent years, teaching machines have been used whereby reading material is displayed and then a statement is shown, or a question posed, and the student must push a button indicating agreement or disagreement with the statement (true or false) or select the correct answer to the question from among several given answers (multiple choice). If the student's response is incorrect he is instructed to push another button and the machine may go back and again display the original reading material by means other than voice. There may thus be a need for additional forms of response. This could take the form of computer-assisted instructional systems, response evaluation systems, and even some form of central data processing that would be used in connection with the teaching methods employed. From the several comments made it appears that it may be desirable to provide for the advanced methods of teaching that have been, and are being, developed in addition to the voice response. However, it seems that more specific information should be furnished the Commission as to the manner in which such operation would be used. It also appears important to provide expeditiously for the provision of voice response service, which was the request of the petitioner and all that was contemplated by the notice of proposed rule making herein. Accordingly, we are herein adopting rules assigning channels for the ITFS response service, as proposed, and limiting them for the time being to use for voice transmissions. In a further notice of proposed rule making also adopted herein, we seek comments on expansion to include other forms of dialogue between instructor and students which would be consistent with the purpose of the rules and structure of the new service as herein adopted.

4. Other uses, further removed from our proposal, were also suggested, including use for data retrieval and library reference service. To some extent these imply independent operation of transmitters in this band, and, indeed, Micro-Link suggested that the Commission not restrict the licensing of these transmitters only to the licensees of ITFS stations. Cullum, in its reply comments, opposes this proposal and states that it is important that every ITFS licensee be assured of the availability of channels for talk-back purposes, and that we should not adopt this, or any other proposal that would depart from this concept. Although other uses may be found, and comments thereon are invited in the further notice adopted herein, it would seem that until we have established the response service and determined its channel needs, such action would be premature. The Commission prefers to wait until the ITFS response service (limited to voice or expanded to include other student response techniques) has had an opportunity to become established before examining the possibility of adding other uses or creating a new service to operate on these frequencies.

5. It appears that the traffic problems raised by Browne and NAEB are merely circuit and classroom discipline problems, as Cullum states in its reply comments. It would appear that the arrangements proposed would complicate and make more costly the overall service. Accordingly, it will be the responsibility of the individual licensee to maintain circuit discipline. As stated in the proposed rule making, those transmitters will be low power, will be paired with ITFS stations, and will be available to a licensee who is qualified for this service.

6. It was suggested in the comments that the Commission require a construction permit and license for this service, rather than the notification-procedure proposed in the notice. After further consideration, it has been decided that it would be appropriate to handle the authorization of response stations in the more usual application manner as a part of the basic ITFS application and licensing procedure for new systems and modification application for existing systems. This would follow existing procedures and still keep the authorization of the response stations as simple as possible. With this in mind, we are modifying the present FCC Form 330P to add section VI, which will be used to list the receiving and/or response station locations, with the necessary associated information. As a means of differentiating between receiving-only sites and sites that would have both response transmitters and receivers, it is requested that R1, R2, etc., be used for receiving sites and RT1, RT2, etc. be used in section VI for sites having response transmitters. A new applicant will file the Form 330P as now modified, while an existing licensee will merely apply to modify his present license by filing sections I, III, and VI, so as to add the required response stations needed. One copy of section VI will be returned to the applicant, with appropriate antenna-marking requirements where necessary, and it is to be kept at the main ITFS station, with a legible photocopy of the appropriate page of section VI posted at each response station location. It is anticipated that there will be many requests initially, and we will make every effort to expedite the authorization process.

7. The vertical plan views of each receiving location now required should also show the transmitting antenna if a response station is to be installed. New § 74.939, as adopted herein, applies to response stations the provisions of §§ 74.967 and 74.981(a)(5) concerning antenna tower painting and lighting requirements, when applicable.

8. The logging requirements are very modest for this service, and either the responsible person at the response station or the operator at the ITFS station may keep this log. He need only enter the period of time that each response station is in operation, and the purpose of each use. The log entries could be in the form of "intermittent transmissions" during the period (date-time), noting the subject or class being taught, with the location of the response station(s). This provides a record of the operation of the response station if interference problems should arise.

9. Micro-Link's suggestion to reduce the channel width of the response channels to 100 kc/s, allow the use of four channels to ITFS stations, and allow licensees of other services to operate on these frequencies would appear to increase greatly the potential interference to the response stations, and also increase the problems of circuit discipline. It is our view that the response station should have a relatively interference-free channel for its use in responding to the ITFS station, and be assured of the availability of channels for talk-back purposes. For the foregoing reasons it appears that it would not be desirable either to further reduce the channel width or to allow the use of these frequencies by another class of licensees, and we will adhere to the use of one 125 kc/s channel for the response station(s) associated with each ITFS station as set forth in the proposed rule making. Experience with the new service may in the future warrant consideration of modifications such as those mentioned.

10. *Accordingly, it is ordered,* That, effective August 26, 1969, and pursuant to authority contained in sections 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended, Subpart I of Part 74 of the Commission's rules is amended to read as set forth below. Since the rules adopted herein provide for a highly desirable extension of ITFS service in furtherance of section 303(g) of the Act, and relax existing restrictions on usage of these channels, it is appropriate to make the new rules effective as quickly as possible.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: May 21, 1969.

Released: July 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 74, Subpart I of the Commission's rules is amended in the following respects:

1. In § 74.901 insert the following definition in the appropriate alphabetic sequence.

§ 74.901 **Definitions.**

* * * * *

ITFS response station. A fixed station operated at an authorized location to provide voice communication to an associated instructional television fixed station.

* * * * *

2. Section 74.939 is added to read as follows:

§ 74.939 **Special rules governing ITFS response stations.**

(a) An ITFS response station is authorized to provide voice communications with its associated instructional television fixed station so that students may ask and answer questions and otherwise discuss with the instructor the subject being taught. Other voice communications concerning the technical operation of the system may be carried on when necessary.

(b) An ITFS response station may be operated only by the licensee of an instructional television fixed station and only at an authorized receiving location of the instructional television fixed station with which it communicates. More than one ITFS response station may be operated at the same or different locations by the same licensee. An application for authority to operate a new or modified response station shall be filed with the Commission in Washington, D.C., on FCC Form 330P. Section VI of that form shall supply the following information for each response station:

(1) The name of the school or other description of the building in which the ITFS response station will be located, the address, and the geographic coordinates of the ITFS response station transmitting antenna.

(2) The manufacturer's name, type number, operating frequency, and power output of the proposed ITFS response station transmitter.

(3) The type of transmitting antenna, power gain, and azimuthal orientation of the major lobe of radiation in degrees measured clockwise from True North.

(4) A sketch giving pertinent details of the ITFS response station transmitting antenna installation including ground elevation of the transmitter site above mean sea level; overall height above ground, including appurtenances, of any ground-mounted tower or mast on which the transmitting antenna will be mounted or, if the tower or mast is or will be located on an existing building or other manmade structure, the separate heights above ground of the building and the tower or mast including appurtenances; the location of the tower or mast on the building; the location of the transmitting antenna on the tower or mast; and the overall height of the transmitting antenna above ground. This can be combined with the sketch for the receiving location if the transmitting antenna is clearly shown.

(c) See Part 17 of this chapter concerning notification to the Federal Aviation Administration of proposed antenna construction or alteration. The provisions of §§ 74.967 and 74.981(a)(5), concerning antenna painting and lighting requirements, apply to ITFS response stations as well as main ITFS stations.

(d) All ITFS response stations communicating with a single instructional television fixed station shall operate on the same frequency. The specified frequency which may be used is determined by the channel assigned to the instructional television fixed station with which it is communicating, as shown in the following table. Operation on other ITFS response channels is prohibited.

ITFS Channel No.	Response Frequency (MHz)	ITFS Channel No.	Response Frequency (MHz)
A-1	2686.0625	E-1	2686.5625
A-2	2687.0625	E-2	2687.5625
A-3	2688.0625	E-3	2688.5625
A-4	2689.0625	E-4	2689.5625
B-1	2686.1875	F-1	2686.6875
B-2	2687.1875	F-2	2687.6875
B-3	2688.1875	F-3	2688.6875
B-4	2689.1875	F-4	2689.6875
C-1	2686.3125	G-1	2686.8125
C-2	2687.3125	G-2	2687.8125
C-3	2688.3125	G-3	2688.8125
C-4	2689.3125	G-4	2689.8125
D-1	2686.4375	H-1	2686.9375
D-2	2687.4375	H-2	2687.9375
D-3	2688.4375	H-3	2688.9375
D-4	2689.4375	***	2689.9375

NOTE: The frequency 2689.9375 MHz, listed at the end of the Group H column, is not paired with any specified ITFS channel. It will be held in reserve to meet unforeseen contingencies.

(e) Transmitter power output will normally be limited to no more than 250 milliwatts. Upon a special showing of need, transmitter power output of up to 2 watts may be permitted.

(f) The channels assigned to ITFS response stations are 125 kHz in width. The assigned frequency is at the center of the channel. Either frequency or amplitude modulation may be employed. If amplitude modulation is used, the carrier shall not be modulated in excess of 100 percent. If frequency modulation is employed, the maximum carrier excursion resulting from modulation shall not be greater than 25 kHz above and below the unmodulated carrier frequency. Any excursion appearing outside the authorized channel, including radio frequency harmonics, shall be attenuated no less than 60 decibels below the peak power of the unmodulated carrier. Greater attenuation may be required if interference is caused by out-of-band emissions.

(g) The unmodulated carrier frequency shall be maintained within 35 kHz of the assigned frequency at all times. Adequate means shall be provided to insure compliance with this rule.

(h) A directive transmitting antenna shall be employed, oriented toward the transmitter site of the associated instructional television fixed station. The beamwidth between half power points shall not exceed 15° and radiation in any minor lobe of the antenna radiation pattern shall be at least 20 decibels below the power in the main lobe of radiation.

(i) The transmitter of an ITFS response station may be operated unattended provided that the transmissions are observed by the operator on duty at the associated instructional television fixed station, who shall take such steps as may be necessary to correct any condition of improper operation. The overall performance of the ITFS response station transmitter shall be checked as often as is necessary to insure that it is functioning in accordance with the requirements of the Commission rules and in any case, at intervals of no more than 1 month. An entry shall be made in the operating log giving the date and results of these checks. The licensee of an ITFS response station is responsible for the proper operation of the transmitter at all times. The transmitter shall be installed and protected in such manner as to prevent tampering or operation by unauthorized persons.

(j) After approval by the Commission the original of the authorization shall be posted at the ITFS station and a legible photocopy of the appropriate page of section VI of Form 330P shall be posted at or attached to each response transmitter.

(k) The transmitting apparatus employed at ITFS response stations shall have received type acceptance in accordance with § 74.952.

(l) An ITFS response station shall be operated only when engaged in communication with its associated instructional television fixed station or for necessary equipment or system tests and adjustments. Radiation of an unmodulated carrier and other unnecessary transmissions are forbidden.

(m) The requirement of § 74.981 apply with regard to logging requirements.

(n) Individual call signs will not be assigned to ITFS response stations. It is assumed that in normal usage the location and identity of an ITFS response station can be determined by the content of its communications. If such is not the case, provision shall be made to announce the location at intervals of no more than one-half hour whenever the transmitter is being operated.

