FEDERAL REGISTER

VOLUME 34 • NUMBER 146

Friday, August 1, 1969 • Washington, D.C.

Pages 12555–12617

Agencies in this issue—

Detailed list of Contents appears inside.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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.

7 CFR

931 12559
1427 12560

8 CFR

251 12560

PROPOSED RULES:

103 12598
204 12598
242 12598
334 12598
341 12598

9 CFR

83 (2 documents) 12561
97 12561

14 CFR

39 (4 documents) 12562, 12563
71 (10 documents) 12564–12566
73 (2 documents) 12566, 12567

PROPOSED RULES:

39 (2 documents) 12594
71 (8 documents) 12594–12597
75 (3 documents) 12597

20 CFR

404 12568

21 CFR

8 12576

31 CFR

4 12577

32 CFR

43 12580
1453 12582

41 CFR

12B–3 12582
109–35 12582

46 CFR

401 12583

47 CFR

81 12584
83 12584

49 CFR

172 12589
173 12589
177 12592
178 12592
1300 12593
1307 12593

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1969 Issuances

This checklist prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1969. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (as of Jan. 1, 1969):		Price
1	(Rev.)	$1.00
3	1936–1938 Compilation	6.00
	1968 Compilation	.75
4	(Rev.)	.50
5	(Rev.)	1.50
6	[Reserved]	
7	Parts:	
	0–45 (Rev.)	2.50
	46–51 (Rev.)	1.75
	52 (Rev.)	3.00
	53–209 (Rev.)	3.00
	210–699 (Rev.)	2.00
	700–749 (Rev.)	2.00
	750–899 (Rev.)	1.75
	900–944 (Rev.)	1.50
	945–980 (Rev.)	1.00
	981–999 (Rev.)	1.00
	1000–1029 (Rev.)	1.50
	1030–1059 (Rev.)	1.25
	1060–1089 (Rev.)	1.25
	1090–1119 (Rev.)	1.25
	1120–1199 (Rev.)	1.25
	1200–1499 (Rev.)	2.50
	1500–end (Rev.)	1.50
8	(Rev.)	1.00
9	(Rev.)	2.00
10	(Rev.)	1.50
11	[Reserved]	
12	Parts:	
	1–299 (Rev.)	2.00
	300–end (Rev.)	2.00
13	(Rev.)	1.25
14	Parts:	
	1–59 (Rev.)	2.75
	60–199 (Rev.)	2.50
	200–end (Rev.)	2.75
15	(Rev.)	2.00
16	Parts:	
	0–149 (Rev.)	2.75
	150–end (Rev.)	2.00
17	(Rev.)	2.75
18	(Rev.)	4.00
19	(Rev.)	2.75
20	(Rev.)	3.50
21	Parts:	
	1–119 (Rev.)	$1.75
	120–129 (Rev.)	1.75
	130–146e (Rev.)	2.75
	147–end (Rev.)	1.50
22	(Rev.)	1.75
23	(Rev.)	.35
24	(Rev.)	2.00
25	(Rev.)	1.75
26	Parts:	
	1 (§§ 1.01–1.300) (Rev.)	3.00
	1 (§§ 1.301–1.400) (Rev.)	1.00
	1 (§§ 1.401–1.500) (Rev.)	1.50
	1 (§§ 1.501–1.640) (Rev.)	1.25
	1 (§§ 1.641–1.850) (Rev.)	1.50
	1 (§§ 1.851–1.1200) (Rev.)	2.00
	1 (§§ 1.1201–end) (Rev.)	3.00
	2–29 (Rev.)	1.25
	30–39 (Rev.)	1.25
	40–169 (Rev.)	2.50
	170–299 (Rev.)	3.50
	300–499 (Rev.)	1.25
	500–599 (Rev.)	1.50
	600–end (Rev.)	.65
27	(Rev.)	.45
28	(Rev.)	1.00
29	Parts:	
	0–499 (Rev.)	1.50
	500–899 (Rev.)	3.00
	900–end (Rev.)	1.25
30	(Rev.)	1.50
31	(Rev.)	2.75
32	Parts:	
	1–8 (Rev.)	3.00
	9–39 (Rev.)	2.00
	40–399 (Rev.)	2.75
	400–589 (Rev.)	2.00
	590–699 (Supp.)	.50
	700–799 (Rev.)	3.50
	800–999 (Rev.)	2.00
	1000–1199 (Rev.)	1.50
	1200–1599 (Rev.)	1.75
	1600–end (Rev.)	1.00
32A	(Rev.)	1.25
33	Parts:	
	1–199 (Rev.)	2.50
	200–end (Rev.)	1.75
34	[Reserved]	
35	(Supp.)	.35
36	(Rev.)	1.25
37	(Supp.)	.30
38	(Rev.)	3.50
39	(Rev.)	3.75
40	[Reserved]	
41	Chapters:	
	1 (Rev.)	2.75
	2–4 (Rev.)	1.00
	5–5D (Rev.)	1.25
	6–17 (Rev.)	3.25
	18 (Rev.)	3.25
	19–100 (Rev.)	1.00
	101–end (Rev.)	1.75
42	(Rev.)	1.50
43	Parts:	
	1–999 (Rev.)	1.25
	1000–end (Rev.)	2.75
44	(Rev.)	.45
45	(Rev.)	3.25
46	Parts:	
	1–65 (Rev.)	$2.50
	66–145 (Rev.)	2.00
	146–149 (Rev.)	3.75
	150–199 (Rev.)	2.50
	200–end (Rev.)	3.00
47	Parts:	
	0–19 (Rev.)	1.50
	20–69 (Rev.)	2.00
	70–79 (Rev.)	1.75
	80–end (Rev.)	2.50
48	[Vacated; Reserved]	
49	Parts:	
	1–199 (Rev.)	3.50
	200–999 (Rev.)	1.50
	1000–1199 (Rev.)	1.25
	1200–1299 (Rev.)	3.25
	1300–end (Rev.)	1.00
50	(Rev.)	1.25
General Index (Rev.)		1.25

Title 7—AGRICULTURE

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

[Bartlett Pear Reg. 3]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Northwest Fresh Bartlett Pear Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh Bartlett pears, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Northwest Fresh Bartlett Pear Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of Bartlett pears from the production area are expected to begin on or about August 1, 1969. The grade and size requirements provided herein are necessary to prevent the handling on and after August 1, 1969, of any Bartlett pears of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop,

and (2) maximizing returns to the producers pursuant to the declared policy of the act. Each prescribed pack serves a purpose for an area of distribution and is well known by the industry and trade.

The exemption for individual shipments of 500 pounds or less of Bartlett pears sold for home use and not for resale and for pears in gift packages follows the custom and pattern of prior years. The quantity of pears so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impractical to regulate the handling of such shipments due to the nearness to the source of supply.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 1, 1969. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Northwest Fresh Bartlett Pear Marketing Committee until July 25, 1969; recommendation as to need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on July 25, 1969, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until July 28, 1969; shipments of the current crop of such pears are expected to begin on or about the effective time hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 931.303 Bartlett Pear Regulation 3.

(a) *Order.* During the period August 1, 1969, through June 30, 1970, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraphs (4) or (5) of this paragraph.

(1) *Minimum grade requirement.* Such pears grade at least U.S. No. 2.

(2) *Minimum size requirements.* Such pears (i) when packed in the standard western pear box, or in the L.A. lugs or their carton equivalents, are of a size not smaller than the 165 size; or (ii) when packed in any other container, measure at least 2⅜ inches in diameter: *Provided,* That pears which measure at least 2⅛ inches may be handled if they are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears.

(3) *Pack requirements.* Such pears are packed in L.A. lugs, in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears, or in containers having a capacity equal to, or greater than, the western lug.

(4) *Special purpose shipments.* Notwithstanding any other provision of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification).

(5) Notwithstanding any other provision of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification):

(i) The shipment consists of pears sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(6) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 2", and "size" shall have the same meaning as when used in the United States Standards for Summer and Fall Pears (7 CFR 51.1260–51.1280); "165 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 165 pears, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); the term "L.A. lug" shall mean a container with inside dimensions of 5¾ by 13½ by 16⅛ inches; and the term "western lug" shall mean a container with inside dimensions of 7 by 11½ by 18 inches.

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

Dated: July 30, 1969.

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

[F.R. Doc. 69-9090; Filed, July 31, 1969; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1969 Crop Supplement to Cotton Loan Program Regulations

SCHEDULE OF PREMIUMS AND DISCOUNTS FOR MICRONAIRE READINGS ON 1969 CROP UPLAND COTTON

Correction

In F.R. Doc. 69-8198 appearing at page 11584 in the issue of Tuesday, July 15, 1969, in § 1427.1524, the Points per pound entry for the Micronaire reading 3.3 through 3.4 which now reads "Premium of 45" should read "Discount of 45".

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 251—ARRIVAL MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (b) of § 251.1 is amended to read as follows:

§ 251.1 Arrival manifests and lists.

* * * * *

(b) *Aircraft.* The captain or agent of every aircraft arriving in the United States from a foreign place or from an outlying possession of the United States, except an aircraft arriving in the United States directly from Canada on a flight originating in that country, shall present to the immigration officer at the port of first arrival a manifest on the Bureau of Customs Form 7507 or on the International Civil Aviation Organization's General Declaration of all the alien crewmen on board, including alien crewmen who are returning to the United States after taking an aircraft of the same line from the United States to a foreign place or alien crewmen who are entering the United States as passengers solely for the purpose of taking an aircraft of the same line from the United States to a foreign port. The surname, given name, and middle initial of each such alien crewman listed shall be shown. In addition, the captain or agent of the aircraft shall indicate in writing immediately below the name of the last alien listed on such form or declaration, the number of U.S. citizen crewmen on board, if any. If there are no alien crewmen aboard, the captain or agent shall indicate in writing on the form or declaration the number of U.S. citizen crewmen, followed by a statement that there are no alien crewmen.

* * * * *

2. Paragraph (a) of § 251.4 is amended to read as follows:

§ 251.4 **Departure manifests and lists for aircraft.**

(a) *Bureau of Customs Form 7507 or International Civil Aviation Organization's General Declaration.* The captian or agent of every aircraft departing from the United States for a foreign place or an outlying possession of the United States, except an aircraft departing from the United States directly to Canada on a flight terminating in that country, shall submit to the immigration officer at the port from which such aircraft is to depart on the Bureau of Customs Form 7507 or on the International Civil Aviation Organization's General Declaration a list of all alien crewmen on board, including alien crewmen who arrived in the United States as crewmen on an aircraft of the same line and who are departing as passengers. The surname, given name, and middle initial of each such alien crewman listed shall be shown. In addition, the captain or agent of the aircraft shall indicate in writing immediately below the name of the last alien listed on such form or declaration, the number of U.S. citizen crewmen on board, if any. If there are no alien crewmen aboard, the captain or agent shall indicate in writing on the form or declaration the number of U.S. citizen crewmen, followed by a statement that there are no alien crewmen.

* * * * *

(Sec 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of § 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order confer benefits upon persons affected thereby.

Dated: July 29, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-9047; Filed, July 31, 1969; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 83—DUCK VIRUS ENTERITIS (DUCK PLAGUE)

Changes in Areas Quarantined

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, and 134b), § 83.2 of Part 83, Title 9, Code of Federal Regulations, designated "Duck Virus Enteritis (Duck Plague)" is hereby amended to read as follows:

§ 83.2 **Notice relating to existence of the contagion of duck virus enteritis and notice of quarantine.**

Notice is hereby given that the contagion of duck virus enteritis exists in Suffolk County in the State of New York and that live poultry in that county are affected with said disease. Therefore, Suffolk County is hereby quarantined.

(Secs. 1 and 2, 32 Stat. 791 and 792, as amended, secs. 4, 5, 6, and 7, 23 Stat. 32, as amended, secs. 1 and 3, 33 Stat. 1264 and 1265, as amended, sec. 3, 76 Stat. 130; 21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, 134b. 29 F.R. 16210, as amended; 33 F.R. 15485)

Effective date: The foregoing amendment shall become effective upon issuance.

The amendment releases from quarantine the premises of the Patuxent Wildlife Research Center, Laurel, Md., heretofore quarantined because of the contagion of duck virus enteritis (duck plague). Hereafter, the restrictions pertaining to the interstate movement of waterfowl from quarantined areas as contained in 9 CFR Part 83 will not apply to such premises. However, the restrictions pertaining to such movement from nonquarantined areas as contained in said Part 83 will apply thereto.

The amendment relieves certain restrictions presently imposed and should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of July 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-9071; Filed, July 31, 1969; 8:50 a.m.]

PART 83—DUCK VIRUS ENTERITIS (DUCK PLAGUE)

Interstate Movement; Correction

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, section 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, and 134b), there was published in the FEDERAL REGISTER at page 6573 of the issue for Thursday, April 17, 1969 (F.R. Doc. 69-4522), an amendment to the regulations appearing in Part 83, designated "Duck Virus Enteritis (Duck Plague)" in Title 9, Code of Federal Regulations. Subparagraph (3) of § 83.7(a) of said amendment is corrected to read as follows:

§ 83.7 **Approval and maintenance of source flocks.**

(a) * * *

(3) The flock is not known to have been exposed to duck virus enteritis.

* * * * *

(Secs. 1 and 2, 32 Stat. 791 and 792, as amended, secs. 4, 5, 6, and 7, 23 Stat. 32, as amended, secs. 1 and 3, 33 Stat. 1264 and 1265, as amended, sec. 3, 76 Stat. 130; 21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, 134b. 29 F.R. 16210, as amended, 33 F.R. 15485)

Effective date: The foregoing document shall become effective upon issuance.

The document merely corrects a grammatical error and does not change the intent of the revised provisions of 9 CFR Part 83 as set forth in said amendment. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the document are unnecessary and good cause is found for making the document effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of July 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-9072; Filed, July 31, 1969; 8:51 a.m.]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 20843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2756), March 7, 1968 (33 F.R. 4248), July 13, 1968 (33 F.R. 10085), July 31, 1968 (33 F.R. 10839), August 15, 1968 (33 F.R. 11587), September 25, 1968 (33 F.R. 14399), November 8, 1968 (33 F.R. 16382), December 14, 1968 (33 F.R. 18573), February 1, 1969 (34 F.R. 1586), June 3, 1969 (34 F.R. 8697), and July 1, 1969 (34 F.R.

11081), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREA

TWO HOURS

Add: St. Louis Lambert Airport, St. Louis, Mo. (served from National Stock Yards, Ill.).

OUTSIDE METROPOLITAN AREA

TEN HOURS

Delete: Homer, Alaska (served from Anchorage, Alaska).

FIVE HOURS

Add: Port of Homer, Alaska (served from Anchorage, Alaska).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 28th day of July 1969.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-9042; Filed, July 31, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-14-AD; Amdt. 39-811]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and 99A Airplanes

An airworthiness directive was adopted on July 18, 1969, and made effective as to all known owners of Beech Models 99 and 99A airplanes. This airworthiness directive was issued because recent investigations have established that a potentially hazardous condition exists in the longitudinal control of these model airplanes. A malfunction or misuse of the trim system, flaps or application of power during cruise under turbulent or adverse weather conditions, takeoff or balked landing can result in unexpected abrupt changes in the control wheel forces which, if permitted to go unchecked, could cause an uncontrollable pitch up or pitch down. Until such time as the manufacturer can develop modifications to reduce this hazard, this condition can be improved by issuing an interim airworthiness directive which provides suitable airplane flight manual provisions, equipment checklist procedures and flap travel balance potentiometer protection. As a result of tests being conducted by the manufacturer, it may be necessary to issue additional airworthiness directives to further alleviate this problem.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to the owners of Beech Models 99 and 99A airplanes by individual telegrams dated July 18, 1969. This condition still exists and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

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

BEECH. Applies to Models 99 and 99A (Serial Nos. U-1 through U-128) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To reduce the likelihood of inadvertent high pitch control forces, accomplish the following:

A. Within 25 hours' time in service after the effective date of this airworthiness directive, insulate the terminals on the P/N CM36625A flap travel balance potentiometer located on the center section (left side) rear spar adjacent to the fuselage by protecting the open terminals with suitable potting compound such as General Electric GIPTAL, P/N 1201, or equivalent, applying not less than a 0.010 inch coating to all terminals.

B. Within 24 hours' time in service after the effective date of this airworthiness directive, temporarily insert the following information in the airplane flight manual until such time as the manufacturer provides permanent revisions to the airplane flight manual which have been approved by the FAA.

1. In section II, Normal Procedures, page 2-4, add the following note to Item 1 under the heading Before Take Off: "See page 2-10 for details".

2. In section II, Normal Procedures, add temporary page 2-10 containing the detailed procedures for checking both the primary and secondary pitch-trim systems as follows:

Pitch Trim Check Procedures—Before Takeoff.

1. Secondary pitch trim check (switches located on center pedestal).

A. Turn primary pitch trim master switch to "Off".

B. Turn secondary pitch trim master switch to "On".

C. Move both split actuator switches to nose up position for a sufficient length of time to assure operation. Check trim indicator for indication of motion.

D. Repeat C above for nose down position.

E. Operate the left split actuator switch both nose up and nose down. Then operate the right split actuator switch both nose up and nose down.

NOTE: A movement of the trim position indicator indicates a malfunctioning system and take off is prohibited.

2. Primary pitch-trim system check.

A. Turn secondary pitch-trim master switch "Off".

B. Turn primary pitch-trim master switch "On".

C. Pilot—Move both split actuator switches (located on control wheel) to nose up position. Check trim indicator for indication of motion. Depress trim "Release" button to determine deactivation of the system. Release button and allow trim to continue to full nose up travel. Check trim indicator for full travel indication.

D. Pilot—Repeat C above for nose down travel.

E. Pilot—Operate the left split actuator switch both nose up and nose down. Then operate the right split actuator switch both nose up and nose down.

NOTE: A movement of the trim position indicator indicates a malfunctioning system and take off is prohibited.

F. Copilot—Repeat C, D, and E above utilizing the switches on the copilot's control wheel, except travel to full extremes is not required.

G. Pilot—Return pitch-trim to proper take off setting.

3. In section II, Normal Procedures, add temporary page 2-11 containing the following information:

(A) Flight Procedures in Turbulence: Use recommended maneuvering speed—169 knots; avoid overaction of power levers; severe gusts may cause large and rapid variations in indicated airspeed; do not chase airspeed; the penetration altitude should be an altitude which provides adequate maneuvering margins when severe turbulence is encountered; the auto pilot should be turned off and the aircraft hand flown; fly attitude—keep wings level and maintain desired pitch attitude; do not chase altitude; avoid use of trim.

(B) WARNING: Since the airplane must be loaded properly throughout the flight, the loading must be checked for fuel usage. When operating near the forward C.G. limit, check the loading at 110 gallons of fuel, as well as at takeoff and landing.

NOTE: Operation of this aircraft with only pilot and copilot aboard may exceed the forward C.G. limit. Check fuel usage as indicated above and add baggage and/or ballast in aft baggage compartment as required (up to allowable maximum).

4. In section I, Limitations, page 1-5, add the following after existing information: "See Warning Note on Page 2-11".

5. In section IV, FAR Part 135 Performance, page 4-31, under Minimum Equipment List, Subtitle Flight Controls, delete remarks in Column 2, after Item 2, Stabilizer Position Indicator.

NOTE: This airworthiness directive, or a duplication thereof, may be used as a temporary amendment to the airplane flight manual and carried in the aircraft as a part of the airplane flight manual until replaced by the permanent revisions to the airplane flight manual provided by the manufacturer and approved by the FAA.

This amendment becomes effective August 1, 1969, for all persons except those

to whom it was made effective by telegram dated July 18, 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 Kansas City, Mo., on August 25, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9024; Filed, July 31, 1969; 8:47 a.m.]

[Airworthiness Docket No. 69-WE-16-AD; Amdt. 39-810]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplane Co. Model 727 Series

There is evidence that during incidents involving loss of all generators on Boeing 727 Series aircraft restoration of the electrical system may have been delayed by failure of the flight crew to disconnect large nonessential loads before attempting to restore generator power to the load busses.

Since this condition may occur in airplanes of the same type design, an airworthiness directive is being issued to require revision of the Airplane Flight Manual, Emergency Procedure Section, Loss of All Generators paragraph, to include procedures which would direct the flight crew to switch to the standby power system, insure that the battery switch is "on" and reduce loads.

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

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

BOEING. Applies to Boeing Model 727, 727C, and 727-200 Series Airplanes.

Compliance required within 300 hours time in service after the effective date of this AD as indicated, unless already accomplished.

To provide the flight crew with more complete procedures to be followed if all generators are lost change the Airplane Flight Manual to read the following, or make an equivalent change approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) Boeing 727 series (except 727-31, -31C, and 231), Airplane Flight Manual, Emergency Procedures Section, Loss of All Generators paragraph, must be revised to read:

LOSS OF ALL GENERATORS

PHASE I

Essential power selector—Standby.
Battery switch—Check On.

PHASE II

Any generator field relay—Close.
Repeat if necessary until voltage and frequency of a generator are normal.
When voltage and frequency are normal switch essential power selector to operating generator.

NOTE: If a differential fault is indicated in any generator system, an automatic lockout feature prevents closing of the field relay. This lockout feature can be bypassed by momentarily moving the battery switch to "off", then back "on", or by manually tripping and resetting the associated generator d.c. control circuit breaker.

PHASE III

Restore system to normal if desired.
NOTE: Leave generator supplying essential power isolated until system integrity is verified.
Remove heavy electrical loads (galleys, air conditioning pack fans, etc.); or
Open bus tie breakers (if closed) before closing Generator Control Breakers.
For further information, see electrical systems operation, Normal Procedures—section III.

(b) Boeing 727 series 727-31-31C, and 231, Airplane Flight Manual, Emergency Procedures Section, Loss of All Generators paragraph, must be revised to read:

LOSS OF ALL GENERATORS

PHASE I

Emergency Power Switch—On.
Battery switch—Check On.

PHASE II

Any generator field relay—Close.
Repeat if necessary until voltage and frequency of a generator are normal.
When voltage and frequency are normal switch essential power selector to operating generator.
NOTE: If a differential fault is indicated in any generator system, an automatic lockout feature prevents closing of the field relay. This lockout feature can be bypassed by momentarily moving the battery switch to "off," then back "on," or by manually tripping and resetting the associated generator DC control circuit breaker.

PHASE III

Restore system to normal if desired.
NOTE: Leave generator supplying essential power isolated until system integrity is verified.
Remove heavy electrical loads (galleys, air conditioning pack fans, etc.); or
Open bus tie breakers (if closed) before closing Generator Control Breakers.
For further information, see electrical systems operation, Normal Procedures—section III.

This amendment becomes effective on August 1, 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 Los Angeles, Calif., on July 23, 1969.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 69-9025; Filed, July 31, 1969; 8:47 a.m.]

[Docket No. 69-EA-82; Amdt. 39-808]

PART 39—AIRWORTHINESS DIRECTIVES

Sensenich Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive amending AD 69-9-3 applicable to Sensenich Propellers.

AD 69-9-3 is intended to apply to all Sensenich type M76E and 76E model propellers. The applicability statement referenced a -0 at the end of the model designation which indicated a full diameter of 76 inches without deviation. However, some earlier propellers eliminated the -0 as being unnecessary and the number following the dash indicated the pitch.

As a result, industry has questioned the literal applicability of the AD to these earlier propellers. In view of the foregoing, the applicability statement will be amended to delete reference to the -0 and merely reflect the model designation.

Since the amendment is clarifying in nature and does not increase any burden, notice and procedure hereon is unnecessary and the amendment may be made effective in less than 30 days.

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

Amend § 39.13 of Part 39 of the Federal Aviation Regulations by deleting in AD 69-9-3 the applicability statement and insert in lieu thereof:

Applies to Sensenich Type M76EMM, M76EMMS, 76EM8, and 76EM8S5 model propellers installed on Lycoming 0-360 Type engines, except the 0-360-A4A.

This amendment is effective August 7, 1969.

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

Issued in Jamaica, N.Y., on July 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-9026; Filed, July 31, 1969; 8:47 a.m.]

[Docket No. 69-EA-87; Amdt. 39-809]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 66-22-5 applicable to Sikorsky helicopters.

In several instances, cracks had been detected in the spars of main rotor blades of Sikorsky S-61 helicopters and AD 66-22-5 was issued. The origin of these cracks has since been traced to the primer and bonding process used in the manufacture of blades prior to a certain date and serial number. The manufacturer has developed a revision to the service bulletin, that was published at the time that AD 66-22-5 was issued to require special inspection procedures for the blade spars. This service bulletin revision establishes a more stringent inspection of the BIM unit as well as a new

system of identifying blades that were manufactured with the suspect primer and bonding process. In addition, the airspeed limit Vne has been reduced to eliminate fatigue damage that can be sustained by unaltered blades.

Since this condition can exist or develop in helicopters of similar type design, this amending airworthiness directive is being issued to require inspection, alteration and reidentification of the subject blades. As a situation exists that requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 66-22-5 as follows:

1. In paragraphs (a) and (b) delete the references to (c) and insert in lieu thereof (d).

2. Delete paragraph (c) and add the following paragraphs:

(c) Within the next 50 hours' time in service after the effective date of this A.D., unless already accomplished, identify all subject blades in accordance with paragraph I-3 of section I of Sikorsky Service Bulletin No. 61-B15-6 amended. In helicopters with blades identified with white or yellow circles, install on the instrument panel a decal or marker stating "Vne = 120 knots" and a decal or marker setting forth the information found under paragraph I-3(e) and entitled S-61L Adjusted Airspeed Placard or S-61N Adjusted Airspeed Placard.

(d) The service life limits specified in paragraphs (a) and (b) above may be extended to 7,000 hours total time in service for S6115-20501-3 and S6115-20501-5 main rotor blades; for S6115-20501-2 and S6115-20501-4 main rotor blades altered to S6115-20501-3 and S6115-20501-5 respectively; and S6115-20501-6 main rotor blades provided the blades have been altered, inspected and maintained in accordance with Sikorsky Service Bulletin No. 61B15-6 as amended, excluding section II.

(e) The speed restriction placard or decal required by paragraph (c) above may be removed when the blades have been altered or replaced by blades altered by Sikorsky and reidentified by No. S6115-20501-6.

(f) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Stratford, Conn. These documents may be examined at the Office of Regional Counsel, Federal Building, John F. Kennedy Airport, Jamaica, N.Y., and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at Eastern Region Headquarters, Jamaica, N.Y.

This amendment is effective August 7, 1969.

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

Issued in Jamaica, N.Y., on July 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-9027; Filed, July 31, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-32]

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

Alteration of Federal Airway Segments

On May 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 8300) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airways Nos. 51, 159, 267, and 492.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509, 8966) is amended as follows:

1. In V-51 "12 AGL Pahokee, Fla.;" is deleted and "INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee;" is substituted therefor.

2. In V-159 "12 AGL INT Miami 346° and Palm Beach, Fla.; 222° radial; 12 AGL Palm Beach;" is deleted and "INT Miami 343° and Palm Beach, Fla., 222° radials; Palm Beach;" is substituted therefor.

3. In V-267 "12 AGL Pahokee, Fla.;" is deleted and "INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee;" is substituted therefor.

4. V-492 is amended to read:

V-492 From St. Petersburg, Fla., via La Belle, Fla.; Pahokee, Fla., to Palm Beach, Fla., including a south alternate from La Belle to Palm Beach via INT La Belle 113° and Palm Beach 252° radials, and also a north alternate from La Belle to Palm Beach via INT La Belle 043° and Palm Beach 298° radials.

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

Issued in Washington, D.C., on July 24, 1969.

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

[F.R. Doc. 69-9028; Filed, July 31, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-62]

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

Alteration of Transition Area

On June 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9719), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Toccoa, Ga., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 34°35'40" N., long. 83°17'40" W.) for Toccoa Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

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

TOCCOA, GA.

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Toccoa Airport (lat. 34°35'40" N., long. 83°17'40" W.).

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

Issued in East Point, Ga., on July 25, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9031; Filed, July 31, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-13]

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

Revocation of Federal Airway

On May 20, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7915) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke a segment of V-61 from Wichita Falls, Tex., to Lawton, Okla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was from the Air Transport Association of America, who offered no objection. However, they suggested that consideration be given to retaining the airway for VFR use. A Federal airway is an assignment of airspace designated to protect the movement of IFR air traffic. The movement of VFR air traffic does not require controlled airspace and therefore does not qualify for such airspace assignment.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations

is amended effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V–61 is amended to read as follows:

V–61 From Bridgeport, Tex., INT Bridgeport 315° and Wichita Falls, Tex., 139° radials; Wichita Falls.

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

Issued in Washington, D.C., on July 24, 1969.

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

[F.R. Doc. 69–9032; Filed, July 31, 1969; 8:47 a.m.]

[Airspace Docket No. 69–CE–56]

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

Alteration of Control Zone and Transition Area

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

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Rochester, Minn., control zone and transition area. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 18, 1969, as hereinafter set forth:

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

ROCHESTER, MINN.

Within a 5-mile radius of Rochester, Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2 miles each side of the Rochester ILS localizer southeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Rochester VOR 029° radial, extending from 1 mile northeast of the VOR to 15 miles northeast of the VOR.

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

ROCHESTER, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rochester Municipal Airport (latitude 43° 54'25" N., longitude 92°29'45" W.); within 2½ miles each side of the Rochester VOR 029° radial, extending from the VOR to 23 miles northeast of the VOR; within 3 miles each side of the Rochester ILS localizer northwest course, extending from the 7-mile radius area to 19 miles northwest of the OM; and within 4½ miles southwest and 9½ miles northeast of the Rochester ILS localizer southeast course, extending from 3 miles northwest to 18½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within an 18½-mile radius of Rochester VOR; the airspace north and east of Rochester bounded on the west by the west edge of V–82, on the northwest by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.), on the northeast by V–2 and on the south by V–82; within 5 miles west and 7 miles east of the Rochester VOR 173° radial, extending from the 18½-mile radius area to 38 miles south of the VOR; and within 5 miles south and 7 miles north of the Rochester VOR 104° radial, extending from the 18½-mile radius area to 45 miles east of the VOR, excluding the portions that overlie the Winona and Faribault-Owatonna, Minn., transition areas.

These amendments are made 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 July 17, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69–9052; Filed, July 31, 1969; 8:49 a.m.]

[Airspace Docket No. 69–CE–16]

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

Alteration of Transition Area

On pages 7974 and 7975 of the FEDERAL REGISTER dated May 21, 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 alter the transition area at Bismarck, N. Dak.

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

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

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

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

Issued in Kansas City, Mo., on July 15, 1969.

EDWARD C. MARSH,
Director, Central Region.

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

BISMARCK, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bismarck Municipal Airport (latitude 46°46'33" N., longitude 100°45'14" W.); within 8 miles northeast and 5 miles southwest of the Bismarck ILS southeast course, extending from the OM to 12 miles southeast of the OM; and within 8 miles north and 5 miles south of the Bismarck VOR 105° radial, extending from the VOR to 12 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Bismarck VOR, extending from the Bismarck VOR 204° radial clockwise to the Bismarck VOR 082° radial; and within a 33-mile radius of the Bismarck VOR, extending from the Bismarck VOR 082° radial clockwise to the Bismarck VOR 204° radial.

[F.R. Doc. 69–9053; Filed, July 31, 1969; 8:49 a.m.]

[Airspace Docket No. 69–CE–20]

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

Alteration of Transition Area

On Page 7869 of the FEDERAL REGISTER dated May 17, 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 alter the transition area at Bellaire, Mich.

Interested persons were given 45 days to submit written comments, suggestions or objections concerning the proposed amendment. Two comments were received. The Traverse City, Mich., Airport Manager, while not objecting to the designation of the airspace, commented on the conflicting approach procedures at Bellaire Antrim County Airport and Traverse City Airport and the plans for establishing the east-west runway at Traverse City as the main instrument runway. The Air Transport Association objected to the proposal for the reason that the approach to Bellaire from the south would conflict with the instrument approach on the east-west runway at Traverse City and that simultaneous approaches could not be conducted at these airports.

A review of the instrument approach procedure to Bellaire from a relocated navigational aid facility south of the Antrim County Airport, Bellaire, Mich., is in the same direction and does not conflict with the Traverse City operations any more than the previous approach from the old navigational aid located on the Antrim County Airport, Bellaire, Mich. The conflict is caused by the change in the Traverse City plans to develop the east-west runway and the Administration has concluded that the situation is such that it can be resolved by Air Traffic Control with little or no delays to aircraft at either airport. Consequently, the Federal Aviation Administration does not feel that there is any valid reason for honoring the above listed objection. However, it is necessary

to change the airport coordinates as set forth below.

In view of the foregoing, the proposed amendment is hereby adopted subject to the following change:

The Antrim County Airport coordinates recited in the Bellaire, Mich., transition area alteration as "latitude 49°59'10" N., longitude 85°11'55" W." are changed to read "latitude 44°59'15" N., longitude 85°12'00" W."

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

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

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

EDWARD C. MARSH,
Director, Central Region.

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

BELLAIRE, MICH.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 44°59'15" N., longitude 85°12'00" W.); and within 3 miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 14 miles south of the airport, excluding the portion which overlies the Traverse City, Mich., transition area; and that airspace extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the 198° bearing from Antrim County Airport, extending from the airport to 25 miles south of the airport.

[F.R. Doc. 69-9054; Filed, July 31, 1969; 8:49 a.m.]

[Airspace Docket No. 69-CE-19]

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

Designation of Transition Area

On page 7870 of the FEDERAL REGISTER dated May 17, 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 Le Mars, Iowa.

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

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

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

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

Issued in Kansas City, Mo., on July 15, 1969.

EDWARD C. MARSH,
Director, Central Region.

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

LE MARS, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Le Mars Municipal Airport (latitude 42°-46'40" N., longitude 96°11'40" W.); and within 3 miles each side of the 345° bearing from Le Mars Municipal Airport, extending from the 7-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 165° and 345° bearings from Le Mars Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

[F.R. Doc. 69-9055; Filed, July 31, 1969; 8:49 a.m.]

[Airspace Docket No. 69-CE-30]

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

Designation of Transition Area

On Pages 7976 and 7977 of the FEDERAL REGISTER dated May 21, 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 Ainsworth, Nebr.

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 Ainsworth Municipal Airport longitude coordinate recited in the Ainsworth, Nebr., transition area designation as "longitude 99°59'20" W.", is changed to read "longitude 99°59'15" W.".

This amendment shall be effective 090 G.m.t., September 18, 1969.

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

Issued in Kansas City, Mo., on July 15, 1969.

EDWARD C. MARSH,
Director, Central Region.

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

AINSWORTH, NEBR.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ainsworth Municipal Airport (latitude 42°34'40" N., longitude 99°59'15" W.); and within 3 miles each side of the 344° bearing from Ainsworth Municipal Airport, extending from the 7-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 164° and 344° bearings from Ainsworth Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

[F.R. Doc. 69-9056; Filed, July 31, 1969; 8:49 a.m.]

[Airspace Docket No. 66-SW-38]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Federal Airways, Controlled Airspace, and Restricted Airspace

On January 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1170) stating that the Federal Aviation Administration is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations which would alter the Camp Claiborne, La., Restricted Area R-3801, VOR Federal airway Nos. 114 and 114N, and the Continental Control Area.

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

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

1. Section 71.123 (34 F.R. 4509) is amended as follows:

In V-114, all after "Gregg County 273° radials;" is deleted and "Alexandria, La., including a north alternate from Gregg County to Alexandria via Shreveport, La., and INT Shreveport 176° and Alexandria 302° radials; Baton Rouge, La.; New Orleans, La., including a north alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° radials, excluding R-3801D." is substituted therefor.

2. In § 71.151 (34 F.R. 4546) "R-3801 Camp Claiborne, La." is deleted and "R-3801 E Camp Claiborne, La." is substituted therefor.

3. In § 73.38 (34 F.R. 4829) the Camp Claiborne, La., Restricted Area R-3801 is amended and subdivided as follows:

R-3801A CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°18'00" N., long. 92°46'30" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°28'00" N., long. 93°15'00" W.; to lat. 31°32'30" N., long. 93°11'50" W.; to point of beginning.