[F.R. Doc. 69-8491; Filed, July 17, 1969; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. X]

[Docket No. AO-219-A21, etc.]

MILK IN MEMPHIS, TENN., AND CERTAIN OTHER MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Memphis, Tenn., et al. marketing area, which was issued June 17, 1969 (34 F.R. 11809), is hereby extended from August 4 to September 4, 1969.

Signed at Washington, D.C., on July 15, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-8499; Filed, July 17, 1969; 8:49 a.m.]

[7 CFR Part 1131]

[Dockets Nos. AO-271-A12, AO-271-A12-R02]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Revised Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the revised recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area, which was issued June 17, 1969, is hereby extended from August 4 to September 4, 1969.

Signed at Washington, D.C., on July 15, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-8498; Filed, July 17, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 69-SW-48]

AIRWORTHINESS DIRECTIVE

Mitchell Industries, Inc., and Piper Aircraft Corp. Automatic Flight System Instruments

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Mitchell Industries, Inc., automatic pilot and automatic aileron stabilizer instruments, the Mitchell Century II, Century III and Stabilizer, installed in various airplanes, and to Piper Aircraft Corp. automatic pilot and automatic aileron stabilizer instruments, the Piper Auto-Control III, AltiMatic III, and Auto-Flite, installed in various Piper and possibly other airplanes.

There have been failures of the bridle cable clamps, Mitchell Part No. 42A173 and 42A184, or Piper Part No. 753-981, which have allowed the 1/8-inch cable or the 5/32-inch cable to slip, resulting in binding of the controls. In one instance, an aircraft went into a steep spiral at 4,000 feet, with recovery being made at 400 feet. Since this condition is likely to exist or develop in airplanes incorporating the Mitchell instruments or in Piper airplanes incorporating the Piper instruments, the proposed airworthiness directive would require replacement of the bridle cable clamps on all airplanes in which any of the above automatic pilot or automatic aileron stabilizer instruments are installed.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after date of publication of this notice will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be made a part of the official docket and will be available for examination by interested persons, both before and after the closing date for comments, at the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MITCHELL INDUSTRIES, INC. Applies to the Mitchell Century II, Century III and Stabilizer automatic pilot and automatic aileron stabilizer instruments (incorporating bridle cable clamps) installed in various small aircraft, including, but not limited to Aero Commander, Beech, Bellanca, Cessna, de-Havilland, Helio, Maule, Mooney, Piper, and Wren airplanes.

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

To prevent slippage of servo bridle cable clamps and resultant binding of the control system, accomplish the following:

Remove Servo Bridle Cable Clamps, Mitchell P/N 42A173 or 42A184, as applicable, and replace with new Servo Bridle Cable Clamps, Mitchell P/N 42A173-1 or 42A184-1, as applicable, in accordance with the installation instructions in Mitchell Industries, Inc. Service Bulletin No. MB-1, dated February 11, 1968, or later FAA-approved revision, or in accordance with instructions approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

NOTE: On some Piper Model PA28 and Model PA28R airplanes it will be necessary to replace the aileron pulley bracket, Piper P/N 62746, with Piper P/N62746-00 or Mitchell P/N 7B970, in order to provide necessary cable clamp clearance.

PIPER AIRCRAFT CORP. Applies to the Piper AutoControl III, Altimatic III, and Auto-Flite automatic pilot and automatic aileron stabilizer instruments (incorporating bridle cable clamps) installed in various small aircraft, including, but not limited to Piper airplanes

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

To prevent slippage of servo bridle cable clamps and resultant binding of the control system, accomplish the following:

Remove Servo Bridle Cable Clamps, Mitchell P/N 42A173 and 42A184, or Piper P/N 753-981, as applicable, and replace with new Servo Bridle Cable Clamps, Mitchell P/N 42A173-1 or 42A184-1, as applicable, in accordance with the installation instructions in Mitchell Industries, Inc., Service Bulletin No. MB-1, dated February 11, 1968, or later

FAA-approved revision or in accordance with instructions approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southern Region, FAA.

NOTE: On some Piper Model PA-28 and Model PA-28R airplanes it will be necessary to replace the aileron pulley bracket, Piper P/N 62746, with Piper P/N 62746-00, in order to provide necessary cable clamp clearance.

Issued in Fort Worth, Tex., on July 11, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-8471; Filed, July 17, 1969; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 69-EA-80]

AIRWORTHINESS DIRECTIVE

Kollsman Altimeters

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to certain types of Kollsman altimeters.

There have been reports of spurious electrical signals causing incorrect negative pointer displacement in the subject Kollsman altimeters while operating in the barometric mode. Since this condition is likely to exist in other altimeters of the same design, an airworthiness directive is proposed which will require an internal wiring change.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

Applies to Kollsman Type A4086910021, A4186910028 and A4186910029 Altimeters.

Unless already accomplished, compliance is required within 900 hours time in service after the effective date of this AD, or the next overhaul of the altimeter, which ever occurs first. In order to remove the source of a false signal, alter the altimeters in accordance with either:

(a) Kollsman Service Bulletin 188, Rev. 1, dated December 19, 1968, or Service Bulletin 189, dated October 29, 1968, or

(b) An equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 11, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-8512; Filed, July 17, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-AL-8]

CONTROL ZONE

Proposed Alteration

On June 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9348) stating that the Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the effective period of the Minchumina, Alaska, control zone. The airspace docket number assigned to this notice had been previously assigned to a rule altering the effective period of the Minchumina control zone and made effective on April 28, 1969 (34 F.R. 7221). The airspace docket number (Airspace Docket No. 69-AL-3) for the notice of proposed rule making issued in Anchorage, Alaska, on June 4, 1969, was erroneously assigned.

In consideration of the foregoing, effective immediately, F.R. Doc. 69-6979 is altered as follows: In the heading, delete Airspace Docket No. 69-AL-3 and substitute Airspace Docket No. 69-AL-8 therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska, on July 11, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69-8470; Filed, July 17, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-50]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Jackson, Minn.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas Cty, Mo. 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Jackson, Minn., transition area, the instrument approach procedure for Jackson Municipal Airport has been altered. In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Jackson transition area to adequately protect aircraft executing the altered approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

JACKSON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (latitude 43°39'00" N., longitude 94°59'10" W.); and within 3 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 147° and 327° bearings from Jackson Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.

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

Issued in Kansas City, Mo., on June 25, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8503; Filed, July 17, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-52]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Mosinee, Wis.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Mosinee, Wis., two new special use instrument approach procedures have been developed for the Central Wisconsin Airport, utilizing a privately owned radio beacon located on the airport as a navigational aid. Accordingly, it is necessary to alter the Mosinee, Wis., transition area to adequately protect aircraft executing these new approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

MOSINEE, WIS.

The airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'40" N., longitude 89°40'00" W.); within 5 miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 13 miles east of the airport; and within 5 miles each side of the 242° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 12 miles southwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

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

Issued in Kansas City, Mo., on June 25, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8504; Filed, July 17, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-45]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at McPherson, Kans.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the McPherson, Kans. Airport, utilizing the Hutchinson, Kans., VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at McPherson, Kans. The new procedure will become effective concurrently with the designation of the transition area. The Kansas City Air Route Traffic Control Center, through the Hutchinson Combined Station/Tower, will control IFR air traffic into and out of the McPherson, Kans., Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

MCPHERSON, KANS.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of McPherson Airport (latitude 38°-21'25" N., longitude 97°41'35" W.); and within 2½ miles each side of the Hutchinson, Kans., VORTAC 027° radial, extending from the 5½-mile radius area to 19 miles northeast of the VORTAC.

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

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

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-8505; Filed, July 17, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-47]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Madison, Ind.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Madison, Ind., Municipal Airport, utilizing a privately owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Madison, Ind. The new procedure will become effective concurrently with the designation of the transition area. Instrument approaches at Madison will be controlled by the Standiford TRACON.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

MADISON, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Madison Municipal Airport (latitude 38°-45'30" N., longitude 85°28'00" W.); and within 3 miles each side of the 206° bearing from Madison Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies Restricted Area R-3403.

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

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

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-8506; Filed, July 17, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-48]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Woodruff, Wis.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Lakeland Airport, Woodruff, Wis., utilizing a privately owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Woodruff, Wis. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis Air Route Traffic Control Center, through the Wausau, Wis., Flight Service Station, will control IFR air traffic into and out of Lakeland Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

WOODRUFF, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lakeland Airport (latitude 45°55'00" N., longitude 89°43'00" W.); and within 3 miles each side of the 347° bearing from Lakeland Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 167° and 347° bearings from Lakeland Airport, extending from 8 miles south to 18½ miles north of the airport, excluding the portion which overlies the Rhinelander, Wis., transition area.

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

Issued in Kansas City, Mo., on June 25, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8507; Filed, July 17, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-49]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lincoln, Ill.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Logan County Airport, Lincoln, Ill., utilizing the Capital, Ill., VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Lincoln, Ill. The new procedure will become effective concurrently with the designation of the transition area. The Springfield, Ill., approach control facility will control approaches at this airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

LINCOLN, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Logan County Airport (latitude 40°39'35" N., longitude 89°20'05" W.); and within 2½ miles each side of the Capital, Ill., VORTAC 041° radial, extending from the 5-mile radius area to 17 miles northeast of the VORTAC.

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

Issued in Kansas City, Mo., on June 26, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8508; Filed, July 17, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-51]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Merrill, Wis.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Merrill, Wis., Municipal Airport, utilizing a State-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Merrill, Wis. The new procedure will become effective concurrently with the designation of the transition area. The Wausau, Wis., Flight Service Station will control IFR air traffic into and out of the Merrill Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

MERRILL, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Merrill Municipal Airport (latitude 45°12'-00" N., longitude 89°42'25" W.); and within 3 miles each side of the 332° bearing from Merrill Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 332° and 152° bearing from Merrill Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

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

Issued in Kansas City, Mo., on June 25, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8509; Filed, July 17, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-53]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Spirit Lake, Iowa.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Spirit Lake, Iowa, Municipal Airport utilizing a city-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Spirit Lake, Iowa. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis, Minn., Air Route Traffic Control Center will control IFR air traffic into and out of Spirit Lake Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

SPIRIT LAKE, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Spirit Lake Municipal Airport (latitude 43°23'05" N., longitude 95°08'10" W.); and within 3 miles each side of the 353° bearing from Spirit Lake Municipal Airport, extending from the 5½-mile radius to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 353° bearing from Spirit Lake Municipal Airport, extending from the airport to 18½ miles north of the airport.

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

Issued in Kansas City, Mo., on June 25, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8510; Filed, July 17, 1969; 8:50 am.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-46]

CONTROL ZONES AND TRANSITION AREAS

Proposed Revocation and Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to revoke the Peru, Ind., control zone and transition area and to designate a control zone and transition area for Kokomo, Ind.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Grissom Air Force Base and Kokomo, Ind., terminal area, some of the instrument approach procedures have been changed. The designation of controlled airspace is now contained within the Peru, Ind., control zone and transition area. In addition, the criteria for the designation of control zones and transition areas have changed. Since there is no Peru, Ind., airport, it is necessary to revoke the Peru, Ind., control zone and transition area and add a Kokomo, Ind., control zone and transition area which will encompass the Grissom Air Force Base and Kokomo terminal area. The new control zone and transition area will adequately protect aircraft executing the revised approach procedures and comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

(2) In § 71.181 (34 F.R. 4637), the following transition area is revoked: Peru, Ind.