Designated altitudes: 1,000 feet AGL to and including 5,000 feet MSL northwest of a line extending from lat. 31°20'50" N., long. 92°51'15" W.; to lat. 31°16'40" N., long. 92°54'30" W. 500 feet AGL to and including 5,000 feet MSL southeast of the line extending from lat. 31°20'50" N., long. 92°51'15" W.; to lat. 31°16'40" N., long. 92°54'30" W.

Time of designation: Continuous. R-3801A shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, 9th Air Force, Shaw AFB, S.C.

R-3801B CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°15'15" N., long. 92°41'45" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°18'00" N., long. 92°46'30" W.; to point of beginning.

Designated altitudes: Surface to and including 14,000 feet MSL.

Time of designation: Continuous. R-3801B shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center

Using agency: Commander, 9th Air Force, Shaw AFB, S.C.

R-3801C CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°05'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to point of beginning.

Designated altitudes: Surface to and including 14,000 feet MSL.

Time of designation: Continuous. R-3801C shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, 9th Air Force, Shaw AFB, S.C.

R-3801D CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°11'45" N., long. 92°30'15" W.; to lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to lat. 31°17'10" N., long. 92°40'10" W.; to point of beginning.

Designated altitudes: Surface to and including 14,000 feet MSL.

Time of designation: Continuous. R-3801D shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, 9th Air Force, Shaw AFB, S.C.

R-3801E CAMP CLAIBORNE, LA.

Boundaries: Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°05'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to point of beginning.

Designated altitudes: 14,000 feet MSL to but not including FL 240.

Time of designation: Continuous. R-3801E shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency: FAA, Houston ARTC Center.

Using agency: Commander, 9th Air Force, Shaw AFB, S.C.

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

Issued in Washington, D.C., on July 24, 1969.

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

[F.R. Doc. 69-9029; Filed, July 31, 1969; 8:47 a.m.]

[Airspace Docket No. 68-SO-100]

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

PART 73—SPECIAL USE AIRSPACE

Alteration and Designation of Control Zones, Alteration of Transition Area, and Alteration and Designation of Restricted Areas

On May 14, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7656) stating that the Federal Aviation Administration proposed amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter controlled airspace, amend and designate Restricted Areas in the vicinity of Eglin Air Force Base, Fla.

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

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

1. Section 71.171 (34 F.R. 4557) is amended as follows:

a. Eglin AFB, Fla., control zone is amended to read:

EGLIN AFB, FLA.

Within a 5-mile radius of Eglin AFB (lat. 30°29'10" N., long. 86°31'50" W.); within 2 miles each side of the Eglin AFB TACAN 120° radial, extending from the 5-mile radius zone to 12 miles southeast of the TACAN; within 2 miles each side of the Eglin AFB ILS localizer southeast course, extending from the 5-mile radius zone to 12 miles southeast of the LMM; within 2 miles each side of the Eglin AFB TACAN 190° radial, extending from the 5-mile radius zone to 4 miles south of the TACAN; within a 3-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'55" N., long. 86°28'20" W.); within 2 miles each side of the extended centerline of the Destin-Fort Walton Beach Airport Runway 14/32, extending from the 3-mile radius zone to 4 miles southeast of the airport.

b. Add the following control zones:

EGLIN AF AUX NO. 9 (HURLBURT FIELD), FLA.

Within a 5-mile radius of Eglin AF Aux No. 9 (Hurlburt Field), (lat. 30°25'40" N., long. 86°41'20" W.); within 2 miles each side of the 287° bearing from the Destin (Eglin AFB) RBN extending from the 5-mile radius zone to 1 mile west of the RBN; and within 2 miles each side of the Eglin AFB TACAN 255° radial extending from the 5-mile radius zone to the Eglin AFB 5-mile radius zone. The portion which coincides with the Eglin AFB control zone is excluded.

EGLIN AF AUX NO. 3 (DUKE FIELD), FLA.

Within a 5-mile radius of Eglin AF Aux No. 3 (Duke Field); (lat. 30°39'00" N., long. 86°-31'21" W.). The portion within a 5-mile radius of Bob Sikes Airport (lat. 30°46'45" N., long. 86°31'10" W.) is excluded. This control zone is effective from 0700 to 1600 hours local time, Monday through Friday.

2. Section 71.181 (34 F.R. 4637, 6076, 8235) is amended as follows:

a. The Eglin AFB, Fla., transition area is amended to read:

EGLIN AFB, FLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Eglin AFB (lat. 30°29'10" N., long. 86°31'-50" W.), within a 9-mile radius of Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'40" N., long. 86°41'20" W.) within an 8-mile radius of Eglin AF Aux No. 3 (Duke Field) (lat. 30°39'00" N., long 86°31'21" W.) within a 5-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'55" N., long. 86°-28'20" W.), excluding the airspace within R-2909 W-151, a 1.5-mile radius of the Fort Walton Beach Airport (lat. 30°24'20" N., long. 86°49'45" W.) and a 9-mile radius of Bob Sikes Airport (lat. 30°46'45" N., long. 86°31'10" W.).

b. In the Florida transition area, delete all between "lat. 30°11'10" N., long. 85°56'00" W.; and "that airspace south of Pensacola, Fla." and substitute "that airspace south of Eglin AFB bounded by a line 3 nautical miles from the shoreline and a line extending from lat. 30°15'00" N., long. 86° 06'15" W., to lat. 30°10'30" N., long. 86°07'30" W., to lat. 30°07'30" N., long. 86°13'00" W., to lat. 30°07'30" N., long. 86°24'00" W., to lat. 30°14'46" N., long. 86°28'40" W., to lat. 30°06'00" N., long. 86°29'50" W., to lat. 30°00'00" N., long. 86°34'00" W., to lat. 30°00'00" N., long. 86°44'00" W., to lat. 30°05'00" N., long. 86°47'58" W., to lat. 30°09'20" N., long. 86°47'58" W., to lat. 30°20'30" N., long. 86°41'00" W.;" therefor.

3. Section 73.29 (34 F.R. 4819) is amended as follows:

a. Restricted Area R-2914 Valparaiso, Fla., is amended to read:

R-2914 VALPARAISO, FLA.

Boundaries: Beginning at lat. 30°43'15" N., long. 86°25'00" W.; to lat. 30°43'45" N., long. 86°10'30" W.; to lat. 30°41'00" N, long. 86°05'10" W.; to lat. 30°24'00" N., long. 85°-56'00" W.; to lat. 30°11'00" N., long. 85°56'-00" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°15'00" N., long. 86°06'15" W., to lat. 30°23'20" N., long. 86°08'10" W.; to lat. 30°30'45" N., long. 86°25'00" W.; to point of beginning, excluding that airspace 5,000 feet MSL and below within a circle with a 1¼-mile radius centered at lat. 30°34'19" N., long. 86°12'56" W.

Designated altitudes: Surface to FL 500.

Time of Designation: Continuous.

Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using agency: Commander, Armament development and Test Center, Eglin AFB, Fla.

b. The following Restricted Areas are added:

R-2918 VALPARAISO, FLA.

Boundaries: Beginning at lat. 30°43'10" N., long. 86°27'37" W., to lat. 30°43'15" N., long. 86°25'00" W., to lat. 30°33'00" N., long. 86°25'00" W., to lat. 30°33'00" N., long. 86° 25'30" W., to lat. 30°37'00" N., long. 86° 25'30" W., to lat. 30°37'00" N., long. 86°27' 37" W., to point of beginning.

Designated altitudes: Surface to FL 500.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

R-2919 VALPARAISO, FLA.

Boundaries: Beginning at lat. 30°30'45" N., long. 86°25'00" W.; to lat. 30°23'20" N., long. 86°08'10" W.; to lat. 30°15'00" N., long. 86° 06'15" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°19'45 " N., long. 86°23'45" W.; to lat. 30°25'00" N., long. 86°22'26" W.; to lat. 30°25'00" N., long. 86° 25'00" W.; to point of beginning.

Designated altitudes: Surface to FL 500.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 24, 1969.

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

[F.R. Doc. 69-9030; Filed, July 31, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

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

[Regulations No. 4, further amended]

PART 404—FEDERAL RETIREMENT, SURVIVORS, AND DISABILITY INSURANCE (1950—)

Subpart D—Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability

MISCELLANEOUS AMENDMENTS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. Section 404.301 is amended to read as follows:

§ 404.301 Types of benefits payable; period of disability; general.

Title II of the Social Security Act provides, if certain conditions are met, for the payment of monthly benefits: to an insured individual retired because of disability or old age; to the wife, divorced wife, husband, and children of an individual entitled to disability or old-age insurance benefits; to the widow, surviving divorced wife, widower, children, and parents of a deceased insured individual. Title II of the Act also provides for the payment of a lump sum upon the death of an insured individual. There is also provision for the establishment, under certain conditions, of a period of disability for a disabled insured individual. Title II also provides for special payments, under certain conditions, for persons at age 72 who are not insured for benefits under the regular or transitional insured status requirements. The following sections of this subpart set out the conditions of eligibility for the various monthly benefits, for the lump-sum death payment, for a period of disability, and for a special payment at age 72, and also describe the events causing termination of entitlement to monthly benefits or a period of disability, and the effect of filing a waiver of benefits pursuant to section 1402(h) of the Internal Revenue Code of 1954 and being granted a tax exemption thereunder. See also Subpart E for regulations relating to deductions from benefits and lump-sum death payments, suspension of benefit payments, and reduction and increase of benefit amounts; Subpart N of this part for circumstances under which benefits may be terminated where entitlement is based upon military service and the individual becomes entitled to another Federal benefit based in whole or in part on such military service; and Subpart O of this part for the effect of entitlement to an annuity or lump sum under the Railroad Retirement Act on entitlement to a monthly benefit or a lump sum under title II of the Social Security Act.

2. Section 404.302 is amended to read as follows:

§ 404.302 Amount of benefit payments.

Ordinarily, a beneficiary is paid the monthly benefit or lump sum to which he is entitled in the amount indicated in the succeeding sections of this subpart. However, in some instances he may be paid more or less than such amount because of the provisions of Subparts E or F of this part. See those subparts for full explanation of the circumstances under which these changes occur. See Subpart E of this part also for conditions under which benefits will not be paid where the individual on whose earnings record benefits are claimed or based is deported, or where a claimant or beneficiary is an alien residing outside the United States or has been convicted of certain offenses. Also see § 404.377 of this subpart for reduction of special payments to persons at age 72 because of eligibility for governmental pension system benefits.

3. Section 404.303 is amended to read as follows:

§ 404.303 Old-age insurance benefits; conditions of entitlement.

An individual is entitled to an old-age insurance benefit if such individual:

(a) Is fully insured (as defined in §§ 404.108–404.113 or § 404.113a(a)); and

(b) Has attained age 62; and

(c) Has filed an application (see Subpart G of this part relating to filing of applications) for old-age insurance benefits, or was entitled to a disability insurance benefit for the month before the month in which the individual attained age 65.

4. Section 404.313 is amended to read as follows:

§ 404.313 Wife's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after August 1965.* The wife (as defined in § 404.1103) and every divorced wife (as defined in § 404.1105(a)) of an individual entitled to old-age or disability insurance benefits is entitled to wife's insurance benefits if she—

(1) Has filed application for wife's insurance benefits (see Subpart G of this part); and

(2) Has attained age 62 or (in the case of a wife) has in her care (see §§ 404.342–404.349) individually or jointly with such individual at the time of filing such application a child, other than a child specified in paragraph (c) of this section, entitled to a child's insurance benefit on the basis of the earnings record of such individual; and

(3) In the case of a divorced wife:

(i) Is not married; and

(ii) At the time specified in paragraph (b) of this section, was receiving at least one-half of her support from such individual (see § 404.350), or was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351(a)), or there was in effect a court order for substantial contributions (see § 404.351(c)) to her support from such individual; and

(4) Is not entitled to old-age or disability insurance benefits based on a primary insurance amount which equals or exceeds one-half of the primary insurance amount of such individual.

(b) *Time when divorced wife must meet the requirement for support, contributions, or court order.* If the individual on whose account benefits are being claimed had a period of disability which did not end before the month in which he became entitled to old-age or disability insurance benefits, the requirement specified in paragraph (a)(3)(ii) of this section must be met

(1) At the beginning of such period of disability, or

(2) At the time he became entitled to disability insurance benefits, or

(3) At the time he became entitled to old-age insurance benefits.

If the individual did not have such a period of disability, the requirement specified in paragraph (a)(3)(ii) must be met at the time he became entitled to old-age insurance benefits.

(c) *Child over 18 is not disabled.* For the purposes of paragraph (a)(2) of this section and § 404.314(a)(5), a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act) which began before he attained age 18 is deemed not entitled to child's insurance benefits for such month, unless he was under such a disability in the third month before such month.

(d) *Conditions of entitlement before September 1965.* A woman is entitled to wife's insurance benefits if she:

(1) Is the wife (as defined in § 404.1103) of a man who is entitled to either old-age or disability insurance benefits; and

(2) Has filed an application (see Subpart G of this part) for wife's insurance benefits; and

(3) Has attained age 62 or, if she has not attained age 62 at the time of her application, has in her care (see §§ 404.342–404.349), individually or jointly with her husband, a child entitled to a child's insurance benefit (see § 404.320) based upon her husband's earnings record; and

(4) Is not entitled to old-age or disability insurance benefits based on a primary insurance amount which equals or exceeds one-half of the primary insurance amount of her husband.

(e) *Applicability of the provisions of this section.* The provisions of paragraphs (a) and (b) of this section apply in determining entitlement to wife's insurance benefits for any month after August 1965 but, in the case of an individual who did not meet the requirements specified in paragraph (d) of this section,

only on the basis of an application filed after June 1965. The provisions of paragraph (d) of this section apply in determining entitlement to wife's insurance benefits for months prior to September 1965.

5. Section 404.314 is amended to read as follows:

§ 404.314 Wife's insurance benefits; duration of entitlement.

(a) *Duration of entitlement after August 1965.* A wife or a divorced wife of an individual entitled to old-age or disability insurance benefits is entitled to a wife's insurance benefit for each month beginning with the first month in which all of the applicable conditions of entitlement described in § 404.313(a) are satisfied. The last month for which she is entitled to such benefit is the month before the first month in which any of the following events occur:

(1) She dies;

(2) Such individual dies;

(3) In the case of a wife, her marriage was terminated by a final divorce and either:

(i) She has not attained age 62, or

(ii) She has attained age 62 but has not been married to such individual for a period of 20 years (as defined in § 404.1105(a)) immediately before the date the divorce became effective;

(4) In the case of a divorced wife, she marries a person other than such individual, except as otherwise provided in paragraph (b) of this section;

(5) In the case of a wife who has not attained age 62, no child of such individual is entitled to a child's insurance benefit (see § 404.313(c));

(6) She becomes entitled to an old-age or disability insurance benefit based on a primary insurance amount which is equal to or exceeds one-half of the primary insurance amount of such individual; or

(7) Such individual is not entitled to old-age or disability insurance benefits;

(8) In the case of a woman entitled to wife's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the individual upon whose earnings record such benefit is based:

(i) She enters into a valid marriage with someone other than such individual; or

(ii) Another woman is certified for entitlement to wife's insurance benefits based on such individual's earnings record and such other woman is the wife (or is deemed to be the wife) of such individual under the provisions of section 216(h)(1)(A) of the Act.

(b) *Remarriage of a divorced wife.* If a divorced wife entitled to wife's insurance benefits marries an individual entitled to widower's or parent's insurance benefits, such divorced wife's entitlement to wife's insurance benefits is not terminated by reason of such marriage. If a divorced wife who is entitled to wife's insurance benefits marries an individual who has attained the age of 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 18 or had been under such a disability in the third month before the month in which such marriage occurred, such divorced wife's entitlement to wife's insurance benefits is not terminated by reason of such marriage; except that her entitlement to such benefits will end with the last month for which such individual is entitled to child's insurance benefits, provided his entitlement ends for a reason other than death.

(c) *Duration of entitlement before September 1965.* A woman is entitled to a wife's insurance benefit for each month beginning with the first month in which all of the applicable conditions in § 404.313(d) are satisfied. The last month for which she is entitled to such benefit is the month before the first month in which any of the events specified in paragraph (a) of this section occurs or her marriage is terminated.

(d) *Applicability of provisions of this section.* The provisions of paragraphs (a) and (b) of this section apply with respect to the duration of wife's insurance benefits for months after August 1965. The provisions of paragraph (c) of this section apply with respect to the duration of wife's insurance benefits for months prior to September 1965.

6. Section 404.315 is amended to read as follows:

§ 404.315 Wife's insurance benefits; rate of benefit.

The amount of a wife's insurance benefit for any month is equal to one-half of the husband's (or former husband's) primary insurance amount or $105, whichever is the smaller amount, except as provided in § 404.113a(b). However, such wife's insurance benefit may be reduced by a specified percentage, as provided in section 202(q) of the Act, for each month in which she is at least age 62 and under age 65.

7. Section 404.316 is amended to read as follows:

§ 404.316 Husband's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after January 1968.* A husband (as defined in § 404.1106) of an individual entitled to old-age or disability insurance benefits is entitled to husband's insurance benefits if he—

(1) Has filed application for husband's insurance benefits (see Subpart G of this part relating to filing of applications); and

(2) Has attained age 62; and

(3) Was receiving (except as provided in paragraph (c) of this section) at least one-half of his support (as defined in § 404.350) from his wife at a time specified in § 404.319 and, within a 2-year period specified in § 404.319(c), submitted evidence that he was receiving such support; and

(4) Is not entitled to old-age or disability insurance benefits based on a primary insurance amount which equals or exceeds one-half of the primary insurance amount of such individual.

(b) *Conditions of entitlement before February 1968.* A husband (as defined in § 404.1106) of an individual entitled to old-age or disability insurance benefits is entitled to husband's insurance benefits if he meets all of the requirements specified in paragraph (a) of this section, as applicable, and such individual (except as provided in paragraph (c) of this section) is currently insured as defined in Subpart B of this part.

(c) *When the "currently insured" and "one-half support" conditions for entitlement do not apply.* The "currently insured" and "one-half support" requirements do not apply in determining whether a man is entitled to husband's insurance benefits if in the month before the month of his marriage to his wife, on whose earnings record he is claiming husband's insurance benefits, he (based on the earnings record of a third party):

(1) Was entitled to widower's or parent's insurance benefits or he met all the requirements for entitlement to widower's or parent's insurance benefits other than filing an application or attainment of age 62 (age 65 for months before August 1961); or

(2) Had attained age 18 and was entitled to child's insurance benefits (based on disability), or he met all the requirements for entitlement to child's insurance benefits (based on disability) other than filing an application; or

(3) Was entitled under the Railroad Retirement Act to a widower's, child's (after attainment of age 18), or parent's insurance annuity or he met all requirements for entitlement to such a benefit other than filing an application or attainment of the required age (if any). (This subparagraph (3) is effective for benefits for months after August 1965, but only on the basis of an application filed after June 1965.)

(d) *Applicability of the provisions of paragraph (a).* The provisions of paragraph (a) of this section apply in determining entitlement to husband's insurance benefits for any month after January 1968 but only on the basis of an application filed in or after January 1968.

8. Section 404.318 is amended to read as follows:

§ 404.318 Husband's insurance benefits; rate of benefit.

The amount of the husband's insurance benefit for any month is equal to one-half of his wife's primary insurance amount or $105, whichever is the smaller amount. However, such husband's insurance benefit may be reduced by a specified percentage, as provided in section 202(q) of the Act, for each month in which he is at least age 62 and under age 65.

9. Paragraph (c)(4) of § 404.319 is amended to read as follows:

§ 404.319 Husband's insurance benefits; time at which support requirement must be met; period within which evidence must be filed.

* * * * *

(c) *Period within which evidence must be filed establishing that requirement is*

met. For the purposes of entitlement to husband's insurance benefits, evidence establishing that the husband was receiving at least one-half his support from his wife must be filed within a specified 2-year period determined as follows:

* * * * *

(4) Notwithstanding the provisions of subparagraphs (1), (2), and (3) of this paragraph:

(i) In any case in which there would not be entitlement to husband's insurance benefits except for enactment of the Social Security Amendments of 1960, and the time at which the support requirement was met (determined in accordance with paragraph (a) or (b) of this section) occurred before September 1960, evidence of such support may be filed within the 2 years after September 1960; and

(ii) In any case in which there would not be entitlement to husband's insurance benefits except for enactment of the Social Security Amendments of 1967, and the time at which the support requirement was met (determined in accordance with paragraph (a) or (b) of this section) occurred before January 1968, evidence of such support may be filed within the 2 years after February 1968.

10. Section 404.326 is amended to read as follows:

§ 404.326 Child's insurance benefits; dependency upon stepfather or stepmother.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, a child is deemed dependent upon his stepfather or stepmother at the time specified in § 404.323 if at such time the child was living with or receiving at least one-half his support from such stepparent.

(b) *Dependency upon stepmother before February 1968.* The provision of paragraph (a) of this section relating to dependency upon a stepmother applies to benefits for months after January 1968 but only on the basis of an application for child's insurance benefits filed in or after January 1968. For benefits for months after August 1958 and before February 1968, a child is deemed dependent upon his stepmother only if the test described in either § 404.327(b)(1) or (2) is met.

(c) *Dependency upon stepfather or stepmother before September 1958.* For benefits for months after December 1956 and before September 1958, based on an application filed after September 1956, a child age 18 or older and under a disability which began before age 18, is deemed dependent upon his stepfather or stepmother only if either of the tests described in § 404.325(c)(2) is met.

11. Section 404.327 is amended to read as follows:

§ 404.327 Child's insurance benefits; dependency upon mother or adopting mother.

(a) *Months after January 1968.* For benefits for months after January 1968, but only on the basis of an application filed in or after January 1968, a child is deemed dependent upon his mother or adopting mother if, at the time determined under the provisions of § 404.323(a):

(1) The parent was living with the child; or

(2) The parent was contributing to the support of the child; or

(3) The child is the legitimate or legally adopted child of such individual and has not been legally adopted by some other person. For purposes of this paragraph, a child who is deemed to be a child of an individual under the criteria in § 404.1101(c)(1), or under the criteria in § 404.1101(d), is deemed to be the legitimate child of such individual.

(b) *Months after August 1958 and before February 1968.* For benefits for months after August 1958 and before February 1968, a child is deemed dependent upon his mother or adopting mother at the time specified in § 404.323 if at such time such parent:

(1) Was contributing at least one-half of the child's support; or

(2) Was living with the child or contributing to the child's support and the child was neither living with nor receiving contributions toward his support from his father or adopting father; or

(3) Is the child's natural or legally adopting mother and is currently insured.

(c) *Months after December 1956 and before September 1958; child age 18 or over.* For benefits for months after December 1956 and before September 1958, based on application filed after September 1956, a child age 18 or older and under a disability which began before age 18 is deemed dependent upon his mother or adopting mother only if either of the tests described in § 404.325(c)(2) is met.

12. Section 404.328 is amended to read as follows:

§ 404.328 Widow's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after August 1965.* The widow (as defined in § 404.1104) and every surviving divorced wife (as defined in § 404.1105(b)) of an individual who died fully insured is entitled to widow's insurance benefits if she:

(1) Is not married (except as provided in paragraph (d) of this section); and

(2) Has filed application for widow's insurance benefits (see Subpart G of this part), or was entitled, after having attained age 62, to a wife's insurance benefit on the basis of the earnings record of such individual for the month preceding the month in which he died, or was entitled to a mother's insurance benefit on the basis of such earnings record for the month preceding the month in which she attained age 62; and

(3) (i) Has attained age 60, or

(ii) For benefits for months after January 1968, but only on the basis of an application filed in or after January 1968, has attained age 50 but is under age 60 and (*a*) is under a disability as defined in section 223(d) of the Act which began during the period specified in paragraph (e)(1) of this section, and (*b*) has been under such disability throughout the waiting period as defined in paragraph (e)(2) of this section where such period is required; and

(4) Is not entitled to old-age insurance benefits or is entitled to an old-age insurance benefit which is less than 82½ percent of the primary insurance amount of such deceased individual; and

(5) In the case of a surviving divorced wife who was not entitled to a wife's insurance benefit on the basis of the earnings record of such individual for the month preceding the month in which he died, at the time specified in paragraph (b) of this section, (i) she was receiving at least one-half of her support from such individual (see § 404.350), or (ii) she was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351(a)), or (iii) there was in effect a court order for substantial contributions to her support from such individual (see § 404.351(c)).

(b) *Time when surviving divorced wife must meet the requirement for support, contributions, or court order.* The requirement specified in paragraph (a)(5) of this section for receipt of one-half support or substantial contributions or that there be in effect a court order for substantial contributions, whichever is appropriate, must be met:

(1) At the time of death of the insured individual, or

(2) At the time such individual became entitled to old-age insurance benefits, or

(3) At the time such individual became entitled to disability insurance benefits, or

(4) At the time a period of disability began provided that such period did not end before death or entitlement to disability or old-age insurance benefits.

(c) *Conditions of entitlement before September 1965.* A woman is entitled to widow's insurance benefits if she:

(1) Is the widow (see § 404.1104) of an individual who died fully insured (see §§ 404.108–404.113); and

(2) Has attained age 62; and

(3) Has not remarried since the individual's death (except as provided in paragraph (d) of this section); and

(4) Is not entitled to an old-age insurance benefit which equals or exceeds the amount of the widow's insurance benefit as determined in accordance with § 404.330(a); and

(5) Has filed application (see Subpart G of this part) for widow's insurance benefits, or was entitled on the same earnings record to a mother's insurance benefit for the month before the month in which she attained age 62, or was entitled after attainment of age 62 to a wife's insurance benefit for the month before the month in which the insured individual died.

(d) *When remarriage not bar to entitlement or reentitlement.* (1) For purposes of paragraph (a)(1) of this section, a remarriage is deemed not to have occurred if a widow remarries after attainment of age 60 (see § 404.330(c)).

(2) For purposes of paragraph (c)(3) of this section, a remarriage is deemed not to have occurred if such marriage is terminated by the husband's death within 1 year of the date of the marriage and he was not then fully insured at the time of death.

(3) A woman may reestablish entitlement to widow's insurance benefits after August 1965 if such entitlement was terminated because of her remarriage (see § 404.329(c)), if such remarriage occurred as described in subparagraph (1) of this paragraph or such remarriage terminated under the conditions described in subparagraph (2) of this paragraph and subsequently she again meets the conditions described in paragraphs (a) and (b) of this section, as applicable, for entitlement to widow's insurance benefits on her prior deceased husband's earnings.

(e) *Widow's entitlement based on disability*—(1) *When disability must begin.* For the purposes of paragraph (a)(3)(ii) of this section a widow or surviving divorced wife must be under age 60 and be under a disability as defined in section 223(d) of the Act which began before the month she attained age 60 or, if earlier, before the close of the 84th month following the latest of

(i) The month in which the wage earner died, or

(ii) The last month for which she was entitled to a mother's insurance benefit on the basis of the earnings of such individual, or

(iii) The month in which a previous entitlement to widow's insurance benefits on the basis of the earnings record of such individual terminated because her disability had ceased.

(2) *"Waiting period" defined.* The "waiting period," for purposes of entitlement of a widow or surviving divorced wife by virtue of a disability, is the earliest period of six full consecutive calendar months throughout which she was under a disability and which began no earlier than the later of—

(i) The first day of the 18th month before the month in which she files application for widow's insurance benefits, or

(ii) The first day of the sixth month before the month in which the period described in subparagraph (1) of this paragraph began.

Months in which a widow was disabled before the month of the wage earner's death, and such months before the month of termination of entitlement to mother's insurance benefits may be counted as months in the waiting period if they otherwise meet the requirements of subdivisions (i) and (ii) of this subparagraph as applicable. If the widow was previously entitled to a widow's insurance benefit based on disability, entitlement to which benefit terminated prior to the month in which she again becomes disabled, a waiting period is not required if she again becomes disable and meets all other requirements for entitlement. For purposes of this subparagraph, where the widow's disability begins on the first day of the month and continues through the last day of the month, such month is considered as a full calendar month.

(f) *Applicability of the provisions of this section.* The provisions of paragraphs (a) and (b) (except paragraph (a)(3)(ii)) of this section apply in determining entitlement to widow's insurance benefits for any month after August 1965 but, in the case of an individual who was not entitled to a widow's insurance benefit for August 1965 and did not meet the requirements of paragraph (c) of this section, only on the basis of an application filed after June 1965. The provisions of paragraphs (a)(3)(ii) and (e) of this section apply in determining entitlement to widow's insurance benefits for any month after January 1968 but only on the basis of an application filed in or after January 1968. The provisions of paragraph (c) of this section apply in determining entitlement to widow's insurance benefits for months prior to September 1965.

13. Section 404.329 is amended to read as follows:

§ 404.329 Widow's insurance benefits; duration of entitlement.

(a) *Duration of entitlement after August 1965.* A widow or surviving divorced wife is entitled to widow's insurance benefits beginning with the first month in which all the conditions of entitlement described in § 404.328(a) are satisfied and ending with the month before the first month in which any of the following events occurs:

(1) She dies; or

(2) She remarries (except as provided in paragraph (b) of this section); or

(3) She becomes entitled to an old-age insurance benefit which is equal to or exceeds the amount of the widow's insurance benefit as determined in accordance with § 404.330(a); or

(4) In the case of a woman entitled to widow's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another woman is certified for entitlement to widow's insurance benefits based on such deceased individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act; or

(5) If she is married to a person age 18 or over, under a disability, and entitled to child's insurance benefits, her husband's entitlement to such benefits (see paragraph (b) of this section) terminates for a reason other than his death; or

(6) In the case of a woman entitled to benefits prior to age 60, the third month after her disability ceases provided that she has not attained age 62 in such month.

(b) *Effect of remarriage on entitlement after August 1965.* (1) A widow or surviving divorced wife's entitlement to widow's insurance benefits is not terminated by reason of her remarriage to a man who is entitled to widower's or parent's insurance benefits, or to a man who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 18 or had been under such a disability in the third month before the month in which such marriage occurred.

(2) A widow's entitlement to widow's insurance benefits is not terminated by reason of her marriage after attainment of age 60. However, if the marriage is to a man not entitled to any of the benefits described in subparagraph (1) of this paragraph, beginning with the month in which such marriage occurs and each month thereafter prior to termination of such marriage, the amount of the widow's insurance benefits is determined in accordance with § 404.330(c).

(3) If a surviving divorced wife entitled to widow's insurance benefits marries a man not entitled to any of the benefits described in subparagraph (1) of this paragraph, her entitlement to that benefit is terminated effective with the month of the remarriage. Upon termination of the subsequent marriage she may become reentitled to widow's insurance benefits provided all other conditions of entitlement are satisfied (see § 404.328(a)).

(c) *Duration of entitlement before September 1965.* A woman is entitled to a widow's insurance benefit beginning with the first month all of the conditions in § 404.328(c) are satisfied. The last month for which she is entitled to such benefit is the month before the month any of the following events occur:

(1) She dies; or

(2) She remarries (except as provided in paragraph (d) of this section); or

(3) She becomes entitled to an old-age insurance benefit which is equal to or exceeds the widow's insurance benefit as determined in accordance with § 404.330(a); or

(4) In the case of a woman entitled to widow's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another woman is certified for entitlement to widow's insurance benefits based on such individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act; or

(5) If she is married to a person who is age 18 or over, under a disability which began before attainment of age 18, and who is entitled to child's insurance benefits, her husband's entitlement to such benefits (see paragraph (d) of this section) terminates for a reason other than his death.

(d) *When remarriage will not terminate entitlement before September 1965.* A woman's entitlement to widow's insurance benefits is not terminated by her remarriage if the man she marries:

(1) Is entitled to widower's or parent's insurance benefits; or

(2) Is age 18 or over, under a disability (as defined in section 223(d) of the Act) which began before age 18, and is entitled to child's insurance benefits.

(e) *Applicability of the provisions of this section.* The provisions of paragraphs (a) and (b) (except paragraph (a)(6)) of this section apply with respect to benefits after August 1965 provided that in the case of a widow or surviving divorced wife who did not meet the requirements of § 404.328(c) and was not entitled to a widow's insurance benefit for August 1965, an application for such benefit is filed after June 1965. The provision of paragraph (a)(6) of this section applies with respect to benefits after January 1968 provided that an application for such benefits is filed in or after January 1968. The provisions of paragraph (d) of this section apply with respect to widow's insurance benefits for months prior to September 1965, and with respect to such benefits for months after August 1965 where paragraphs (a) and (b) of this section do not apply.

14. Section 404.330 is amended to read as follows:

§ 404.330 Widow's insurance benefits; rate of benefit.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, the amount of the widow's insurance benefit for any month is equal to 82½ percent of the primary insurance amount of the deceased individual upon whose earnings record such benefit is based. (See § 404.113(c) for benefit rate under transitional insured status provision and § 404.352 for minimum survivor's insurance benefit rate.)

(b) *Entitlement before age 62 benefit rate.* If a woman becomes entitled to widow's insurance benefits for months before attainment of age 62, the amount of such benefit for each such month is equal to 82½ percent of the primary insurance amount of the deceased individual upon whose earnings record such benefit is based reduced in accordance with the provisions of section 202(q)(1) of the Act.

(c) *Benefit rate after remarriage.* If after entitlement on the deceased individual's earnings record, and after attaining age 60, a widow marries a man who is not entitled to widower's, parent's, or child's insurance benefits, the widow's insurance benefit is equal to one-half of the primary insurance amount of the deceased individual on whose earnings record her benefit is based or for benefits for months after January 1968, $105, whichever is the smaller amount. This paragraph is effective for benefits for months after August 1965.

15. Subparagraphs (1), (3), and (4) of paragraph (a) and paragraph (b) of § 404.331 are revised and paragraph (c) is added to read as follows:

§ 404.331 Widower's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement.* A man is entitled to widower's insurance benefits if:

(1) His wife was, at her death, fully insured (see §§ 404.108–404.113) and, for benefits for months before February 1968, was currently insured except as provided in paragraph (b) of this section; and

* * * * *

(3) (i) He has attained age 62, or

(ii) For benefits for months after January 1968, but only on the basis of an application filed in or after January 1968, has attained age 50 but is under age 62 and (*a*) is under a disability as defined in section 223(d) of the Act which began during the period specified in paragraph (c)(1) of this section, and (*b*) has been under such disability throughout the waiting period as defined in paragraph (c)(2) of this section where such period is required; and

(4) He has not remarried since the death of his wife, except that if he remarries after attaining age 62 the marriage is deemed not to have occurred for purposes of determining if he is entitled to widower's insurance benefits for months after August 1965 provided that he was entitled to such benefits for the month of August 1965 or an application for such benefits was filed after June 1965; and

* * * * *

(b) *Conditions under which "one-half support" and "currently insured" requirements do not apply.* The "one-half support" requirement and, for benefits for months before February 1968, the "currently insured" requirement do not apply in determining whether a man is entitled to widower's insurance benefits if in the month before the month of his marriage to his deceased wife on whose earnings record he is claiming such benefits he (based on the earnings record of a third party):

(1) Was entitled to widower's or parent's insurance benefits or met all requirements for entitlement to such benefits other than filing an application or attainment of age 62; or

(2) Had attained age 18 and was entitled to child's insurance benefits (based on disability), or met all requirements for entitlement to such benefits (based on disability) other than filing an application; or

(3) Was entitled under the Railroad Retirement Act to a widower's, child's (after attainment of age 18), or parent's insurance annuity or met all requirements for entitlement to such an annuity other than filing an application or attainment of the required age (if any). (This subparagraph is effective for benefits for months after August 1965, but only on the basis of an application filed after June 1965.)

(c) *Widower's entitlement based on disability.* (1) *When disability must begin.* For the purposes of paragraph (a)(3)(ii) of this section a widower must be under age 62 and under a disability as defined in section 223(d) of the Act which began before the month he attained age 62, or if earlier before the close of the 84th month following the latest of

(i) The month in which the wage earner died, or

(ii) The month in which a previous entitlement to widower's insurance benefits on the basis of the earnings record of such individual terminated because his disability had ceased.

(2) *"Waiting period" defined.* The "waiting period," for the purposes of entitlement of a widower by virtue of a disability, is the earliest period of six full consecutive calendar months throughout which he was under a disability and which began no earlier than the later of

(i) The first day of the 18th month before the month in which he files application for widower's insurance benefits, or

(ii) The first day of the sixth month before the month in which the period described in subparagraph (1) of this paragraph began.