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

KOKOMO, IND.

Within a 5-mile radius of Grissom AFB (latitude 40°39'40" N., longitude 86°08'30" W.); within 2½ miles each side of the Grissom AFB TACAN 053° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN; within 2½ miles each side of the Grissom AFB TACAN 220° radial, extending from the 5-mile radius zone to 7 miles southwest of the TACAN; within 3 miles each side of the Grissom AFB VOR 230° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; within a 5-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within 3 miles each side of the Kokomo VOR 039° radial, extending from the 5-mile radius zone to 7 miles northeast of the VOR; and within 3 miles each side of the Kokomo VOR 129° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR.

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

KOKOMO, IND.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Grissom AFB (latitude 40°39'40" N., longitude 86°08'30" W.); within a 6½-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within a 5-mile radius of Logansport, Ind., Municipal Airport (latitude 40°42'40" N., longitude 86°22'35" W.); within 4½ miles each side of the Grissom AFB ILS localizer southwest course extending from the 8½- and 6½-mile radii areas to 3½ miles southwest of the OM; within 3 miles each side of the Kokomo VORTAC 039° radial, extending from the 6½- and 8½-mile radii areas to 8 miles northeast of the VORTAC; and within 3 miles each side of the Kokomo VORTAC 129° radial, extending from the 6½-mile radius area to 8 miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°33'00" W.; to latitude 41°00'00" N., longitude 85°50'00" W.; to latitude 40° 30'00" N., longitude 85°50'00" W.; to the point of beginning.

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

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

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-8511; Filed, July 17, 1969; 8:50 a.m.]

Federal Highway Administration

[49 CFR Ch. III]

INFLATABLE OCCUPANT RESTRAINT SYSTEMS

Notice of Meeting

On June 26, 1969, the Administrator issued an advance notice of proposed rule making which advised that he was considering the issuance of a Federal Motor Vehicle Safety Standard relating to inflatable occupant restraint systems or other passive occupant restraints in certain motor vehicles (34 F.R. 11148).

In the interest of furthering the prompt development of a final rule relating to passive restraints, the National Highway Safety Bureau has scheduled a public meeting to be held on August 27, 1969. The meeting will provide interested persons with a general orientation on the subject of inflatable occupant restraints and, to the extent that time allows, will give equipment suppliers, vehicle manufacturers, researchers, and other knowledgeable persons the opportunity to make formal presentations, if they desire to do so, and to exchange technical information. An additional purpose of the meeting is to provide a forum for discussion of the general state-of-the-art of inflatable occupant restraints or other passive restraint systems and their components, to permit discussion of the broad implications of a standard specifying requirements for such systems, and to stimulate cooperative research, design, development, and testing of the systems and their components. The Bureau anticipates that the meeting will result in the submission of more meaningful data in response to the advance notice of proposed rule making.

Interested persons are invited to attend the meeting. Persons who desire to make a formal presentation should contact Mr. Clue Ferguson, Director, Office of Standards on Crash-Injury Reduction, National Highway Safety Bureau, 1730 K Street NW., Washington, D.C. 20591 (Area Code 202-382-3191) before August 13, 1969, so that time limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include photographs, slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting, if possible.

The formal agenda will be available on the date of the meeting. A transcript of the meeting will be made. It will be available for examination in the Docket Room, Room 512, 400 Sixth Street SW., Washington, D.C. 20591, approximately 3 days after the meeting is adjourned.

The date, time, and place of the meeting are as follows:

Date: August 27, 1969, and August 28, 1969, if necessary.
Time: 9 a.m. to 5 p.m.
Place: Department of Commerce Auditorium, 14th and E Streets NW., Washington, D.C.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); 49 CFR 353.27)

Issued on July 17, 1969.

ROBERT BRENNER,
Acting Director,
National Highway Safety Bureau.

[F.R. Doc. 69-8481; Filed, July 17, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 40]

URANIUM CONTAINED IN COUNTERWEIGHTS

Notice of Proposed Rule Making

Section 40.13(c)(5) of the regulations of the Atomic Energy Commission "Licensing of Source Material", 10 CFR Part 40, exempts from the regulations in Part 40 and the requirements for a license set forth in section 62 of the Atomic Energy Act of 1954, as amended, the receipt, possession, use, transfer, or import of uranium contained in counterweights installed in aircraft, rockets, projectiles, or missiles, or stored or handled in connection with installation or removal of such counterweights, when (1) the counterweights are manufactured in accordance with a Commission specific license, (2) each counterweight has been impressed with the legend "Caution—Radioactive Material—Uranium", and (3) the plating or other covering has not been removed or penetrated. Paragraph (c) provides a general license for the export of such counterweights to any foreign country or destination other than Southern Rhodesia and Sino-Soviet bloc countries.

By letter dated January 28, 1969, National Lead Company of Albany, N.Y., filed a petition (PRM 40-13) with the Commission requesting amendments of Part 40 to (a) change the labeling requirement in §§ 40.13(c)(5)(ii) and 40.23(c) for uranium in the form of counterweights to eliminate the words "Caution—Radioactive Material" and substitute the word "Uranium" and disposal instructions as the required legend, (b) revise § 40.13(c)(5)(iii) to eliminate the provision of the exemption that the plating or other covering of the counterweight not be removed or penetrated, and (c) add a proviso that the exemption not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of counterweights other than minor repair of the plating or other covering.

The Commission has given careful consideration to the petition and is considering adoption of the following amendments, which would revise the legend requirements in §§ 40.13(c)(5)(ii) and 40.23(c), and the requirement in § 40.13(c)(5)(iii) for plating or other covering.

Under revised § 40.13(c)(5)(ii), each exempt counterweight would be impressed with the legend (clearly legible through any plating or other covering): "Depleted Uranium," and under revised § 40.13(c)(5)(iii), each exempt counterweight would be durably and legibly labeled or marked with the identification of the manufacturer, and the statement: "Unauthorized Alterations Prohibited".

The safe handling of counterweights during installation, storage, or removal does not depend on any specific actions by workers in response to the words, "Caution—Radioactive Material", in the existing required legend. Limitation of exposures is dependent on the design of

the counterweights, the relatively low radiation levels from depleted uranium and the limited period of time personnel are required to be in close proximity to the counterweights. Accordingly, the Commission considers that the revision of § 40.13(c)(5)(ii) to delete the precautionary words "Caution—Radioactive Material", as requested by the petitioner, is appropriate. The general license in § 40.23 for the export of counterweights would be revised to reflect the proposed new legend requirement in § 40.13(c)(5)(ii).

One purpose of limiting the exemption to counterweights on which the plating or other covering has not been removed or penetrated was to provide assurance against loss of plating or other covering which could result in significant oxidation of the uranium and spread of contamination. Experience to date with thousands of counterweights in use over the past several years indicates that present manufacturing techniques provide adequate protection against oxidation of uranium. Accordingly the proposed amedments would eliminate the present provisions in the exemption (§ 40.13(c)(5)(iii)) that the plating or other covering of the counterweights not be removed or penetrated.

Another purpose of limiting the exemption to counterweights on which the plating or other covering has not been removed or penetrated was to prohibit activities under the exemption that would involve processing of the uranium. This restriction against processing of the uranium in counterweights would be continued by adding a new § 40.13(c)(5)(iv). The new § 40.13(c)(5)(iv) provides that the exemption in § 40.13(c)(5) shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of exempt counterweights. The repair or restoration of any plating or other covering would, however, be permitted under the exemption since this process would not involve exposure hazards significantly different from those involved in handling an undamaged counterweight.

To provide positive identification of the radioactive material in exempt counterweights, the words "Depleted Uranium" would be required to be impressed in each counterweight. Also, to call attention to the excluded chemical, physical, and metallurgical treatment or processing, a proposed new § 40.13(c)(5)(iii) would require each counterweight to be labeled or marked durably and legibly with the statement: "Unauthorized Alterations Prohibited". A footnote to §§ 40.13(c)(5)(ii) and (iii) would continue the exemption for currently exempted counterweights that do not meet the requirements of new §§ 40.13(c)(5)(ii) and (iii), if they are manufactured prior to December 31, 1969, under a specific license issued by the Commission and are impressed with the legend required by § 40.13(c)(5)(ii) in effect on June 30, 1969. The Commission considers that these provisions will adequately control the low radiation exposures that may result from discarded counterweights.

The use, storage, and handling of counterweights installed in aircraft, rockets, projectiles, and missiles under the proposed amendments which follow do not involve radiation safety considerations that are significantly different from those involved in the use, storage, and handling of the counterweights under current § 40.13(c)(5).

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 40 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. In § 40.13(c) of 10 CFR Part 40, subparagraph (5) is revised to read as follows:

§ 40.13 Unimportant quantities of source material.

* * * * *

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States:

* * * * *

(5) Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of such counterweights: *Provided, That:*

(i) The counterweights are manufactured in accordance with a specific license issued by the Commission authorizing distribution by the licensee pursuant to this subparagraph;

(ii) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM";[1]

(iii) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer, and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED";[1] and

(iv) The exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or other covering.

* * * * *

2. In § 40.23 of 10 CFR Part 40, paragraph (c) is revised to read as follows:

§ 40.23 General licenses to export.

* * * * *

(c) A general license designated AEC-GRO-SMC is hereby issued authorizing the export from the United States to any foreign country or destination, except Southern Rhodesia or countries or destinations listed in § 40.90, of uranium in the form of counterweights installed in aircraft, rockets, projectiles, or missiles; *Provided,* That such counterweights have been manufactured under a specific license issued by the Commission and have been impressed with a statement, clearly legible after plating, which states, "DEPLETED URANIUM".

* * * * *

(Sec. 62, 68 Stat. 932, 42 U.S.C. 2092; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 14th day of July 1969.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69-8532; Filed, July 17, 1969; 8:50 a.m.]

[1] The requirements specified in subdivisions (ii) and (iii) of this subparagraph need not be met by counterweights manufactured prior to December 31, 1969: *Provided,* That such counterweights were manufactured under a specific license issued by the Commission and were impressed with the legend required by § 40.13(c)(5)(ii) in effect on June 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18346, RM-1259; FCC 69-569]

INSTRUCTIONAL TELEVISION FIXED STATIONS

Further Notice of Proposed Rule Making Regarding Licensing of ITFS Response Stations

In the Matter of Amendment of Part 74, Subpart I of the Commission's rules and regulations governing instructional television fixed stations to provide for the licensing of ITFS response stations in the band 2686–2690 Mc/s.

1. In a first report and order adopted herein today, the Commission has provided for response stations in the Instructional Television Fixed Service (2500–2690 Mc/s), using the top 4 Mc/s of that band. The rules as adopted limit the use of the response stations to voice transmissions, which was the only type of usage requested in the petition of Leland Stanford Junior University (Stanford) on which the notice of proposed rule making herein was based, or proposed in that notice.