Months in which a widower was disabled before the month of the wage earner's death may be counted as months in the waiting period if they otherwise meet the requirements of subdivision (i) or (ii) of this subparagraph, as applicable. If the widower was previously entitled to a widower's insurance benefit based on disability, entitlement to which benefit terminated prior to the month in which he again becomes disabled, a waiting period is not required if he again becomes disabled and meets all other requirements for entitlement. For purposes of this subparagraph, where the widower's disability begins on the first day of the month and continues through the last day of the month, such month is considered a full calendar month.

16. Section 404.332 is amended to read as follows:

§ 404.332 Widower's insurance benefits; duration of entitlement.

(a) *General.* A man is entitled to widower's insurance benefits beginning with the first month in which all the conditions of entitlement described in § 404.331(a) are satisfied and ending with the month before the first month in which any of the following events occurs:

(1) He dies; or

(2) He remarries (except as provided in paragraph (b) of this section); or

(3) He becomes entitled to an old-age insurance benefit which is equal to or exceeds the amount of the widower's insurance benefit as determined in accordance with § 404.333(a); or

(4) In the case of a man entitled to widower's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another man is certified for entitlement to widower's insurance benefits based on such deceased individual's earnings record and such other man is the widower (or is deemed to be the widower) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act; or

(5) In the case of a man entitled to widower's insurance benefits prior to age 62, the third month after his disability had ceased provided that he had not attained age 62 in such month.

(b) *Effect of remarriage on entitlement to benefits.* (1) A widower's entitlement to widower's insurance benefits

is not terminated by reason of his subsequent marriage to a woman entitled to wife's (after August 1965), widow's, mother's, or parent's insurance benefits, or who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 18 or had been under such a disability in the third month before the month in which such marriage occurred.

(2) A widower's entitlement to widower's insurance benefits is not terminated by reason of his remarriage after attainment of age 62 to a woman not entitled to any of the benefits described in subparagraph (1) of this paragraph. However, beginning with the month in which such marriage occurs and each month thereafter prior to termination of such marriage, the amount of the widower's benefit is determined in accordance with § 404.333(b). (This subparagraph is applicable to benefits for months after August 1965, but in the case of an individual who was not entitled to a widower's insurance benefit for August 1965, only on the basis of an application filed after June 1965.)

17. Section 404.333 is amended to read as follows:

§ 404.333 Widower's insurance benefits; rate of benefit.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section the amount of the widower's insurance benefit for any month is equal to 82½ percent of the primary insurance amount of his deceased wife upon whose earnings record such benefit is based. (See § 404.352 for minimum survivor's insurance benefit rate.)

(b) *Entitlement before age 62 benefit rate.* If a man becomes entitled to widower's insurance benefits for months after he attains age 50 and before attainment of age 62, the amount of such benefit for each such month is equal to 82½ percent of the primary insurance amount of his deceased wife upon whose earnings record such benefit is based reduced in accordance with the provisions of section 202(q)(1) of the Act.

(c) *Remarriage after age 62.* If a widower, after attainment of age 62, marries a woman not entitled to wife's, widow's, mother's, or parent's insurance benefits or child's insurance benefits the amount of the widower's insurance benefit, for any month beginning with the month in which such marriage occurs and for each month thereafter through the month prior to the month the marriage is terminated, is equal to one-half of the primary insurance amount of the deceased wife upon whose earnings record the widower's insurance benefits is based or for benefits for months after January 1968, $105, whichever is the smaller amount. (This paragraph is applicable to benefits for months after August 1965, but in the case of an individual who was not entitled to a widower's insurance benefit for August 1965, only on the basis of an application filed after June 1965.)

18. Paragraph (c)(5) of § 404.334 is amended to read as follows:

§ 404.334 Widower's insurance benefits; time at which support requirement must be met; period within which evidence must be filed.

* * * * *

(c) *Period within which evidence of support must be filed.* For purposes of entitlement to widower's insurance benefits, evidence that the widower was receiving at least one-half his support from his deceased wife must be filed with the Administration within a specified 2-year period determined as follows:

* * * * *

(5) Notwithstanding the provisions of subparagraphs (1), (2), (3), and (4) of this paragraph:

(i) In any case in which there would not be entitlement to widower's insurance benefits except for enactment of the Social Security Amendments of 1960, and the time at which the support requirement was met occurred before September 1960, evidence of such support may be filed within the 2 years after September 1960; and

(ii) In any case in which there would not be entitlement to widower's insurance benefits except for enactment of the Social Security Amendments of 1961, and the time at which the support requirement was met occurred before September 1960, evidence of such support may be filed within the 2-year period beginning on August 1, 1961; and

(iii) In any case in which there would not be entitlement to widower's insurance benefits except for enactment of the Social Security Amendments of 1967, and the time at which the support requirement was met occurred before January 1968, evidence of such support may be filed within the 2 years after February 1968.

19. Section 404.335 is amended to read as follows:

§ 404.335 Mother's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after August 1965.* The widow and every surviving divorced mother (as defined in § 404.1105(c)) of an individual who died fully or currently insured is entitled to mother's insurance benefits if she:

(1) Has filed application for mother's insurance benefits, or was entitled to wife's insurance benefits on the basis of the earnings record of such individual for the month preceding the month in which he died; and

(2) At the time of filing such application had in her care a child of such individual entitled to child's insurance benefits (see paragraph (b) of this section); and

(3) Is not married; and

(4) Is not entitled to a widow's insurance benefit; and

(5) Is not entitled to old-age insurance benefits, or is entitled to an old-age insurance benefit which is less than three-fourths of the primary insurance amount of such inidividual; and

(6) In the case of a surviving divorced mother—

(i) The child referred to in subparagraph (2) of this paragraph is her son, daughter, or legally adopted child, and

(ii) The benefits referred to in such subparagraph are payable on the basis of such individual's earnings record, and

(iii) She was receiving at least one-half of her support from such individual (see § 404.350), or was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351(a)), or there was in effect a court order for substantial contributions to her support from such individual (see § 404.351(c)) at the time of his death, or if he had a period of disability which did not end before the month in which he died, at the time such period began.

(b) *Child over 18 not disabled.* For the purposes of paragraph (a)(2) of this section a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act) which began before he attained age 18, shall be deemed not entitled to child's insurance benefits, unless he was under such a disability in the third month before such month.

(c) *Conditions of entitlement before September 1965.* A widow or former wife divorced of an individual who died fully or currently insured is entitled to mother's insurance benefits if she:

(1) Has filed application (see Subpart G of this part) for mother's insurance benefits or, in the month before the month in which such individual died, she was entitled to a wife's insurance benefit on the basis of the earnings record of such individual; and

(2) Has not remarried (except as provided in paragraph (d) of this section); and

(3) Is the widow or former wife divorced as defined in section 216(d) of the Act as in effect prior to the Social Security Amendments of 1965 (Public Law 89-97), of such individual; and

(4) Is not entitled to a widow's insurance benefit; and

(5) Is not entitled to an old-age insurance benefit which is equal to or exceeds 75 percent of the primary insurance amount of such individual; and

(6) In the case of a widow, she has in her care at the time of filing application for mother's insurance benefits, a child of such individual entitled to child's insurance benefits; and

(7) In the case of the former wife divorced—

(i) She has in her care at the time of filing, a child of such individual entitled to child's insurance benefits on the basis of such individual's earnings record and such child is her son, daughter, or legally adopted child; and

(ii) She was receiving at least one-half of her support pursuant to agreement or court order (see § 404.351 (b) and (d)) from such individual at the time of his death or if he had a period of disability established which did not end before the month in which he died, at the time such period began.

(d) *Effect of remarriage on entitlement or reentitlement.* (1) For the purposes of paragraph (c)(2) of this section, a remarriage is deemed not to have occurred if the subsequent marriage is terminated by the husband's death and the widow or former wife divorced is not or upon filing an application would not be entitled to a benefit for the month in which he dies on the basis of his earnings record.

(2) A widow or former wife divorced may become reentitled to mother's insurance benefits after such entitlement was terminated because of her remarriage (see § 404.336(a)(2)) if such remarriage terminates under the conditions described in subparagraph (1) of this paragraph and subsequent to such termination she again meets the conditions described in paragraph (c) of this section for entitlement to mother's insurance benefits on the deceased individual's earnings record, including the filing of an application for such benefits.

(3) Benefits are payable under the provisions of subparagraph (1) or (2) of this paragraph beginning with the month of termination of the subsequent marriage but not prior to 12 months before filing or refiling for mother's insurance benefits.

(e) *Applicability of the provisions of this section.* The provisions of paragraph (a) of this section apply in determining entitlement to mother's insurance benefits for months after August 1965, but, in the case of an individual who was not entitled to a mother's insurance benefit for August 1965 and who did not meet the requirements of paragraph (c) of this section, only on the basis of an application filed after June 1965. The provisions of paragraph (b) of this section, relating to a child over 18 and not disabled, apply only on the basis of an application filed after June 1965. The provisions of paragraphs (c) and (d) of this section apply in determining entitlement to mother's insurance benefits for months prior to September 1965 and, in the case of an individual who was not entitled to a mother's insurance benefit for August 1965, for months thereafter except where entitlement to such benefits is based on an application filed after June 1965.

20. Section 404.336 is amended to read as follows:

§ 404.336 Mother's insurance benefits; duration of entitlement.

(a) *Duration of entitlement after August 1965.* The widow or surviving divorced wife of a deceased individual is entitled to a mother's insurance benefit for each month beginning with the first month in which all the conditions of entitlement described in § 404.335(a) are satisfied. The last month for which she is entitled to such benefits is the month before the first month in which any one of the following events occurs:

(1) She dies; or

(2) She remarries (except as provided in paragraph (b) of this section); or

(3) She becomes entitled to an old-age insurance benefit which is equal to or exceeds the amount of the mother's insurance benefit as determined in accordance with § 404.337; or

(4) She becomes entitled to a widow's insurance benefit; or

(5) No child of the deceased individual is entitled to a child's insurance benefit (see paragraph (c) of this section); or

(6) In the case of a surviving divorced mother, no son, daughter, or legally adopted child of such surviving divorced mother is entitled to child's insurance benefits (see paragraph (c) of this section) based on the deceased individual's earnings record; or

(7) If she is married to a person age 18 or older who is under a disability (as defined in section 223(d) of the Act) and who is entitled to child's insurance benefits (see paragraphs (b) and (c) of this section), her husband's entitlement to such benefits terminates for a reason other than his death; or

(8) If she is married to a person entitled to disability insurance benefits (see paragraph (b) of this section), her husband's entitlement to such benefits terminates for a reason other than his death or his entitlement to old-age insurance benefits; or

(9) In the case of a woman entitled to mother's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another woman is certified for entitlement to mother's insurance benefits based on such deceased individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act.

(b) *Effect of remarriage after August 1965.* For purposes of paragraph (a)(2) of this section:

(1) A woman or surviving divorced mother's entitlement to mother's insurance benefits is not terminated by reason of her remarriage to a man entitled to old-age, widower's, parent's, or disability insurance benefits, or to a man who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 18 or had been under such a disability in the third month before the month in which such marriage occurred.

(2) If a widow or surviving divorced mother marries a man not entitled to any of the benefits enumerated in subparagraph (1) of this paragraph, and consequently her entitlement to mother's insurance benefits is terminated, she may become reentitled to such benefits upon termination of the later marriage for any reason, provided all other conditions of entitlement are satisfied.

(c) *Child over 18 not disabled.* For purposes of paragraph (a)(5) of this section, a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act) which began before he attained age 18, shall be deemed not entitled to child's insurance benefits, unless he was under such a disability in the third month before such month.

(d) *Duration of entitlement before September 1965.* A widow or former wife divorced is entitled to mother's insurance benefits beginning with the first month in which all of the conditions in § 404.335(c) are satisfied and ending with the month before the month in which any of the following events occurs:

(1) She dies, or

(2) She remarries (except as provided in paragraph (e) of this section); or

(3) She becomes entitled to a widow's insurance benefit; or

(4) She becomes entitled to an old-age insurance benefit which is equal to or exceeds the amount of the mother's insurance benefit; or

(5) No child of the deceased individual is entitled to a child's insurance benefit; or

(6) In the case of a former wife divorced, no child or legally adopted child of hers is entitled to a child's insurance benefit based on the earnings record of the deceased individual; or

(7) If she is married to a person age 18 or over who is under a disability as defined in section 223(d) of the Act and who is entitled to a child's insurance benefit (see paragraph (e) of this section), her husband's entitlement to such benefit terminates for a reason other than his death; or

(8) If she is married to a man entitled to disability insurance benefits (see paragraph (e) of this section), her husband's entitlement to such benefit terminates for a reason other than his death or entitlement to old-age insurance benefits; or

(9) In the case of a widow entitled to a mother's insurance benefit based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another woman is certified for entitlement to mother's insurance benefits based on such deceased individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act.

(e) *Effect of remarriage before September 1965.* For purposes of paragraph (d)(2) of this section, a woman's entitlement to mother's insurance benefits is not terminated by her remarriage if the man she marries is entitled to old-age, disability, widower's, or parent's insurance benefits, or if he is age 18 or over and is under a disability (as defined in section 223 of the Act) and is entitled to child's insurance benefits. However, see subparagraphs (7) and (8) of paragraph (d) of this section for termination because of a subsequent occurrence.

(f) *Applicability of provisions of this section.* The provisions of paragraphs (a), (b), and (c) of this section apply with respect to mother's insurance benefits for months after August 1965 provided that in the case of an individual not entitled to mother's insurance benefits in August 1965, an application for such benefits is filed after June 1965. The provisions of paragraphs (d) and (e) of this section apply with respect to mother's insurance benefits for months prior

to September 1965 and with respect to benefits for months after August 1965 if paragraphs (a), (b), and (c) of this section do not apply.

21. Section 404.338 is amended to read as follows:

§ 404.338 Parent's insurance benefits; conditions of entitlement.

A man or woman is entitled to parent's insurance benefits if such person:

(a) Is the parent (as defined in § 404.1110) of an individual who was fully insured (see §§ 404.108–404.113) at the time of death; and

(b) Has attained age 62; and

(c) Has not married since the insured individual's death (see § 404.339(b) relating to remarriage after entitlement); and

(d) Is not entitled to an old-age insurance benefit which equals or exceeds the amount of the parent's insurance benefit as determined in accordance with § 404.340; and

(e) Has filed application (see Subpart G of this part) for parent's insurance benefits; and

(f) Was receiving at least one-half support (see § 404.350) from the deceased insured individual at a time specified in § 404.341(a) and submitted proof of such support within a 2-year period specified in § 404.341(b).

22. Section 404.339 is amended to read as follows:

§ 404.339 Parent's insurance benefits; duration of entitlement.

(a) *General.* A parent is entitled to parent's insurance benefits beginning with the month all of the conditions of entitlement described in § 404.338 are met. The last month for which a parent is entitled to parent's insurance benefits is the month before the month in which any of the following events occurs:

(1) The parent dies; or

(2) The parent marries (except as provided in paragraph (b) of this section); or

(3) The parent becomes entitled to an old-age insurance benefit which equals or exceeds the amount of the parent's insurance benefit as determined in accordance with § 404.340; or

(4) In the case of a woman entitled to parent's insurance benefits who is married to a man age 18 or over and entitled to a child's insurance benefit (based on disability), her husband's entitlement to such benefit terminates for a reason other than his death.

(b) *Effect of remarriage on entitlement to benefits.* A parent's entitlement to parent's insurance benefits is not terminated by marriage to an individual entitled to wife's, widow's, widower's, mother's, or parent's insurance benefits, or to an individual who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 18 or had been under such a disability in the third month before the month in which such marriage occurred. The provision relating to marriage to an individual entitled to wife's insurance benefits applies with respect to parent's insurance benefits after August 1965 but, if the parent was not entitled to a parent's insurance benefit for August 1965, only on the basis of an application filed after June 1965.

23. Section 404.340 is amended to read as follows:

§ 404.340 Parent's insurance benefits; rate of benefit.

(a) *General.* The amount of the parent's insurance benefit for each month is an amount equal to:

(1) 82½ percent of the deceased individual's primary insurance amount if only one parent is entitled to parent's insurance benefits subject to the provisions of § 404.352; or

(2) 75 percent of the deceased individual's primary insurance amount if more than one person is entitled to parent's insurance benefits on the same earnings record.

(b) *Subsequent entitlement of another parent.* In any case in which:

(1) One person files application and is entitled to a parent's insurance benefit for a month; and

(2) Another person becomes entitled to a parent's insurance benefit for such month on the same earnings record but based on an application filed after such month and after the month in which the person referred to in subparagraph (1) of this paragraph filed application, the amount of the parent's insurance benefit of the person referred to in subparagraph (1) of this paragraph equals 82½ percent of the deceased individual's primary insurance amount and the amount of the parent's insurance benefit of the person referred to in subparagraph (2) of this paragraph for such month equals the difference between the benefit of the person referred to in subparagraph (1) of this paragraph (before the application of § 404.402(b)) and 150 percent of the primary insurance amount of the deceased individual.

24. Section 404.342 is amended to read as follows:

§ 404.342 In her care.

For purposes of §§ 404.313, 404.335, and of Subpart E, a mother (whether a wife, widow, or surviving divorced mother) has a child in her care if she exercises parental control and responsibility for the welfare and care of a child under age 18, or of a child age 18 or older who is mentally incompetent. If the child is age 18 or older and mentally competent, "in her care" means that the mother is performing personal services for the child.

25. Section 404.352 is amended to read as follows:

§ 404.352 Minimum monthly survivor's insurance benefit amount.

When only one individual is entitled to survivor's insurance benefits for any month, the amount of such monthly survivor's insurance benefit, before any reduction under § 404.353, shall be not less than:

(a) $55 for months beginning with February 1968;

(b) $44 for months after December 1965 and before February 1968;

(c) $40 for months after July 1961 and before January 1965.

26. Paragraph (a)(1) in § 404.370 is amended to read as follows:

§ 404.370 Transitional provisions for deemed entitlement of uninsured individuals to monthly benefits under section 202 of the Act.

(a) *Requirements.* Unless excluded under the provisions described in §§ 404.372 and 404.373, an individual who has attained age 65 will be deemed entitled to monthly insurance benefits under section 202 of the Act, solely for purposes of entitlement to hospital insurance benefits, if such individual:

(1) (i) Attained age 65 before 1968, or

(ii) Attained age 65 after 1967 and has not less than three quarters of coverage (as defined in Subpart B of Part 404 of this chapter or in section (5)(I) of the Railroad Retirement Act of 1937), whenever acquired for each calendar year after 1966 and before the year he attained age 65;

* * * * *

27. Section 404.376 is amended to read as follows:

§ 404.376 Special payments at age 72; amount of payment.

(a) *General.* The amount of the special payment to which an individual is entitled under the provisions of section 228 of the Act for any month (except as provided in paragraph (b) of this section) shall be as follows:

(1) $40 for months beginning with February 1968;

(2) $35 for months after September 1966 and before February 1968.

(b) *Husband and wife entitled.* If both husband and wife are simultaneously entitled (or upon application would be entitled) to special payments as provided under section 228 of the Act for any month, the amount of the special payment shall be as follows:

(1) For months after January 1968, (i) $40 for the husband, and (ii) $20 for the wife;

(2) For months after September 1966 and before February 1968, (i) $35 for the husband, and (ii) $17.50 for the wife.

For purposes of this paragraph, the determination of whether an individual has the relationship of husband or wife to another individual is made in accordance with the provisions of § 404.1101 without regard to the provisions of § 404.1103 or § 404.1106.

28. Paragraphs (b) and (c) of § 404.377 are amended to read as follows:

§ 404.377 Reduction of special payments under section 228 for governmental pension system benefits.

* * * * *

(b) *Husband or wife entitled.* In the case of a husband and wife, if one of such individuals, but not the other, is entitled to a special payment under section 228 for any month, the special payment,

after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (1) the total amount of any periodic benefits under governmental pension systems for which the entitled individual's spouse is eligible for such month, over (2) $20 for months after January 1968 or $17.50 for months before February 1968.

(c) *Husband and wife entitled.* In the case of a husband and wife both of whom are entitled to a special payment under section 228 for any month:

(1) The special payment of the wife, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the husband is eligible for such month, over (ii) $40 for months after January 1968 or $35 for months before February 1968, and

(2) The special payment of the husband, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the wife is eligible for such month, over (ii) $20 for months after January 1968 or $17.50 for months before February 1968.

29. Paragraph (a) of § 404.378 is amended to read as follows:

§ 404.378 Nonpayment of special payments under section 228 of the Act for months in which cash payments are made under public assistance.

(a) *General.* Except as provided in paragraph (b) of this section, no special payment under section 228 of the Act may be paid to an individual for any month if:

(1) Such individual receives aid or assistance in the form of money payments in such month under a State plan approved under titles I, X, XIV, or XVI, or part A of title IV of the Social Security Act (which titles relate to (i) old-age assistance and medical assistance for the aged, (ii) aid to the blind, (iii) aid to the permanently and totally disabled, (iv) aid to the aged, blind, or disabled, or for such aid and medical assistance for the aged, and (v) aid and services to needy families with children, respectively), or

(2) Such individual's husband or wife receives such aid or assistance in such month, and under the State plan the needs of such individual were taken into account in determining eligibility for (or amount of) such aid or assistance.

30. New § 404.381 is added after § 404.380 to read as follows:

§ 404.381 Waiver of benefits pursuant to section 1402(h) of the Internal Revenue Code of 1954.

When an individual has filed a waiver of benefits in connection with an exemption from self-employment taxes pursuant to section 1402(h) of the Internal Revenue Code of 1954 and been granted a tax exemption under that section, no benefits or other payments shall be payable to him or on his behalf under title II and Part A of title XVIII of the Act after the filing of such waiver on the basis of his earnings record or the earnings record of any other person or otherwise. No such benefits or payments on the basis of such individual's earnings record shall be made to any other person after the filing of such waiver. Such waiver of benefits also precludes the use of, at any time for any purpose under title II and Part A of title XVIII of the Act, the wages and earnings from self-employment of such individual earned, paid, or derived in any calendar year beginning before or during the period of tax exemption. If the tax exemption should thereafter cease to be effective, the waiver of benefits shall cease to be effective and benefits may become payable under title II and Part A of title XVIII of the Act, but only to the extent such benefits are based on the individual's earnings from self-employment for and after the first taxable year for which such tax exemption ceases to be effective and on his wages for and after the calendar year which begins in or with the beginning of such taxable year.

(Secs. 202, 205, 228, and 1102, 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 80 Stat. 67, as amended, 49 Stat. 647, as amended, sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 428, and 1302)

31. Effective date: The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: June 24, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 28, 1969.

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

[F.R. Doc. 69-9051; Filed, July 31, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING

The color additive amendments of 1960 (Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon the application of an interested person. Requests have been received to postpone the closing dates of provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed.

The Commissioner of Food and Drugs finds that postponement of the closing dates of the provisionally listed color additives in this order is consistent with the protection of the public health. These extensions are granted on condition that, when applicable, progress reports be supplied on or before December 31, 1969.

Calcium silicate was deleted from the provisional list as of December 31, 1968, in the absence of information that investigations were underway preparatory to submission of a petition for permanent listing. The Toilet Goods Association, Inc., has informed the Commissioner that a petition will be submitted in the near future and requested restoration of calcium silicate to the provisional list pending action on the petition.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note), delegated to the Commissioner (21 CFR 2.120), § 8.501 *Provisional lists of color additives* is amended as follows:

1. In paragraph (a) *Color additives previously and presently subject to certification and provisionally listed for food, drug, and cosmetic use*, the closing dates of all the color additives listed under "Food use" and "Drug and cosmetic use" are changed to December 31, 1969.

2. In paragraph (b) *Color additives previously and presently subject to certification and provisionally listed for drug and cosmetic use*, the closing dates of all color additives are changed to December 31, 1969.

3. In paragraph (c) *Color additives previously and presently subject to certification and provisionally listed for use in externally applied drugs and cosmetics*, the closing dates of all color additives are changed to December 31, 1969.

4. In paragraph (e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been nor are now subject to certification*, the closing dates of all color additives are changed to December 31, 1969.

5. In paragraph (f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been nor are now subject to certification*, the closing dates of carbon black ("impingement" or "channel" process), chromium-cobalt-aluminum oxide, ferric ammonium citrate, and pyrogallol are changed to December 31, 1969.

6. In paragraph (g) *Color additives provisionally listed for cosmetic use on the basis of prior commercial sale but which have not been nor are now subject to certification*, a new item "Calcium silicate" is inserted alphabetically with a closing date of December 31, 1969, and the closing dates of all other color additives are changed to December 31, 1969.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since section 203(a)

(2) of Public Law 86-618 provides for this issuance.

Effective date. This order is effective as of June 30, 1969.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 401; 21 U.S.C. 376, note)

Dated: July 25, 1969.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 69-9012; Filed, July 31, 1969; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 4—EMPLOYEES' PERSONAL PROPERTY CLAIMS

In accord with 5 U.S.C. 552(a) the Treasury Department finds it necessary to publish regulations in the FEDERAL REGISTER governing the filing and settlement of claims by employees for personal property loss incident to service, as permitted by the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 240-243. Prior regulations applying to members of the Coast Guard as well as Treasury civilian employees, issued with Administrative Circular No. 136, October 20, 1965, are revoked. The Department further finds that notice and public procedure are not necessary in the formulation of these regulations under the provisions of 5 U.S.C. 553, since these regulations relate to matters of agency management, procedure and personnel.

Accordingly, Subtitle A of Part 31 of the Code of Federal Regulations is amended by adding a new Part 4 to read as follows:

Sec.
4.1 General.
4.2 Proper claimants.
4.3 Allowable claims.
4.4 Claims not payable.
4.5 Factors to be considered in determining claims.
4.6 Evidence to be submitted by claimant.
4.7 Claims involving carrier and insurer.
4.8 Filing of claims.
4.9 Application to claims not previously adjusted.
4.10 Statute of Limitations.
4.11 Attorney's fees.
4.12 Bureau implementation.

AUTHORITY: The provisions of this Part 4 issued under section 3(b) of the Act of August 31, 1964, 78 Stat. 767, as amended, 31 U.S.C. 241(b).

SOURCE: The provisions of this part appear at 34 F.R. 12577, 1969, unless otherwise noted.

§ 4.1 General.

The Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 240-243, authorizes the Secretary of the Treasury to settle and pay (including replacement in kind) claims of officers or employees of the Department, amounting to not more than $6,500, for damage to, or loss of, personal property incident to their service, where possession of such property is determined to be reasonable, useful, or proper under the circumstances.

§ 4.2 Proper claimants.

(a) The following are proper claimants:

(1) Officers and employees of the Treasury Department.

(2) Former employees of the Treasury Department whose claims arose out of incidents occurring before their separation.

(3) The authorized agent or legal representative of persons in subparagraph (1) and (2) of this paragraph.

(4) Survivors of persons in subparagraph (1) and (2) of this paragraph, in the following order of precedence:

(i) Spouse.
(ii) Children.
(iii) Father or mother, or both.
(iv) Brothers or sisters, or both.

(b) A claim may not be presented by or for the benefit of a subrogee, assignee, conditional vendor, or other third party.

§ 4.3 Allowable claims.

The following claims are payable when the damage to or loss of the claimant's property occurs incident to his service under any of the following circumstances:

(a) *Losses in Government quarters.* Where personal property is damaged or lost by fire, flood, hurricane, or other serious occurrence while located at: (1) Quarters, wherever situated, which were assigned to claimant or otherwise provided in kind by the Government, including permanent or temporary housing units which are owned and maintained by the Government; (2) quarters outside the 50 States and the District of Columbia occupied by claimant which were not assigned to him or otherwise provided in kind by the Government, unless the claimant is a civilian employee who is a local inhabitant; and (3) any warehouse, office, hospital, baggage dump, or other place (except quarters) designated by superior authority for the reception of the property.

(b) *Transportation losses.* Where personal property, including baggage checked or in personal custody, and including household effects, is damaged or lost incident to transportation by a carrier, an agent or agency of the Government, or private conveyance.

(c) *House trailers.* Claims for loss of or damage to house trailers and their contents while in storage on Government property pursuant to shipment under orders are payable under paragraph (a)(3) of this section. Claims for loss of or damage to house trailers and their contents arising incident to shipment are payable under paragraph (b) of this section: *Provided*, That, when transported by other than the employee or an agent or agency of the Government, the carrier must have operating rights approved by the Interstate Commerce Commission in interstate commerce or under applicable State regulations when shipment is within a single State. Claims for structural damage to house trailers, other than that caused by collision, and damage to contents of house trailers resulting from such structural damage, must contain conclusive evidence that the damage was not caused by structural deficiency of the trailer and that the trailer was not overloaded. Claims for loss of or damage to tires mounted on trailers will not be entertained except in cases of collision, theft, or vandalism.

(d) *Marine disaster.* Where personal property is damaged, lost, destroyed, or abandoned in consequence of shipwreck, fire or other accident on board, collision, sinking, capsizing, stranding of a vessel, or perils of the sea.

(e) *Aircraft disaster.* Where personal property is damaged, lost, destroyed, or abandoned, in consequence of hazards as a result of an aircraft disaster or accident.

(f) *Enemy action.* Where property is lost, abandoned, damaged, or destroyed by: (1) Enemy action or threat of such action; (2) combat, or movement in the field which is part of a combat mission; (3) guerrilla, organized brigandage or other belligerent activities whether or not the United States is involved; or (4) unjust confiscation by a foreign power or its nationals.

(g) *Property subjected to extraordinary risks.* When property is damaged or lost as a direct result of extraordinary risks to which it has been subjected by the performance of official noncombat duties by the claimant, including but not limited to: (1) Performance of duties in connection with civil disturbances, public disorder, law enforcement activities, or public disaster; (2) efforts to save Government property or human life where the situation was such that the claimant could have saved his own property had he not so acted; and (3) abandonment or destruction of property by reason of military emergency or by order of superior authority.

(h) *Property used for benefit of the Government.* Where property is damaged or lost while being used, or held for use, for the benefit of the Government at the direction or request of superior authority or by reason of military necessity.

(i) *Money deposited for safekeeping.* Where personal funds which were accepted by responsible Government personnel with apparent authority to receive them for safekeeping, deposit, transmittal, or other authorized disposition, were neither applied as directed by the owner nor returned to him.

(j) *Motor vehicles.* Where automobiles and other motor facilities were damaged or lost in overseas shipments provided by the Government. "Shipments provided by the Government" means via Government vessels, charter of commercial vessels or by Government bills of lading on commercial vessels, and includes storage, unloading and off-loading incident thereto.

(k) *Clothing.* Where clothing and accessories worn on the person are damaged or lost:

(1) During the performance of official duties in an unusual or extraordinary risk situation;

(2) In cases involving emergency action required by natural disaster, such as fire, flood, hurricane; or enemy or other belligerant action;

(3) In cases involving faulty equipment or defective furniture maintained by the Government and used by the claimant as required by his job situation; or

(4) When using a motor vehicle incidential to service. Accessories would include eyeglasses, hearing aids, and dentures.

(l) *Borrowed property.* Where borrowed property has been damaged or lost.

§ 4.4 Claims not payable.

Claims otherwise within the scope of these regulations are nevertheless not payable when the damage or loss of personal property incident to service involves any of the following:

(a) *Money and currency.* Claims are not payable for money or currency except:

(1) When deposited with authorized personnel as contemplated by § 4.3(l).

(2) When lost incident to a marine or aircraft disaster.

(3) When lost by fire, flood, hurricane, or theft from quarters. In instances of theft from quarters, it must be conclusively shown that the money or currency was in a locked container and that the quarters themselves were locked.

(4) When stolen from the temporary quarters or possession of an employee who by reason of his assignment is required to carry money or currency. In instances of theft from temporary quarters, it must be conclusively shown that the money or currency was in a locked container and that the quarters themselves were locked.

Reimbursement for loss of money or currency will be limited to an amount determined to have been reasonable for the claimant to have had in his possession at the time of the incident.

(b) *Small items of substantial value.* Claims are not payable for small articles of substantial value and money when shipped with household goods or as unaccompanied baggage; or for articles easily pilfered which usually are worn or carried, including watches and expensive jewelry such as rings, pins, brooches, necklaces, and bracelets. These limitations do not apply to the articles described when the loss is cognizable under subparagraphs (1) and (2) of § 4.3(a).

(c) *Articles acquired for other persons.* Claims are not payable for articles intended directly or indirectly for persons other than the claimant or members of his immediate household. This prohibition includes articles acquired at the request of others, and articles for sale.

(d) *Articles of extraordinary value.* Claims are not payable for expensive articles of gold, silver, other precious metals, paintings, antiques other than bulky furnishings, relics, and other articles of extraordinary value when shipped with household effects by ordinary means, or as unaccompanied baggage at normal released valuation. Claims for such articles are payable when their loss is incident to shipment by expedited mode in accordance with current Joint Travel Regulations. This prohibition does not apply to baggage checked or in the personal custody of the claimant or his agent provided reasonable protection or security measures have been taken.

(e) *Intangible property.* Claims are not payable for intangible property such as bank books, checks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, and traveler's checks.

(f) *Government property.* Claims are not payable for property owned by the United States, except where the claimant is responsible for the property to an agency of the Government other than the Treasury Department.

(g) *Motor vehicles.* Claims for motor vehicles, except as provided under § 4.3 (j), will ordinarily not be paid. However, meritorious claims for losses of motor vehicles may be recommended for consideration and approval for payment in exceptional cases.

(h) *Enemy property.* Claims are not payable for enemy property, including war trophies.

(i) *Losses at quarters.* Claims are not payable for losses (including theft) at quarters not assigned or otherwise provided in kind occupied by the claimant within the United States.

(j) *Losses recoverable from insurer.* Claims are not payable for losses or any portion thereof which have been recovered or are recoverable from an insurer, except as permitted under § 4.7.

(k) *Losses recoverable from carrier.* Claims are not payable for losses or any portion thereof which have been recovered or are recoverable from a carrier, except as permitted under § 4.7.

(l) *Losses recoverable from contractor.* Claims are not payable for losses, or any portion thereof, which have been recovered or are recoverable under contract, except as permitted under § 4.7.

(m) *Negligence of claimant.* Claims are not payable for loss of personal property caused in whole or in part by any negligence or wrongful act on the part of the claimant, or of his agent or employee.

(n) *Property used for business.* Claims are not payable for property normally used for business or profit.

(o) *Fees for estimates.* Claims are not normally payable for fees paid to obtain estimates of repair in conjunction with submitting a claim under this paragraph. However, where, in the opinion of the approving officer, the claimant could not obtain an estimate without paying a fee, such a claim may be considered in an amount reasonable in relation to the value and/or the cost of repairs of the articles involved, provided that the evidence furnished clearly indicates that the amount of the fee paid will not be deducted from the cost of repairs if the work is accomplished by the estimator.

(p) *Violation of directives.* Claims are not payable for property acquired, possessed, or transported, in violation of law or regulations of competent authority. This does not apply to limitations imposed on weight of shipments of household effects.

(q) *Items fraudulently claimed.* Claims are not payable for items fraudulently claimed. When investigation discloses that a claimant, his agent, or employee has intentionally misrepresented an item claimed, as to cost, condition, cost to repair, etc., the item will be disallowed in its entirety even though some actual damage has been sustained. However, if the remainder of the claim is proper it will be paid. This does not preclude appropriate disciplinary action if warranted.

(r) *Minimum claims.* Claims are not payable for damage to or loss of property in an amount less than $10.

§ 4.5 Factors to be considered in determining claims.

(a) Claims are payable only for such types, quantities, or amounts of tangible personal property (including money) as the approving authority shall determine to be reasonable, useful, or proper under the circumstances existing at the time and place of the loss. In determining what is reasonable, useful, or proper, the approving authority will consider the type and quantity of property involved, circumstances attending acquisition and use of the property, and whether possession or use by the claimant at the time of loss or damage was incident to his service. What is reasonable is a question of fact determined in the light of the officer's or employee's rating, together with his duty, job, and station assignment.

(b) The Government does not underwrite all personal property losses that a claimant may sustain and it does not underwrite individual tastes. While the Government does not attempt to limit possession of property by an individual, payment for loss or damage is made only to the extent that the possession of the property is determined to be reasonable, useful, or proper. If individuals possess excessive quantities of items and/or expensive items, they should have such property privately insured.

(c) Cost or value: The amount awarded on any item of property will not exceed the cost of the item (either the price paid in cash or property, or the value at the time of acquisition if not acquired by purchase or exchange). The amount payable will be determined by applying the principles of depreciation to the adjusted dollar value or other base price of property lost or damaged beyond economical repair; by allowing the cost of repairs when an item is economically repairable, provided the cost of repairs does not exceed the depreciated value of the item; and by deducting salvage value, if appropriate.

(d) Depreciation: Depreciation in value of an item is determined by considering the type of article involved, its cost, condition when lost or damaged

beyond economical repair, the time elapsed between the time of acquisition and the date of accrual of the claim.

(e) Appreciation: There will be no allowance for appreciation in the value of the property except that the cost of the item will be adjusted to reflect changes in the purchasing power of the dollar before depreciation is computed. Appreciation will not be allowed solely because the loss occurs or the claimant now resides in an area remote from the place of purchase of the original article.

(f) Expensive articles: Allowance for expensive items (including heirlooms and antiques) or for items purchased at unreasonably high prices will be based on the fair and reasonable purchase price for substitute articles of a similar nature.

(g) Acquisition: Allowance for articles acquired by barter will not exceed the cost of the articles tendered in barter. No reimbursement will be made for articles acquired in black market or other prohibited activities.

§ 4.6 Evidence to be submitted by claimant.

The following types of claims require evidence in addition to the statement of facts and circumstances attending the loss:

(a) Claims for property loss in quarters or other authorized places should be accompanied by a statement indicating: (1) Geographical location; (2) whether quarters were assigned or provided in kind by the Government; (3) whether regularly occupied by the claimant; (4) name of authority, if any, who designated the place of storage of the property if other than quarters; (5) measures taken to protect the property; and (6) that the claimant is not a local inhabitant.

(b) Claims for property loss by theft should be accompanied by a statement indicating: (1) Geographical location; (2) facts and circumstances surrounding the loss, including evidence of larceny, burglary, or housebreaking such as breaking and entering, capture of the thief, recovery of part of the stolen goods, etc.; and (3) evidence that the claimant exercised due care in protecting his property prior to the loss including information as to the degree of care normally exercised in the locale of the loss due to any unusual risks involved.

(c) Claims for transportation losses should be accompanied by the following: (1) Copies of orders authorizing the travel, transportation, or shipment or certificate explaining the absence of orders, and stating their substance; (2) statement in cases where property was turned over to a shipping officer, supply officer, or contract packer indicating:

(i) Name (or designation) and address of shipping officer, supply officer, or contract packer.

(ii) Date property was turned over.

(iii) Inventoried condition when property was turned over.

(iv) When and where property was packed and by whom.

(v) Date of shipment.

(vi) Copies of all bills of lading, inventories, and other applicable shipping documents.

(vii) Date and place of delivery to claimant.

(viii) Date property was unpacked by carrier, claimant, or Government.

(ix) Statements of disinterested witnesses as to condition of property when received and delivered, or as to handling or storage.

(x) Whether the negligence of any Government employee acting within the scope of his employment caused the damage or loss.

(xi) Whether the last common carrier or local carrier was given a clear receipt, except for concealed damages.

(xii) Total gross, tare, and net weight of shipment.

(xiii) Insurance certificate or policy if losses are privately insured.

(xiv) Copy of the demand on carrier or insured, or both, when required, and the reply, if any.

(xv) Action taken by the claimant to locate missing baggage or household effects, including related correspondence.

(d) Claims for property losses due to marine or aircraft disaster should be accompanied by a copy of orders or other evidence to establish claimant's right to be, or to have his property, on board.

(e) Claims for property losses due to enemy action, public disaster, public service, or abandonment, should be accompanied by: (1) Copies of orders or other evidence establishing claimant's required presence in the area involved; and (2) a detailed statement of facts and circumstances showing an applicable case enumerated in paragraphs (f) and (g) of § 4.3.

(f) Claims for property losses when the property was used for benefit of the Government should be accompanied by (1) a statement from proper authority that the property claimed was required to be supplied by claimant in the performance of his official duty or occupation at the request or direction of superior authority or by reason of necessity; and (2) evidence that, if the property being used for the benefit of the Government was lost while not in use, that the loss occurred in an authorized storage area.

(g) Claims for loss of money deposited for safekeeping, transmittal, or other authorized disposition, should be accompanied by: (1) Name, grade, service number (if any), and address of the person or persons who received the money and any others involved; (2) name and designation of the authority who authorized such person or persons to accept personal funds, and the disposition requested; and (3) receipts and written sworn statements explaining the failure to account for funds or return them to the claimant.

(h) Claims for damage to motor vehicles in transit should be accompanied by a copy of orders or other available evidence to establish claimant's lawful right to have the property shipped, and evidence to establish damage in transit.

§ 4.7 Claims involving carrier and insurer.

(a) Claimant must comply with the following before presenting claims involving a carrier or insurer:

(1) Whenever property is damaged, lost, or destroyed while being shipped pursuant to authorized travel orders, the owner must file a written claim for reimbursement with the carrier according to the terms of its bill of lading or contract before submitting a concurrent claim against the Government. The claimant may present his claim to the Government immediately after he has made his demand on the carrier;

(2) Whenever property which is damaged, lost, or destroyed incident to the claimant's service, is insured in whole or in part, the claimant must make demand in writing against the insurer for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made within the time limit provided in the policy and prior to the filing of a concurrent claim against the Government. The claimant may present his claims to the Government immediately after he has made his demand on the insurer.

(b) If the claimant fails to make required demand on the carrier or insurer or make reasonable efforts to collect the amount recoverable, the amount payable under the provisions of these regulations shall be reduced by the maximum amount recoverable. However, no deduction will be made if (1) the circumstances of the claimant's service were such as to preclude timely filing of the claim with the carrier or insurer; and (2) it is determined that a demand would have been impracticable or unavailing in any event.

(c) To expedite the settlement of claims for loss or damage of household effects, a claim may be presented to the Government concurrent with the demand on a carrier and/or insurer.

(d) When any claim is paid by the Department, the claimant will assign to the United States, to the extent of any payment on his claim accepted by him all his rights, title, and interest in any claim he may have against any carrier, insurer or other party arising out of the incident on which the claim against the United States is based. On request, he also will furnish such evidence as may be required to enable the United States to enforce the claim.

(e) After payment of his claim by the United States, if the claimant receives any payment from a carrier, contractor, insurer, or other third party, he will pay the proceeds to the United States to the extent of the payment received by him from the United States.

§ 4.8 Filing of claims.

A claimant should submit his claim in writing on form No. 3079, together with

the supporting information required by the form, to his immediate supervisor who shall be responsible for forwarding it to the claims officer or other person designated to handle claims. After the completion of action on the claim by the appropriate official of the bureau, office, service, or division out of whose activities the claim arose, the employee will be notified of the action taken on his claim.

§ 4.9 Application to claims not previously adjusted.

The provisions of these regulations in this part shall apply to all claims arising after August 31, 1964, otherwise within its scope, not heretofore adjusted.

§ 4.10 Statute of limitations.

(a) Claims must be presented in writing within 2 years after the claim accrues except that if the claim accrues in time of war or in time of armed conflict in which the Armed Forces of the United States are engaged, or if such a war or armed conflict intervenes within 2 years after it accrues, and if a good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier. For the purpose of these sections, the dates of beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(b) Claims will be determined to have accrued at such time as the loss or damage is or should have been discovered or ascertained through exercise of due diligence by the claimant, even though such loss or damage may have happened at a prior time.

§ 4.11 Attorney's fees.

No more than 10 per centum of the amount paid in settlement of each individual claim submitted and settled under these regulations shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim.

§ 4.12 Bureau implementation.

The head of each bureau, office, service or division of the Treasury Department may issue such further instructions as he shall deem necessary to implement these regulations in this part in the District of Columbia and in the field, including the designation of the persons to receive and process claims filed by employees.

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

Dated: July 28, 1969.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary for Administration.

[F.R. Doc. 69-9062; Filed, July 31, 1969; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 43—PERSONAL COMMERCIAL AFFAIRS

The Deputy Secretary of Defense approved the following revision to Part 43:

Sec.
43.1 Purpose.
43.2 Applicability and scope.
43.3 Policy guidance.
43.4 Responsibilities.
43.5 Effective date and implementation.

AUTHORITY: The provisions of this Part 43 are issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 43.1 Purpose.

(a) This Part 43 incorporates certain provisions of Public Law 90-321; restates policies for private commercial solicitation on military installations; sets forth procedures for withdrawal or suspension of privileges; extends counseling capability through credit unions and nonprofit organization educational programs; and restates policies and procedures on investigative and enforcement actions.

(b) The purpose of this Part 43 is to safeguard and promote the welfare and interests of military personnel as consumers by outlining the general Department of Defense policies governing the conduct of personal commercial solicitations, including the sale of goods, services and commodities on military installations (world-wide) by dealers, tradesmen and their agents (hereinafter referred to collectively as "companies").

§ 43.2 Applicability and scope.

(a) The provisions of this Part 43 apply to all DoD components and to those companies desiring the privilege of conducting commercial transactions (including the specialized commercial enterprises listed below) with military personnel on DoD installations and in DoD-controlled housing areas.

(1) Life insurance companies and their agents (see Part 276 of Subchapter N).

(2) Automobile insurance companies and their agents (see Part 278 of Subchapter N).

(3) Credit unions (see Part 230 of Subchapter M).

(4) Commercial facilities authorized by the Army/Air Force or Navy/Marine Corps exchanges (see DoD Directive 1330.9 [1]).

(b) Its provisions do not encompass military installation services (such as deliveries of milk, laundry and related residence services) furnished by commercial companies when such services are authorized by the installation commander.

§ 43.3 Policy guidance.

The Secretaries of the Military Departments will issue implementing instructions, consistent with the provisions of this Part 43, governing the conduct of all commercial transactions outlined in § 43.2(a).

(a) *Personal commercial solicitation activities conducted on DoD installations.* (1) No person has authority to enter upon a military installation and transact personal commercial solicitation as a matter of right.

(2) Personal commercial solicitation will be permitted only if the following requirements are met:

(i) The solicitor is duly licensed under applicable Federal, State, or municipal laws and has complied with installation regulations (see § 43.3(b) below) regarding registration and pass control procedures.

(ii) Personal commercial solicitation is permitted by the local installation commander.

(iii) A specific appointment has been made with the individual concerned and conducted in his family quarters or in other areas designated by the installation commander.

(3) Those seeking to transact personal commercial solicitation on overseas installations will be required to observe, in addition to the above requirements, the applicable laws of the host country and, upon demand, present documentary evidence to the installation commander, or his designee, that the company and its agents meet the licensing requirements of the host country.

(4) Personal commercial solicitation in Armed Services Exchange Facilities will be approved as authorized by DoD Directive 1330.9.[1] As such contracts are developed or renewed, copies thereof will be submitted to the office of the Assistant Secretary of Defense (Manpower and Reserve Affairs) to insure that establishment of on-base solicitation requirements are incorporated therein.

(b) *Supervision of on-base commercial activities.* A conspicuous notice of pertinent installation implementing regulations shall be posted in such form and in such place as to give notice to all those conducting personal commercial solicitation activities of their provisions. In addition, insofar as is practicable as determined by the installation commander, a copy of the applicable installation regulations will be given to those conducting on-base commercial activities and they will be advised that any disregard of the regulations will result in the withdrawal of solicitation privileges.

(1) The solicitation of military personnel and their dependents will be conducted on an individual basis by appointment and in such locations and at such hours as the military commander may designate.

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

(2) The following solicitation practices are prohibited:

(i) Solicitation of recruits, trainees and transient personnel in a "mass" or "captive" audience.

(ii) Making appointments with or soliciting military personnel who are in an "on-duty" status.

(iii) Soliciting without appointment in areas utilized for the housing or processing of transient personnel, or the solicitation in barracks areas used as quarters.

(iv) The use of official identification cards by retired or reserve members of the armed forces to gain access to military installations for the purpose of soliciting.

(v) Procuring, or attempting to procure, and/or supplying roster listings of DoD personnel.

(vi) The offering of unfair, improper and deceptive inducements to purchase or trade.

(vii) Practices involving rebates to facilitate transactions or to eliminate competition. (Credit union interest refunds to borrowers are not considered a prohibited rebate.)

(viii) The use of any manipulative, deceptive or fraudulent device, scheme or artifice, including misleading advertising and sales literature.

(ix) Any oral or written representations which suggest or give rise to the appearance that the Department of Defense sponsors or endorses the company, its agents, or the goods, services and commodities it sells.

(x) Commercial solicitation by active duty members of the armed forces when in violation of Part 40 of this subchapter.

(xi) The entry into any unauthorized or restricted area.

(c) *Denial and revocation of on-base solicitation.* The installation commander shall be required to deny or revoke permission to a company and its agents to conduct commercial activities on the military base if such action would not further the best interests of the command.

(1) The grounds for taking this action shall include, but not be limited to the following:

(i) Failure to meet the licensing and other regulatory requirements prescribed in § 43.3(a) (2) and (3).

(ii) Commission of any of the practices prohibited in § 43.3(b)(2).

(iii) Substantiated adverse complaints or reports regarding the quality of the goods, services and commodities and the manner in which they are offered for sale.

(iv) Knowing and willful violations of the Truth-in-Lending Act (Public Law 90–321) 82 Stat. 146; 15 U.S.C. 1601.

(v) Personal misconduct by a company's agent or representative while on the military installation.

(vi) The possession of or any attempt to obtain supplies of allotment forms prescribed by the Military Departments.

(vii) Failure to incorporate and abide by the Standards of Fairness policies (Part 43a of this subchapter).

(2) In withdrawing solicitation privileges, the commander shall determine whether to limit it to the agent alone or extend it to the company he represents. This decision shall be based on the circumstances of the particular case, including among others, the nature of the violations, their frequency, the extent to which other agents of the company have engaged in such practices, and any other matters tending to show the company's culpability.

(i) Upon withdrawing solicitation privileges, the commander will promptly inform the individual orally or in writing.

(ii) If the grounds for the action bear significantly on the eligibility of the agent or company to hold a state license or to meet other regulatory requirements, the appropriate authorities will be notified.

(iii) The military commander will afford the individual or company an opportunity to show cause why the action should not be taken. By "show cause" is meant an opportunity for the grieved party to present facts on his behalf on an informal basis for the consideration of the installation commander.

(iv) If warranted, the commander will make a recommendation to the military department concerned that the action be extended to additional military installations. If so approved, and when appropriate, the order may be extended to other military departments by the Assistant Secretary of Defense (Manpower and Reserve Affairs), following consultation with the military departments concerned.

(v) All denials or withdrawals of privileges will be for a set period of time, at the end of which the individual may reapply for permission to solicit through the military department originally imposing the restriction. Denial or withdrawal of soliciting privileges may be continued, where warranted.

(vi) When such denials or withdrawals are lifted, the office of the Assistant Secretary of Defense (Manpower and Reserve Affairs) will be notified for parallel action if the same denial or withdrawal has been extended to other military departments.

(vii) The commanding officer may, if circumstances dictate, make immediate suspensions of solicitation privileges for a period of 30 days while an investigation is conducted.

(d) *The Secretaries of the Military Departments.* Upon receipt of information outlined in § 43.3(c) may direct the Armed Forces Disciplinary Control Boards in all geographical areas in which the practices have occurred to consider the charges and take appropriate action.

(e) *Educational Programs and Advertising Policies.* The Department of Defense expects that commercial enterprises soliciting military personnel through advertisements appearing in unofficial military publications will voluntarily observe, or the publisher of the military publication will request the advertiser to observe, the highest business ethics in describing goods, services and commodities and the terms of the sale (including guarantees, warranties, and the like). The advertising of credit terms shall conform to the provisions of the Truth-in-Lending Act, as implemented by Regulation Z (see chapter 3 of Public Law 90–321 and section 226.10 of Regulation Z (12 CFR 226)). In addition:

(1) The Military Departments will develop and disseminate information and education programs for the purpose of providing members of the armed forces with information pertaining to the conduct of their personal commercial affairs (i.e., the protection and remedies offered consumers under the Truth-in-Lending Act, insurance, Government benefits, savings, and budgeting). The services of representatives of credit unions, banks, and those nonprofit military associations, approved by the Military Departments, may be used for this purpose provided their programs are entirely educational in nature. Under no circumstances will the service of commercial agents, including loan or finance companies and their associations, be used for this purpose. Educational materials prepared or presented by outside organizations expert in this field may be adapted or used provided such material is entirely educational in nature and does not contain application or contract forms.

(2) The Military Departments will also make qualified personnel and facilities available for individual counseling on loans and consumer credit transactions in order to encourage thrift and financial responsibility and promote a better understanding of the wise use of credit (see Part 43a of this subchapter and Part 230 of Subchapter M).

(3) The individual military member will be encouraged to seek advice from a legal assistance officer or his own lawyer before making substantial loan or credit commitments.

(4) Each Military Department will provide advice and guidance to military personnel who have a complaint under the "Truth-in-Lending Act" or who allege a criminal violation of its provisions (section 112), including referral to the appropriate regulatory agency for processing of the complaint.

§ 43.4 Responsibilities.

The Assistant Secretary of Defense (Manpower and Reserve Affairs) will be responsible for the administration of the provisions of this Part 43 and assure its effective implementation throughout the Department of Defense. In carrying out this responsibility, the ASD(M&RA) will:

(1) Assure that newly developed and renewed contracts for personal commercial solicitation in Armed Services Exchange Facilities contain the requirements of this Part 43.

(2) Extend the denial or revocation action taken by the installation commander under § 43.3(c)(2), to other Military Departments, following consultation with the Department concerned.

(3) Assist in the development and dissemination to the Military Departments

of information and education programs for the purpose of providing members of the armed forces with information pertinent to the conduct of their personal commercial affairs, as outlined in § 43.3(e).

§ 43.5 Effective date and implementation.

(a) This part shall become effective on July 1, 1969, and shall be published in the FEDERAL REGISTER.

(b) Within sixty (60) days of the date of this part, two (2) copies of implementing regulations published by the Military Departments shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs); such documents will be published in the FEDERAL REGISTER within the 60-day time period.

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

[F.R. Doc. 69-9003; Filed, July 31, 1969; 8:45 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953* is amended by deleting, in subdivision (i) thereof, the words "January 1, 1968", and inserting in lieu thereof the words "January 1, 1969".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: July 29, 1969.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 69-9070; Filed, July 31, 1969; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 69-75]

PART 12B-3—PROCUREMENT BY NEGOTIATION

Subpart 12B-3.2—Circumstances Permitting Negotiation

PURCHASES NOT IN EXCESS OF $2,500

The purpose of this document is to amend the Coast Guard Procurement Regulations by deleting the requirement that management-engineering, miscellaneous personal or professional service contracts or purchases regardless of dollar amounts be negotiated under the authority of 10 U.S.C. 2304(a)(4) (see 41 CFR 12B-3.204). Since this amendment relates to agency management and contracts, notice and public procedures thereon are unnecessary under the provisions of the Administrative Procedures Act (5 U.S.C. 553).

1. Section 12B-3.203 is revised to read as follows:

§ 12B-3.203 Purchases not in excess of $2,500.

Section 2304(a)(3) of 10 U.S.C. is applicable for Coast Guard procurement under this section.

(Sec. 633, 63 Stat. 545, sec. 205(c), 63 Stat. 389, as amended, secs. 2301-2314 (Ch. 137), 70A Stat. 127-133, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 40 U.S.C. 486(c), 10 U.S.C. 2301-2314, 49 U.S.C. 1655(b); 41 CFR 12-1.008)

Effective date. This amendment becomes effective on the date of publication in the FEDERAL REGISTER.

Dated: July 28, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-9069; Filed, July 31, 1969; 8:50 a.m.]

Chapter 109—Atomic Energy Commission

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

PART 109-35—TELECOMMUNICATIONS

This part is being issued to set forth AEC implementation and supplementation of Federal Property Management Regulations, Part 101-35, Telecommunications.

Sec.
109-35.000 Scope of part.
109-35.000-50 Applicability to contractors.

Subpart 109-35.1—General Provisions

109-35.107 Surveys.
109-35.108 Agency payments to common carriers.

Subpart 109-35.2—Major Changes and New Installations

109-35.202 Definition of major changes.

Subpart 109-35.3—Utilization and Ordering of Telecommunication Services

109-35.304 Changes in telephone listing.
109-35.306 Forms for telegraph messages.

Subpart 109-35.4—Contracting, Negotiation, and Representation Involving Telecommunication Services

109-35.402 Contracting.
109-35.405 Submission of requests.

AUTHORITY: The provisions of this Part 109-35 issued under sec. 161, as amended, 68 Stat. 948, sec. 205, 63 Stat. 390, as amended; 42 U.S.C. 2201, 40 U.S.C. 486.

§ 109-35.000 Scope of part.

This part prescribes AEC regulations governing telecommunications activities, which regulations implement Federal Property Management Regulations.

§ 109-35.000-50 Applicability to contractors.

FPMR 101-35, Telecommunications, and AECPMR 109-35, Telecommunications, shall be applied to cost-type contractors' telecommunications activities as follows:

(a) In all respects to cost-type contractors employing telecommunications facilities and services which are wholly owned, leased, or cost reimbursed by the AEC.

(b) To all other cost-type contractors whose telecommunications costs are directly identifiable and chargeable to AEC, when such costs are considered significant and to the extent that application of AEC Manual Chapter 0270 and appendix handbook is practicable.

Subpart 109-35.1—General Provisions

§ 109-35.107 Surveys.

Surveys of AEC communications facilities requested by GSA will be coordinated through AEC headquarters.

§ 109-35.108 Agency payments to common carriers.

GSA will advise AEC Headquarters of its requests for common carrier bills rendered to AEC.

Subpart 109-35.2—Major Changes and New Installations

§ 109-35.202 Definition of major changes.

For the purpose of this Subpart 109-35.2, the following shall be deemed major changes or new installations of telecommunications facilities:

(a) *Local telephone service.* In connection with 101-35.202(a)(6), installation or removal of tielines between the gateway PBX and satellite PBX's on the same site shall not be deemed major changes or new installations requiring GSA review. Significant increases or decreases in the number of these lines or other information which could have an effect on the FTS traffic load will be reported to GSA.

(b) *Intercity telephone service.* Applies as written in § 101-35.202.

(c) *Data transmission service.* Installation or removal of local data transmission channels or equipment which are used exclusively for onsite transmission (i.e., in the sense that there can be no direct transmission by the channel or equipment off the site) shall not require GSA approval. This, however, does not preclude compliance with the requirement of Subpart 101-35.202a.(9).

(d) *Telegraph service.* Installation or removal of exclusively onsite (i.e., in the sense that there can be no direct transmission by the equipment off the site) teletype leased lines and associated equipment shall not be deemed major change or new installation.

(e) *Communications security service.* The GSA/AEC Agreement relating to communications security service provides information for GSA review in this area.

No additional information need be provided by AEC with respect to facilities covered by that Agreement.

(f) *Radio service.* Notification to GSA may be made through the GSA member of the Interdepartment Radio Advisory Committee (IRAC). AEC need provide additional information with respect to matters reported to IRAC only if specifically requested by GSA. For purposes of radio service, calculation of the 20 regular working days referred to in FPMR 101-35.201 shall begin on the date the GSA member of IRAC is advised of the proposed AEC action. GSA will review applications filed for "Telephone Action" and will informally advise AEC of recommendations, if any, within 5 working days from the date of receipt of the application from IRAC.

(g) *Video and audio service.* The requirements of this paragraph shall not apply to exclusively onsite equipment (i.e., in the sense that there can be no direct transmission by the equipment or channels off the site).

Subpart 109-35.3—Utilization and Ordering of Telecommunications Services

§ 109-35.304 Changes in telephone listing.

AEC is required to use Standard Form 146 only in connection with joint use switchboards not operated by AEC or its contractors.

§ 109-35.306 Forms for telegraph messages.

AEC is required to use Standard Form 14 only in connection with AEC contractors' use of GSA-operated teletypewriter centers.

Subpart 109-35.4—Contracting, Negotiation, and Representation Involving Telecommunications Services

§ 109-35.402 Contracting.

Copies of existing AEC communications common carrier contracts shall be furnished to GSA for information and analysis.

§ 109-35.405 Submission of requests.

Field office requests for GSA assistance will be submitted through AEC Headquarters.

Effective date. This part will become effective 60 days after publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 26th day of June, 1969.

For the U.S. Atomic Energy Commission.

JOHN A. ERLEWINE,
Assistant General Manager for Operations.

[P.R. Doc. 69-9001; Filed, July 31, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation.

[CGFR 69-84]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Rates and Regulations

1. On June 4, 1969, a notice of proposed rulemaking regarding amendments to Part 401, Chapter III, Title 46, Code of Federal Regulations, was published in the FEDERAL REGISTER (34 F.R. 8923). In accordance with the notice a public hearing regarding the proposed amendments was held on June 19, 1969, in Cleveland, Ohio. Interested parties were given the opportunity of participating in the rulemaking by submitting written data, views, arguments, or comments regarding the proposed amendments in advance of the hearing date and by submitting this material orally or in writing at the public hearing. All the comments received from interested parties support the restructuring of the rates for pilotage services.

2. After the public hearing, the data, views, arguments, and comments submitted by interested parties regarding the proposed amendments were thoroughly considered by the representative of the Commandant. Thereafter the representatives of the United States entered into discussions with the representatives of Canada. As a result of these discussions a new Memorandum of Arrangements concerning Great Lakes Pilotage was executed by the Secretary of Transportation and the Minister of Transport. This Memorandum becomes effective August 1, 1969, and commits both parties to the development and implementation of a new rate structure.

3. Certain changes have been made in the amendments proposed in the notice. The proposal to charge detention in undesignated waters has been deferred. This issue will be further considered as a part of the study to restructure the rates. In § 401.400 the charge for some of the voyages on designated waters in District No. 1 has been decreased slightly from the proposed. Also, in § 401.410(a) the charge in the undesignated waters of Lake Ontario has been decreased slightly.

4. One of the comments received at the public hearing on June 19, 1969 indicated a misunderstanding as to the status of the mandatory pilot change points effected by the 1968 amendment to § 401.450. It is generally agreed that these change points should result in a decrease in detention and detention charges. The comment referred to was to the effect that the mandatory change point at Detroit was instituted only on a trial basis for a 60-day period. This is not a fact. To the contrary, all the mandatory change points set forth in § 401.451 have been established on a permanent basis.

5. Since these amendments involve a foreign affairs function of the United States, they can be made effective in less than 30 days.

6. Subpart B of Part 401 is amended by revising § 401.220(e) to read as follows:

§ 401.220 Registration of pilots.

* * * * *

(e) The Director may, when necessary to assure adequate and efficient pilotage service, issue a temporary certificate of registration for a period of less than 1 year to any person found qualified under this subpart regardless of age.

7. Subpart C of Part 401 is amended by revising § 401.400 to read as follows:

§ 401.400 Rates and charges on designated waters.

Except as provided under § 401.420, the following rates and charges shall be payable for all services and assignments performed by United States or Canadian Registered Pilots in the following areas of the United States waters of the Great Lakes described in § 401.300, pursuant to the Memorandum of Arrangements, Great Lakes Pilotage:

(a) District 1:

(1) Between Snell Lock and Cape Vincent or Kingston, whether or not undesignated waters are traversed—$282.

(2) Between Snell Lock and Cardinal, Prescott, or Ogdensburg—$141.

(3) Between Cardinal, Prescott, or Ogdensburg and Cape Vincent or Kingston, whether or not undesignated waters are traversed—$205.

(4) For pilotage commencing or terminating at any point above Snell Lock other than those named in items (1), (2), or (3), $2.80 per statute mile but with a minimum charge therefor of—$64.

(5) For a movage in any harbor—$78.

(b) District 2:

(1) Passage through the Welland Canal or any part thereof, $7.75, for each statute mile plus $23 for each lock transited but with a minimum charge of $78 and a maximum charge for a through trip of $310. When pilots are changed at Lock 7 on a through trip the charges are apportioned as follows:

(i) Between northerly limits and Lock 7—$155.

(ii) Between Lock 7 and southerly limits—$155.

(2) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto as far as the northerly limit of the District—$234.

When pilots are changed at Detroit/Windsor on a through trip the charges are apportioned as follows:

(i) Between Southeast Shoal or any point on Lake Erie west thereof and Detroit/Windsor—$117.

(ii) Between Detroit/Windsor and the northerly limits—$117.

(3) Between Southeast Shoal and any point on Lake Erie west thereof or on the Detroit River—$148.

(4) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River—$148.

(5) Between points on Lake Erie west of Southeast Shoal—$78.

(6) Between points on the Detroit River—$78.

(7) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District—$148.

(8) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District—$117.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corp. Wharf at Sault Ste. Marie, Ontario—$302.

(2) Between the southerly limit of the District and Sault Ste. Marie, Mich., or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corp. Wharf—$250.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corp. Wharf, or Sault Ste. Marie, Mich.—$113.

(4) For a movage in any harbor—$78.

8. Section 401.410 is revised to read as follows:

§ 401.410 Rates and charges on undesignated waters.

(a) Subject to paragraph (b) of this section, the charges to be paid by a ship that has a registered pilot on board in the undesignated waters of Lake Ontario shall be $70 and in other undesignated waters shall be $78 for each 24-hour period or part thereof that the pilot is on board, plus—

(1) $39 for each time the pilot performs the docking or undocking of the ship on entering or leaving a harbor or performs a movage of the ship within a harbor; and

(2) The travel expenses reasonably incurred by a pilot in joining the ship and returning to his base.

(b) When a registered pilot is carried on a ship in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, the charges referred to in paragraph (a) are not payable unless—

(1) The ship is required by law to have a registered pilot on board in those waters; or

(2) Services are performed by the pilot in those waters at the request of the Master.

9. Section 401.420 is revised to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When the passage of a ship through a District is interrupted for the purpose of loading or discharging cargo or for any other reason and the sevices of the registered pilot are retained during such interruption, for the convenience of the ship, the ship shall pay an additional charge of $7.75 for each hour or part of an hour during which each interruption lasts, but with a maximum of $117 for each 24-hour period of such interruption. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the first day of December and ending on the eighth day of the following April.

(b) When the departure or the movage of a ship for which a registered pilot has been ordered is delayed for the convenience of the ship for more than 1 hour after the pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, or when a pilot is detained on board a ship for the convenience of the ship for more than 1 hour after the end of the assignment for which he was ordered, the ship shall pay an additional charge of $7.75 for each hour or part of an hour after the first hour of such delay; but the aggregate amount of such further charges shall not exceed $117 for any 24-hour period.

(c) When a registered pilot reports for duty as ordered and the order is canceled, the ship shall pay—

(1) A cancellation charge of $39;

(2) If the cancellation is more than 1 hour after the pilot was ordered for, a further charge of $7.75 for each hour or part of an hour after the first hour, except that the aggregate cancellation fee payable in any 24-hour period shall not exceed $117; and

(3) If the ship is in the undesignated waters, the travel expenses reasonably incurred by the pilot in joining the ship and returning to his base.

(Secs. 4 and 5, 74 Stat. 260, sec. 6(a)(4), 80 Stat. 937; 46 U.S.C. 216b, 216c, 49 U.S.C. 1655(a)(4); 49 CFR 1.4(a)(1))

Effective date. These amendments shall become effective on August 1, 1969.

Dated: July 29, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-9023; Filed, July 31, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18480; FCC 69-813]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Miscellaneous Amendments

Report and order. In the matter of amendment of Parts 81 and 83—to require, in the maritime mobile service band 156–162 Mc/s, that coast and/or ship stations using transmitters first installed after January 1, 1970, conform to the frequency tolerance, power limitations and low-pass filter requirements set forth in §§ 81.131, 81.142(i), 83.131(c), 83.134(f), and 83.137(g) as amended, Docket No. 18480.

1. A notice of proposed rule making in the above-captioned matter was released on March 13, 1969, and was published in the FEDERAL REGISTER on March 19, 1969, (FCC 69-221, 34 F.R. 5386). By order, released April 29, 1969, an extension of time was granted in which to file comments. In the Notice, the Commission proposed to amend its Rules governing stations in the Maritime Services to require, in the band 156–162 Mc/s, that coast and/or ship stations using transmitters first installed after January 1, 1970, conform to the frequency tolerance, power limitations and low-pass filter requirements set forth in §§ 81.131, 81.142(i), 83.131(c), 83.134(f), and 83.137(g) as amended.

2. Comments were filed by: Fisher Research Laboratory, Inc. (FRL), Konel Corp. (KONEL), Lake Carriers' Association (LCA), National Marine Electronics Association, Inc. (NMEA), and Northern Pacific Marine Radio Council, Inc. (NPMRC).

3. The comments of FRL and NMEA fully supported the Commission's proposal.

4. The comments of KONEL are limited to the matter of date after which new, replacement or additional transmitters installed at coast or ship stations shall conform to the frequency tolerance, low-pass filter requirements and power limitations set forth in §§ 81.131, 81.142(i), 83.131(c), 83.134(f), and 83.137(g) of the rules. KONEL recommended that the date proposed by the Commission, namely, January 1, 1970, be changed to January 1, 1971. In support of their recommendation, KONEL states they are committed to build substantial quantities of transmitters with an input power of 100 watts for the 1969 season, and have invested a substantial amount of money in parts, production, and equipment. KONEL states they have reduced their inventory of transmitters having input powers of 50 watts and 100 watts to less than 300 units, which will be moving onto their dealers shelves over the next several months. KONEL states, further, that sale of these units by their dealers to customers will occur over an extended period of time.

5. The Commission has noted that of the many manufacturers which supply equipment for operation in the band 156–162 Mc/s, only KONEL has recommended postponement, for 1 year, of the cutoff date. In their comments, KONEL does not state that their investment in parts, production and euqipment will be lost, or indicate the degree to which, if any, that investment will be depreciated if the proposed date of January 1, 1970, is adopted. Also, KONEL gives no indication of the magnitude of economic penalty which will be imposed upon them if the date of January 1, 1970, is adopted.

6. It is also noted that the NMEA, a national association of dealers selling and servicing marine communication and navigation equipment to commercial transport and recreational craft, supported the Commission's proposed date of January 1, 1970. Thus, it is reasonable to presume that many dealers, including those of KONEL equipment, would be cautious about over stocking new transmitters which do not conform to the

Commission's narrow-band requirements.

7. With regard to KONEL's 100-watt and 50-watt (input power) transmitters, a comparison of the schematic diagrams indicates that, except for the output power amplifier stage and wiring of the power supplies, these two transmitters are identical. Upon discontinuance of the 100-watt (input power) transmitter after the cutoff date, except for components used in the power amplifier stage, KONEL could utilize the same components in their 50-watt (input power) transmitter. It would, of course, be necessary for KONEL, after January 1, 1970, to modify their 50-watt (input power) transmitter to bring it into accord with the Commission's narrow-band requirements.

8. To minimize impact upon the users, the Commission's narrow-band program provides for the continued use of shipboard transmitters type accepted before September 3, 1968,[1] which employ an output power in excess of that specified in § 83.134(f). In regard to transmitters in use aboard vessels, the Commission did not specify a cutoff date or require modification to conform to the provisions of § 83.134(f). It does not follow that transmitters yet to be authorized, which are not installed aboard a vessel, and which do not conform to the Commission's narrow-band requirements, should be given "grandfather" rights to permit their future or continued installation. To the contrary, the purpose of the instant proceeding is to bring to a halt the installation of transmitters which do not conform to the Commission's narrow-band requirements, or, if they are to be continued in service, to require they be modified on January 1, 1974, to comply with these narrow-band requirements.

9. On the basis of the foregoing, the Commission is not persuaded that the cutoff date should be extended for 1 year. Accordingly, the recommendation of KONEL that the cutoff date be extended to January 1, 1971, is rejected and the date of January 1, 1970, is adopted. Adoption of the date of January 1, 1970 will have no impact upon sale of these transmitters during the 1969 boating season.