2. As mentioned in paragraphs 3–5 of the first report and order, a number of commenting parties requested that the

new service not be limited to voice transmission, but that other types of transmission which can profitably be used in the instructional process should also be permitted. It is the purpose of this further notice to invite comments on this matter. Comments should discuss the need for, and the forms of, data transmissions such as pushbutton scoring signals, response evaluation systems and computer assisted instructional systems, a well as methods as to their use in this service. Information is also desired as to the types of modulation to be used and the ability to confine the emissions within the response channel in accordance with § 74.939(f) of these rules.

3. The primary thrust of this further notice relates to methods of instruction which involve, essentially, only the substitution of other methods for voice in the instructional response process. As noted in paragraph 4 of the first report and order, some of the suggested further uses went well beyond this, into matters such as data retrieval and library reference use. It was suggested that the authorization of these response stations should not be confined to ITFS licensees. Comments on such further expansion of permissible usage are also invited; however, they must show how such usage could be fitted into the structure of the service as authorized in the rules adopted today. As mentioned, we believe such further extension of this service should await experience with its development and information as to the demand for it for the purpose contemplated in this proceeding.

4. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 26, 1969, and reply comments on or before September 8, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

5. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: May 21, 1969.

Released: July 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8492; Filed, July 17, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-364]

REPORTING OF RETAIL RATE CHANGES BY ELECTRIC UTILITIES

Notice of Proposed Rule Making

JULY 10, 1969.

1. Notice is given pursuant to section 553 of title 5 of the United States Code that the Commission is proposing to add a new § 141.27 to its regulations under the Federal Power Act to require all electric utilities to file a report of any change in its retail rates within 60 days of the establishment of a new rate schedule or discontinuance or change of an existing rate schedule. The proposed new section of the regulations would create a one page form designated as FPC Form No. 82. The purpose of the form would be to elicit rate change information needed to improve the usefulness of data set forth in long established Commission publications which are prepared and disseminated as a part of the Commission's statistical data gathering and reporting functions. A copy of that form is attached hereto as Appendix A.[2]

2. In pertinent part section 311 of the Federal Power Act provides: "* * * the Commission * * * shall, so far as practicable, secure and keep current information regarding * * * the rates, charges, and contracts in respect of the sale of electric energy and its service to residential, rural, commercial, and industrial consumers and other purchasers by private and public agencies; * * *". It is under this section of the Federal Power Act that information is obtained for the preparation of several annual Commission publications: The National Electric Rate Book, the Typical Electric Bills report, and the All Electric Homes report, all of which have extensive circulation and use by the electric utility industry and the general public.

Under present practices, respondent companies are required to report in FPC Form No. 1 only important changes in their retail rate schedules. We believe that all billing determinants, revenue changes and other information shown on the proposed form should be reported, and on a more current basis. The data elicited by the proposed form will be used in the Commission's statistical publications, and thereby further assuring accuracy of their content and timeliness of the statistical data presented.

3. This amendment to the Commission's regulations under the Federal Power Act is proposed to be issued under the authority granted by the Federal Power Act as amended, particularly sections 304, 309, and 311 thereof (49 Stat. 855, 858, and 859; 16 U.S.C. 825c, 825h, and 825j).

4. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 24, 1969, data, views, and comments in writing concerning the matters herein proposed. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons, wishing to have their comments considered in the clearance of the proposed form under provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed new report form. The Commission will consider all such written submissions before acting on the matters herein proposed.

5. Accordingly, we propose to amend our regulation under the Federal Power Act by adding a new § 141.27 to those regulations (Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations) to read as follows:

§ 141.27 Form No. 82, Report of Changes in Retail Rates.

This form is designed to obtain within 60 days of the establishment of a new retail rate schedule or change of an existing retail rate schedule the 12-month dollar effect of such change.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8461; Filed, July 17, 1969; 8:46 a.m.]

[1] Commissioner Wadsworth absent.

[2] Filed as part of the original document.

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE ATOMIC SUPPORT AGENCY (DASA)

Organization, Functions, and Delegations of Authority

The Deputy Secretary of Defense approved the following:

I. *General.* Pursuant to the authority vested in the Secretary of Defense, the Defense Atomic Support Agency (DASA) is a designated agency of the Department of Defense under the direction, authority, and control of the Secretary of Defense.

II. *Organization.* DASA shall consist of:

A. A Director; a Deputy Director (Scientific), who shall be the principal assistant to the Director in the field of nuclear weapons effects research and tests; a Deputy Director (Operations and Administration), who shall also serve as Chief, Joint Atomic Information Exchange Group (JAIEG); and a headquarters establishment.

B. Such subordinate units, facilities, and activities as are established by the Director, DASA, or are herein or hereafter specifically assigned or attached to DASA by the Secretary of Defense.

III. *Mission and responsibilities.* A. The mission of the Defense Atomic Support Agency (DASA) is to provide support to the Secretary of Defense, the Joint Chiefs of Staff, the military departments and such other DoD components as may be appropriate, in matters concerning nuclear weapons, nuclear weapons effects, nuclear weapons testing, and such other aspects of the DoD nuclear energy program as may be directed by the Secretary of Defense.

B. The Director, DASA, shall be responsible for:

1. Consolidated management and direction for the DoD nuclear weapons, weapons effects, and nuclear weapons test program in accordance with the functions assigned herein.

2. Providing staff advice and assistance on nuclear weapons, nuclear weapons effects, nuclear weapons testing and other related matters to the Secretary of Defense, the Joint Chiefs of Staff, the military departments; and other DoD components, as appropriate.

IV. *Supervision.* Staff supervision of DASA for the Secretary of Defense will be provided as follows:

A. The Joint Chiefs of Staff, acting through the Director, DASA, shall exercise primary staff supervision over the activities of DASA except as otherwise prescribed herein. Specifically, they shall:

1. Exercise staff supervision over the military operational aspects of DASA activities, including: (a) Composition of the nuclear stockpile; (b) allocation and dispersal of nuclear weapons; (c) nuclear weapons technical training; and (d) military participation in and support of nuclear testing.

2. Review and provide military advice, as appropriate, regarding:

a. Validity of operational requirements for new nuclear weapons.

b. Suitability of arrangements for the logistics aspects of nuclear weapon stockpile management.

c. Operational aspects of nuclear weapon safety.

d. Adequacy of nuclear test programs.

3. Review and make recommendations to the Secretary of Defense regarding the joint table of distribution and associated resources required by DASA to discharge assigned functions.

B. The Director, Defense Research and Engineering shall:

1. Approve, disapprove, or modify DASA research, development, test and evaluation programs.

2. Supervise implementation of DASA research, development, test and evaluation programs.

C. The Assistant to the Secretary of Defense (Atomic Energy), shall:

1. Exercise staff supervision through the Director, DASA, over those DASA activities associated with: (a) Logistics aspects of nuclear weapon stockpile management; (b) technical nuclear safety; (c) support of the Military Liaison Committee; and (d) the application of nuclear energy in other than the weapons field.

2. Direct DASA regarding the transmission of information to the Joint Committee on Atomic Energy as required by the Atomic Energy Act of 1954, as amended.

3. Provide for DASA participation in the processing of agreements between the Department of Defense and the Atomic Energy Commission on appropriate nuclear matters.

V. *Functions.* Under its Director, and in accordance with the assignments of responsibility specified in paragraph III, above, DASA shall perform the following functions:

A. Maintain overall surveillance and provide direction, coordination, advice, or assistance, as appropriate, on major actions affecting the nuclear stockpile including: composition, development, production, allocation, storage, modification, dispersal, maintenance, retirement and stockpile management services.

B. Store and maintain nuclear weapons as directed.

C. Provide and maintain contiguous to the National Military Command Center (NMCC), for National Command Authorities, the Nuclear Warfare Status Element to collect, collate, display, and disseminate information on status and location of all reserve and dispersed weapons.

D. Within approved policies and programs and in consonance with the statutory provisions for the Military Liaison Committee and pertinent DoD–AEC agreements, act as the central coordinating agency for the Department of Defense with the Atomic Energy Commission (AEC) on matters pertaining to the research, development, production, stockpiling, and tests of nuclear weapons.

E. Advise and assist the Joint Chiefs of Staff in the development of recommendations concerning the stockpile composition, allocation, and dispersal of nuclear weapons.

F. Plan for and supervise the conduct of DoD weapon effects tests and DoD research for the investigation of nuclear weapon effects.

G. Assist the military departments with operational systems tests involving nuclear detonations in developing plans and by conducting the nuclear safety studies and supervising the execution of tests.

H. Make recommendations to the Joint Chiefs of Staff regarding the composition and command arrangements for test organizations to conduct tests or to support the AEC in conducting tests.

I. Arrange for the AEC support of DoD weapons test programs in accordance with basic DoD–AEC agreements.

J. Furnish information and advice to the Secretary of Defense, Joint Chiefs of Staff, military departments, and unified and specified commands on matters pertaining to the security of nuclear weapons information, material, and installations.

K. Conduct technical inspections of units having responsibilities for assembling, maintaining, or storing nuclear weapons, their associated components and ancillary equipment. Inspections will be performed on a selective sampling basis of nuclear capable units assigned to every major command in the Department of Defense in accordance with schedules developed in coordination with the military departments and promulgated by DASA.

L. Provide advice and assistance to further the capability for employment of and defense against nuclear weapons, through such means as:

1. Evaluation of weapons effects data and dissemination of results of such evaluations to all commands, and other DoD agencies as appropriate.

2. Technical evaluation of criteria contained in war plans and doctrine when requested by the Joint Chiefs of Staff, the military departments, or unified and specified commands.

3. Maintenance of current information as to the status of military research and engineering in the field of radiac instruments, individual and collective protective devices, radiological decontamination procedures, and the medical aspects of nuclear warfare. In order to insure an integrated effort, make recommendations to the Director, DDR&E, the Joint Chiefs of Staff, and the military departments, as appropriate.

4. Maintenance of current information on the status of military research and engineering in the field of nuclear weapons vulnerability.

M. Prepare and maintain current the DoD portion of the National Test Readiness Plan.

N. Plan, program, and conduct or sponsor:

1. Training courses, as necessary to fulfill the expressed requirements of the military departments for technically qualified personnel in the fields of nuclear weapons assembly, maintenance, nuclear hazards, safety, and emergency demolition of weapons; and in such other fields as deal with specific technical aspects of the overall nuclear weapons program.

2. Postgraduate courses as required to fulfill training requirements.

3. Department of Defense orientation and familiarization courses on the various aspects of the national nuclear weapons program.

4. Other joint-Service courses as appropriate.

O. Exercise command and administrative control over the Armed Forces Radiobiology Research Institute (AFRRI). In the exercise of this function the Director, DASA will be assisted in matters of policy by a board of governors consisting of himself as Chairman and the Surgeons General. The Department of the Navy will provide logistics support in accordance with a host-tenant agreement between DASA and the Department of the Navy.

P. Maintain and operate a Joint Nuclear Accident Coordinating Center (JNACC), in conjunction with the AEC, to provide assistance for handling radiological accidents and significant incidents and to provide within the DoD the central agency for the collection and dissemination for pertinent information on all reported nuclear weapons accidents and significant incidents.

Q. Provide guidance and assistance to appropriate Commanders, on an as required basis, in an accident or incident situation involving nuclear weapons or nuclear components in the custody of or under the physical control of the Department of Defense. Such guidance and assistance is to be in the form of staff support.