10. The comments of LCA are directed toward an apparent disparity said to exist between new equipment having the required audio low-pass filter and equipment presently installed. It should be noted that nearly all of the presently installed VHF marine transmitters have had to meet the modulation limiting requirement of §§ 81.142(e) and 83.137(f). Most manufacturers in meeting this modulation limiting requirement have already incorporated an audio low-pass filter to reduce the level of high order harmonic products generated by the modulation limiter. These products generally appear as spurious emissions outside the bandwidth occupied and are required to be attenuated as specified by §§ 81.140 and 83.136. Thus, nearly all of the presently installed VHF marine transmitters already have an audio low-pass filter. However, the attenuation characteristics of most of these filters do not meet the new requirements of §§ 81.142(i) and 83.137(g). The difference in attenuation between the present audio low-pass filters and the required filter mainly affects the modulation products appearing outside the acceptance bandwidth of the receiver and serves only to reduce adjacent channel interference. The audio low-pass filter will not reduce the desired audio frequency range transmitted. LCA's contention that imposition of the audio filter requirement will "further complicate the intermixture problem" is, therefore, rejected. The Commission's proposal to require all new, replacement, or additional transmitters installed after January 1, 1970, to meet all of the new technical requirements was intended to prevent continued installation of nonconforming equipment.

11. LCA referred to an "intermixture problem", arising from the fact that stations aboard U.S. vessels would be required to meet new and tighter frequency deviation requirements while stations aboard Canadian and other foreign vessels would not have to meet such requirements for some time. It is noted that the LCA comment is dated April 18, 1969. On April 28, 1969, a hearing commenced in the U.S. District Court, Northern District of Ohio Eastern Division to determine the effect of intermixture on VHF communications on the Great Lakes (Lake Carrier's Association et al. v. United States and Federal Communications Commission, Case No. 19,488 in the U.S. Court of Appeals for the Sixth Circuit). The hearing terminated on May 16, 1969. Testimony was given by 19 witnesses and a number of tests were received in evidence. The transcript ran more than 1,000 pages. The court found, in effect, that there is a 9.6 db difference in loudness of transmission resulting from intermixture; however, this db difference in transmission has not caused, nor is it likely to cause, messages to be missed in the course of radio communication. Further, the 9.6 db difference in loudness of transmission received can probably be eliminated by feasible alterations to the receiver. The court concluded, based on all of the courts' actual findings, that the safety of navigation on the Great Lakes has not been "seriously jeopardized", as alleged by LCA; nor are the vessels of petitioners and their crews thereby "exposed to increased hazards of collision and injury."

12. The comments of the NPMRC request clarification in regard to "* * * some possible consequential aspects in the areas of replacements for maintenance purposes, transfers between vessels of a fleet and sales of vessels fitted with transmitters which were type accepted prior to March 1, 1969." Each of these subjects are discussed in the following paragraphs, under the headings of "Maintenance", "Plurality ship station licenses—transfer of VHF transmitters", and "Sale of vessels and VHF equipment."

13. *Maintenance.* The comments of NPMRC describe a situation where a faulty transmitter may be removed from a vessel for service; a replacement transmitter may be installed in its place; after repair, the original transmitter may be placed in a revolving pool of maintenance spares; and, at a later date, the original transmitter may be installed on another vessel. It was not the intent of the Commission in its notice to prevent or cause to be discontinued use of VHF transmitting equipment as described in the above situation. Utilization of VHF transmitting equipment in this way may be continued without change, subject to the schedule set forth in the appendix, where the number of VHF units is not increased. However, should there be a need to increase the number of VHF transmitters, the Commission will authorize the addition of VHF units only where those units have been type accepted as conforming to the narrow-band technical requirements. For example, if eight VHF units, type accepted prior to March 1, 1969,[2] are in use before January 1, 1970, and it is desired, after January 1, 1970, to increase the number of units to 10, the latter two units must be of a type which have been type accepted to the narrow-band technical requirements. Thus, on January 1, 1974, it will be necessay to bring only eight of the units into conformity with the narrow-band requirements.

14. *Plurality ship station license—transfer of VHF transmitters.* The comments of NPMRC describe a situation where a VHF transmitter may be moved from one vessel to another, on short notice, because of a change in communication need. For example, a (one or more) VHF equipped vessel of a fleet may be out of service, making it necessary to transfer the operational assignment of that vessel to another vessel, which is not VHF equipped. With this transfer of operational assignment, it is also desirable to move the VHF equipment to the vessel actually carrying out the assignment. In the case where this vessel is engaged on a voyage to a foreign country, § 83.39(b)(1) of the rules prohibit the operation of that ship station under a plurality ship station license. Although not precisely so stated, it appears that NPMRC is of the view and recommends that subdivision (1) of paragraph (b), § 83.39 be deleted. Deletion of this subdivision is not within the scope of this proceeding and, therefore, no action is taken on this recommendation.

15. With regard to intrafleet transfer of VHF transmitters, NPMRC recommends that the ultimate rules permit such transfers where the VHF transmitter was type accepted prior to March 1, 1969, and first installed prior to January 1, 1970. (NPMRC's recommendation is construed to mean: "* * * and first installed aboard any vessel of that fleet prior to January 1, 1970." With regard to NPMRC's recommendation, it was not

[1] Mar. 1, 1969, in the case of frequency tolerance and low-pass filter requirements.

[2] Sept. 3, 1968, in the case of output power.

the intent of the Commission to prohibit intrafleet transfer of VHF transmitters which were type accepted prior to March 1, 1969.[3] Accordingly, a fleet of vessels operated under a plurality ship station license, for maintenance of equipment or to meet changes in operational assignments, may continue to utilize, until January 1, 1974, VHF transmitters which were type accepted prior to March 1, 1969,[3] in the case where that transmitter(s) was first installed aboard any vessel of that fleet prior to January 1, 1970.

16. This interpretation is in full accord with the Commission's intent that new, replacement or additional VHF transmitters instaled after January 1, 1970, have the capability to meet all of the new technical requirements and is not viewed as permitting or encouraging continued installation of nonconforming equipment after January 1, 1970. In the case where, for example, there is an expansion in number of vessels operated and additional equipment is required, it is intended and presumed that the licensee will obtain VHF equipment which conforms to the Commission's narrow-band technical requirements.

17. *Sale of vessels and VHF equipment.* NPMRC requests clarification "* * * that VHF transmitters type accepted prior to March 1, 1969, may continue in use on board the same vessel until January 1, 1974, even though the vessel is sold." With regard to the sale of a boat, together with VHF equipment, where that VHF equipment had been type accepted prior to March 1, 1969,[3] but does not meet the technical standards released by the Commission on July 25, 1968 (Docket No. 17295), and had been installed aboard the vessel prior to January 1, 1970, it is the intent of the Commission that that VHF equipment could be sold with the boat and could continue to be licensed and used until January 1, 1974. On January 1, 1974, that VHF equipment would have to meet the frequency tolerance and low-pass filter requirements. Further, VHF equipment employing an output power in excess of 25 watts which was type accepted prior to September 3, 1968, would not need to be modified to reduce power to 25 watts, switchable to 1 watt.

18. With regard to sale of vessels and continued use of radio transmitters, there are two common or frequently posed questions, the first of which is treated in paragraph 18, above, and the second concerns the case where the owner removes the radio transmitter, concurrent with sale of the vessel, with the intention of installing the removed radio transmitter on a new or replacement boat. In the latter case, to install and operate the radio transmitter on a new or replacement boat, the Communications Act of 1934, as amended, requires that an appropriate station license be issued by the FCC. When the owner submits an application to use the transmitter on the new or replacement boat, it will be processed by the Commission as a new station. If that application is submitted after January 1, 1970, the transmitter(s) to be used under the license granted must be of a type which has been type accepted as conforming to the new frequency tolerance, audio low-pass filter requirements and power limitations.

19. Appendix II attached is a list of transmitters affected by this proceeding and by the report and order in Docket No. 17295, released July 25, 1968.

20. An application for modification submitted solely to comply with any rule amendment adopted as a result of this proceeding may be submitted without a fee.

21. In view of the foregoing: *It is ordered,* That, pursuant to the authority contained in sections 4(i) and 303 (e), (f), and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 of the Commission's rules are amended effective September 2, 1969, as set forth below.

22. *It is further ordered,* That the proceeding in Docket No. 18480 is terminated.

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

Adopted: July 24, 1969.

Released: July 28, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. In § 81.131, footnotes 1 following paragraphs (c)(2) and (d)(3) are amended to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(c) * * *
(2) * * *

[1] With regard to a particular station, the tolerance shown in the table is applicable to: Transmitters for which type acceptance is granted after Mar. 1, 1969; transmitters placed in service after Jan. 1, 1970; and all transmitters after Jan. 1, 1974: *Provided, however,* That a tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

(d) * * *
(3) * * *

[1] With regard to a particular station, the tolerance shown in the table is applicable to: Transmitters for which type acceptance is granted after Mar. 1, 1969; transmitters placed in service after Jan. 1, 1970; and all transmitters after Jan. 1, 1974: *Provided, however,* That a tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

* * * * *

2. In § 81.142, footnote 2 to paragraph (i) is amended to read as follows:

§ 81.142 Modulation requirements.

* * * * *

(i) * * *

[2] The requirements of this paragraph are applicable as follows:

(a) To all transmitters type accepted after Mar. 1, 1969;

(b) To all transmitters first installed after Jan. 1, 1970; and

(c) To all transmitters after Jan. 1, 1971.

B. Part 83, Stations on Shipboard in the Maritime Services, is amended to read as follows:

1. In § 83.131, footnote 1 following paragraph (c)(2) is amended to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * *

(c) * * *
(2) * * *

[1] With regard to a particular station, the tolerance shown in the table is applicable to: transmitters after Jan. 1, 1974: *Provided,* granted after Mar. 1, 1969; transmitters placed in service after Jan. 1, 1970; and all transmitters after Jan. 1, 1974: *Provided, however,* That a tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to transmitters installed prior to Jan. 1, 1970, which were type accepted prior to Mar. 1, 1969.

* * * * *

2. In § 83.134, footnote 2 following paragraph (f) is amended to read as follows:

§ 83.134 Transmitter power.

* * * * *

(f) * * *

[2] Applicable to ship station transmitters for which type acceptance is granted after Sept. 3, 1968; and to all transmitters first installed aboard ship after Jan. 1, 1970.

3. In § 83.137, footnote 2 to paragraph (g) is amended to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(g) * * *

[2] The requirements of this paragraph are applicable as follows:

(a) To all transmitters type accepted after Mar. 1, 1969;

(b) To all transmitters first installed after Jan. 1, 1970; and

(c) To all transmitters after Jan. 1, 1974.

APPENDIX II

The following transmitter types, except as otherwise noted, are not acceptable for:

Initial installation in coast and/or ship stations after January 1, 1970;

Use in coast stations after January 1, 1971;

Use in ship stations after January 1, 1974.

AERONAUTICAL ELECTRONICS, INC.

6OT1	6W15/SLT-EB
6AT15-M	6W3
6AT25-M	6W35/SLT
6T1	6W35/SLT-B
6W10	6W60
6W100	6W60/SLTA
6W100/SLTA	6W85
6W15	6W85/SLTA
6W15/SLT	6WB10
6W15/SLT-E	

[3] Sept. 3, 1968, in the case of output power.

[2] Commissioner Cox absent.

AIRCRAFT RADIO CORP.

7001UFMVZ–P	7020UFMVZ–T
7001UFXVZ–P	7020UFXVZ–D
7010UFMVZ–D	7020UFXVZ–T
7010UFMVZ–DL	7025UFMVZ–F
7010UFMVZ–MC	7025UFMVZ–T
7010UFMVZ–P	7025UFXVZ–F
7010UFMVZ–T	7025UFXVZ–T
7010UFXVZ–D	7060UFMVZ–F
7010UFXVZ–DL	7060UFXVZ–F
7010UFXVZ–MC	8207UFMVZ–T
7010UFXVZ–P	8207UFXVZ–T
7010UFXVZ–T	8306UFXNZ
7020UFMVZ–D	

APPLIED ELECTRONICS CO.

AF–35M	AF–36MB [2]
AF–35MA	

BENDIX CORP. OR BENDIX AVIATION CORP.

12TS–3	MT–142B–1
12TS–4	MT–142D–1
13TS–3	MT–142E–1
13TS–4	SKIPPER 925

CANADIAN GENERAL ELECTRIC CO., LTD.

ETC–21–A	ETC–48A

CANADIAN MARCONI CO.

165–475/17	189–611/17
189–520/6/7/10	DN30–TBM
189–520/6/7/10/29	DN30–TCM
189–520/6/8/10	DN32–TBM
189–520/6/8/10/29	DN32–TCM
189–610/17	

COMMMUNICATIONS CO., INC.

450–2T–PG	592–M
582–T	592–T
582–T–10	592–T–10

COMMUNICATIONS CO., INC.

626 [1]	800
626–AC [1]	802 [4]
649–RMT–M [1]	802–4
682–M	930W
682–T	937W

DU MONT DIVISION OF FAIRCHILD CAMERA AND INSTRUMENT CORP. OR DU MONT ALLEN B LABS, INC.

M–810–AC	M–875–A
M–810F	MCA–875–A

DU MONT DIVISION OF GONSET

HH300	M–876–A
M–875–A	

DU MONT DIVISION OF LING ALTEC INC.

HH300H

ELECTROGARDE, INC.

TRP–12

FARINON ELECTRIC CO.

MB150	MB150A–150W–1 [3]
MB150–150W–1 [3]	MB150A–250W–1 [3]
MB150–250W–1 [3]	MB150A–50W–1
MB150–36F3–150W [3]	MB150M–150W–1 [3]
MB150–36F3–250W [3]	MB150M–250W–1 [3]
MB150–36F3–50W	MB150M–50W–1
MB150–50W–1	

FISHER RESEARCH LABORATORIES INC.

F–150	F–150/12A

GENERAL ELECTRIC CO.

ES–12–C	ET–21–A
ES–20–A	ET–21–A–5
ES–25–C	ET–21–C
ES–25–C/GE–1	ET–26–A [3]
ET–1–C	ET–29–A
ET–1–E	ET–32–B
ET–1–E/LC–1	ET–32–D
ET–1–E/LC–2	ET–33–B
ET–20–A	ET–33–D
ET–20–A–5	ET–34–B

GENERAL ELECTRIC CO.—Continued

ET–34–D	ET–70–B
ET–37–B	ET–74–B
ET–37–D	ET–74–D
ET–42–A	ET–83–B [3]
ET–48–A	ET–87–B
ET–50–A	ET–9–A
ET–50–B	EU–1–A
ET–52–A	EU–1–A/EC–14–A
ET–52–B	EU–1–B
ET–57–B	EU–2–A
ET–58–B [3]	EU–2–B
ET–62–B	MS–54–A

HAMMARLUND MANUFACTURING CO., INC.

FM50AW	HFM–30 TM–1
HFM–30–1	HFM–30 TM–4
HFM–30–4	

HARTMAN MARINE ELECTRONICS CORP.

HURRICANE VHF	RM–1500
RB–1500	

INLAND COMMUNICATIONS, INC.

S12	S18
S12M	S18R
S12MM	S2MB
S12MM15	S2MB15
S12MM25	S2MB25
S12MR	S3–10
S12R	S3–10M
S1–5	

INTERNATIONAL TELEPHONE & TELEGRAPH CORP.

MT–600–06–00–WB

JEFFERSON RAY DIVISION-JETRONIC IND.

6100

KAAR ELECTRONICS CORP.—SEE KAAR ENGINEERING CO.

CLIPPER 1	DP–14
CLIPPER 2	DP15
DJ30WB	DP16
DJ95WB	DT34WB
DJ96WB	

KONEL PRODUCTS, KONEL CORP. OR KONIGSBERG ELECTRONICS, INC.

KR–23VB [3]	KR–53VA
KR–33V	KR–53VB [3]
KR–33VB [3]	KR–63V
KR–53V	KR–63VB [3]

MACKAY RADIO & TELEGRAPH CO.

219A	CCU9540
221A	

MOTOROLA AVIATION ELECTRONICS, MOTOROLA, INC.

CC3002	CC3035B
CC3003	CC3035C
CC3005 [3]	CC3037
CC3006	CC3037C
CC3007	CC3038
CC3008	CC3038A
CC3009	CC3038B
CC301	CC3038C
CC3012	CC3039
CC3019	CC3039A
CC302	CC3039B
CC3020	CC3039C
CC3024	CC3040 [3]
CC3025	CC3040A [3]
CC3026	CC3040B [3]
CC3027	CC3040C [3]
CC3028	CC3042 [3]
CC3029B [3]	CC3042C [3]
CC303	CC3043
CC3032	CC3043C
CC3033	CC3044
CC3033A	CC3044B
CC3033B	CC3044C
CC3034 [3]	CC3045
CC3034A [3]	CC3045C
CC3034B [4]	CC3046
CC3035	CC3046C

MOTOROLA AVIATION ELECTRONICS, MOTOROLA, INC.—Continued

CC3049	CC3077C [4]
CC3049C	CC3078
CC305 [3]	CC3078C
CC3050	CC308
CC3050C	CC3085
CC3051	CC3086
CC3051C	CC3087
CC3052	CC3088 [3]
CC3053	CC3089
CC3054 [4]	CC3090
CC3054B [4]	CC3091
CC3054 [4]	CC3092 [3]
CC3056	CC3093 [3]
CC3056C	CC3097 [4]
CC3057	CC3097C [4]
CC3057C	CC3099 [4]
CC305C	CC3099C [4]
CC306	CC311
CC3063	CC350
CC3063C	CC3500
CC3064 [3]	CC3501
CC3064C [3]	CC3504
CC3065 [3]	CC3508
CC3065C [3]	CC3509
CC3067	CC3510
CC3067C	CC3511
CC3068	CC3512
CC3068C	CC3513A [4]
CC3069	CC3513B [4]
CC307	CC3514 [4]
CC3070	CC3514A
CC3071	CC3515
CC3072	CC3516 [4]
CC3073	CC3517A
CC3073C	CC3520
CC3074 [3]	CC3522 [4]
CC3074A [3]	CC3523 [4]
CC3074C [3]	CC3524 [4]
CC3077 [4]	

OUTBACOM ELECTRONICS CORP.

FM15B	MINI–MOD
FM50AW	

PEARCE-SIMPSON INC.

MRT–50

PYE CORPORATION OF AMERICA

PTC–3832UN	PTC8202UN
PTC–8202U	PTC–8302UN

R. F. COMMUNICATIONS

RF–401–15 [3]

RADIO CORP. OF AMERICA

CMC–10A	CT–12A1
CMC–10A2	CT2–100BLM
CMC–10B/H	CT2–2A
CPCJ1–1–TQA	CT2–30BL–M
CRM–P15A–100	CT2–30E
CRM–P15B–60	CT2–30G
CRM–P15C–40	CT2–30HM
CRM–P17A–100	CT2–30JM
CRM–P17B–60	CT2–30KM
CRM–P17C–40	CT2–350B [3]
CRM–P18A–100	CT2–350CM [3]
CRM–P18B–60	CT2–60B–M
CRM–P18C–40	CT2–60D
CRM–P19A–100	CT2–60F1
CRM–P19B–60	CT2–60GM
CRM–P19C–40	CT–5C–A
CRM–P20A–15	ET–3030
CSC–60A	ET–8054–M
CSC–60A1	ET–8058
CT–12A	ET–8058M

RADIO SPECIALTY MANUFACTURING CO.

1178–111–1	1178–111–2

RAYTHEON CO. OR RAYTHEON MANUFACTURING CO.

RAY–124ME28	RAY–40A
RAY–40	RAY–42VHFB [3]

REPCO INC.

BB–1001–1	BB–3004 [4]
BB–3002	BB–3001 [4]

SEATRON INC.	
MARK 1	MARK 1A
SIMPSON ELECTRONICS	
FM-25 [2]	VHF-50
FM-3 [2]	
STANDARD ELECTRIC A/S	
CCU9540	
SYMETRICS ENGINEERING CORP.	
TCM225A	TPM225A
TCM230A	TPM230A
TCM235A	TPM235A
TPM220A	
WESTINGHOUSE ELECTRIC CORP.	
FE	FE-1

[1] Not acceptable for initial installation in coast and/or ship stations after Jan. 1, 1970. Not acceptable for use in coast and/or ship stations after Jan. 1, 1974.

[2] Not acceptable for initial installation in coast and/or ship stations after Jan. 1, 1970. Not acceptable for use in coast stations after Jan. 1, 1974.

[3] Persons desiring to modify transmitters of this type for compliance with the new technical requirements adopted in Docket No. 17295 should note also that they are not equipped with instruments necessary to determine carrier power which will be required after Jan. 1, 1974 pursuant to section 81.110(b).

[4] Type acceptance is not being withdrawn; however, these transmitters are not acceptable for initial installation in ship stations after Jan. 1, 1970.

[5] Not acceptable for initial installation at coast stations after Jan. 1, 1970. Not acceptable for use in coast stations after Jan. 1, 1974.

[F.R. Doc. 69-8975; Filed, July 31, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-9; Amdts. 172-4, 173-11, 177-6, 178-5]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of these amendments is to make a number of miscellaneous changes in the Hazardous Materials Regulations of the Department of Transportation. These amendments are, for the most part, based on notice No. 68-7 (Docket No. HM-9) which was issued by the Hazardous Materials Regulations Board on November 13, 1968, and published in the FEDERAL REGISTER November 20, 1968 (33 F.R. 17189).

The significant comments and the changes (other than minor corrections and editorial changes) from the notice are discussed below:

1. In the notice, the reason for listing hydrazine in the commodity list in § 172.5(a) was to propose removing the phrase "containing 50 percent or less of water" from the shipping name. However, this phrase was not printed in italics, as was intended, and the change proposed was not evident. Therefore, this item will be included in another notice so that interested persons will have an opportunity to comment thereon. Since the whole question of informational cross references in the commodity list is now under study by the Board, the proposed cross reference for liquid caustic soda has not been included as proposed.

2. A commenter suggested that a new section be created to specify separately the packaging requirements for vanadium oxytrichloride and vanadium tetrachloride since there are distinct packaging requirements. A new § 173.247a is being added to provide packaging requirements for these two commodities. This commenter also questioned the transportation of these materials by passenger aircraft. As is presently authorized in 14 CFR 103.7 and § 173.244, small quantities of the material (not exceeding 1 pound or 16 ounces by volume in inside bottles enclosed in metal cans) will continue to be authorized for such transportation. It was not proposed in the notice to remove this exemption, and therefore, it would be beyond the scope of the notice to exclude these materials from passenger aircraft.

3. The title of § 173.8 is changed to more correctly reflect the scope of paragraph (b). The section is also amended to provide a correct reference to the Canadian Transport Commission. Paragraph (b) of this section is amended to clearly state that packagings marked as mentioned in this section are authorized for use in domestic service within the United States in the same manner as corresponding DOT specifications except for cylinders or spherical pressure vessels of foreign manufacture which are prohibited unless they meet the requirements of § 173.301(i). One commenter asked if it was intended to include air transport within the authorization of this section. The authorization for the air transportation of hazardous materials is provided in 14 CFR 103. Since Part 103 is for the most part tied to the regulations in 49 CFR Parts 170 through 179, this amendment to § 173.8 (b) would affect transportation by air if all other applicable requirements are met.

4. Several commenters pointed out that the language proposed for § 173.24 (c)(9) is too restrictive and unjustified since, if a long enough period of time elapses, polyethylene is to some extent permeable to most liquids and vapors. The proposed paragraph is therefore revised to reflect the intended result, that is, that polyethylene must not be permeable to the lading to an extent that a hazardous condition could be caused during transportation and handling.

5. The notice proposed to amend § 173.119(a)(16) which related to specification 17E drums to remove truckload and carload restrictions and prohibit transportation by rail express. Since subparagraph (a)(3) also relates to the specification 17E drum, subparagraph (a)(16) is being deleted and the amendment is being made to paragraph (a)(3) which presently applies to those drums with a capacity not exceeding 5 gallons. This will provide a complete packaging reference for specification 17E drums in one place.

6. Subsequent to the issuance of notice No. 68-7, information has come to the Board's attention which raises questions as to desirability of requiring bottom embossing on drums such as the proposed 17M. As a result, the Board has determined that further study is needed before final action is taken on this proposed specification. If it is determined that significant changes from the requirements proposed in the notice are necessary (such as a complete prohibition against embossing or against any embossment on the bottom head) a new notice of proposed rule making will be issued to provide all interested parties an opportunity to comment thereon.

7. Rather than stating that black paint is authorized, for clarification § 173.206 is amended to provide an exemption from the reflective surface requirements of § 178.245-1(c).

8. A commenter recommended that venting be authorized in § 173.221 to prevent excessive pressure buildup in a container. Although recommended for one container, it is appropriate that venting be authorized in this section when necessary to prevent excessive pressure buildup. Section 173.221 is amended accordingly.

9. In view of the comments received thereon, the proposed subparagraph § 173.221(a)(12) to authorize the use of specification 21P fiber drums for peroxides in quantities up to 15 gallons is not included in the amendment pending further study.

10. The provisions for acid-resistant plastic for inside receptacles in § 173.264(a)(2), (a)(4) and 173.265(d)(1) were unintentionally omitted in the notice and are continued as authorized in the present regulations. The proposed amendment to § 173.264(b)(6) pertaining to the shipment of hydrofluoric acid in certain tanks is not being adopted at this time but will be reconsidered in a separate rule making action that will cover other related provisions in the hazardous materials regulations.

11. A commenter requested that the Board make provisions in §§ 173.283, 173.284, and 173.285 for cylinders to be shipped in strong wooden boxes as an alternative to the use of valve protection caps. Although the notice was not addressed to this matter, the Board believes that the alternatives provisions provided in § 173.301(g) are appropriate for the types of corrosive liquids covered in these sections.

12. A commenter questioned the change in the minimum thickness for polyethylene in § 173.299(a)(1) from 0.050 to 0.030 inch. This change is made based on experience gained under a special permit issued by the Department. Many thousands of polyethylene packagings having a thickness of 0.030 inch have been shipped with no adverse experience reported.

13. A commenter suggested that the Board provide up to a 1 percent variation from the 0.015-inch minimum wall thickness specified in § 173.348 to take into account certain inherent variations in the manufacturing process. The commenter's proposal is not adopted because it is inconsistent with the intent of this regulation which is to express a minimum packaging criteria. To meet a minimum wall thickness requirement of 0.015 inch for each bottle manufactured for use under this authorization, it may be necessary for a manufacturer to use thicker material.

14. A commenter brought to the Board's attention that the method of test was not specified in the notice for determining the properties of polyethylene in § 178.24a–3(c). The Board has determined that it is appropriate to specify the test methods as is presently done in comparable requirements (see § 178.19–2). The proposed property requirements have been included as an Appendix B to Part 178. Table I specifies properties for polyethylene and also specifies the current American Society for Testing Materials test methods for determining such properties.

15. A commenter questioned the proposed marking requirements for the specification 2E polyethylene bottle in § 178.24a–6. The principal concerns were (1) the requirement for "raised figure" markings, (2) the one-fourth inch figure size, and (3) the requirement that minimum thickness be marked on each bottle. The Board believes that marking by "embossment" is a more appropriate way to state the marking requirement so that it is clear that marking which is "blown in" during manufacture is permitted. A change is made accordingly. However, the Board does not believe that other types of markings, such as those which are painted, indented, or stamped, should be permitted until more information concerning markings of these types is obtained and evaluated. Based on the comments received, the Board sees no sufficient reason to conclude that the one-fourth inch figure size is too large. If information is provided indicating that for smaller bottles a smaller figure size is warranted, this matter will be considered in future rule making. The requirement that the minimum wall thickness be marked on each bottle is necessary because, for certain commodities, Part 173 requires a wall thickness thicker than is specified as the minimum thickness for the specification 2E bottle in § 178.24a–3. Therefore, unless the wall thickness is indicated, a shipper will not be able to easily determine whether a particular bottle is authorized for certain commodities.

Interested persons were afforded an opportunity to participate in this rule making and due consideration has been given to all relevant matter presented.

In consideration of the foregoing and in order to allow adequate time for compliance with these amendments, 49 CFR Parts 172, 173, 177, and 178 are amended effective December 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

These amendments are made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

PART 172—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 171–179 OF THIS CHAPTER

1. Part 172 is amended as follows:

(A) In § 172.5 paragraph (a) Commodity List is amended to read as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Add				
Vanadium oxytrichloride	Cor. L	173.244, 173.247a	White	25 pounds.
Vanadium tetrachloride	Cor. L	173.244, 173.247a	White	25 pounds.

PART 173—SHIPPERS

II. Part 173 is amended as follows:

(A) In the Table of Contents §§ 173.8, 173.221 are amended; § 173.247a is added to read as follows:

Sec.
173.8 Canadian shipments and packagings.
173.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s.
173.247a Vanadium oxytrichloride and vanadium tetrachloride.

(B) In § 173.8 the heading and paragraphs (a), (b) are amended; paragraph (a) Note 1 is canceled as follows:

§ 173.8 Canadian shipments and packagings.

(a) Shipments of hazardous materials which conform to the regulations of the Canadian Transport Commission (formerly the Board of Transport Commissioners for Canada), may be transported from the point of entry in the United States to their destination in the United States, or through the United States en route to a point in Canada.

NOTE 1: [Canceled]

(b) Except as specified in § 173.301(i), specification packagings made and maintained in full compliance with the corresponding specifications prescribed by the Railway Transport Committee of the Canadian Transport Commission (formerly the Board of Transport Commissioners for Canada) in its regulations for the Transportation of Dangerous Commodities by Rail, and marked in accordance therewith (e.g., BTC, RTC, etc.) may be used for the shipment of hazardous materials within the United States.

(C) In § 173.24 paragraph (c)(9) is added to read as follows:

§ 173.24 Standard requirements for all packages.

* * * * *

(c) * * *

(9) Polyethylene used must be of a type compatible with the lading and must not be permeable to an extent that a hazardous condition could be caused during transportation and handling.

* * * * *

(D) In § 173.34 paragraph (e) Table, subparagraphs (9), (10) Table, and (14) are amended to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

* * * * *

(e) * * *

Specification under which cylinder was made	Minimum retest pressure (p.s.i.)	Retest period (years)
* * *	* * *	* * *
DOT-4B, 4BA, 4BW, 4B240ET	2 times service pressure, except noncorrosive service (see § 173.34 (e)(9) and (e)(10)).	5.
* * *	* * *	* * *

* * * * *

(9) Cylinders made in compliance with specifications DOT–4B, DOT–4BA, DOT–4BW, and ICC–26–300 [3] (§§ 178.50, 178.51, 178.61 of this chapter) which are used exclusively for anhydrous dimethylamine; anhydrous monomethylamine; anhydrous trimethylamine; methyl chloride; liquefied petroleum gas; or dichlorodifluoromethane, difluoroethane, difluoromonochloroethane, monochlorodifluoromethane, monochlorotetrafluoroethane, monochlorotrifluoroethylene, or mixture thereof, or mixtures of one or more with trichloromonofluoromethane; and which are commercially free from corroding components and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) may be retested decennially (see Note 2) instead of quinquennially, or, as an alternative such cylinders may be subjected to an internal hydrostatic pressure equal to at least two times the marked service pressure without determination of expansions (see Note 1), but this latter type of test must be repeated quinquennially

after expiration of the first 10-year period (see Note 2). When subjected to this latter test, cylinders must be carefully examined under the test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and cylinders must be rejected if evidence is found of bad dents, corroded areas, a leak, or other conditions that indicate possible weakness which would render the cylinder unfit for service.

[No change in Notes 1 and 2]

(10) * * *

Cylinders made in compliance with—	*Used exclusively for—*
DOT-3A480, DOT-3AA480, DOT-3A480X, DOT-3B, DOT-4B, DOT-4BA, DOT-4BW, ICC-26-240,[1] or ICC-26-300.[1]	Liquefied petroleum gas which is commercially free from corroding components.
DOT-4, DOT-3A480, DOT-3AA480, DOT-3A480X, DOT-4A480, DOT-4AA480.	Anhydrous ammonia of at least 99.95 percent purity.
DOT-3A480, DOT-3AA480, DOT-3A480X, DOT-4B300, DOT-4BA300, or DOT-4BW300.	Fluorinated hydrocarbons and mixtures thereof which are commercially free from corroding components.
DOT-3A480, DOT-3AA480, DOT-3A480X, DOT-3B, DOT-4B, DOT-4BA, DOT-4BW, ICC-26-240,[1] or ICC-26-300.[1]	Butadiene, inhibited, which is commercially free from corroding components.
DOT-3A480, DOT-3AA480, DOT-3A480X, DOT-3B, DOT-4B, DOT-4BA, DOT-4BW, ICC-26-240,[1] or ICC-26-300.[1]	Liquefied hydrocarbon gas which is commercially free from corroding components.

[1] Use of existing cylinders authorized, but new construction not authorized.

* * * * *

(14) Cylinders made in compliance with specifications DOT-3A, DOT-3AA, DOT-3B, DOT-4A, DOT-4BA, and DOT-4BW (§§ 178.36, 178.37, 178.38, 178.49, 178.51, 178.61 of this chapter) having service pressures up to and including 300 p.s.i. which are used exclusively for methyl bromide, liquid; mixtures of methyl bromide and ethylene dibromide, liquid; mixtures of methyl bromide and chlorpicrin, liquid; mixtures of methyl bromide and petroleum solvents, liquid; or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid; which are commercially free from corroding components, and which are protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) and internally by a suitable corrosion resisting lining (galvanized, etc.) may be tested decennially instead of quinquennially. All tests must be supplemented by a visual internal and external examination of the cylinder quinquennially. Examination must be as specified in CGA Pamphlet C-6. All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak, or other conditions that indicate possible weakness which would render the cylinder unfit for service.

* * * * *

(E) In § 173.119 paragraphs (a)(3), (m)(6) are amended; (a)(16) and Note 1 are canceled as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) * * *

(3) Specification 17E (§ 178.116 of this chapter). Metal drums (single-trip) with openings not over 2.3 inches in diameter. Drums with a marked capacity of more than 5 gallons but not more than 30 gallons must be constructed of 19-gauge body and head sheets. Drums with a marked capacity in excess of 30 gallons must be constructed of 18-gauge body and head sheets. Drums with a marked capacity of more than 5 gallons are not authorized by rail express.

* * * * *

(16) [Canceled]

(m) * * *

(6) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with inside Specification 2E (§ 178.24a of this chapter) polyethylene bottles not over 1-gallon capacity each. Not more than four 1-gallon polyethylene bottles shall be packed in one outside fiberboard box. Authorized only for material which will not react dangerously with or be decomposed by contact with polyethylene.

* * * * *

(F) In § 173.123 paragraph (a)(7) is added, paragraph (b) is amended to read as follows:

§ 173.123 Ethyl chloride.

(a) * * *

(7) Specification 51 (§ 178.245 of this chapter) portable tanks.

(b) Outage for all containers except tank cars must be 7.5 percent or more at 70° F. Outage for tank cars must be 4.2 percent or more at 70° F.

(G) In § 173.124 paragraph (a)(2) is amended to read as follows:

§ 173.124 Ethylene oxide.

(a) * * *

(2) Cylinders as prescribed for any compressed gas, except acetylene, not exceeding 30 gallons nominal water capacity, which meet the following requirements. All cylinders must be seamless or steel welded. Cylinders must be equipped with safety devices of the fusible plug type with threaded straight bore orifice, with yield temperature of 157° to 170° F. having a minimum vent area of 0.0055 square inch per pound of water capacity of the container for containers not over 1-gallon capacity and 0.0012 square inch per pound of water capacity of the container for all containers over 1-gallon capacity. Each cylinder must be tested for leakage at a pressure of at least 15 p.s.i. gauge with an inert gas before each refilling. Filling must be such that the container will not be liquid full at 185° F. Pressurizing valves must be provided for all containers over 1-gallon capacity. Eductor tubes must be provided for all containers over 5-gallon capacity. Cylinders having a water capacity in excess of 1 gallon must be insulated with at least three coats of heat-retardant paint, of a type approved by the Bureau of Explosives, applied over suitable primer and finished with suitable waterproof paint; or with other equally efficient insulation approved by the Bureau of Explosives.

* * * * *

(H) In § 173.139 paragraph (a)(6) is added to read as follows:

§ 173.139 Ethylene imine, inhibited, and propylene imine, inhibited.

(a) * * *

(6) Specification 4BA240 or 4BW240 (§§ 178.51, 178.61 of this chapter). Cylinders of all welded construction. Authorized only for propylene imine, inhibited.

(I) In § 173.206 paragraph (c)(4) is added to read as follows:

§ 173.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

* * * * *

(c) * * *

(4) Specification 51 (§ 178.245 of this chapter). Portable tanks having a minimum design pressure of 150 p.s.i. Tanks must be equipped with safety valves having a start-to-discharge pressure of 150 p.s.i. Tanks used exclusively in this service are exempt from § 178.245-1(c). If a tank has exterior heating coils such coils must be welded to the tank and must be stress relieved. The material must be in molten condition when loaded and the tank must be held for sufficient time to allow the material to be completely solidified before being offered for transportation. Outage must be 5 percent or more at a sodium fusion temperature of 208° F.

* * * * *

(J) § 173.217 paragraph (a)(5) is added to read as follows:

§ 173.217 Calcium hypochlorite compounds, dry, lithium hypochlorite compounds, dry, dichloroisocyanuric acid, dry, potassium dichloroisocyanurate, dry, sodium dichloroisocyanurate, dry, and trichloroisocyanuric acid, dry.

(a) * * *

(5) Specification 21C (§ 178.224 of this chapter). Fiber drums with integral inner body ply having 0.010-inch minimum aluminum facing and bottom interior with 0.001-inch minimum aluminum facing. Cover of drum must be gasketed. Authorized net weight not over 400 pounds. Authorized only for calcium hypochlorite compounds, dry.

* * * * *

(K) In § 173.221 the Heading, the introductory text of paragraph (a) and

paragraph (a)(3) are amended; paragraph (a)(11) is added to read as follows:

§ 173.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s.

(a) Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s. must be packed in packagings which may be equipped with venting devices wherever necessary to prevent excessive pressure buildup, as follows:

* * * * *

(3) Specification 12B (§ 178.205 of this chapter). Fiberboard box with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles, or with glass or metal inside receptacles, not over 1 gallon each. Not more than six 1-gallon polyethylene bottles may be packed in one fiberboard box. Not more than one 1-gallon glass or metal inside receptacle, which must be cushioned with noncombustible packing material in sufficient quantity to absorb the contents of the inner receptacle, may be packed in one fiberboard box. Metal and polyethylene inside receptacles authorized only for material which will not react dangerously with or be decomposed by contact with metal or polyethylene.

* * * * *

(11) Specification 16A (§ 178.185 of this chapter). Wooden boxes with inside Specification 2U, 2S, or 2SL (§§ 178.24, 178.35, 178.35a of this chapter) polyethylene containers, not over 5-gallon capacity each. Specification 2U container must have a minimum wall thickness of 0.015 inch. The polyethylene container must be separated from the wooden box by a complete corrugated fiberboard liner, top pad, and bottom pad. Authorized only for materials which will not react dangerously with or be decomposed by contact with polyethylene.

(L) In § 173.247 the introductory text of paragraph (a) and paragraph (a)(7) are amended; paragraph (a)(17) is added to read as follows:

§ 173.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride, (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) Materials cited in the heading of this section must be packed in specification containers as follows:

* * * * *

(7) Specification 5, 5A, 5B, or 17C (§§ 178.80, 178.81, 178.82, 178.115 of this chapter). Metal barrels or drums with openings not exceeding 2.3 inches in diameter.

* * * * *

(17) Specification 4BA240 or 4BW240 (§§ 178.51, 178.61 of this chapter) cylinders authorized for titanium tetrachloride only.

(M) Section 173.247a is added to read as follows:

§ 173.247a Vanadium tetrachloride and vanadium oxytrichloride.

(a) Vanadium tetrachloride and vanadium oxytrichloride must be packed in specification packagings as follows:

(1) Specifications 4B240, 4BA240 and 4BW240 (§§ 178.50, 178.51, 178.61 of this chapter). Cylinders.

(2) Specification 51 (§ 178.245 of this chapter) portable tanks.

(N) In § 173.264 paragraphs (a)(2), and (a)(4) are amended to read as follows:

§ 173.264 Hydrofluoric acid.

(a) * * *

(2) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles or inside receptacles of not over 1 pound capacity each, made of natural rubber, lead, or other hydrofluoric resistant plastic. Authorized only for acid not over 70 percent in strength.

* * * * *

(4) Specification 12A or 12B (§§ 178.210, 178.205 of this chapter). Fiberboard boxes with not more than four Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles, having a minimum thickness of 0.030 inch and not over 1 gallon (nominal) capacity each. Bottle closures must be made secure by sealing with pressure-sensitive plastic tape or other equally efficient means. Authorized for acid not over 70 percent strength. Authorized gross weight for Specification 12B fiberboard boxes not over 65 pounds; Specification 12A not over 80 pounds.

* * * * *

(O) In § 173.265 paragraph (d)(1) is amended; paragraph (d)(6) is added to read as follows:

§ 173.265 Hydrofluosilicic acid.

* * * * *

(d) * * *

(1) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles or other plastic material resistant to the lading, not over 1-quart capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

* * * * *

(6) Specification 34 (§ 178.19 of this chapter). Polyethylene container without overpack, not over 30-gallon capacity.

(P) In § 173.266 paragraph (b)(5) is amended; paragraph (b)(8) is added to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(b) * * *

(5) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles having vented screw-cap closures not over 16-ounce capacity each. Each bottle must be completely contained in a securely closed polyethylene bag or tube constructed of material having minimum film thickness of 0.004 inch. Bottles must be separated from each other by use of fiberboard partitions or other suitable cushioning material. Not more than 12 bottles may be packaged in one box.

* * * * *

(8) Specification 34 (§ 178.19 of this chapter). Polyethylene container without overpack, not over 30-gallon capacity. A closure of each container must be vented to prevent accumulation of internal pressure and the head with the closure must be marked "Keep This End Up."

* * * * *

(Q) In § 173.283 paragraph (a)(1) is amended to read as follows:

§ 173.283 Bromine trifluoride.

(a) * * *

(1) Specification 3A150, 3AA150, 3B240, 4B240, 4BA240, 4BW240, or 3E1800 cylinders (§§ 178.36, 178.37, 178.38, 178.50, 178.51, 178.61, 178.42 of this chapter). Outlets of valves must be capped or plugged. Cylinder valves must be protected as specified for gases in § 173.301(g) except that spec. 3E1800 cylinder must be packed in strong wooden boxes.

* * * * *

(R) In § 173.284 paragraph (a)(1) is amended to read as follows:

§ 173.284 Bromine pentafluoride.

(a) * * *

(1) Specification 3A150, 3AA150, 3B240, 4B240, 4BA240, 4BW240, or 3E1800 cylinders (§§ 178.36, 178.37, 178.38, 178.50, 178.51, 178.61, 178.42 of this chapter). Outlets of valves must be capped or plugged. Cylinder valves must be protected as specified for gases in section 173.301(g) except that Specification 3E1800 cylinders must be packed in strong wooden boxes.

* * * * *

(S) In § 173.285 paragraph (a)(1) is amended to read as follows:

§ 173.285 Chlorine trifluoride.

(a) * * *

(1) Specification 3A150, 3AA150, 3B240, 4B240, 4BA240, 4BW240, or 3E1800 cylinders (§§ 178.36, 178.37, 178.38, 178.50, 178.51, 178.61, or 178.42 of this chapter). Outlets of valves must be capped or plugged. Cylinder valves must be protected as specified for gases in § 173.301(g) except that Specification 3E1800 cylinders must be packed in strong wooden boxes.

* * * * *

(T) In § 173.287 paragraph (a)(5) is amended to read as follows:

§ 173.287 Chromic acid solution.

(a) * * *

(5) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles having a minimum wall thickness of 0.015 inch

and so designed as to maintain their configuration when standing empty and open (see § 178.205–34 of this chapter). Not more than one bottle may be packed in one outside box.

(U) In § 173.288 paragraph (d) is added to read as follows:

§ 173.288 Allyl chloroformate, benzyl chloroformate, ethyl chloroformate, and methyl chloroformate.

* * * * *

(d) Specification 6D or 37M (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpack with inside Specification 2S, 2SL, or 2T (§§ 178.35, 178.35a, 178.21 of this chapter) polyethylene container. Authorized for ethyl chloroformate and methyl chloroformate only.

(V) In § 173.299 paragraph (a)(1) is amended to read as follows:

§ 173.299 Etching acid liquid, n.o.s.

(a) * * *

(1) Specification 12A (§ 178.210 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles having a minimum wall thickness of 0.030 inch and screw-cap closures. Net weight per bottle may not be over 10 pounds each. The net weight per package may not be more than 40 pounds.

* * * * *

§ 173.301 [Amended]

(W) In § 173.301 paragraph (h) Table is amended by adding "DOT–4BW" in the second column of table as the 10th entry.

(X) In § 173.302 paragraph (a)(1) is amended to read as set forth below. Note 1 remains unchanged.

§ 173.302 Charging of cylinders with non-liquefied compressed gases.

(a) * * *

(1) Specification 3,[1] 3A, 3AA, 3B, 3C, 3D, 3E, 4, 4A, 4B, 4BA, 4BW, 4C, 7,[1] 25,[1] 26,[1] 33,[1] or 38[1] (§§ 178.36, 178.37, 178.38, 178.40, 178.41, 178.42, 178.48, 178.49, 178.50, 178.51, 178.61, 178.52 of this chapter). (See §§ 173.34 and 173.301(e).)

* * * * *

(Y) In § 173.304 paragraph (a)(2) the table is amended by adding "DOT–4BW" following each entry of "DOT–4BA" and using the same service pressure indicated for DOT–4BA entry; paragraph (a)(1) is amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(1) Specification 3,[1] 3A, 3AA, 3B, 3BN, 3D, 3E, 4, 4A, 4B, 4BA, 4B–ET, 4BW, 9, 25,[1] 26,[1] 38,[1] 40, or 41 (§§ 178.36, 178.37, 178.38, 178.39, 178.41, 178.42, 178.48, 178.49, 178.50, 178.51, 178.55, 178.61, 178.63, 178.66, 178.67 of this chapter), except that Specifications 9, 40, and 41 containers must not be charged and shipped with mixtures containing pyrophoric liquids, n.o.s., carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, or poisonous materials (class A, B, or C), unless specifically prescribed in this part. (See §§ 173.34 and 173.301(e).)

* * * * *

(Z) In § 173.329 paragraphs (b)(1) and (c)(1) are amended to read as follows:

§ 173.329 Bromacetone; chlorpicrin and methyl chloride mixtures; chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.

* * * * *

(b) * * *

(1) Specification 3A, 3AA, 3B, 3C, 3E, 4A, 4B, 4BA, 4BW, or 4C (§§ 178.36, 178.37, 178.38, 178.40, 178.42, 178.49, 178.50, 178.51, 178.61, or 178.52 of this chapter) cylinders having not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected to prevent damage in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 173.25).

(c) * * *

(1) Specification 3A, 3AA, 3B, 3C, 3E, 4A, 4B, 4BA, 4BW, or 4C (§§ 178.36, 178.37, 178.38, 178.40, 178.42, 178.49, 178.50, 178.51, 178.61, or 178.52 of this chapter) cylinders having not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected to prevent damage in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 173.25).

(AA) In § 173.334 paragraph (a)(1) is amended to read as follows:

§ 173.334 Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., mixed with compressed gas.

(a) * * *

(1) Specification 3A300, 3AA300, 3B300, 4A300, 4B240, 4BA240, or 4BW240 (§§ 178.36, 178.37, 178.38, 178.49, 178.50, 178.51, 178.61 of this chapter). Metal cylinders, charged with not more than 10 pounds of the mixture and to a maximum filling density of 80 percent of the water capacity. Cylinders must not be equipped with eduction tubes or fusible plugs. Valves must be of a type approved by the Bureau of Explosives.

* * * * *

(BB) In § 173.348 paragraph (a)(3) is amended to read as follows:

§ 173.348 Arsenic acid.

(a) * * *

(3) Specification 12A or 12B (§§ 178.210, 178.205 of this chapter). Fiberboard boxes with Specification 2E (§ 178.24a of this chapter) inside polyethylene bottles made of high-density (Type III) polyethylene having minimum wall thickness of 0.015 inch with screw-cap closures, not over 1-gallon capacity each. Specification 12A fiberboard boxes may have not more than four inside polyethylene bottles which must be packed to provide a snug fit. Specification 12B fiberboard boxes may not contain more than one inside polyethylene bottle and not more than four such boxes may be overpacked in a strong outside fiberboard box under provisions of § 173.25.

(CC) In § 173.353 paragraph (a)(3) is amended to read as follows:

§ 173.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

(a) * * *

(3) Specification 3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225, or 4BW225 (§§ 178.36, 178.37, 178.38, 178.42, 178.49, 178.50, 178.51, 178.61 of this chapter). Metal cylinders. Valves and other closing devices must be protected to prevent damage in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 173.25).

* * * * *

§ 173.404 [Amended]

(DD) In § 173.404 paragraph (f) is canceled.

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

III. Part 177 is amended as follows:

(A) In the Table of Contents § 177.820 is canceled.

(B) In § 177.817 paragraph (b) is amended to read as follows:

§ 177.817 Shipping papers.

* * * * *

(b) Where the regulations (except §§ 173.402 and 177.815 of this chapter) exempt the packages from labeling the exemption must be indicated by the words "No Label Required" immediately following the description on the shipping paper.

* * * * *

§ 177.820 [Canceled]

(C) Section 177.820 is canceled in its entirety.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

IV. Part 178 is amended as follows:

(A) Section 178.24a is added in the Table of Contents to read as follows:

Sec.	
178.24a	Specification 2E; inside polyethylene bottle.
178.24a–1	General requirements.
178.24a–2	Rated capacity.
178.24a–3	Materials of construction.
178.24a–4	Closure.
178.24a–5	Tests.
178.24a–6	Marking.

(B) Section 178.24a is added to read as follows:

§ 178.24a Specification 2E; inside polyethylene bottle.

§ 178.24a–1 General requirements.

(a) Each bottle must meet the applicable requirements of § 173.24 of this chapter.

§ 178.24a–2 Rated capacity.

(a) Maximum capacity must be not more than 5 quarts (4.73 liters).

§ 178.24a–3 Materials of construction.

(a) Each bottle must be made of a blow-molding grade of polyethylene, constructed so that it will maintain its shape when standing empty and open.

(b) Wall thickness must not be less than 0.008 inch (0.2 millimeters).

(c) Polyethylene must have properties as specified in Table I of Appendix B to this part.

§ 178.24a–4 Closure.

(a) Closing devices must provide a tight seal. Vented closures are not authorized unless otherwise provided for in Part 173 of this chapter.

§ 178.24a–5 Tests.

(a) Each bottle must be capable of withstanding the prescribed tests without breaking or leaking.

(b) The test prescribed in paragraph (d)(1) of this section must be made on at least three random sample bottles for each 1,000 bottles produced by each blow-molding machine. The test must be performed at the start of initial production from each blow-molding machine and upon any change in type of polyethlene or process method.

(c) The test prescribed in paragraph (d)(2) of this section must be made at least once each month on a minimum of three random sample bottles produced and upon any change in type of polyethylene or process method.

(d) Prescribed tests:

(1) The bottle, filled to 98 percent of capacity with water, must be dropped from a height of 4 feet onto a solid unyielding surface so as to drop diagonally on the top edge or any other part which is weaker.

(2) The bottle, filled to 98 percent of capacity with a liquid which is compatible with polyethylene and which is liquid at 0° F., must be dropped from a height of 4 feet onto a solid unyielding surface, on any part of the bottle. Immediately prior to the test, the bottle and its contents must have been at a temperature of 0° F. or lower for at least 24 hours.

§ 178.24a–6 Marking.

(a) Marking must be as prescribed in § 173.24 of this chapter, except as follows:

(1) Marking must be by embossment in ¼-inch figures as follows: "DOT 2E", the minimum thickness of the polyethylene in thousandths of inches (mils), and the year of manufacture (e.g., DOT–2E 15–69).

(C) Preceding the Appendices following Part 178, the following heading is added:

APPENDICES TO PART 178

APPENDIX A—SPECIFICATIONS FOR STEEL

* * * * * * *

(D) Appendix B is added to read as follows:

APPENDIX B—SPECIFICATIONS FOR PLASTICS

TABLE I

Polyethylene must have the following properties, as determined by the American Society For Testing Materials (ASTM) methods designated. Tests must be performed on resin with additives included:

Property	Type I	Type II	Type III	ASTM method
Density, g/cc	0.910–<0.926	0.926–<0.941	0.941–0.965	D 1505–68.
Melt index (flow rate)	2.0 max	1.0 max	1.0 max	D 1238–65T.
Tensile strength	1,500 p.s.i. min	1,800 p.s.i.	3,000 p.s.i.	D 638–68.
Elongation	400% min	400%	75%	D 638–68.

Other materials may be added to polyethylene resin provided they do not adversely affect the physical properties specified above.

Issued in Washington, D.C., on July 29, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

F. C. TURNER,
Administrator,
Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

[F.R. Doc. 69–9068; Filed, July 31, 1969; 8:50 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Special Permission No. 70–275; Amdt. 1]

PART 1300—FREIGHT SCHEDULES; RAILROADS

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS OF MOTOR CARRIERS

Tariffs Containing Joint Rates and Through Routes for Transportation of Property Between Points in United States and Points in Foreign Countries

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 28th day of July 1969.

Upon consideration of the order of the Commission, Division 2, dated July 15, 1969, revising § 1300.67 and § 1307.22 of Chapter X of Title 49 of the Code of Federal Regulations which was effective upon its publication on page 12343 of the July 26, 1969, issue of the FEDERAL REGISTER, and good cause appearing therefor:

It is ordered, That the effectiveness of the order of July 15, 1969, be stayed pending further order of the Commission.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–8974; Filed, July 31, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 69-WE-10-AD]

AIRWORTHINESS DIRECTIVE

Boeing Model 707, 720, 727, and 737 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 707, 720, 727, and 737 series airplanes. There have been instances in which Wood Electric Corp. three-phase circuit breakers (Boeing P/N BAC-C18L( )) were found to be improperly calibrated for overload currents, which may result in unsafe conditions. Since this condition is likely to exist in all airplanes using these circuit breakers, the proposed Airworthiness Directive would require replacement of all Wood Electric Corporation three-phase circuit breakers (Boeing P/N BAC-C18L( ) in Boeing 707, 720, 727, and 737 series aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, FAA Western Region, Attention: Region Counsel, Airworthiness Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before September 3, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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, and 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:

BOEING. Applies to Model 707, 720, 727, and 737 series airplanes.

Compliance required within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent hazardous conditions resulting from electrical overloads of circuits using Wood Electric Corporation three-phase circuit breakers (Boeing P/N BAC-C18L( )) accomplish the following:

Replace all Wood Electric Corp. three-phase circuit breakers (Boeing P/N BAC-C18L( )) in accordance with Boeing Service Bulletin No. 2897, dated May 21, 1969, and No. 2898, dated May 1, 1969 (707 and 720 airplanes) or later FAA-approved revisions; Service Bulletin No. 24-48, dated May 21, 1969 (727 airplanes), or later FAA-approved revisions; and Service Bulletin No. 24-1011, dated May 21, 1969 (737 airplanes), or later FAA-approved revisions, or an equivalent replacement approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, Calif., on July 23, 1969.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 69-9034; Filed, July 31, 1969; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 69-CE-15-AD]

AIRWORTHINESS DIRECTIVE

Learjet Models 23 and 24 Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Learjet Models 23 and 24 airplanes. There have been instances of engine damage and engine flameout caused by engine ingestion of ice shed from the wing leading edges on these model airplanes which are not equipped with wing anti-icing provisions. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require on or before January 15, 1970, the installation of a wing leading edge anti-icing system on those airplanes which have not been certificated for flight into icing conditions. This installation is to be made in accordance with Lear-Jet Engineering Change Record No. 457D on Learjet Model 24 (Serial Nos. 140 through 155) airplanes and in accordance with Lear Modification Drawing 2481006 on Learjet Model 23 (Serial Nos. 003 through 099) airplanes and Learjet Model 24 (Serial Nos. 100 through 139) airplanes, or an equivalent approved by the Chief, Engineering & Manufacturing Branch, FAA, Central Region.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, view, or arguments as they may desire. Communications should identify the Docket Number and be submitted in duplicate to the Director, Central Region, Attention: Regional Counsel, Airworthiness Rules Docket, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

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, and 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:

LEARJET. Applies to Model 23 (Serial Nos. 003 through 099) and Model 24 (Serial Nos. 100 through 155) Airplanes which have not been certificated for flight into icing conditions.

Compliance: Unless already accomplished, on or before January 15, 1970, accomplish the following:

To prevent engine damage or engine flameout caused by the engine ingesting ice shed from the wings:

A. Install a wing leading edge anti-icing system in accordance with Lear-Jet Engineering Change Record No. 457D, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, on Learjet Model 24 (Serial Nos. 140 through 155) airplanes.

B. Install a wing leading edge anti-icing system in accordance with Lear Modification Drawing 2481006, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, on Learjet Model 23 (Serial Nos. 003 through 099) airplanes and Learjet Model 24 (Serial Nos. 100 through 139) airplanes.

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

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9035; Filed, July 31, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-12]

FEDERAL AIRWAY

Notice of Proposed Alteration

The Federal Aviation Administration is considering a proposal, by the Air Transport Association of America, to amend Part 71 of the Federal Aviation Regulations, by removing the designated ceiling altitude of 9,000 feet MSL from the segment of VOR Federal Airway No. 17, between McAllen, Tex., and Laredo, Tex. This would accommodate the operation of scheduled air carrier, jet aircraft between these terminals.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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 Washington, D.C., on July 24, 1969.

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

[F.R. Doc. 69-9036; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-61]

TRANSITION AREA

Notice of Proposed Alteration

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

Since designation of the Charles City, Iowa, transition area, the instrument approach procedure for Charles City Municipal Airport has been altered. In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Charles City 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:

CHARLES CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles City Municipal Airport (latitude 43°04'25" N., longitude 93°36'35" W.); and within 3 miles each side of the 311° bearing from Charles City 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 northeast and 9½ miles southwest of the 131° and 311° bearings from Charles City Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport excluding the portion which overlies the Waterloo, Iowa, 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 July 15, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9037; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-18]

TRANSITION AREA

Withdrawal of Notice of Proposed Alteration

On March 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3851), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Raleigh, N.C., transition area.

Subsequent to publication of the notice, it was determined that it would be neither feasible nor practical to establish an instrument approach procedure to Durham Skyport, utilizing the Raleigh VORTAC, and action is required to withdraw the proposal which was to provide the required controlled airspace protection.

In consideration of the foregoing, notice is hereby given that the proposed amendment contained in Airspace Docket No. 69-SO-18 is hereby withdrawn.

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

Issued in East Point, Ga., on July 22, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9038; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-62]

TRANSITION AREA

Notice of Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Knoxville, 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 the Knoxville, 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 Knoxville, Iowa. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic into and out of the Knoxville Municipal Airport

will be controlled through the Des Moines, Iowa, Flight Service Station.

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:

KNOXVILLE, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Knoxville Municipal Airport (latitude 41° 17'50" N., longitude 93°06'35" W.); and within 3 miles each side of the 342° bearing from Knoxville Municipal Airport extending from the 5-mile radius area to 8 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 July 16, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9039; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-79]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area over Rostraver Airport, Monongahela, Pa.

The VOR-1 instrument approach procedure authorized for Rostraver Airport, Monongahela, Pa., requires designation of a 700-foot floor transition area to provide airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 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 action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views 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.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Monongahela, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Monongahela, Pa. Transition Area described as follows:

MONONGAHELA, PA.

That airspace extending upward from 700-feet above the surface within a 6.5-mile radius of the center, 40°12'40" N., 79°49'50" W., of Rostraver Airport, Monongahela, Pa., and within 2 miles each side of the Allegheny, Pa., VORTAC 113° radial extending from the 6.5-mile radius area to the VORTAC, excluding the portion which coincides with the Pittsburgh, Pa., transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-9040; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-81]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot transition area over Sullivan County International Airport, Monticello, N.Y.

A new NDB (ADF) Runway 33 instrument approach procedure has been developed for Sullivan County International Airport, Monticello, N.Y., predicated on a non-Federal radio beacon which will be located on the airport and will require designation of a Monticello, N.Y., 700-foot transition area to provide airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 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 action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views 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.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Monticello, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Monticello, N.Y., 700-foot transition area described as follows:

MONTICELLO, N.Y.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41°42'00" N., 74°47'50" W. of Sullivan County International Airport, Monticello, N.Y.; within 2 miles each side of the Sullivan County International Airport runway 15 centerline extended from the 8.5-mile radius area to 9 miles southeast of the end of the runway; within 2 miles each side of the Sullivan County International Airport runway 33 centerline extended from the 8.5-mile radius area to 12.5 miles northwest of the end of the runway; and within 3.5 miles each side of the 130° bearing from the White Lake RBN (latitude 41°41'51" N., longitude 74°47'48" W.) extending from the 8.5-mile radius area to 11.5 miles southeast of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 23, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-9041; Filed, July 31, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-58]

CONTROL AREA

Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from Bozeman, Mont., direct to Livingston, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the

Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration proposes to designate the Bozeman, Mont., additional control area to extend from the Bozeman VOR with a 10,700 foot MSL floor direct to the Livingston VORTAC.

This proposed additional control area would provide controlled airspace for instrument type air traffic operating on a direct route between Bozeman and Livingston.

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 Washington, D.C., on July 24, 1969.

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

[F.R. Doc. 69-9059; Filed, July 31, 1969; 8:49 a.m.]

[14 CFR Part 71, Part 75]

[Airspace Docket No. 69-EA-84]

JET ROUTE AND REPORTING POINT

Notice of Proposed Alteration and Designation

The Federal Aviation Administration is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign and extend Jet Route No. 152 segment from Rosewood, Ohio, via the intersection of Rosewood 084° T (085° M) and Harrisburg, Pa., 277° T (285° M) radials; Harrisburg; to the intersection of Harrisburg 096° T (104° M) and Westminster, Md., 056° T (064° M) radials; and designate the Harrisburg VORTAC as a high altitude reporting point.

This realignment and extension of Jet Route No. 152 would provide an additional arrival route for high altitude air traffic landing within the Philadelphia terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are 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 Washington, D.C., on July 24, 1969.

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

[F.R. Doc. 69-9058; Filed, July 31, 1969; 8:49 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69-CE-57]

JET ADVISORY AREAS

Notice of Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 75 of the Federal Aviation Regulations that would alter the nonradar jet advisory areas associated with Jet Route Nos. 32, 36, 515, and 533.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and 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 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The nonradar jet advisory areas associated with Jet Route Nos. 32, 36, 515, and 533 are presently designated as follows:

Jet Route Nos. 32 and 533—From the positive control area boundary northeast of Duluth, Minn., to the United States/Canadian border only from FL 370 to FL 390, inclusive.

Jet Route No. 36—From the intersection of J-36 and longitude 100°00'00" W., to the boundary of the positive control area southeast of Fargo from FL 270 to FL 310 and FL 370 to FL 410, inclusive.

Jet Route No. 515—From Fargo, N. Dak., to the United States/Canadian border from FL 270 to FL 310 and FL 370 to FL 410, inclusive.

The FAA proposes to change the altitudes of the nonradar jet advisory areas associated with Jet Route Nos. 32 and 553 from "FL 370 to FL 390" to "FL 330 to FL 370;" and the altitudes associated with Jet Route Nos. 36 and 515 from "FL 270 to FL 310 and FL 370 to FL 410" to "FL 240 to FL 280 and FL 370 to FL 410." Such action would provide altitudes needed for more efficient operation of the smaller air carrier jet aircraft over the specified routes.

These amendments are 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 Washington, D.C., on July 24, 1969.

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

[F.R. Doc. 69-9057; Filed, July 31, 1969; 8:49 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69-CE-60]

JET ROUTE

Notice of Proposed Extension

The Federal Aviation Administration is considering an amendment to Part 75 of Federal Aviation Regulations that would extend Jet Route No. 131 from Greater Southwest, Tex., via Texarkana, Ark.; Little Rock, Ark.; to Evansville, Ind.

This jet route extension would be utilized by turbojet air traffic operating between these terminals and between Dallas, Tex., and Detroit, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules

Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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 Washington, D.C., on July 25, 1969.

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

[F.R. Doc. 69-9060; Filed, July 31, 1969; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR 103, 204, 242, 334, 341]

STATUTORY AND REGULATORY FEES

Notice of Proposed Rule Making

Pursuant to § 553 of title 5 of the United States Code (Public Law 89-554, 80 Stat. 383), notice is hereby given of the proposed issuance of the following rule pertaining to the revised fees to be adopted, effective September 1, 1969, pursuant to Title V of the Independent Offices Appropriations Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) because of the enactment of Public Law 90-609 (82 Stat. 1199), effective October 21, 1968. In accordance with § 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments (in duplicate) relative to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

a. Section 103.7 is amended to read as follows:

§ 103.7 Fees.

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 483a shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by law or regulation. When any discretionary relief in exclusion or deportation proceedings is granted absent an application and fee therefor, the district director having jurisdiction over the place where the original proceeding was conducted shall require the filing of the application and the payment of the fee. Every remittance shall be accepted subject to collection. A receipt issued by a Service officer for any such remittance shall not be binding if the remittance is found uncollectible. Fees in the form of postage stamps shall not be accepted. Remittances shall be made payable to the "Immigration and Naturalization Service, Department of Justice" except that in case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands," and, in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam."

(b) *Amounts of fees*—(1) *Nonstatutory fees.* The following nonstatutory fees and charges are prescribed:

For filing application for Alien Registration Receipt Card (Form I-151), in lieu of one lost, mutilated, or destroyed, or in a changed name	$10.00
For filing application for a U.S. Citizen Identification Card	10.00
For filing application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation	25.00
For filing application for passport or visa waiver prior to or at the time application is made for temporary admission to the United States	[1] 10.00
For filing application for visa waiver when application is made for admission as a returning resident	[1] 10.00
For filing application for passport waiver prior to or at the time application is made for permanent admission	[1] 10.00
For filing appeal from or motion to reopen or reconsider, any decision under the immigration laws, except an exclusion or deportation proceeding. (The minimum fee of $25 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	25.00
For filing petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act	25.00
For filing petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the Act	10.00
For filing application for issuance of reentry permit	10.00
For filing application for extension of reentry permit	10.00
For filing application for extension of stay to a nonimmigrant, other than one described in section 101(a)(15)(F) or 101(a)(15)(J) of the Act, and, upon a basis of reciprocity, a nonimmigrant described in section 101(a)(15)(A)(iii) or 101(a)(15)(G)(v) of the Act	10.00
For filing petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act	25.00
For filing petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner in behalf of orphans who are brothers or sisters, only one fee will be required.)	25.00
For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof	25.00
For filing application for discretionary relief under section 212(c) of the Act	25.00
For filing application for discretionary relief under section 212(d)(3) of the Act, except in an emergency case, or the approval of the application is in the interest of the U.S. Government	25.00
For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act	25.00
For filing application for waiver of ground of excludability under section 212(h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections.)	25.00
For filing application for adjustment of status to that of a permanent resident under section 245 of the Act	25.00
For filing application for adjustment of status to that of a permanent resident under section 13 of the Act of September 11, 1957	25.00
For filing application for creation of record of admission for permanent residence under section 249 of the Act	25.00
For filing application for change of nonimmigrant classification under section 248 of the Act	25.00
For filing appeal from, or a motion to reopen or reconsider, a decision in and exclusion or deportation proceeding. No additional fees will be required for any applications under sections 243(h), 244, 245, or 249 of the Act, or under section 243.4 of this chapter, submitted concurrently with a motion to reopen or reconsider or made in direct and immediate consequence thereof. (The minimum fee of $50 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	50.00
For filing application for stay of deportation under Part 243 of this chapter	25.00
For filing application for temporary withholding of deportation under section 243(h) of the Act	50.00
For filing application for suspension of deportation under section 244 of the Act	50.00
For filing application for transfer of petition for naturalization under section 335(i) of the Act, except when transfer is of a petition for naturalization filed under the Act of October 24, 1968, Public Law 90-633	5.00
For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a changed name under section 343 (b) or (d) of the Act	5.00
For filing application for certificate of citizenship under section 309 (c) or section 341 of the Act	10.00

[1] Plus communication costs.

For filing application for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the Act	$5.00
For filing application for a certificate of naturalization or repatriation under section 343(a) of the Immigration and Nationality Act or the 12th subdivision of section 4 of the Act of June 29, 1906	5.00
For filing application for section 316(b) or 317 of the Act benefits	10.00
For special statistical tabulations a charge will be made to cover the cost of the work involved	
For set of monthly, semiannual, or annual tables entitled "Passenger Travel Reports Via Sea and Air"	5.00
For annual subscription for "Passenger Travel Reports via Sea and Air"	75.00

Except as otherwise provided in § 3.3(b) of this chapter, any of the foregoing fees relating to applications, petitions, appeals, and motions may be waived when an alien or other party affected is unable to pay the prescribed fee if he files with the relating application, petition, appeal, or motion his affidavit stating the nature thereof, his belief that he is entitled to redress, and his inability to pay the required fee, and he requests permission to prosecute the application, petition, appeal, or motion without prepayment of such fee. When such an affidavit is filed with the officer of the Service having jurisdiction to render a decision on the application, petition, appeal, or motion, such officer may, in his discretion, authorize the prosecution of the relating application, petition, appeal, or motion without prepayment of fee.

(2) *5 U.S.C. 552 fees.* For the services expended in locating or making available records or copies thereof under 5 U.S.C. 552, the following user charges are deemed fair and equitable and shall be assessed against the person who requests that records be made available:

Each Form N-585 or Form I-550 shall be accompanied by payment of (This charge will be retained whether or not an identified record is located.)	$3.00
For each one quarter man-hour or fraction thereof spent in excess of the first quarter hour in searching for or producing a requested record	1.00
For each one quarter hour or fraction thereof spent in monitoring the requester's examination of materials	1.00
For copies of documents:	
Per page	.25
Minimum fee (Maximum number of copies furnished of any document—10.)	.50
For each certification of a true copy	$1.00
For each attestation under seal	3.00

(3) *8 U.S.C. 1455 fees.* For services performed under 8 U.S.C. 1455, the clerk of court shall charge, collect, and account for the following fees:

For receiving and filing a declaration of intention	$5.00
For making, filing, and docketing a petition for naturalization	25.00

b. The third sentence of paragraph (a) *Denials and appeals* of § 103.3 *Denials, appeals, and precedent decisions* is amended to read as follows: "When the applicant is entitled to appeal to another Service Officer, the notice shall advise him that he may appeal from the decision, and that such appeal may be taken within 15 days after the mailing of the notification of decision, accompanied by a supporting brief if desired and a fee of $25, by filing Notice of Appeal, Form I-290B, which shall be furnished with the written notice."

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

c. 1. The first sentence of paragraph (b) *Orphan* of § 204.1 *Petition* is amended to read as follows: "A petition in behalf of a child defined in section 101(b)(1)(F) of the Act shall be filed by the United States citizen spouse in the office of the Service having jurisdiction over the place where the petitioner is residing on Form I-600, shall identify the child, and shall be accompanied by a fee of $25."

2. The second sentence of paragraph (c) *Member of the professions or an alien of exceptional ability in the sciences or arts* of § 204.1 *Petition* is amended to read as follows: "A separate Form I-140 executed under oath or affirmation and accompanied by Form ES-575A and a fee of $25 must be submitted for each beneficiary before the petition may be accepted by the Service and considered properly filed."

3. The second sentence of subparagraph (1) *Filing petition* of paragraph (d) *Petitions under section 203(a)(6) of the Act* of § 204.1 *Petition* is amended to read as follows: "A separate form must be submitted for each beneficiary, executed under oath or affirmation, accompanied by a fee of $25."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

d. The third sentence of paragraph (d) *General* of § 242.17 *Ancillary matters, applications* is amended to read as follows: "The respondent shall not be required to pay a fee on more than one application within paragraphs (a) and (c) of this section, provided that the minimum fee imposed when more than one application is made shall be determined by the cost of the application with the highest fee."