R. Manage a coordinated nuclear weapons technical logistics data and information program to include joint nuclear weapons publications published by DASA, the military departments, and agencies of government.

S. In cooperation with the military departments and the AEC, prepare, publish, distribute, and maintain joint nuclear weapons publications pertaining to stockpile management and supply management of AEC produced nuclear ordnance, and service produced items as mutually agreed with the military departments.

T. In coordination with the Defense Supply Agency and the military departments, manage that portion of the Federal Cataloging Program pertaining to Federal Supply Group Eleven (11).

U. Participate in the Defense Standardization Program and be responsible as the DoD assignee and activity for planning and accomplishing standardization for Federal Supply Group Eleven (11) and all AEC-controlled items in all other Federal Supply Classes.

V. In coordination with the AEC and the military departments perform integrated supply management for DoD of all AEC produced nuclear ordnance and those Service produced items where such management is determined to be most effective and economical. The determination of economy and effectiveness will be made through mutual agreement between DASA and a military department or as directed by the Joint Chiefs of Staff.

W. Manage and reconcile the AEC–DoD Loan Account for nuclear materials used in conjunction with nuclear weapons.

X. Provide support as required for the Joint Atomic Information Exchange Group (JAIEG).

Y. Provide technical assistance and support to the Office, Secretary of Defense, the military departments, and the Joint Chiefs of Staff in reviewing and processing safety rules for nuclear weapons systems.

Z. Perform such other functions as may be assigned.

VI. *Authority.* A. In performance of his assigned responsibilities and functions, the Director, DASA, is specifically delegated authority to:

1. Command the Defense Atomic Support Agency.

2. Have access to and direct communications with all DoD components, and, after appropriate coordination, with other organizations concerned with his assigned responsibilities.

3. Prescribe procedures, standards, and practices governing the management and direction of the functions assigned to DASA.

4. Obtain information from any component of the DoD which is necessary for the performance of DASA functions.

5. Execute the functions for which DASA is responsible in the manner deemed most feasible and desirable by the Director in consonance with the aims of maximum overall efficiency, economy, and effectiveness.

B. A delegation of administrative authorities required by the Director, DASA, to administer and direct the operations of the Agency is contained in Appendix A of this Directive.

VII. *Relationships.* A. In the performance of his functions the Director, DASA, shall:

1. Coordinate actions as appropriate with the other components of the DoD and with those departments and agencies of Government having collateral or related functions in his field of assigned responsibilities.

2. Maintain appropriate liaison with the other components of the DoD and with the necessary departments and agencies of the Government for the exchange of information and findings in the field of his assigned responsibilities.

3. Make maximum use of the established facilities, procedures and channels of the military departments and other DoD components for logistic support, procurement, accounting, disbursing, investigative and related administrative operations, where practicable to achieve maximum efficiency and economy.

4. Insure that the Joint Chiefs of Staff, the military departments, and appropriate OSD staff elements are kept fully informed concerning DASA activities of substantive concern to them.

B. The military departments and other DoD components will:

1. Provide assistance within their respective fields of responsibility to the Director, DASA, to carry out his assigned responsibilities and functions.

2. Coordinate with DASA all programs which include research, tests, or investigations of nuclear weapons effects. This specifically includes systems response to nuclear weapons effects.

3. Keep the Director, DASA, informed as to the substance of their direct communications with other DoD components and with the AEC and its laboratories which affect DASA's functions.

4. Provide Director, DASA, with requirements for nuclear weapons effects research and testing.

VIII. *Administration.* A. The Director shall be a military officer of three-star grade appointed by the Secretary of Defense, upon recommendation by the Joint Chiefs of Staff.

B. The Deputy Directors shall be appointed by the Secretary of Defense. When military officers, the Deputy Directors will be recommended by the Joint Chiefs of Staff and will normally be selected from Services different from that of the Director.

C. DASA will be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary for the performance of its assigned functions.

D. The military departments will assign military personnel to DASA in accordance with approved authorizations. Procedures for such assignments will be as agreed upon between the Director, DASA, and the individual military departments.

E. Programming, budgeting, financing, auditing, accounting and reporting activities of DASA will be in conformance with the policies established by the Assistant Secretary of Defense (Comptroller).

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

APPENDIX A

DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, the Director, DASA, or, in the absence of the Director, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of DASA to:

1. Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (10 U.S.C. 1580), and section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 22a) pertaining to the employment, direction and general administration of DASA civilian personnel.

2. Fix rates of pay for wage board employees exempted from the Classification Act by section 202(7) of that Act on the basis of prevailing rates for comparable jobs in the locality where each installation is located. DASA, in fixing such rates, shall follow the wage schedule established by the Army-Air Force Wage Board.

3. Establish such advisory committees and employ such part-time advisors as approved by the Secretary of Defense for the performance of DASA functions pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 55a, and the Agreement between the DoD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959.

4. Administer oaths of office incident to entrance into the Executive Branch of the Federal Government of any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943 (5 U.S.C. 16a) and designate in writing, as may be necessary, officers and employees of DASA to perform this function.

5. Establish a DASA Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishment, or other personal efforts, including special acts or services, benefit or affect DASA or its subordinate activities in accordance with the provisions of the Act of September 1954 (5 U.S.C. 2123) and Civil Service Regulations.

6. In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 22-1); Executive Order 10450, dated April 27, 1953, as amended; and DoD Directive 5210.7 (32 CFR Part 156).

a. Designate any position in DASA as a "sensitive" position;

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the Agency for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Security Check, has not been completed; and

c. Authorize the suspension, but not to terminate the services of an employee in the interest of national security in positions within DASA.

7. Clear DASA personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DoD Directive 5210.8[1] dated February 15, 1962 (as revised), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information" and of Executive Order 10501, dated November 5, 1953, as amended (32 CFR Part 161).

8. Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954, and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954 and section 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2) with respect to DASA employees.

9. Authorize and approve overtime work for DASA civilian officers and employees in accordance with the provisions of § 550.111 of the Civil Service Regulations.

10. Authorize and approve:

a. Travel for DASA civilian officers and employees in accordance with the Standardized Government Travel Regulations, as amended (BoB Circular A-7, Revised);

b. Temporary duty travel only for military personnel assigned or detailed to DASA in accordance with Joint Travel Regulations for the Uniformed Services, dated April 1, 1951, as amended.

c. Invitational travel to persons serving without compensation whose consultative, advisory, or highly specialized technical services are required in a capacity that is directly related to or in connection with DASA activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2).

11. Approve the expenditure of funds available for travel by military personnel assigned or detailed to DASA for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (5 U.S.C. 174a). This authority cannot be redelegated.

12. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)).

13. Enter into and administer contracts, directly or through a military department or other Government department or agency, as appropriate, for supplies, equipment and services required to accomplish the mission of the DASA. To the extent that any law or executive order specifically limits the exercise of such authority to persons at the Secretarial level of a military department, such authority will be exercised by the Assistant Secretary of Defense (Installations and Logistics).

14. Establish and use Imprest Funds for making small purchases of material and services other than personal for DASA when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Instruction 7280.1,[1] dated January 5, 1962, and the Joint Regulation of the General Services Administration—Treasury Department—General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds."

15. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of DASA (44 U.S.C. 324).

16. a. Establish and maintain appropriate Property Accounts for DASA.

b. Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DASA property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulation.

17. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, DASA, pursuant to subsections III.A. and V.B. of DoD Directive 5200.8,[1] dated August 20, 1954 (19 F.R. 5446).

18. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1,[1] dated March 7, 1961.

19. Enter into support and service agreements with the military departments, other DoD agencies, or other Government agencies as required for the effective performance of responsibilities and functions assigned to DASA.

20. Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration with respect to the disposal of surplus personal property.

The Director, DASA, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

[F.R. Doc. 69-8448; Filed, July 17, 1969; 8:45 a.m.]

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FOOD AND NUTRITION SERVICE

Notice of Proposed Transfer of Assignments of Functions and Delegations of Authority

In accordance with Reorganization Plan No. 2 of 1953, and in order to afford

interested persons and groups an opportunity to place before the Department their views with respect to the proposed action, the Department is giving advance public notice of a proposed transfer of assigned functions and delegations of authority and the establishment of a new agency.

1. *Purpose.* That hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable. We are proposing the most comprehensive attack on the problem ever undertaken in this country. Our goal is to put an end to hunger in America for all time—to help make it possible for all citizens to become full contributors in our society.

2. *Functions shifted.* In order to give increased emphasis to this vital mission, we are proposing the establishment of a new Agency. This Agency will be the Food and Nutrition Service. The Food and Nutrition Service will direct its attack on malnutrition and undernutrition through our food stamp and direct distribution programs, school lunch and school breakfast programs, special food service programs for children, and other child nutrition and special feeding programs. This Agency, under the direction of an Administrator, will report to the Secretary, through the Assistant Secretary for Marketing and Consumer Services.

The Department proposes to transfer to the new Food and Nutrition Service the following functions and delegations of authority:

From the Consumer and Marketing Service—all of the functions administered by the Office of the Deputy Administrator for Consumer Food Programs, Commodity Distribution Division, Food Stamp Division, School Lunch Division, Consumer Food Programs Services Staff, and the Consumer Food Programs District Offices (except Food Trades Staff functions).

3. *Management support activities.* All accounting, budget, personnel, and other management support functions presently performed by the Consumer and Marketing Service in the administration of the functions identified in section 2 above will be transferred to the Food and Nutrition Service.

In order to be considered, views and comments of interested persons and groups must be received by the Secretary by July 31, 1969.

Done at Washington, D.C. this 15th day of July 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-8479; Filed, July 17, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20826]

ALASKA SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on August 5, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Ralph L. Wiser.

Evidence and information requests, proposed stipulations, statements of position, statements of proposed issues, proposed procedural dates, and any motions shall be filed on or before July 28, 1969, with the Examiner, Bureau of Operating Rights, and the persons made parties to the investigation by Order 69-3-68.

Dated at Washington, D.C., July 15, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-8489; Filed, July 17, 1969; 8:48 a.m.]

[Dockets Nos. 18078, 16349; Order 69-7-67]

SERVICE MAIL RATES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1969.

Service mail rates for transatlantic and transpacific priority mail, Docket 18078; service mail rates for military ordinary mail, Docket 18078; and domestic service mail rate investigation, Docket 16349.

By Order 69-4-90, dated April 15, 1969, the Flying Tiger Line Inc. (FTL), was awarded a certificate of public convenience and necessity authorizing it to engage in overseas and foreign air transportation with respect to property and mail over a transpacific route (Route 163). By petition filed June 18, 1969, FTL has requested that the service mail rates in effect for U.S. transpacific air carriers be made applicable to its newly authorized transpacific operations.

For transpacific priority mail and military ordinary mail, FTL requests that the outstanding service mail rate orders for transpacific priority mail (Order 68-9-9) and military ordinary mail (Order 68-9-8) be amended to make the rates established therein applicable to the overseas and foreign operations of FTL, pending the final decision in the show-cause proceedings initiated by the Board in Order 69-4-124, dated April 28, 1969, in Dockets 18078, 15381, and 20415, and subject to retroactive adjustment if appropriate. FTL also requests that the Board make a technical amendment to the Domestic Service Mail Rate Order E-25610 by removing FTL from the list of carriers appearing on page 1 thereof and adding FTL to the list of carriers appearing on page 2 thereof.