PART 334—PETITION FOR NATURALIZATION

e. The last sentence of § 334.13 *Filing of petition for naturalization* is amended to read as follows: "The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of $25, unless the petitioner is exempt therefrom by section 344(h) of the Immigration and Nationality Act, or is exempt therefrom under section 3 of the Act of October 24, 1968."

PART 341—CERTIFICATES OF CITIZENSHIP

f. The first sentence of § 341.1 *Application* is amended to read as follows: "An application for a certificate of citizenship by or in behalf of a person who claims to have acquired United States citizenship under section 309(c) or to have acquired or derived United States citizenship as specified in section 341 of the Act shall be submitted on Form N-600 in accordance with the instructions thereon, accompanied by a fee of $10."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: July 28, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-9046; Filed, July 31, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PLATE AND FLOAT GLASS FROM JAPAN

Antidumping Proceeding Notice

JULY 28, 1969.

On May 16, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that plate and float glass from Japan is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a), et seq.).

The information was submitted by Lincoln and Stewart, Washington, D.C.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that net, unpacked price for export to the United States is lower than the net, unpacked price to purchasers in the manufacturers home market in Japan.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

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

[F. R. Doc. 69-9061; Filed, July 31, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 4377]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 69-8328, appearing at page 11988 of the issue for Wednesday, July 16, 1969, the following change should be made:

On page 11989, in the land description following T. 1 S., R. 19 E., "secs. 17 and 26" should read "secs. 17 to 26".

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

JULY 22, 1969.

Notice of an application, serial number AA-2838, for withdrawal and reservation of lands for the Department of the Air Force was published as Federal Register Document No. 68-7081 on page 8782 of the issue for June 15, 1968. A portion of the land description therein is hereby corrected to read as follows:

KING SALMON, ALASKA

MAIN AREA (PARCEL 1)

T. 17 S., R. 45 W., S.M.,
Sec. 23: N½NW¼, SE¼NW¼, NE¼, N½SE¼.

Containing approximately 360 acres.

CURTIS V. MCVEE,
Acting State Director.

[F.R. Doc. 69-9045; Filed, July 31, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

O,O-DIETHYL O-3,5,6-TRICHLORO-2-PYRIDYL PHOSPHOROTHIOATE

Notice of Establishment of Temporary Tolerances

At the request of The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, temporary tolerances are established for negligible residues of the insecticide *O,O*-diethyl *O*-3,5,6-trichloro-2-pyridyl phosphorothioate in the raw agricultural commodities meat and fat of turkeys at 0.05 part per million. The Commissioner of Food and Drugs has determined that these temporary tolerances are safe and will protect the public health.

A condition under which these temporary tolerances are established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under The Dow Chemical Co. name.

These temporary tolerances expire July 25, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 25, 1969.

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

[F.R. Doc. 69-9013; Filed, July 31, 1969; 8:46 a.m.]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0849) has been filed by Velsicol Chemical Corp., 1725 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR 120.227) for combined residues of the herbicide dicamba (3,6-dichloro-o-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-o-anisic acid in or on the raw agricultural commodities sorghum grain and forage at 3 parts per million.

The analytical method proposed in the petition for determining residues of the herbicide and its metabolite is a modification of the method of M. Smith et al., published in the "Journal of the Association of Official Analytical Chemists," vol. 48, pp. 1164-69 (1965).

Dated: July 24, 1969.

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

[F.R. Doc. 69-9014; Filed, July 31, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-47]

ARMY MATERIALS AND MECHANICS RESEARCH CENTER

Notice of Proposed Issuance of Amended Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of Amendment No. 8, as set forth below, to Facility License No. R-65. The license authorizes the Army Materials and Mechanics Research Center, formerly U.S. Army Materials Research Agency (hereinafter, "AMMRC"), to possess, use and operate the pool-type nuclear reactor located at Watertown, Mass. The proposed amendment would reissue the license in its entirety to (1) authorize AMMRC to increase the steady-state operating power level of the reactor from the presently authorized two megawatts

(thermal) to a maximum of five megawatts (thermal), (2) authorize an increase from 9.35 kilograms to 12 kilograms in the quantity of uranium-235 which AMMRC is permitted to receive, possess, and use in connection with operation of the reactor, and the receipt, possession, and use of a 5-curie sealed plutonium-beryllium neutron source, and (3) delete from the license the record keeping and reporting requirements which have been incorporated in the proposed Technical Specifications. The proposed amendment is in accordance with AMMRC's Application Amendment No. 12 dated March 21, 1967, and supplements thereto dated September 4, 1968, May 20, 1969, and June 20 and 27, 1969.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed amendment, see (1) the Application Amendment No. 12 dated March 21, 1967, and supplements thereto dated September 4, 1968, May 20, 1969, June 20, 1969, and June 27, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the proposed Technical Specifications, all of which are available for public inspection in the Commission's Public Document Room 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-65; Amdt. 8]

1. The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The reactor has been constructed in conformity with Construction Permit No. CPRR-16 and will operate in conformity with the application, the Act, and the rules and regulations of the Commission;

C. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

D. The Army Materials and Mechanics Research Center is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. The issuance of this license, as amended, for the possession, use and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

F. The Army Materials and Mechanics Research Center is a Federal Agency which does not have to furnish proof of financial protection and has executed an indemnity agreement which satisfies the requirements of 10 CFR Part 140.

2. Facility License No. R-65, as amended, is hereby amended in its entirety to read as follows:

A. This license applies to the light water-moderated and cooled pool-type nuclear reactor (hereinafter "reactor") owned by the Army Materials and Mechanics Research Center (hereinafter "AMMRC" or "the licensee") located in Watertown, Mass., as described in the licensee's application for license dated December 1, 1956, and subsequent amendments thereto including Amendment No. 12 dated March 21, 1967, and supplements thereto dated September 4, 1968, May 20, 1969, and June 20 and 27, 1969 (herein referred to as "the application").

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Army Materials and Mechanics Research Center (formerly U.S. Army Materials Research Agency): (1) Pursuant to section 104c of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the reactor in accordance with the procedures and limitations described in the application and in this license;

(2) Pursuant to the Act and 10 CFR Part 70, "Special Nuclear Material", to receive, possess and use (1) up to 12 kilograms of contained U^{235} and (2) a 5-curie plutonium-beryllium neutron source, both in connection with operation of the reactor; and

(3) Pursuant to the Act and 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

C. This license shall be deemed to contain and be subject to the conditions specified in Part 20, section 30.34 of Part 30, sections 50.54 and 50.59 of Part 50 and section 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) *Maximum Power Level*

The AMMRC may operate the reactor at steady-state power levels up to a maximum of five megawatts (thermal).

(2) *Technical Specifications*

The Technical Specifications contained in Appendix A[1] hereto are hereby incorporated in this license. The AMMRC shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in section 50.59 of 10 CFR Part 50.

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

D. This amended license is effective as of the date of issuance and shall expire at midnight, October 2, 1997.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-9002; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. 50-243]

OREGON STATE UNIVERSITY

Notice of Proposed Issuance of Amendment to Operating License

The Atomic Energy Commission ("the Commission") is considering the issuance of an amendment to Operating License No. R-106 dated March 7, 1967, which presently authorizes Oregon State University to possess, use and operate the TRIGA Mark II nuclear reactor located at Corvallis, Oreg., at power levels up to 250 kilowatts (thermal). The amendment would authorize the licensee to operate the reactor at increased steady-state power levels up to a maximum of 1000 kilowatts (thermal).

The Commission has found that the application for the amendment, as supplemented, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR, Chapter I.

The amendment will be issued after the Commission makes the findings relating to its review of the application which are set forth in the proposed amendment and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed amendment, see (1) the application for license amendment dated October 23, 1968, and supplement thereto; (2) the proposed amendment to operating license; and (3) a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545,

Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of July 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-9128; Filed, July 31, 1969; 10:07 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21196]

COMPAGNIE NATIONALE AIR FRANCE

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on August 14, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., July 28, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-9063; Filed, July 31, 1969; 8:50 a.m.]

[Docket No. 21159, 18381; Order 69-7-108]

GEORGIA AIR, INC. AND NONPRIORITY MAIL RATES

Order To Show Cause

JULY 22, 1969.

Georgia Air, Inc. (Georgia Air), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-6-176, June 30, 1969, the Board approved Agreement C.A.B. 20887 between Eastern Air Lines, Inc. (Eastern) and Georgia Air which contemplates that Georgia Air will discharge Eastern's certificate obligation to serve Rome, Ga., through the operation of small aircraft between Rome and Atlanta, Ga.

No service mail rate is currently in effect for this service by Georgia Air. By petition filed July 2, 1969, Georgia Air requested the establishment of service mail rates for the transportation of priority and nonpriority mail by air between Rome and Atlanta, Ga. Georgia Air requests that the multielement rates established in Orders E-25610 and E-17255, which provided for payments to Eastern, be made applicable to this route. On July 11, 1969, the Postmaster General filed an answer in support of Georgia Air's petition.[1]

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Georgia Air at the level established in Order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Georgia Air in the same manner as they were applicable to Eastern in providing mail services between Rome and Atlanta, Ga.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Eastern) for the transportation of nonpriority mail, established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Georgia Air receive the same compensation as Eastern for the same services, we propose to establish temporary service rates for nonpriority mail for Georgia Air at the level established in Order E-17255, as amended. We will also make Georgia Air a party to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Georgia Air, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Rome and Atlanta, Ga. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid on and after July 15, 1969, to Georgia Air, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Rome and Atlanta, Ga., shall be the rates established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid on and after July 15, 1969, to Georgia Air, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Rome and Atlanta, Ga., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR Part 385.15(f).

It is ordered, That:

1. All interested persons and particularly Georgia Air, Inc., the Postmaster General, and Eastern Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Georgia Air, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302 and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is 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 and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary 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);

5. Georgia Air, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Georgia Air, Inc., the Postmaster General, and Eastern Air Lines, Inc.

---

[1] The present rates are as follows:

Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Rome and 2.34 cents per pound at Atlanta.

Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Rome and 1.66 cents per pound at Atlanta.

[2] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9064; Filed, July 31, 1969; 8:50 a.m.]

[Dockets Nos. 20946 and 20978; Order 69-7-120]

HARLLEE BRANCH, JR., ET AL.

Order Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of July 1969.

Application for disclaimer of jurisdiction or approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed in Docket 20946 on April 25, 1969, the United States Steel Corp. (USS), requests that the Board disclaim jurisdiction over or approve under section 408 of the Federal Aviation Act of 1958, as amended, a control relationship resulting from the acquisition by USS of Johnson Flying Service, Inc. (JFS), a supplemental air carrier.[1] By application filed in Docket 20978 on May 9, 1969, USS, Harllee Branch, Jr., and other various directors of USS request that the Board disclaim jurisdiction over or approve under section 409 of the Act certain interlocking relationships relating to the acquisition by USS of Johnson Flying Service, Inc. The applications state that USS wholly owns 13 common carriers by rail and four water carriers, set forth numerous interlocking relationships with surface common carriers and persons engaged in a phase of aeronautics, and indicate that it engages in the sale of manufactured metals used in aircraft and related items. The applicants move that the proceedings in Dockets 20946 and 20978 be consolidated.

In brief, USS proposes to acquire all of the outstanding capital stock of Johnson Flying Service, Inc. USS does not intend to abandon the forest firefighting activities of JFS, which now comprise that carrier's principal activity, but USS "does intend to breathe new life into the commercial charter plane service of JFS as a full-scale supplemental air carrier, and is prepared in due course to do everything reasonably necessary to make JFS an effective competitor in its field of authorized operations." The agreement is conditioned upon Board approval or disclaimer of jurisdiction.

Comments and answers requesting that the applications for disclaimer of jurisdiction be denied and a hearing held were filed by Capitol International Airways, The Flying Tiger Line, Overseas National Airways, Saturn Airways, Trans International Airlines, and World Airways. Petitions for leave to intervene were filed by these same carriers, and also by Purdue Airlines. No person opposes the motion of the applicants for consolidation of the proceeding, although Trans International and World have moved to strike certain portions of that motion, as containing irrelevant matter.

Section 408(a)(5) provides that approval by the Board is a requisite for "any air carrier or person controlling an air carrier, any other common carrier, or any person engaged in any other phase of aeronautics, to acquire control of any air carrier in any manner whatsoever." In considering whether to approve the acquisition of control of an air carrier by a person described in section 408(a)(5) the Board must measure the transaction according to the policy standards set forth in section 102 of the Act, and further must satisfy itself under section 408(b) that based upon all the facts and circumstances, the acquisition would not result in creating a monopoly or monopolies or restrain competition, and thereby jeopardize another air carrier.

Section 409(a) requires Board approval of interlocking relationships between representatives of air carriers and common carriers or persons engaged in a phase of aeronautics.

At the outset of our consideration of an acquisition of control of an air carrier, we must determine whether the acquiring person is one described in section 408(a)(5), and thus whether the Board has jurisdiction over the substance of the transaction. We have in previous cases styled this threshold question as "initial jurisdiction," and have stated that where necessary to accord with the legislative purpose behind sections 408 and 409 of the Act, we will disregard the separate corporate entities (i.e., "pierce the corporate veil") of the acquiring company to determine whether the transaction falls within our jurisdiction.[2]

We do not have enough information at this time to determine that a disclaimer of jurisdiction is warranted. Therefore, we shall set for hearing the entirety of USS' applications for disclaimer of jurisdiction or approval. On the question of disclaimer of jurisdiction, the hearing should elicit information which will enable us to determine under sections 408(a)(5) and 409(a) whether the manufacturing and sales activities of USS itself constitute it as a person engaged in a phase of aeronautics, or whether by virtue of its direct ownership of common carrier railroads and various water carriers, USS is a common carrier,[3] or whether it is affiliated with surface carriers within the meaning of section 408(b).[4]

We have decided to grant the various petitions for intervention and to grant the motion of USS for consolidation. With regard to the motions of Trans International and World to strike certain portions of the motion of USS for consolidation, the movants are correct in asserting that some of the argument in this motion is irrelevant to a motion to consolidate. However, in view of the action we have taken herein relating to the applications of USS, no prejudice to any party has ensued, and we shall dismiss the motion to strike.[5]

[1] JFS holds two supplemental air carrier certificates, issued pursuant to Orders E-23350 and E-24237, which authorize it to engage in supplemental air transportation (including inclusive tour charters) with respect to persons and property (1) between any point in any State of the United States or the District of Columbia, and any other point in any States of the United States or the District of Columbia, except intrastate within Alaska, effective May 13, 1966, the authorization to operate inclusive tour charters to terminate 5 years from the effective date, and (2) between any point in any State of the United States or the District of Columbia, on the one hand, and points in Canada, on the other hand, and in overseas and foreign air transportation, and in air transportation between places in the same territory or possession of the United States, pursuant to contracts with the Department of Defense, effective November 26, 1966, the authority to engage in supplemental air transportation to points in Canada to terminate 5 years from the effective date.

[2] Universal Consolidated Industries, Inc., et al., Order 68-12-86, Dec. 16, 1968; Universal Airlines, Inc., et al., Order 68-7-98, July 19, 1968; RKO General, Inc., Citadel Industries, Order E-24296, Oct. 17, 1966; Studebaker Corp. Disclaimer, 37 C.A.B. 738 (1962); Air Freight Forwarder Case, 9 C.A.B. 473 (1948).

[3] A critical question in this connection, involving as it does the "piercing" of the separate corporate veils of the USS owned carriers so as not to allow the corporate structure of the applicant to defeat the Act's purposes, is whether the common ownership by USS of surface carriers and JFS would create a conflict of interest which would act to the detriment of JFS, or which would create a monopoly or restrain competition and therefore jeopardize another air carrier.

[4] Under the second proviso to section 408(b) if the applicant is a carrier other than an air carrier, or a person controlled by a carrier other than an air carrier or affiliated therewith within the meaning of section 5(8) of the Interstate Commerce Act, such applicant shall for the purposes of section 408 be considered an air carrier, and the Board may not approve the acquisition unless it finds that the transaction proposed will promote the public interest by enabling such carrier other than an air carrier to use aircraft to public advantage in its operation and will not restrain competition.

[5] The answering parties raise for exploration the question of a possible relationship between USS and the Penn Central Railroad concerning the proposed acquisition by USS of JFS. The parties refer to the fact that in Docket 17657 the Railroad was found to have acquired control of Executive Jet Aviation, which in turn was attempting to purchase JFS. In an attempt to divest itself pursuant to the Board's finding, the Railroad proposed to transfer its interest in Executive Jet to USS and Burlington Industries. However, the latter withdrew from that proposed agreement; the application of USS was dismissed without prejudice; and the application of Executive Jet Aviation to acquire JFS was dismissed without prejudice. See Order 69-6-17, June 4, 1969. We therein determined to proceed further with the investigation of any control relationships as between EJA and the Railroad, on the one hand, and any other air carriers, foreign air carrier, or persons engaged in a phase of aeronautics, on the other hand, which might require approval under section 408 of the Act. However, we did note that the instant applications of USS would be treated separately. Obviously, therefore, we do not foreclose from determination in this proceeding any issue relevant to our determination on whether the proposed acquisition of JFS will be consistent with the public interest.

Accordingly, it is ordered, That:

1. The applicants' requests for disclaimer of jurisdiction over or approval of the acquisition and interlocking relationships be and they hereby are set for hearing before an examiner of the Board at a time and place to be hereafter designated;

2. The applicants' motion to consolidate the proceedings in Dockets 20946 and 20978 be and it hereby is granted;

3. The above-described petitions to intervene be and they hereby are granted;

4. The motions of Trans International Airlines and World Airways to strike portions of the motion to consolidate of USS be and they hereby are dismissed; and

5. To the extent not granted above, the outstanding applications and requests filed herein be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9065; Filed, July 31, 1969; 8:50 a.m.]

[Docket No. 18650; Order 69-7-111]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

JULY 22, 1969.

Agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 30, 1969, names additional specific commodity rates, as set forth in the attachment[1] hereto, which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-84 and R-85, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9066; Filed, July 31, 1969; 8:50 a.m.]

[1] Filed as part of the original document.

[Docket No. 20267]

TWIN CITIES-MILWAUKEE SOUTHEAST POINTS INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 8, 1969, at 10 a.m., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 15, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 29, 1969.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[F.R. Doc. 69-9067; Filed, July 31, 1969; 8:50 a.m.]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 729]

DEPUTY GOVERNOR ET AL.

Delegation of Authority To Act as Governor in Certain Circumstances

JULY 29, 1969.

Authority of officers of the Farm Credit Administration to act as Governor in the event that the Governor is absent or not able to perform the duties of his office for any other reason (revocation of FCA Order No. 727).

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Deputy Governor;
(2) Director, Land Bank Service;
(3) Director, Production Credit Service;
(4) Director, Cooperative Bank Service;
(5) General Counsel;
(6) Chief Examiner;
(7) Comptroller;
(8) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective July 29, 1969, and supersedes Farm Credit Administration Order No. 727, dated March 10, 1969 (34 F.R. 5268).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 69-9044; Filed, July 31, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC COAST COMMITTEE OF INWARD TRANS-PACIFIC STEAMSHIP LINES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. W. C. Galloway, Chairman, Pacific Coast Committee of Inward Trans-Pacific Steamship Lines, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 7970-3 between the members of the Pacific Coast Committee of Inward Trans-Pacific Steamship Lines redefines the geographical trade area covered by the basic agreement, as amended, by the deletion of all reference to Canada presently appearing in paragraphs 1, 4, 10, and 11 therein.

By order of the Federal Maritime Commission.

Dated: July 28, 1969.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9073; Filed, July 31, 1969; 8:51 a.m.]

PHILIPPINES NORTH AMERICAN CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. E. H. Bosch, Secretary-Manager, Philippines North America Conference, Seventh Floor, Shurdut Building, Muralla/Gral. Luna Sts., Intramuros, Manila, D-406 Philippines.

Agreement No. 5600-28 between members of the Philippines North America Conference modifies the basic agreement, as amended, by the deletion of Amendment No. 2 (Agreement No. 5600-2), approved December 1, 1936. The deleted amendment concerned agency guidelines the parties were to adhere to in respect to shipments of copra from the Philippine Islands ports to the U.S. Pacific Coast ports.

Dated: July 28, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9074; Filed, July 31, 1969; 8:51 a.m.]

[Independent Ocean Freight Forwarder License No. 55]

RAMON DE ARRIGUNAGA ET AL.

Revocation Order

The Federal Maritime Commission has been advised of the termination of operations of Raymond Shipping Co., Post Office Box 50029, New Orelans, La., due to the demise of Ramon De Arrigunaga.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders Commission Order No. 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 55 of Ramon De Arrigunaga doing business as Raymond Shipping Co. be and is hereby revoked effective June 28, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Mr. Frans J. Labranche, Attorney at Law, Hibernia Bank Building, 812 Gravier Street, New Orleans, La. 70112.

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

[F.R. Doc. 69-9075; Filed, July 31, 1969; 8:51 a.m.]

SEA-LAND SERVICE, INC., AND AZTA SHIPPING CO.

Notice of Agreement Filed

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 office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9505-1, between Sea-Land Service, Inc., and Azta Shipping Co., amends the basic transshipment agreement (No. 9505), which presently covers general cargo, to provide for the establishment of through rates on controlled temperature cargo from ports of call of Azta in Central America to ports of call of Sea-Land in California with transshipment at the port of Balboa, Canal Zone.

Dated: July 28, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9076; Filed, July 31, 1969; 8:51 a.m.]

[Docket No. 1153]

TRUCK AND LIGHTER LOADING AND UNLOADING PRACTICES AT NEW YORK HARBOR

First Supplemental Order Regarding Detention Claims

By order of May 16, 1969, the Commission, as directed by the U.S. Court of Appeals for the District of Columbia Circuit, issued escrow rules to apply with respect to truck detention claims at New York Harbor. Public notice of the rules appeared in the FEDERAL REGISTER on May 21, 1969, at page 8002. The Commission, after reviewing the claims and actions taken with respect to such claims, is of the opinion that certain revisions and clarifications should be made in the rules. The rules are hereby amended as follows:

(1) At the end of the first sentence in section 6 add "Every claim shall include an identifying number."

(2) At the end of the second sentence in section 6 add "If a claim relates to pickup or delivery of a container handled as a single unit, the claim must so state."

(3) Before the last sentence in section 6 add "Copies of all claims submitted to the Commission must be full and complete duplicates of the claims filed with the terminal operators (including all required attachments)."

(4) Section 6 is also amended by the deletion of the phrase "* * * or a summary of claims for a weekly period arranged so as to show claims submitted to each terminal operator separately" which occurs in the penultimate sentence in that section.

(5) Section 7 is amended by the addition, after the first sentence, of the following: "The acknowledgment shall make reference to the claimant's claim number."

(6) A new section, 7a. Rejections, is added.

Sections 6 and 7, as amended, and the new section 7a will read as follows:

Sec. 6. *Claims for detention.* Any motor vehicle operator, or any importer or exporter on whose behalf the motor vehicle operator is acting, who wishes to claim fees for detention, as provided in sections 1-5 set forth above, shall file a written claim with the terminal operator against whom such claim is made. Every claim shall include an identifying number. The claim shall set forth the name of the terminal operator, location of the pier, truck identification or unit number, weight of shipment, date and time of arrival at the pier, free time, time of completion of documentation, time of completion of loading or unloading, and the amount of the detention charge claimed. If a claim relates to pickup or delivery of a container handled as a single unit, the claim must so state. Such claim shall be accompanied by a copy of the document time stamped by the terminal operator upon the completion of documentation as provided in section 2 and the time of completion of loading or unloading as provided in section 3. If the terminal operator has refused to tender a document showing the time of completion of documentation and/or the time of completion of loading and unloading, the motor vehicle operator shall submit a sworn statement that the terminal operator refused to tender an appropriate time stamped document and, in fact, documentation and/or loading or unloading was completed at a certain specified time. Claims for detention occurring between April 1, 1969, and May 14, 1969, shall be made on or

before June 13, 1969. Claims occurring after May 14, 1969, shall be filed within 30 calendar days of the date of the detention. A copy of such claim shall be mailed to the Chief, Division of Terminals and Freight Forwarders, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573. Copies of all claims submitted to the Commission must be full and complete duplicates of the claims filed with the terminal operators. Such claims shall be deemed to be made on the date of receipt of a copy of the claim by the Commission.

Sec. 7. *Acknowledgment of claims.* Upon receipt of a claim as set forth in section 6, a terminal operator, within seven (7) calendar days, shall acknowledge the receipt of the claim by letter to the motor vehicle operator submitting such claim. The acknowledgment shall make reference to the claimant's claim number. The acknowledgment shall include an account number serially assigned by the terminal operator to such claim and shall indicate whether such claim shall be contested by the terminal operator as not a proper claim under sections 1–5. A copy of such acknowledgment shall be mailed to the Chief, Division of Terminals and Freight Forwarders, Federal Maritime Commission.

7a. *Rejections.* No claim need be honored for detention accrued at a facility not covered by the applicable New York Terminal Conference Tariff.

No claim for detention need be honored, where the terminal operator, pursuant to the Conference tariff, makes no charge for the service performed, provided however, detention will be paid when the motor vehicle operator unloads his own truck in accordance with section 4(c).

No claim for detention need be honored where documentation is completed after 3 p.m.

Unless notified by the Commission that a claim is not filed within the time limits set forth in section 6, a terminal operator may not reject a claim because it is not timely filed.

Claims may be rejected by the terminal operator only upon failure of the claimant to provide the following data:

1. Name of terminal operator.
2. Location of pier.
3. Identification of vehicle.
4. Date of detention.
5. Weight of shipment.
6. Time documentation completed.
7. Time loading or unloading completed, or time vehicle is spotted if detention is sought pursuant to section 4(c).
8. Time stamped document or sworn statement.

A claim rejected for failure to include the above stated data, but filed within the time limits prescribed in section 6, shall be considered to be timely filed when additional data is submitted at a later date.

Disagreement as to the accuracy of items 1 through 8 shall not be grounds for rejection.

In rejecting a claim for reasons stated above, the terminal operator must specify to the claimant, with copy to the Commission, the reasons for the rejection.

Effective date. The rules set forth herein shall become effective August 4, 1969. In light of the direction of the court to establish and maintain effective rules in this matter, the Commission considers inapplicable the 30-day publication requirement contained in section 4(c) of the Administrative Procedure Act (5 U.S.C. 553).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-9077; Filed, July 31, 1969; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4772]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Amendments of Debenture Indenture and Order Authorizing Solicitation of Consents

JULY 28, 1969.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia") 120 East 41st Street, New York, N.Y. 10017, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) thereof and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia proposes to amend its Indenture dated as of June 1, 1950, between Columbia and Morgan Guaranty Trust Company of New York ("Trustee") so as to bring it into conformity with its Indenture dated June 1, 1961. This will require two changes in the definition of consolidated income available for interest and subsidiary preferred stock dividends ("consolidated income available"), a defined term used as the basis of an earnings test designed to limit the issue and sale of additional funded debt. The first proposed change would modify said definition so as to provide that income and excess or other profits taxes of subsidiary companies as well as of Columbia are excluded from deductible taxes in calculating "consolidated income available." The second change proposed in the definition is to provide for the inclusion of contingent earnings, if any, which arise from collected revenues from gas sales representing an increase in rates requested but not yet approved by the appropriate regulatory commission. Contingent earnings attributable to a requested increase in the allowed rate of return on capital, as contrasted with a rate increase which merely compensates for increased operating costs, will not be included in the computation.

Both changes will increase the amount of "consolidated income available" under the indenture, thus permitting an increase in the amount of consolidated debt and subsidiary company preferred stock (namely, total funded debt) which can be issued by Columbia or its subsidiary companies. The capitalization test of the indenture limiting outstanding funded debt to 60 percent of the net tangible assests would remain unchanged, as would the requirement that "consolidated income available" be 2½ times interest and subsidiary company preferred stock dividends.

The 14th supplemental indenture effecting the proposed amendments cannot be executed until Columbia delivers to the Trustee written consents of the holders of 66⅔ percent in aggregate principal amount of the debentures at the time outstanding under the indenture. Solicitation of such consents, it is proposed, will be undertaken solely by Columbia and its subsidiary service company, both by mail and by personal communication. Columbia has requested that the effectiveness of its declaration with respect to the solicitation of consents be accelerated as provided in Rule 62.

It is stated that the fees and expenses in connection with the proposed transactions are estimated at $102,000, including Trustee's charges and expenses of $32,000, financial advisory fee of $15,000, charges and disbursements of the system service company, at cost, of $22,500, and legal fees of $17,500. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 18, 1969, request in writing that a hearing be held with respect to the proposed amendments of the indenture, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that Columbia's declaration regarding the proposed solicitation of consents should

be permitted to become effective forthwith pursuant to Rules 62 and 65:

It is ordered, That the declaration regarding the proposed solicitation of consents be, and it hereby is, permitted to become effective forthwith pursuant to Rules 62 and 65 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-9015; Filed, July 31, 1969; 8:46 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JULY 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. 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 29, 1969, through August 7, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-9016; Filed, July 31, 1969; 8:46 a.m.]

[File No. 24B-1506]

IPAC, INC.

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

JULY 28, 1969.

I. IPAC, Inc. ("issuer"), a Vermont corporation located at Fort Ethan Allen, Colchester, Vt., filed with the Commission on August 5, 1968, a notification on Form 1-A and an offering circular relating to a proposed offering of 250,000 shares of its $1 par value common stock at $1 per share with gross proceeds to the issuer of $250,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe on the basis of information reported to it by the staff that:

A. The issuer violated Rule 255 of the regulation in that sales of IPAC securities were made prior to and during the 10-day waiting period specified by the rule, and such period had not been shortened by the Commission.

B. The issuer violated Rule 256 in that securities of the issuer were sold and moneys accepted from investors prior to the delivery of an offering circular.

C. The issuer and certain of its officers and directors are subject to a permanent injunction enjoining further violations of sections 5(a) and 5(c) in connection with the sale of IPAC common stock.

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

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

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

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

By the Commission.

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

[F.R. Doc. 69-9017; Filed, July 31, 1969; 8:46 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

JULY 28, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 28, 1969, 11:30 a.m., e.d.t., through August 6, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-9018; Filed, July 31, 1969; 8:46 a.m.]

[812-2528]

STEIN ROE & FARNHAM STOCK FUND, INC.

Notice of Filing of an Application for an Order Exempting a Proposed Exchange of Shares

JULY 28, 1969.

Notice is hereby given that Stein Roe & Farnham Stock Fund, Inc. ("Stein Roe"), 135 South La Salle Street, Chicago, Ill. 60603, a Maryland corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of sections 22(c) and 22(d) of the Act and Rule 22c-1 thereunder a proposed transaction in which Stein Roe's redeemable securities will be issued at a price other than the price based on the current net asset value of such securities which is next computed after receipt of the order to purchase such securities, and may be issued at other than the public offering price described in the prospectus, for substantially all of the assets of Royal Investment Corp. ("Royal"). All interested persons are referred to the application on file with the Commission for a complete statement of the representations therein which are summarized below.

Stein Roe represents that all of the stock of Royal, an Illinois corporation, is beneficially owned by two individuals and that Royal is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. The partnership of Stein Roe & Farmham, investment adviser to Stein Roe, has acted as investment adviser to Royal since June 1968.

Pursuant to the terms of an Agreement and Plan of Reorganization dated January 15, 1969 ("Agreement") Royal will transfer substantially all of its cash and securities, having a value of approximately $1,401,219 as of March 31, 1969, to Stein Roe in exchange for shares of Stein Roe stock. The number of shares that Royal will receive is to be determined by dividing the aggregate market value of Royal's assets to be exchanged by Stein Roe's net asset value per share subject to a certain adjustment, described in the application, which would reduce the number of Stein Roe shares that Royal would receive if Royal's ratio of unrealized net capital gains to assets is greater than Stein Roe's. The net asset value of Stein Roe's shares and the value of Royal's portfolio will be determined as of the preceding day's closing prices. If the transactions had been closed on June 26, 1969, no adjustment would have been required. Agreement

further provides that Royal will sell certain of its assets prior to the closing, or alternatively, for the purpose of the proposed exchange, the value of Royal's assets will be reduced by the estimated expenses of completing the liquidation of such assets. A similar reduction in the value of Royal's assets will be made as to any other securities in Royal's portfolio which are not the same as securities in Stein Roe's portfolio and which Stein Roe determines that it will not retain after the closing.

Royal has received a ruling from the Internal Revenue Service to the effect that the transfer will be a tax-free reorganization and that the tax basis to Stein Roe of Royal's assets will be their basis in the hands of Royal. Stein Roe further represents that no affiliation exists between Royal or its officers, directors, or stockholders and Stein Roe, its officers or directors, that agreement was negotiated at arm's length by the two companies, and has been approved by the Board of Directors of Stein Roe and by the Board of Directors and shareholders of Royal.

Section 22(c) of the Act and Rule 22c-1 thereunder inter alia prohibit registered investment companies from issuing their redeemable securities except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase the security. Section 22(d) of the Act provides that registered investment companies may sell their shares only at the current public offering price described in the prospectus. Stein Roe issues its shares to the public on a continuous basis at net asset value without a sales charge.

Section 6(c) permits the Commission, upon application, to exempt any transaction from any provision or provisions of the Act or of any rule or regulation thereunder if it finds 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 14, 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 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 Stein Roe 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 application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application 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. 69-9019; Filed, July 31, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

CALIFORNIA GROWTH CAPITAL, INC.

Notice of Approval for Transfer of Control of Licensed Small Business Investment Company

On July 1, 1969, a notice of application for transfer of control was published in the FEDERAL REGISTER (34 F.R. 11112) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of California Growth Capital, Inc., 1615 Cordova Street, Los Angeles, Calif. 90007, a Federal licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 12-0023 to Jaser Development Co. (Jaser), Los Angeles, Calif. Jaser has acquired 50.8 percent of the issued and outstanding common stock of the licensee.

Interested persons were given 10 days to submit written comments to SBA. No unfavorable comments were received.

SBA, having considered the application and all other pertinent information with regard thereto, hereby approves the application for transfer of control.

Dated July 22, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-9020; Filed July 31, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 722]

INDIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Johnson County, Ind.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 20, and July 21, 1969.

OFFICE

Small Business Administration Regional Office, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1970.

Dated: July 24, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-9021; Filed, July 31, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 721]

ILLINOIS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Whiteside, Rock Island, and Henry Counties, Ill.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 17, 1969.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill. 60604.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1970.

Dated: July 23, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-9022; Filed, July 31, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 29, 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. 41703—*Anhydrous ammonia to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-59), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, as described in the application, from specified points in Illinois, also St. Louis, Mo., to points in southwestern territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 58 to Southwestern Freight Bureau, agent, tariff ICC 4780.

By the Commission.

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

[F.R. Doc. 69-9048; Filed, July 31, 1969; 8:49 a.m.]