On June 27, 1969, the Postmaster General filed a reply supporting FTL's petition and stating that appropriate pleadings would be filed subsequently to amend the transpacific mail rate order to establish standard mileages applicable to FTL's operations in the Pacific.

FTL is currently operating under a system mail rate for priority mail pursuant to Order E-25610, dated August 28, 1967, as amended; and that rate would be applicable to its newly authorized services in the absence of a further Board order establishing separate rates for the domestic service and the new services in overseas and foreign air transportation. FTL's petition opens its current priority mail rate and in effect requests the reestablishment of the domestic rate for its domestic services and the establishment of new rates for its new transpacific services at the same levels as those previously established for other carriers performing such services, subject to the establishment of standard mileages for FTL's transpacific services.

By Order 69-7-11, dated July 2, 1969, the Board among other things established standard mileages applicable to the transpacific services of Pan American World Airways, Inc., and Northwest Airlines, Inc., pursuant to Order to Show Cause 69-4-124. The Board's order noted that standard mileages for other carriers' routes not covered by that order would be established in later proceedings upon application of the affected carrier or the Postmaster General.

Since it is appropriate that FTL's service mail rates be the same as those applicable to other carriers providing competitive services, the Board proposes to issue an order including the following findings and conclusions:

(1) On and after June 18, 1969, the fair and reasonable final service mail rate to be paid the Flying Tiger Line Inc., for the transportation of priority mail by aircraft over its domestic routes, the facilities used and useful therefor, and the services connected therewith, is the final service mail rate established by Order E-25610, as amended.

(2) On and after June 18, 1969, the fair and reasonable final service mail rate to be paid the Flying Tiger Line Inc., for the transportation of priority mail by aircraft over its transpacific routes, the facilities used and useful therefor, and the services connected therewith, is the current final service mail rate established for transpacific services by Order 68-9-9, as amended, as it shall be further amended to establish standard mileages applicable to the services of the Flying Tiger Line Inc.

(3) On and after June 18, 1969, the fair and reasonable final service mail rate to be paid the Flying Tiger Line Inc., for the transportation of military ordinary mail by aircraft in transpacific service, the facilities used and useful therefor, and the services connected therewith, is the current final mail rate established for military ordinary mail by Order 68-9-8, as amended.

(4) The foregoing findings and conclusions shall be implemented by the following amendments to Board orders:

(a) Order E-25610, dated August 28, 1967, as amended, shall be further amended by deleting "The Flying Tiger Line Inc." from the list of carriers appearing on the bottom of page 1 thereof and adding "The Flying Tiger Line Inc." to the list of carriers appearing at the top of page 2 thereof.

(b) Order 68-9-9, dated September 4, 1968, as amended, shall be further

amended by inserting the following sentence before the last sentence of paragraph 1.c on page 2 thereof: "On and after June 18, 1969, the transpacific services of The Flying Tiger Line Inc., shall be compensated at the rate of 28.8 cents per ton-mile."

(c) Order 68-9-8, dated September 4, 1968, as amended, shall be further amended by inserting the following sentence at the end of the paragraph on page 2 thereof: "On and after June 18, 1969, the rate of compensation for the transpacific services of The Flying Tiger Line Inc., for this class of mail shall be 21.84 cents per ton-mile."

(5) The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons and particularly the Flying Tiger Line Inc., and the Postmaster General are directed to show cause why the Board should not publish the final rates specified above as the fair and reasonable rates of compensation to be paid to the Flying Tiger Line Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

This order shall be served upon the Flying Tiger Line, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8490; Filed, July 17, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MERCK & CO., INC.

Notice of Withdrawal of Petitions for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, has withdrawn its petitions (35-020V and 35-021V), notice of which was published in the FEDERAL REGISTER of November 9, 1968 (33 F.R. 16478), proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of a combination of amprolium (0.0125 percent) and ethopabate (0.004 percent), plus 3-nitro-4-hydroxyphenylarsonic acid (0.005 percent) or arsanilic acid (0.01 percent) in chicken feed. The proposed indications for use of each of the combinations were to aid in the prevention of outbreaks of coccidiosis, in stimulating growth, improving feed efficiency, and improving pigmentation in chickens.

Dated: July 10, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8459; Filed, July 17, 1969; 8:46 a.m.]

SYNTEX LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (11-427V) has been filed by Syntex Laboratories, Inc., Stanford Industrial Park, Palo Alto, Calif. 94304, proposing amendments to the food additive regulations (21 CFR Part 121) to provide for the safe use for growth promotion and feed efficiency in beef heifers of a subcutaneous ear implant containing testosterone propionate (200 milligrams per dose) and estradiol benzoate (20 milligrams per dose) that may be administered when animals are being given diethylstilbestrol at 10 milligrams per head per day in the feed.

Dated: July 9, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8460; Filed, July 17, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

CHIEF COUNSEL, COAST GUARD

Delegation of Certain Military Justice Authority

(a) Pursuant to the Uniform Code of Military Justice, Chapter 47 of title 10, United States Code, the Chief Counsel of the U.S. Coast Guard is authorized to exercise the powers and perform the duties, with respect to the Coast Guard, under the following sections of the Uniform Code:

(1) The authority to recommend assignment for duty of law specialists under Article 6(a), section 806(a) of title 10, United States Code.

(2) The authority to make field inspections in connection with the administration of military justice under Article 6(a), section 806(a) of title 10, United States Code.

(3) The authority to designate military judges; to make assignments of, and exercise direct responsibility for, military judges; and to assign, or approve the performance of, other duties of a judicial or nonjudicial nature by military judges under Article 26(c), section 826(c) of title 10, United States Code.

(4) The authority to forward to a Court of Military Review records that must be referred to a Court of Military Review under Article 66(b), section 866(b) of title 10, United States Code.

(5) The authority to instruct the convening authority to take action in accordance with the decision of the Court of Military Review and authority to dismiss the charges under Article 66(e), section 866(e) of title 10, United States Code.

(6) The authority to modify or vacate findings and sentences in cases not reviewed by a Court of Military Review under Article 69, section 869 of title 10, United States Code.

(b) The authority delegated by subparagraph (3) of paragraph (a) may be redelegated only to the Deputy Chief Counsel.

(c) The Chief Counsel shall make an annual summary report of his actions taken under subparagraph (6) of paragraph (a) of this delegation to the General Counsel of the Department of Transportation (including the number of cases subject to that authority, the number of applications for review filed, and the disposition thereof) for inclusion, as appropriate, in the Judge Advocates General and Court of Military Appeals report to Congress required by Article 67(g), section 867(g) of title 10, United States Code.

Issued in Washington, D.C., on July 14, 1969.

JAMES A. WASHINGTON, Jr.,
General Counsel.

[F.R. Doc. 69-8488; Filed, July 17, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1230]

EVERETT W. FLEISIG CO.

Order of Revocation

On April 28, 1969, Everett W. Fleisig doing business as Everett W. Fleisig Co., 24 Stone Street, New York, N.Y. 10004 (FMC No. 1230), entered into an agreement with Bernard Robbins acting for Leo G. Robbins doing business as Robbins Forwarding Co. (FMC No. 880). The agreement provides for the merger of the two companies for the purpose of forming a new corporation, Robbins Fleisig Forwarding, Inc., which will operate under the existing license number of the Robbins Forwarding Co.

The agreement was filed with the Commission for approval pursuant to the requirements of section 15, Shipping Act, 1916, and § 510.26 of General Order 4. Subsequently, on June 26, 1969, the Commission approved the agreement.

In accordance with the provisions contained in the agreement, Everett W. Fleisig has voluntarily submitted Independent Ocean Freight Forwarder License No. 1230 to the Commission for cancellation.

Pursuant to the authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 1230 of Everett W. Fleisig doing business as Everett W. Fleisig Co. be and is hereby revoked effective June 30, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

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

[F.R. Doc. 69-8493; Filed, July 17, 1969; 8:48 a.m.]

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. P. McCutchan, Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2320 between the Port of Seattle and Sea-Land Service, Inc., is an interim agreement providing for the lease of an area to be used for the storage of containers and vans at a fixed monthly rental. The area covered by the lease will eventually be covered by an amendment to Agreement No. T-2005 between the parties, which provides for the lease of property and improvements on portions of Terminal 5, West Waterway, Seattle.

Dated: July 15, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8494; Filed, July 17, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. R-360]

RIGHTS-OF-WAY ROUTES AND ABOVEGROUND FACILITIES OF NATURAL GAS COMPANIES

Selection, Clearing, Construction, and Maintenance; Extension of Time

JULY 10, 1969.

Upon consideration of the requests filed by the Independent Natural Gas Association of America and Tennessee Gas Pipeline Co., A Division of Tenneco Inc., on June 27, 1969, and July 3, 1969, respectively, in the above-designated proceeding;

Notice is hereby given that the time is extended to and including August 20, 1969, within which any interested person may submit data, views, and comments in writing in the above-designated matter.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8462; Filed, July 17, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-355]

ARKANSAS OKLAHOMA GAS CORP.

Notice of Application

JULY 8, 1969.

Take notice that on June 30, 1969, Arkansas Louisiana Gas Corp. (Applicant), 115 North 12th Street, Fort Smith, Ark. 72901, filed in Docket No. CP69-355 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to purchase the production from two gas wells located within approximately 2,135 feet of Applicant's present pipeline system in Le Flore County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 3½-inch O.D. gathering line approximately 2,135 feet in length, together with necessary valves, fittings, and metering and regulating facilities, running from a gas well owned by Monsanto Co. and located in sec. 1 of T. 9 N. of R. 26 E., Le Flore County, Okla., to a point of connection with Applicant's present facilities in sec. 1 of T. 9 N., R. 26 E., Le Flore County.

Applicant states that the proposed facilities will not result in any increase in the delivery capacity of Applicant's presently authorized pipeline system and no new markets are proposed to be served. Applicant estimates the total cost of the proposed facilities to be $7,470. The cost will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8463; Filed, July 17, 1969; 8:46 a.m.]

[Docket No. CP69-357]

BLUE DOLPHIN PIPE LINE CO.

Notice of Application

JULY 8, 1969.

Take notice that on June 30, 1969, Blue Dolphin Pipe Line Co. (Applicant), 50 West 50th Street, New York, N.Y. 10020, filed in Docket No. CP69-357 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder, for a certificate of public convenience and necessity authorizing miscellaneous rearrangements of Applicant's existing transportation facilities from the offshore Texas area to delivery points at the Dow Chemical Co. plant in Freeport, Tex., and their operation during the 12-month period following July 22, 1969, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant does not have any specific rearrangements to propose, but anticipates that within the 12-month period it may have occasion to make certain minor rearrangements in its existing facilities, the cost of which is not to exceed $10,000, and the additional delivery volume of which would not exceed 100,000 Mcf annually.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8464; Filed, July 17, 1969; 8:46 a.m.]

[Dockets Nos. G-8932, CP69-345]

EL PASO NATURAL GAS CO.

Notice of Application and Petition To Amend; Correction

JULY 7, 1969.

In the notice of application and petition to amend, issued June 30, 1969, and published in the FEDERAL REGISTER July 8, 1969 (34 F.R. 11338), on page 1, paragraph 1: Change "* * * additional 50,000 Mcf per day of natural gas to be imported from Canada * * *" to "* * * additional 150,000 Mcf per day of natural gas to be imported from Canada * * *".

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8465; Filed, July 17, 1969; 8:46 a.m.]

[Docket No. RP69-35]

PANHANDLE EASTERN PIPE LINE CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets; Correction

JULY 2, 1969.

In the order providing for hearing and suspending proposed revised tariff sheets, issued June 12, 1969, and published in the FEDERAL REGISTER June 21, 1969 (34 F.R. 9728), on page 1, footnote 1, last line: change "No. 30" to "No. 25." On page 2, 3d paragraph 1st line: change "incicated" to "indicated" and "issued to "issues."

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8466; Filed, July 17, 1969; 8:46 a.m.]

[Docket No. CP70-2]

VALLEY GAS TRANSMISSION, INC.

Notice of Application

JULY 11, 1969.

Take notice that on July 8, 1969, Valley Gas Transmission, Inc. (Applicant), Post Office Box 1188, Houston, Tex. 77001, filed in Docket No. CP70-2 an abbreviated application, pursuant to section 7(c) of the Natural Gas Act and Part 157 of the regulations under the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a 750 horsepower compressor station and related facilities in Goliad County, Tex., and to connect the proposed facilities with Trunkline Gas Co.'s 6-inch Maetze Field lateral, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states such facilities will enable Applicant to avoid the loss of presently connected reserves from reservoirs where pressures have declined and will reduce line pressures thereby placing Applicant and Trunkline Gas Co. in a more favorable position to acquire any new gas supplies developed in that area.

Estimated cost of the proposed facilities is $103,000, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8449; Filed, July 17, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2511]

HORACE MANN LIFE INSURANCE CO. SEPARATE ACCOUNT B

Notice of Application for Exemption

JULY 14, 1969.

Notice is hereby given that Horace Mann Life Insurance Co. Separate Ac-

count B ("Applicant"), 216 East Monroe Street, Springfield, Ill., a unit investment trust registered under the Investment Company Act of 1940, 15 U.S.C. 80a–1 et seq. ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Horace Mann Life Insurance Co. ("Insurance Company") established Applicant principally to offer contracts which qualify as tax deferred annuities under 403(b) of the Internal Revenue Code. The purchaser makes a series of payments under the contract which are invested (net of deductions for insurance [certain death benefit and mortality guarantees] sales, administrative and other expenses) through Applicant in the shares of NEA Mutual Fund, Inc. ("Fund"), a diversified, open-end, management investment company.

Insurance Company is a stock life insurance company organized under the laws of the State of Illinois. Applicant is administered and accounted for as a part of the business of Insurance Company, but under the Illinois Insurance Code the income, gains, or losses of Applicant are credited to or charged against the amounts allocated to Applicant in accordance with the terms of the contracts without regard to the other income, gains, or losses of Insurance Company.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in sales load except on a uniform basis.

Applicant requests exemption from the provisions of section 22(d) of the Act to the extent stated below:

Applicant states that effective as of August 15, 1968, the National Education Association of the United States ("NEA") entered into a master contract with Insurance Company under which fixed and variable annuity benefits are made available to NEA members desiring to participate in such NEA-sponsored program. Such members may elect to allocate their contributions paid to Insurance Company between a fixed accumulation account (providing conventional fixed annuity benefits) and variable annuity contracts offered by Applicant.

Applicant further states that NEA members participating in an earlier NEA-sponsored annuity program with a different insurance carrier, which program provided for fixed annuity benefits only, were afforded the opportunity to transfer their accumulated benefits under such program to the new NEA-sponsored program. Such transferred amounts were allocated only to fixed accumulation accounts of Insurance Company. Of approximately 960 persons enrolled in the earlier program as of January 1, 1969, approximately 435 elected to transfer their accumulated benefits to Insurance Company; the aggregate value of the accumulated funds transferred was approximately $900,000. Applicant further states that a large number of such approximately 435 transferees have now requested that some portion or all of their accumulated funds be allocated to Applicant.

Applicant requests an exemption from the provisions of section 22(d) of the Act to permit it to make such allocations on behalf of such of the approximately 435 persons referred to above as request the same, without the imposition of further charges with respect to such allocated amounts. Applicant states that the number of persons and total amount of dollars involved is relatively small, that the group affected is composed of a single class of persons (previous enrollees in the earlier NEA program who have requested such allocation), and that the transaction would be a nonrecurring one, and that for such reasons no purpose sought to be served by section 22(d) would be violated by granting the requested exemption.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 4, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69–8486; Filed, July 17, 1969; 8:48 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JULY 14, 1969.

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

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

By the Commission.

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

[F.R. Doc. 69–8487; Filed, July 17, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 378]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 15, 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–71328. By order of June 30, 1969, the Motor Carrier Board on reconsideration, approved the transfer to CCC Trucking, Inc., New York, N.Y., of permit No. MC–112748 issued August 22, 1967, to Giant Transport, Inc., Paterson, N.J., authorizing the transportation of cloth piece goods, between Paterson, N.J., and New York, N.Y. James J. Farrell, 206 North Boulevard, Belmar, N.J. 07719, registered practitioner for applicants.

No. MC-FC-71439. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Imperial Tour and Travel, Inc., Portland, Oreg., of the license in No. MC-12368, issued December 6, 1966, to E. Royce and E. M. Dodge, doing business as Imperial Travel Bureau, Portland, Oreg., authorizing services as a broker of passengers between points in the United States, except Hawaii and Alaska. John G. McLaughlin, 624 Pacific Building, Portland, Oreg. 97204, attorney for applicants.

No. MC-FC-71459. By order of July 3, 1969, the Motor Carrier Board approved the transfer to Lambert Transfer Co., Inc., Florence, Ala., of certificate No. MC-62658, issued November 27, 1968, to R. L. Stewart and O. S. Stewart, doing business as Stewart Transfer Co., Florence, Ala., authorizing the transportation of: Household goods, as defined by the Commission, between Florence, Ala., and 25 miles thereof, on the one hand, and, on the other, points in Tennessee and Mississippi. J. A. Keller, 212 South Cedar Street, Florence, Ala. 35630, attorney for applicants.

No. MC-FC-71464. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Merkel Bros., Inc., Ridgewood, N.Y., of certificates Nos. MC-84458 and MC-84458 (Sub-No. 1) issued September 17, 1940, and July 21, 1947, respectively, to George Merkel and John Merkel, a partnership, doing business as George Merkel & Son, Ridgewood, N.Y., authorizing the transportation of household goods, between New York, N.Y., and points in Long Island, N.Y., on the one hand, and, on the other, points in New York, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and between New York, N.Y., and points in Long Island, N.Y., on the one hand, and, on the other, points in Maine and Virginia, traversing nine States and the District of Columbia. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

No. MC-FC-71467. By order of June 30, 1969, the Motor Carrier Board approved the transfer to Hicklin Motor Line, Inc., St. Matthews, S.C., of certificates Nos. MC-18535, MC-18535 (Sub-No. 30), MC-18535 (Sub-No. 31), MC-18535 (Sub-No. 33), MC-18535 (Sub-No. 35), MC-18535 (Sub-No. 36), MC-18535 (Sub-No. 38), MC-18535 (Sub-No. 43), MC-18535 (Sub-No. 45), MC-18535 (Sub-No. 46), and MC-18535 (Sub-No. 48), issued November 18, 1955, May 29, 1957, September 22, 1960, April 4, 1963, July 27, 1964, August 9, 1963, November 18, 1955, May 29, 1957, September 22, 1960, April 4, 1963, July 27, 1964, August 9, 1963, November 29, 1963, December 10, 1964, April 9, 1965, August 4, 1965, and August 6, 1968, respectively, to O. Alex Hicklin, doing business as Hicklin Motor Line, St. Matthews, S.C., authorizing the transportation of: Fish and shellfish, from points in South Carolina, Georgia, and Florida, to points in Georgia, South Carolina, North Carolina, Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. Agricultural commodities, from points in South Carolina, to points in Georgia, South Carolina, North Carolina, Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia.

The above-described commodities shall not be transported from points in that part of South Carolina on and east of U.S. Highway 1, to Augusta, Ga., Charlotte, Raleigh, and Asheville, N.C., and Richmond, Va. Hardwood and veneer furniture dimension stock, from Ruffin, S.C., to Bassett and Martinsville, Va. Lumber (except veneer and plywood), from Orangeburg, S.C., to points in North Carolina (except Kings Mountain and Charlotte, N.C., points within 5 miles of Charlotte, those on U.S. Highway 29 between Kings Mountain and Charlotte, N.C., and those on U.S. Highway 21 between Charlotte, N.C., and the North Carolina-South Carolina State line). Lumber, from St. Matthews, S.C., to points in North Carolina, except Asheville, Charlotte, and Raleigh, and those in Virginia, except Richmond, on and south of U.S. Highway 60. Cotton, from St. Matthews, Blackville, Estill, Norway, Orangeburg, and Springfield, S.C., to Lavonia, Ga., and Danville, Va., and from St. Matthews, S.C., to East Point, Ga., and points in North Carolina, except Asheville, Charlotte, and Raleigh. Pedigreed cotton seed, from St. Matthews, S.C., to points in Georgia, except Augusta, Savannah, and Port Wentworth, and those in North Carolina, except Asheville, Charlotte, and Raleigh. Agricultural implements and parts, from Atlanta, Ga., to points in South Carolina. General commodities, with the usual exceptions, between points in that part of South Carolina on and east of U.S. Highway 1, on the one hand, and, on the other, Savannah and Port Wentworth, Ga. Metal and concrete pipe and materials and supplies used in connection with the installation of such pipe, from Columbia, S.C., and points in South Carolina within 10 miles of Columbia, to points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia. Peat humus, from points in Colleton County, S.C., on or south of U.S. Highway 17, to points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia. Bananas, from Tampa, Miami, and Jacksonville, Fla., and Charleston, S.C., to Columbia, S.C., and Raleigh, N.C. Crushed stone and asphalt, in dump trucks, from Martinez, Ga., and points within 5 miles of Martinez, to points in Abbeville, Aiken, Allendale, Barnwell, Beaufort, Edgefield, Hampton, Jasper, McCormick, and Saluda Counties, S.C. Lumber (except veneer), and native wood, rough, dressed, and precut, from points in Orangeburg County, S.C., to points in Georgia (except Savannah and Port Wentworth, Ga.).

Salvaged building materials, from Charlotte, N.C., to points in South Carolina. Aggregates, from Bennettsville, S.C., to points in Florida and Virginia. Aggregates, in dump vehicles from points in Lexington, Marlboro, and Richland Counties, S.C., to points in Robeson County, N.C. Sand, gravel, and stabilizer and aggregates, in bulk and bags, from points in South Carolina, to points in North Carolina, restricted against the transportation of dry sand, ground and pulverized, in bulk, in tank or covered hopper vehicles equipped for unloading by pneumatic loading devices, from the site of the Pennsylvania Glass Sand Corp. plant, at Edmund, S.C., about 10 miles south of Columbia, S.C., to points in North Carolina; and from Lilesville, N.C., to points in South Carolina. Sand, gravel, crushed stone, stabilizer, and aggregates, from points in South Carolina, to points in Georgia (except crushed stone, in bags, from Kershaw County, S.C., to points in Georgia). Aggregates, crushed stone, and gravel, in bulk, from Ruby, Ga., to points in South Carolina. Aggregates, crushed stone, gravel, and sand, from Marlboro, S.C., Eldorado, N.C., and Lowry, Va., to points in Alabama, Florida, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Ohio, Tennessee, and West Virginia, and from Lowry, Va., to points in South Carolina, North Carolina, and Georgia. Sand, from points in Kershaw and Lexington Counties, S.C., to points in Alabama, Florida, Kentucky, Mississippi, Tennessee, West Virginia, and Virginia. Lawrence M. Gressette, Jr., Post Office Box 346, St. Matthews, S.C. 29135, attorney for applicants.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8483; Filed, July 17, 1969; 8:48 a.m.]

[Notice 378A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 15, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-70968. By order of Division 3, acting as an Appellate Division, approved the transfer to Denver-Midwest Motor Freight, Inc., a Colorado corporation, Denver, Colo., of certificates Nos. MC-41792, MC-41792 (Sub-No. 12) and MC-41792 (Sub-No. 13) issued April 1, 1966, February 8, 1968, and June 17, 1968, respectively, to Holdcroft Transportation Co., Sioux City, Iowa, collectively

authorizing the transportation of general commodities and various specified commodities from, to, or between specified points in Minnesota, South Dakota, Iowa, Nebraska, Missouri, Kansas, and Colorado. Donald E. Leonard, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8484; Filed, July 17, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 15, 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. 41691—*Lumber from points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-62), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southwestern territory, to points on the AH&W, C&NW, GB&W, and Soo Line Railroad Co. in the States of Illinois, Iowa, Michigan, Minnesota, and Wisconsin.

Grounds for relief—Carrier competition.

Tariff—Supplement 133 to Southwestern Freight Bureau, agent, tariff I.C.C. 4690.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8485; Filed, July 17, 1969; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July

3 CFR

Page

PROCLAMATIONS:

3918 ... 12013
3919 ... 12079

5 CFR

213 ... 11135, 11181, 11259, 11362, 11363, 11409, 11537, 11965, 12015
352 ... 11537
353 ... 11537
511 ... 11537
532 ... 11537
550 ... 11083
713 ... 11537
772 ... 11537

7 CFR

17 ... 12015
55 ... 11297
56 ... 11355
81 ... 12015
251 ... 11181
354 ... 11547, 11548
362 ... 11297, 12081
401 ... 11259
719 ... 11410
722 ... 11082
777 ... 11412
905 ... 11082, 11297
908 ... 11182, 11413, 12016
909 ... 11135
910 ... 11259, 11548
911 ... 11549
916 ... 11413
917 ... 11259
919 ... 11549
944 ... 11135, 11965
945 ... 11260
946 ... 11550
947 ... 11136
948 ... 11261
991 ... 11414
1032 ... 11463
1421 ... 11414, 11583, 12081
1427 ... 11584
1434 ... 11589

PROPOSED RULES:

51 ... 11306, 11311
68 ... 11147
101 ... 11272
102 ... 11272
103 ... 11272
104 ... 11272
105 ... 11272
106 ... 11272
107 ... 11272
108 ... 11272
111 ... 11272
301 ... 11306
919 ... 11316
922 ... 11552
967 ... 11213
Ch. X ... 12102
1001 ... 11814
1002 ... 11816
1003 ... 11364, 11816
1004 ... 11364, 11819
1005 ... 11822
1006 ... 11824
1011 ... 11826
1012 ... 11828

7 CFR—Continued

Page

PROPOSED RULES—Continued

1013 ... 11213, 11830
1015 ... 11832
1016 ... 11364, 11833
1030 ... 11836
1032 ... 11839
1033 ... 11841
1034 ... 11844
1035 ... 11846
1036 ... 11849, 12043
1040 ... 11851
1041 ... 11853
1043 ... 11856
1044 ... 11858
1046 ... 11859
1049 ... 11862
1050 ... 11099, 11864
1060 ... 11867
1062 ... 11869
1063 ... 11378, 11872
1064 ... 11874
1065 ... 11876
1068 ... 11878
1069 ... 11881
1070 ... 11884
1071 ... 11886
1073 ... 11888
1075 ... 11890
1076 ... 11893
1078 ... 11896
1079 ... 11897
1090 ... 11899
1094 ... 11901
1096 ... 11903
1097 ... 11905
1098 ... 11907
1099 ... 11909
1101 ... 11912
1102 ... 11914
1103 ... 11915
1104 ... 11918
1106 ... 11920
1108 ... 11922
1120 ... 11924
1121 ... 11927
1125 ... 11930
1126 ... 11933
1127 ... 11936
1128 ... 11938
1129 ... 11940
1130 ... 11942
1131 ... 11802, 12102
1132 ... 11099, 11944
1133 ... 11147, 11947
1134 ... 11949
1136 ... 11952
1137 ... 11954
1138 ... 11956

9 CFR

78 ... 11538
97 ... 11081, 11539
112 ... 11490
113 ... 11490
114 ... 11491
307 ... 12016
310 ... 11491
317 ... 11262
318 ... 11262, 12084
340 ... 12016
355 ... 12016

9 CFR—Continued

Page

PROPOSED RULES:

71 ... 11593
112 ... 12042
113 ... 12042
114 ... 12042

10 CFR

PROPOSED RULES:

40 ... 12107

12 CFR

226 ... 11083
250 ... 11414
545 ... 11464, 11465, 12025

PROPOSED RULES:

204 ... 11214, 11384
213 ... 11214
217 ... 11384

13 CFR

PROPOSED RULES:

121 ... 12049

14 CFR

39 ... 11137, 11415, 11465, 12025, 12026, 12085
71 ... 11085, 11182, 11355, 11415, 11465, 11589, 12026, 12027, 12085, 12086
95 ... 11137
97 ... 11183, 11466
121 ... 11488, 11469
225 ... 11198
288 ... 11085
378 ... 11263
1204 ... 11974
1211 ... 11975

PROPOSED RULES:

39 ... 11424, 12048, 12102, 12103
71 ... 11100–11103, 11379–11381, 11500, 12103–12106
73 ... 11103
218 ... 11424

15 CFR

30 ... 11463

PROPOSED RULES:

602 ... 12043

16 CFR

13 ... 11087–11089, 11298, 11299, 11415–11417, 11579, 11580
15 ... 11140, 11199, 11418, 11492
303 ... 11141
500 ... 11089
503 ... 11199

17 CFR

231 ... 11581
240 ... 11539
241 ... 11581
249 ... 11539

18 CFR

2 ... 11200, 11464

18 CFR—Continued

Page

PROPOSED RULES:

2 ... 11318
101 ... 11382
141 ... 11106, 11382, 12109

19 CFR

4 ... 12028
16 ... 12028
19 ... 12086
31 ... 12087

20 CFR

405 ... 11201

21 CFR

Ch. I ... 11090
1 ... 11357, 11541
8 ... 11542
17 ... 11090
31 ... 12087
120 ... 11589–11591, 12028, 12088
121 ... 11542, 11543, 11589, 12088–12090
146 ... 12091
146a ... 12029
147 ... 11592
148 ... 12091

PROPOSED RULES:

1 ... 11423
15 ... 11423, 11552
53 ... 11099
191 ... 11423

22 CFR

121 ... 12029
122 ... 12031
123 ... 12032
124 ... 12036
125 ... 12037
126 ... 12039
127 ... 12040
128 ... 12040

24 CFR

15 ... 11543
200 ... 11091
203 ... 11092, 11094, 12092
207 ... 11092, 11094
213 ... 11092
220 ... 11093, 11094
221 ... 11093
232 ... 11093
234 ... 11093
241 ... 11093
242 ... 11094

25 CFR

151 ... 11263, 11544
221 ... 12041

PROPOSED RULES:

221 ... 11424

28 CFR

0 ... 11493, 11545

29 CFR

608 ... 11141
1500 ... 11263
1504 ... 11182

30 CFR

201 ... 11299

31 CFR

Page

316 ... 11545

32 CFR

1 ... 12017
2 ... 12018
3 ... 12018
7 ... 12019
15 ... 12022
16 ... 12023
19 ... 12024
30 ... 12024
48 ... 12092
52 ... 12097
62 ... 11299
80 ... 12097
80a ... 12097
100 ... 11356
104 ... 11966
156 ... 11544
278 ... 11966
801 ... 11967
826 ... 11300
830 ... 11301
905 ... 11967
920 ... 11968
1464 ... 11464
1471 ... 11264
1472 ... 11264
1701 ... 12098
1713 ... 12098
1801 ... 11544
1807 ... 11544

33 CFR

92 ... 11265
110 ... 11582
117 ... 11095, 11582
207 ... 11544

36 CFR

7 ... 11301, 11545, 11969

PROPOSED RULES:

7 ... 11306

38 CFR

3 ... 11970
21 ... 11551, 12015
36 ... 11095

39 CFR

742 ... 11582

41 CFR

1–1 ... 11970
1–8 ... 11357
1–15 ... 11493
1–16 ... 11358
5–3 ... 11142
5–53 ... 11142
6–1 ... 11143
8–3 ... 11095
14–8 ... 11494
101–42 ... 11494
101–47 ... 11209

42 CFR

54 ... 11419
76 ... 11419

PROPOSED RULES:

78 ... 11273
81 ... 11317, 11552

43 CFR

Page

2240 ... 11420

PUBLIC LAND ORDERS:

4665 (amended by PLO 4672) ... 11095
4672 ... 11095

PROPOSED RULES:

417 ... 11499

45 CFR

85 ... 11096
234 ... 11302
250 ... 11098
1068 ... 11496
1069 ... 11546

46 CFR

105 ... 11265
222 ... 11497

47 CFR

0 ... 11144
2 ... 11302
31 ... 11971
73 ... 11144, 11358, 11359
74 ... 12099
95 ... 11211

PROPOSED RULES:

1 ... 11981
2 ... 11150, 11425
73 ... 11273, 11381, 11982, 11984
74 ... 12108
81 ... 11103, 11148, 11150
83 ... 11103, 11105, 11148, 11150
85 ... 11103, 11105, 11148
87 ... 11148, 11150
89 ... 11148
91 ... 11148, 11150
93 ... 11148
95 ... 11148
99 ... 11148

49 CFR

1 ... 11360
9 ... 11972
225 ... 11973
230 ... 11973
231 ... 11974
233 ... 11974
234 ... 11974
236 ... 11974
367 ... 11360
371 ... 11420
375 ... 11974
1033 ... 11145, 11146, 11211, 11362
1048 ... 12041

PROPOSED RULES:

71 ... 11980
173 ... 11977, 11978
177 ... 11977
178 ... 11978
191 ... 11979
231 ... 11381
Ch. III ... 11148, 12107
371 ... 11501
375 ... 11501
1041 ... 11151, 11384
1048 ... 11984–11986
1050 ... 11986

50 CFR

32 ... 11271, 11422, 11498
33 ... 12099

PROPOSED RULES:

32 ... 11593