[Notice 876]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 29, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22426 (Sub-No. 10 TA), filed July 16, 1969. Applicant: LONGVIEW MOTOR TRANSPORT, INC., 763 Seventh Avenue, Longview, Wash. 98632. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk and those requiring special equipment) (1) between Naselle, Wash., and all points on the Long Beach Peninsula, Wash., including but not limited to Ilwaco, Seaview, Long Beach, Klipsan Beach, Ocean Park, and Oysterville, Wash., from Naselle, Wash., over Washington State Highway 401 to junction U.S. Highway 101, thence over U.S. Highway 101 to Seaview, Wash., and thence over Washington Highway 103 to Long Beach Peninsula, Wash., points and return over the same route, also as an alternate route from Naselle, Wash., over Washington Highway 401 to junction Washington Highway 4 to junction U.S. Highway 101, thence over U.S. Highway 101 to Seaview, Wash., and thence over Washington Highway 193 to Long Beach Peninsula, Wash., points and return over the same route, serving all intermediate points on both routes; (2) between Naselle, Wash., and Astoria, Oreg., and points within 5 miles of Astoria, Oreg., serving all intermediate points; from Naselle, Wash., over Washington Highway 401 to junction U.S. Highway 101, thence over U.S. Highway 101 to Astoria, Oreg., and return over the same route, for 180 days. NOTE: Applicant does intend to tack above to existing authority. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 57315 (Sub-No. 17 TA), filed July 22, 1969. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts, and agricultural commodities*, otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Massachusetts, Rhode Island, Connecticut, and New Hampshire, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 109533 (Sub-No. 40 TA), filed July 16, 1969. Applicant: OVERNITE TRANSPORTATION CO., 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Clarence H. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by Commission, commodities in bulk, and those requiring special equipment), between Norton, Va., and Coeburn, Va., serving all intermediate points and the off-route points of Clintwood and North Fork Dam, Va., from Norton over U.S. Highway 23 to Pound, Va., thence over Virginia Highway 83 to junction Virginia Highway 72, thence over Virginia Highway 72 to Coeburn, return over same route, for 180 days. NOTE: Carrier intends to tack with its authority in MC 109533 Sub 22. Supporting shippers: There are at least 10 statements of support which may be examined at the Interstate Commerce Commission, Washington, D.C., or the copies thereof may be examined at the field office named below. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 110098 (Sub-No. 103 TA), filed July 22, 1969. Applicant: ZERO REFRIGERATED LINES, Post Office Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dough, prepared*, other than frozen, from the plantsite and warehouse facilities of The Pillsbury Co. at or near Denison, Tex., to points in Kansas, Missouri, Nebraska, and Oklahoma, for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 117686 (Sub-No. 104 TA), filed July 22, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Illinois, Colorado, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, and Missouri, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 123392 (Sub-No. 17 TA), filed July 22, 1969. Applicant: JACK B.

KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas*, in bulk, between points in the United States excluding Hawaii, for 180 days. Supporting shipper: Robert E. Petsinger, President, LNG Services, University Science Center, 3113 Forbes Avenue, Pittsburgh, Pa. 15213. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 127689 (Sub-No. 29 TA), filed July 14, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and/or frozen foods, and advertising promotional or display material traveling therewith*, from points in Sunflower County, Miss., to points within the States of Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Ohio, Virginia, Maryland, and the District of Columbia; (2) *cans, boxes, cartons, and containers*, from Tampa, Fla.; Atlanta, Ga.; Birmingham, Ala.; New Orleans, La.; Dallas, Houston, and Arlington, Tex.; Kansas City and St. Louis, Mo.; Chicago, Ill.; Austin, Ind.; Winchester, Va.; and Spartanburg, S.C., and their respective commercial zones as defined by the Commission, to points in Sunflower County, Miss.; (3) *cardboard, fiberboard, paper, and composition containers*, from Memphis and Nashville, Tenn.; Birmingham, Ala.; Atlanta, Ga.; Monroe and New Orleans, La.; Dallas and Houston, Tex., and their respective commercial zones to points in Sunflower County, Miss.; (4) *machinery, parts, accessories, equipment, supplies, implements, parts, appliances, and products* usually or customarily used or useful in the processing manufacture, packing, freezing, or canning or foodstuffs from points in Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Ohio, Virginia, Maryland, and the District of Columbia to points in Sunflower County, Miss., for 180 days. NOTE: Carrier does not intend to tack, but will interline with all qualified carriers at any authorized point of interchange. Supporting shipper: Delta Food Processing Corp., Moorhead, Miss. 38761. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 129361 (Sub-No. 3 TA), filed July 22, 1969. Applicant: CARPENTER TRANSFER, INC., Box 161, Mankato, Minn. 56001. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, fruit drinks and juices*, from North Mankato, Minn., to Fort Dodge, Iowa, and Sioux Falls, S. Dak., for 180 days. Supporting shipper: Marigold Dairies, Division of Margold Foods, Inc., North Mankato, Minn. 56001. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133515 (Sub-No. 2 TA), filed July 22, 1969. Applicant: ART WILSON ENTERPRISES, INC., 3936 55th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit flavored drinks*, from Kansas City, Mo., to points in Iowa and South Dakota, for 150 days. Supporting shipper: Borden, Inc., 2341 Second Avenue, Des Moines, Iowa 50313. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133823 (Sub-No. 1 TA), filed July 22, 1969. Applicant: BETTY M. EVERETT, doing business as EVERETT TRUCKING, Rural Route 6, Ottumwa, Iowa 52501. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stainless steel vats and stainless steel conveyors*, from Ottumwa, Iowa, to points in Georgia, Illinois, Indiana, Kansas, Nebraska, Ohio, and Wisconsin, for 180 days. Supporting shipper: Winger Boss Co., 1200 East Main, Ottumwa, Iowa 52501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133839 (Sub-No. 1 TA), filed July 22, 1969. Applicant: BOST TRUCK SERVICE, INC., 1134 North 11th Street, Murphysboro, Ill. 62966. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood charcoal* in bulk, from Murphysboro, Ill., to Attica, Ind., for 150 days. Supporting shipper: Murphysboro Charcoal Co., Murphysboro, Ill. Sent protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

MOTOR CARRIER OF PASSENGERS

No. MC 133885 (Sub-No. 1 TA), filed July 16, 1969. Applicant: PARKS AND RECREATION DEPARTMENT OF THE NAVAJO TRIBE OF INDIANS, Post Office Box 155, Window Rock, Ariz. 86515. Applicant's representative: Lynn Mitten, Legal Department Navajo Tribe, Window Rock, Ariz. 86515. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicles with passengers in special operations, in round-trip sightseeing tours, beginning and ending at Gallup, N. Mex., and extending to points in that portion of Apache, Coconino, and Navajo Counties, Ariz., on and north of U.S. Highway 66, also to points and places in Kane and San Juan Counties, Utah, and the point of Navajo, N. Mex., for 180 days. Supporting shippers: Justin's Thunderbird Lodge, Chinle, Ariz. 86503; The Navajo Tribe, Window Rock, Ariz. 86515; Wahweap Lodge and Marina, Page, Ariz. 86040; Goulding's Lodge, Monument Valley, Utah 84536; Monument Valley Inn, Kayenta, Ariz. 86033; National Park Service, Canyon de Chelly National Monument, Chinle, Ariz. 86503. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commision, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

By the Commission.

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

[F.R. Doc. 69-9049; Filed, July 31, 1969; 8:49 a.m.]

[Notice 387]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 29, 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-71309. By order of July 24, 1969, the Motor Carrier Board approved the transfer to Brown & Cole Bus Co., Inc., Atmore, Ala., of the operating rights in certificate No. MC-127493 issued October 26, 1965, to Charles H. Stacey, doing business as Stacey Bus Co., Frisco City, Ala., authorizing the transportation, over regular routes, of passengers and their baggage between Frisco City, Ala., and the plantsite of Chemstrand Corp., near Gonzalez, Fla., serving all intermediate points between Frisco City, Ala., and Atmore, Ala., but not including Atmore. J. R. Tucker, Box 755, Atmore, Ala. 36502, attorney for applicants.

No. MC-FC-71372. By order of July 29, 1969, the Motor Carrier Board approved the transfer to J & W Trucking, Inc., Houston, Tex., of certificates Nos. MC-80730 and MC-80730 (Sub-No. 4),

issued July 17, 1953, and December 20, 1962, respectively, to Bailey Transportation Co., Inc., Houston, Tex., authorizing the transportation of machinery, equipment, materials, and supplies used in the petroleum and pipeline industries as defined in Mercer Extension—Oil Field Commodities, 74 M.C.C. 459, from Houston, Tex., to points in Texas; between points in Louisiana and points over specified routes to Gladwater, Tyler, Athens, Palestine, Crockett, Huntsville, Houston, Angleton, and Corpus Christi, Tex.; between points in Oklahoma; between points in Oklahoma, on the one hand, and, on the other, points in Texas; and between points in Louisiana, on the one hand, and, on the other, points in Oklahoma and those in that part of Texas north and west of a line beginning at the Louisiana-Texas State line over specified routes to Corpus Christi, Tex. Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002, attorney for applicants.

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

[F.R. Doc. 69-9050; Filed, July 31, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI70-32 etc.]

SHELL OIL CO. ET AL.

Order Accepting Supplements, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 23, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-32	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	17	20	El Paso Natural Gas Co. (Monahans Field, Ward and Winkler Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	$7,953	6-19-69	[2] 9-1-69	2-1-70	[3] [4] 15.389	[3] [4] 16.453	
	do	18	15	El Paso Natural Gas Co. (Ratliff Bedford Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	3,653	6-19-69	[2] 9-15-69	2-15-70	[3] [7] 15.709	[3] [4] 16.723	
	do	19	18	El Paso Natural Gas Co. (TXL Plant, Ector County, Tex.) (RR. District No. 8) (Permian Basin Area).	123,342	6-19-69	[5] 8-17-69	1-17-70	[3] [7] 14.643	[3] [4] 15.702	
	do	20	21	El Paso Natural Gas Co. (Wasson Plant, Yoakum County, Tex.) (RR. District No. 8) (Permian Basin Area).	270,739	6-19-69	[5] 8-10-69	1-10-70	[3] [7] 13.753	[3] [4] 14.742	
	do	33	15	El Paso Natural Gas Co. (Langnot Field, Lea County, N. Mex.) (Permian Basin Area).	70	6-19-69	[2] 9-11-69	2-11-70	[3] [10] 16.022	[3] [4] 17.03	
	do	34	16	do	1,573	6-19-69	[2] 9-14-69	2-14-70	[3] [11] 16.172	[3] [4] 17.18	
RI70-33	H. L. Hunt et al., 1401 Elm St., Dallas, Tex. 75202.	21	7	El Paso Natural Gas Co. (Pecos Devonian Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,419	6-25-69	[12] 8-1-69	1-1-70	[13] 16.2160	[3] [4] 17.2295	
RI70-34	H. L. Hunt, 1401 Elm St., Dallas, Tex. 75202.	22	8	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	20	6-25-69	[12] 8-1-69	1-1-70	[13] 15.2025	[3] [4] 16.2160	
	do	28	11	do	1,520	6-25-69	[12] 8-1-69	1-1-70	[13] 15.2025	[3] [4] 16.2160	
	do	16	11	do	608	6-25-69	[12] 8-1-69	1-1-70	[13] 15.2025	[3] [4] 16.2160	
	do	27	14	do	[14] 10	6-26-69	[12] 8-1-69	1-1-70	[13] [14] 15.2025	[3] [4] [14] 16.2160	
	do	6	12	El Paso Natural Gas Co. (Pecos Valley Devonian Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	[15] 81 / (16)	6-25-69	[12] 8-1-69	1-1-70	[13] [15] 16.7228 / [17] 16.7228	[3] [4] [15] 17.7363 / [3] [4] 17.7363	
	do	15	11	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	[14] 51 / [15] 459	6-25-69	[12] 8-1-69	1-1-70	[13] 15.2025 / [15] [17] 16.7228	[3] [4] [13] 16.2160 / [3] [4] [15] 17.7363	
RI70-35	Hunt Petroleum Corp., 1401 Elm St., Dallas, Tex. 75202.	2	4	El Paso Natural Gas Co. (Lancaster Hill Field, Crockett County, Tex.) (RR. District No. 7C) (Permian Basin Area).	3,040	6-23-69	[12] 8-1-69	1-1-70	[13] 16.7228	[3] [4] 17.7363	
RI70-36	Hunt Industries, 1401 Elm St., Dallas, Tex. 75202.	3	11	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	[14] 51 / [15] 459	6-23-69	[12] 8-1-69	1-1-70	[13] [14] 15.2025 / [15] [17] 16.7228	[3] [4] [13] 16.2160 / [3] [4] [15] 17.7363	
	do	4	9	do	709	6-23-69	[12] 8-1-69	1-1-70	[13] 15.2025	[3] [4] 16.2160	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-37...	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	10	12	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	$1,359	6-26-69	[12] 8-1-69	1-1-70	18.1215	[3][4] 19.1283	RI69-149.
	.....do.....	11	11	El Paso Natural Gas Co. (Weltmer-Clearford Field, Gaines County, Tex.) (RR. District No. 8-A) (Permian Basin Area).	2,524	6-26-69	[12] 8-1-69	1-1-70	16.6584	[3][4] 17.6080	RI69-149.
	.....do.....	71	7	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,256	6-29-69	[12] 8-1-69	1-1-70	18.0	[3][4] 19.2560	RI69-149.
	.....do.....	100	14	El Paso Natural Gas Co. (Clara Couch Field, Crockett County, Tex.) (RR. District No. 7C) (Permian Basin Area).	2,919	6-26-69	[12] 8-1-69	1-1-70	16.7228	[3][4] 17.7295	RI69-149.
	.....do.....	108	15	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	5,739	6-26-69	[12] 8-1-69	1-1-70	18.1215	[3][4] 19.1283	RI69-149.
	.....do.....	109	9	El Paso Natural Gas Co. (Cooper-Jal Field, Lea County, N. Mex.) (Permian Basin Area).	1,893	6-26-69	[12] 8-1-69	1-1-70	[23] 16.8793	[3][4][23] 17.9023	RI69-149.
	.....do.....	128	10	El Paso Natural Gas Co. (Crosby-Devonian Field, Lea County, N. Mex.) (Permian Basin Area).	818	6-26-69	[12] 8-1-69	1-1-70	[23] 16.8793	[3][4][23] 17.9023	RI69-149.
	.....do.....	129	9	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	5,473	6-26-69	[12] 8-1-69	1-1-70	15.2025	[3][4] 16.2160	RI69-149.
	.....do.....	130	6	El Paso Natural Gas Co. (Levelland Field, Cochran County, Tex.) (RR. District No. 8A) (Permian Basin Area).	755	6-26-69	[12] 8-1-69	1-1-70	[22] 16.7228	[3][4][22] 17.7295	RI69-149.
	.....do.....	169	8	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	302,804	6-26-69	[12] 8-1-69	1-1-70	16.7229	[3][4] 17.7303	RI68-332.
RI70-38...	Union Oil Co. of California (Operator) et al.	72	34	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	942	6-26-69	[12] 8-1-69	1-1-70	18.0	[3][4] 19.2655	RI69-150.
	.....do.....	73	30	.....do.....	754	6-26-69	[12] 8-1-69	1-1-70	18.0	[3][4] 19.2560	RI69-150.
	.....do.....	131	7	El Paso Natural Gas Co. (Andrews Field, Andrews County, Tex.) (RR. District No. 8A) (Permian Basin Area).	405	6-26-69	[12] 8-1-69	1-1-70	15.2025	[3][4] 16.2160	RI69-149.
RI70-39...	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	1	16	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.) (RR. District No. 8A) (Permian Basin Area).	1,208	6-19-69	[12] 8-1-69	1-1-70	18.1215	[3][4] 19.1283	RI69-211.
	.....do.....	30	16	El Paso Natural Gas Co. (Payton-Devonian, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	405	6-19-69	[12] 8-1-69	1-1-70	16.7228	[3][4] 17.7303	RI69-211.
	.....do.....	58	21	El Paso Natural Gas Co. (Jalmat et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	4,336	6-19-69	[12] 8-1-69	1-1-70	16.6318	[3][4] 17.6398	RI69-211.
					151				[23] 16.1815	[3][4][23] 17.1895	RI69-211.
	.....do.....	61	15	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	403	6-19-69	[12] 8-1-69	1-1-70	[23] 16.1815	[3][4][23] 17.1895	RI69-211.
	.....do.....	143	7	El Paso Natural Gas Co. (Millican Reef Field, Coke County, Tex.) (RR. District No. 7C) (Permian Basin Area).	3,355	6-19-69	[12] 9-1-69	1-1-70	18.2430	[3][4] 19.2565	RI69-211.
	.....do.....	174	8	El Paso Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	121,629	6-19-69	[12] 8-1-69	1-1-70	18.2430	[3][4] 19.2565	RI69-211.
RI70-40...	Sun Oil Co. (Operator) et al.	80	[24] 18	El Paso Natural Gas Co. (Jameson Field, Coke County, Tex.) (RR. District No. 7C) (Permian Basin Area).	6,275	6-19-69	[12] 8-1-69	7-1-70	18.1080	[3][4] 19.1539	RI69-212.
RI70-41...	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	69	5	Michigan Wisconsin Pipe Line Co., (Laverne Field, Harper and Beaver Counties, Okla.) (Panhandle Area).	8,551	6-23-69	[25] 7-24-69	12-24-69	[27] 20.51	[3][4][26][27] 23.025	RI62-177.
	.....do.....	81	17	Michigan Wisconsin Pipe Line Co. (West Chester Field, Woodward County, Okla.) (Panhandle Area).	2,630	6-23-69	[25] 7-24-69	12-24-69	[26][28] 17.24	[4][26][28] 19.255	
RI70-42...	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	15	6	Cities Service Gas Co. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	3,581	6-25-69	[29] 7-26-69	12-26-69	[31] 13.0	[4][30][31] 19.0	RI66-325.
	.....do.....	103	3	Lone Star Gas Co. (Doyle Field, Stevens County, Okla.) (Oklahoma "Other" Area).	1,855	6-25-69	[29] 7-26-69	12-26-69	16.5	[4][31] 17.9	RI67-342.
		286	5	Transwestern Pipeline Co. (Dude Wilson Field, Ochiltree County, Tex.) (RR. District No. 10).	4,080	6-30-69	[32] 9-1-69	2-1-70	[33][34] 17.0	[4][31][33] 19.0	
	.....do.....	215	16	Transwestern Pipeline Co. (North Stratford, Dude Wilson and Farnsworth Fields, Sherman and Ochiltree Counties, Tex.) (RR. District No. 10).	15,000	6-30-69	[32] 9-1-69	2-1-70	[33][34] 17.0	[4][31][33][34] 19.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-43	Ashland Oil & Refining Co. (Operator) et al., Post Office Box 18695, Oklahoma City, Okla. 73118.	4	[28] 8	Lone Star Gas Co. (Golden Trend Area, Garvin County, Okla.) (Oklahoma "Other" Area).		6-27-69	[27] 7-28-69	(Accepted)			
		4	9		$20	6-27-69	[27] 7-28-69	12-28-69	10.250	[4] [29] 13.175	
	do	68	[28] 5	do		6-27-69	[27] 7-28-69	(Accepted)			
		68	6		410	6-27-69	[27] 7-28-69	12-28-69	10.250	[4] [29] 13.175	
	do	70	[28] 5	do		6-27-69	[27] 7-28-69	(Accepted)			
		70	6		8	6-27-69	[27] 7-28-69	12-28-69	10.250	[4] [29] 13.175	
	do	161	1	Natural Gas Pipeline Co of America (Mutal Area, Woodward County, Okla.) (Panhandle Area).	122	6-27-69	[28] 8-1-69	1-1-70	[31] 17.0	[3] [4] [31] 18.015	
	do	196	1	Michigan Wisconsin Pipe Line Co. (North Freedom Field, Woods County, Okla.) (Oklahoma "Other" Area).	3,000	6-30-69	[32] 7-31-69	12-31-69	[6] 15.0	[4] [6] [8] 17.0	
RI70-44	do	71	[28] 3	Lone Star Gas Co. (Golden Trend Area, Garvin County, Okla.) (Oklahoma "Other" Area).		6-27-69	[27] 7-28-69	(Accepted)			
		71	4		819	6-27-69	[27] 7-28-69	12-28-69	10.250	[4] [29] 13.175	
RI70-45	Pan American Petroleum Corp. (Operator) et al., Post Office Box 3092, Houston, Tex. 77001.	391	1	Natural Gas Pipeline Co. of America (Willamar Field), Willacy County, Tex.) (RR. District No. 4).	28,583	6-25-69	[33] 7-26-69	12-26-69	[37] 16.0	[3] [4] 17.0	
RI70-46	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001, Attention: H. H. Beeson, Esq.	59	12	United Gas Pipe Line Co. (Carbeza Creek Area, De Witt, Goliad, and Karnes Counties, Tex.) (RR. District No. 2).	1,042	6-25-69	[33] 7-24-69	12-24-69	14.0	[4] [42] 14.2156	RI69-811.

[1] The effective date is 1 day after suspended rate is made effective.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Rate suspended in Docket No. RI69-641 until Aug. 31, 1969.
[5] Motion has been filed to make rate effective upon expiration of suspension period.
[6] Rate suspended in Docket No. RI69-675 until Sept. 14, 1969.
[7] Rate suspended in Docket No. RI69-618 until Aug. 16, 1969.
[8] Rate suspended in Docket No. RI69-587 until Aug. 9, 1969.
[9] Rate suspended in Docket No. RI69-641 until Sept. 10, 1969.
[10] Rate suspended in Docket No. RI69-664 until Sept. 13, 1969.
[11] Contractually due effective date.
[12] Rate suspended in Docket No. RI69-546 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[13] Applicable to residue gas not derived from new gas-well gas.
[14] Applicable to old gas-well gas.
[15] No present deliveries.
[16] Rate suspended in Docket No. RI69-546 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[17] Rate suspended in Docket No. RI69-551 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[18] Applicable to residue gas not derived from new gas-well gas.
[19] Rate suspended in Docket No. RI69-545 until July 23, 1969. Respondent has filed motion to make rate effective on that date.
[20] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[21] Subject to 0.4467-cent deduction for low pressure gas.
[22] Low pressure gas includes 0.4467-cent deduction by buyer for compression.
[23] Not applicable to properties covered by Supplement No. 14 which are in Nolan County, Tex.
[24] The stated effective date is the effective date requested by Respondent.
[25] Includes 0.015-cent tax reimbursement.
[26] Rates include 1.01 cents-upward B.t.u. adjustment (1,101 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[27] "Fractured" rate increase plus tax reimbursement. Contractually due a base rate of 22 cents per Mcf.
[28] Rates include 0.24-cent upward B.t.u. adjustment (1,024 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[29] Unilateral Rate increase. Basic contract dated Nov. 20, 1953, expired on Sept. 21, 1959. Texaco gave 90 days notice to buyer on Sept. 21, 1959 of its intent to cancel contract.
[30] Subject to upward and downward B.t.u. adjustment.
[31] Unilateral rate increase. Contract dated Apr. 26, 1948, primary term expired Apr. 26, 1949. Gave notice to buyer on Feb. 7, 1967, that contract will be canceled on Aug. 15, 1967.
[32] Fractured rate increase. Respondent contractually due 26 cents per Mcf.
[33] Settlement rate as approved by Commission order issued Dec. 30, 1963, in Docket Nos. G-8069 et al. Moratorium on filing increased rates expired Mar. 1, 1966.
[35] "Fractured" rate increase. Respondent contractually due 26 cents per Mcf.
[36] Portion of gas subject to a 1-cent deduction by buyer for compression of gas.
[37] The stated effective date is the first day after expiration of the statutory notice.
[38] Supplement dated June 16, 1969, which provides basis for favored-nation increase.
[39] Favored-nation rate increase.
[40] Filing from initial certificated rate to initial contract rate.
[41] Subject to upward and downward B.t.u. adjustment.
[42] Initial rate.
[43] Tax reimbursement increase.

Shell Oil Co. (Shell); H. L. Hunt et al., H. L. Hunt, Hunt Petroleum Corp. and Hunt Industries (all referred to herein as Hunt) propose rate changes related to rate schedules under which rates are currently suspended. Shell and Hunt have submitted motions to place the suspended rates into effect. In the case of Shell, the expiration of the suspension period for existing suspended rates will be sometime after August 1, 1969. For the Hunt group the expiration date for the currently suspended rates is July 23, 1969. Hunt and Shell propose to make their rates effective as of 1 day after the expiration of the suspension period or the contractually effective date whichever is later. Shell also requests that its presently filed rate increases, if suspended, be suspended for only 1 day, or if longer, the suspension period terminate on January 1, 1970. Good cause has not been shown for limiting to 1 day the suspension period with respect to Shell's rate filings, or for permitting the suspension period to terminate on January 1, 1970, and such request is denied.

Supplements Nos. 9 and 10 to Union Oil Company of California's (Union Oil) FPC Gas Rate Schedules Nos. 109 and 128, respectively, reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyer concedes that the New Mexico legislature effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein with respect to the rate filings containing such tax shall concern itself with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

Concurrently with the filing of their rate increases, Ashland Oil & Refining Co. (Operator) et al., and Ashland Oil & Refining Co. et al. (both referred to herein as Ashland), filed four supplements dated June 16, 1969, which provide the basis for their favored-nation rate increases.[1] We believe that it would be in the public interest to accept for filing Ashland's supplements to become effective on July 28, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56) with the exception of the rate

[1] See footnote at end of document.

increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Ashland's four supplements dated June 16, 1969,[4] and for permitting such supplements to become effective on July 28, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplements Nos. 8, 5, 5, and 3 to Ashland's FPC Gas Rate Schedules Nos. 4, 68, 70, and 71, respectively, are accepted for filing and permitted to become effective on July 28, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 5, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-8901; Filed, July 31, 1969; 8:45 a.m.]

[4] Designated as Supplements Nos. 8, 5, 5, and 3 to Ashland's FPC Gas Rate Schedules Nos. 4, 68, 70, and 71, respectively.

[Docket No. RI70-30 etc.]

ASHLAND OIL & REFINING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 24, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 5, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

See footnote at end of document.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-30	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	163	6	Oklahoma Natural Gas Gathering Corp.[3] (Ringwood Area, Major County, Okla.) (Oklahoma "Other" Area).	$43	6-23-69	[4] 6-23-69	[5] 6-24-69	[6] 11.0	[7] [8] 12.0	
RI70-31	R. S. Baker (Operator) et al., 930 Bass Bldg., Enid, Okla. 73701.	[9] 1	1	Arkansas Louisiana Gas Co. (West Enid Field, Garfield County, Okla.) (Oklahoma "Other" Area).	723	6-27-69	[10] 7-28-69	[5] 7-29-69	13.5	[7] 14.5	

[3] Oklahoma Natural classed as a pipeline company in its certificate (CI61-1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17 cents per Mcf. Oklahoma Natural's related increase to 18.5 cents has been approved. However, Oklahoma Natural must flow through any refunds of its suppliers.

[4] The stated effective date is the date of filing.

[5] The suspension period is limited to 1 day.

[6] Periodic rate increase.

[7] Pressure base is 14.65 p.s.i.a.

[8] Applicable to acreage added by Supplement No. 5.

[9] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and proposed rate does not exceed the initial service ceiling rate of 15 cents per Mcf.

[10] The stated effective date is the first day after expiration of the statutory notice.

R. S. Baker (Operator), et al., (Baker), request that their proposed rate increase be permitted to become effective on November 1, 1968, the contractually provided effective date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Baker's rate filing and such request is denied.

Ashland Oil & Refining Co. (Ashland) proposes a periodic rate increase from 11 cents to 12 cents per Mcf for a wellhead sale of gas to Oklahoma Natural Gas Gathering Corp. (ONG) from the Ringwood Area, Major County, Okla. (Oklahoma "Other" Area) with respect to acreage added by Supplement No. 5 to its FPC Gas Rate Schedule No. 163. The applicable area ceiling for increase rates is 11 cents per Mcf. Although Ashland was contractually due a rate of 12 cents at the time of the additional dedication, it was willing to accept a certificated rate of 11.0 cents [1] to be consistent with other certificate authorizations in the Ringwood Area. Ashland was issued a permanent certificate for the additional acreage in Docket No. CI64-1422 on June 11, 1969. Ashland requests an effective date of 30 days after date of filing. Consistent with prior Commission action taken on similar increases to ONG in the Ringwood Area, we believe that it would be in the public interest to waive the 30 days notice requirement provided in section 4(d) of the Natural Gas Act to permit an effective date of June 23, 1969, the date of filing, and to limit to 1 day the suspension period ordered herein for such filing.

The contract related to the rate filing of Baker was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rate of 14.5 cents exceeds the area increased rate ceiling of 11 cents for the Oklahoma "Other" Area but does not exceed the service ceiling of 15 cents per Mcf established for the area involved. We believe, in this situation, Baker's proposed rate increase should be suspended for 1 day from July 28, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-9004; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. CS69-90 etc.]

DAVID B. CHALMERS ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JULY 25, 1969.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No.	Date filed	Name of applicant
CS69-90....	6-19-69	David B. Chalmers, c/o James R. Luttrell, Consultant, Post Office Box 82, Midland, Tex. 79701.
CS69-91....	6-19-69	A. A. Guffey, Post Office Box 1185, Houston, Tex. 77001.
CS69-92....	6-25-69	Larry Stanley, 8629 Coronado, Scottsdale, Ariz. 82557.
CS69-93....	6-25-69	Charles O. Semple, 2602 McClintic, Midland, Tex. 79701.
CS69-94....	6-25-69	Jessica Grammer, Box 913, Midland, Tex. 79701.
CS69-95....	6-25-69	A. P. Gates, Post Office Box 868, Houston, Tex. 77001.
CS69-96....	6-25-69	Earl W. Smyth, 13407 Queensberry, Houston, Tex. 77024.
CS69-97....	6-25-69	James F. O'Briant, 404 V & J Tower Bldg., Midland, Tex. 79701.
CS69-98....	6-25-69	Hissom Drilling Co., Bank of the Southwest Bldg., Midland, Tex., 79701.
CS69-99....	6-25-69	Dr. Rachad Pharaon, c/o J. W. Foster, Consultant & Liaison Officer, C-626, 2400 Virginia Ave. NW., Washington, D.C. 20037.
CS69-100...	6-30-69	Risher M. Thornton III, Post Office Box 913, Midland, Tex. 79701.
CS69-101...	6-30-69	Dr. J. Stewart Loftis, 3309 Blossom Lane, Odessa, Tex. 79760.

[F.R. Doc. 69-9005; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. CP70-10]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 24, 1969.

Take notice that on July 15, 1969, El Paso Natural Gas Co. (Applicant), Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-10 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain field compressor facilities required to continue the delivery of natural gas to Northern Natural Gas Co. for transportation and redelivery to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under an agreement dated October 7, 1953, as amended, Northern Natural Gas Co. transports for Applicant up to 211,000 Mcf per day of natural gas from a point of interconnection of existing facilities downstream of Northern Natural Gas Co.'s Spraberry Plant in Midland County, Tex., to Applicant's Plains Compressor Station in Yoakum County, Tex. Applicant further states that due to depleting gas sources in the Spraberry area, Applicant proposes to install one 1,068 horsepower compressor unit at its existing Sweetie Peck Station in Upton County which will enable it to operate its integrated field facilities in a manner necessary for the continued delivery of up to 211,000 Mcf per day from its existing Permian Basin sources of supply to Northern Natural Gas Co. at the Spraberry plant for transportation to Applicant's Plains Compressor Station. The total estimated cost of the proposed facilities is $300,500, including overhead, contingencies and required filing fees. Applicant proposes to finance such cost by use of working funds, supplemented as required by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 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

[1] By order issued Nov. 3, 1966, in Docket No. RP66-19, an increase by ONG from 17 cents to 18.5 cents per Mcf designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that ONG is required to flow through any refunds received from its producer-suppliers and to reduce its rate to reflect any rate reductions of such suppliers.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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. 69-9006; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. R170-70 etc.]

TEXAS GAS EXPLORATION CORP., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 25, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 8, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [3] Rate in effect	Cents per Mcf [3] Proposed increased rate
R170-70...	Texas Gas Exploration Corp.,[4] First City National Bank Bldg., Houston, Tex. 77052.	27	1	Texas Gas Transmission Corp. (Eugene Island Area, Offshore Louisiana).	$202,500	6-26-69	[5] 7-27-69	[5-A] 7-28-69	[6] [7] 18.5	[8] 20.0
R170-71...	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017, Attention: Mr. C. E. Smith.	198	2	Transcontinental Gas Pipe Line Corp. (Block 266 Field, Ship Shoal Area) (Offshore Louisiana).	99,720	6-4-69	[9]	[10]	[7] [11] 18.5	[8] 20.0

[3] Pressure base is 15.025 p.s.i.a.
[4] Texas Gas Exploration Corp. is a subsidiary of Texas Gas Transmission Corp.
[5] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[6] Initial rate as conditioned by temporary certificate issued June 24, 1969, in Docket No. CI69-782.
[7] Area base rate for gas-well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Rate increase filed pursuant to paragraph (A) of Opinion No. 546-A, issued Mar. 20, 1969.
[10] The proposed effective date is the date of initial delivery.
[11] The date suspended until is 1 day from date of initial delivery.
[12] Initial rate as conditioned by temporary certificate issued Apr. 24, 1969, in Docket No. CI69-327.
[5-A] The subject rate is suspended until July 28, 1969, or 1 day from the date of initial delivery, whichever is later.

These two proposed increased rates, from 18.5 cents to 20 cents per Mcf (subject to upward and downward B.t.u. adjustment), involve sales of third vintage gas-well gas in Offshore Louisiana and were filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas-well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in Opinion No. 546 for onshore gas-well gas. The producers involved herein were issued conditioned temporary certificates in dockets as set forth above authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas-well gas and 17 cents for casinghead gas subject to quality adjustment). Deliveries of gas have not as yet commenced thereunder.

We conclude that these producers' proposed rate increases should be suspended for 1 day from the date shown in the "Effective Date Column" on Appendix "A" hereof, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Act pending the outcome of the Area Rate Proceeding in Docket No. AR69-1.

[F.R. Doc. 69-9007; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. CP69-283]

TOWN OF TISHOMINGO, MISS., AND ALABAMA-TENNESSEE NATURAL GAS CO.

Order Prescribing Procedures and Setting Date for Hearing

JULY 24, 1969.

The town of Tishomingo, Miss. (Applicant) filed an application on May 1, 1969, pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Alabama-Tennessee Natural Gas Co. (Respondent) to establish physical connection of its transmission facilities with the proposed facilities

of Applicant and to sell and deliver natural gas to Applicant for resale in Tishomingo and Paden, Miss., and environs. Applicant states that it proposes to construct and operate transmission facilities consisting of 15.1 miles of 2-inch and 3-inch pipe and a distribution system consisting of 4.67 miles of 2-inch and 1.5-inch pipe at an estimated cost of $292,000 in order to deliver the estimated third year peak day and annual natural gas requirements of 427.9 Mcf and 48,086 Mcf, respectively.

Notice of the application, issued May 5, 1969, and published in the FEDERAL REGISTER on May 13, 1969 (34 F.R. 7623), set June 2, 1969, as the final date for filing protests or petitions to intervene.

On June 5, 1969, Alabama-Tennessee filed an answer objecting to the application on the grounds that the project's economic feasibility is highly questionable. Respondent notes the anticipated levels of customer saturation in the third year of operation appear to be overstated and optimistic. Also, they state the debt service coverage, while adequate in the first 5 years, falls below the minimum Commission standard in the sixth year at the time payments on the principal commence and that this coverage would be further reduced were more conservative customer saturation estimates utilized. Finally, they point out that, notwithstanding a letter of intent from an investment firm to purchase bonds at a negotiated price that is within Mississippi's legal rates, the project cost estimates are based upon the issuance of 6 percent revenue bonds and that, conditions of the market being what they are at the present time, it becomes highly questionable that 6 percent bonds could be marketed.

The Commission finds: The expeditious disposition of these proceedings will be effected by holding a hearing on September 17, 1969.

The Commission orders:

(A) Pursuant to the provisions of section 1.20(a) of the Commission's rules of practice and procedure, a hearing before a duly designated presiding examiner shall commence at 10 a.m., e.d.s.t., on September 17, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

(B) The applicant shall file with the Commission and serve on all parties and the Commission's staff the proposed evidence comprising its case in chief, including prepared testimony of witnesses and exhibits on or before September 10, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9008; Filed, July 31, 1969; 8:45 a.m.]

[Docket No. CP69-159]

TRUNKLINE GAS CO.

Notice of Application To Amend

JULY 24, 1969.

Take notice that on July 22, 1969, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP69-159 an application pursuant to section 7(c) of the Natural Gas Act to amend the Commission's order issued in said docket on March 13, 1969, to provide for an increase in volumes of gas to be exchanged between it and Humble Oil & Refining Co. (Humble) subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant has been exchanging up to 15,000 Mcf of natural gas per day with Humble by receiving gas at Humble's Kelsey Plant, Brooks County, Tex., and by delivering equivalent quantities of gas for the account of Humble to Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), at a point where Applicant's 20-inch line intersects Tennessee's 12-inch line in Hidalgo County, Tex. The parties have agreed to increase the maximum daily volumes of gas to be exchanged to 28,000 Mcf. Applicant states it has sufficient capacity to make the additional exchange deliveries without constructing facilities in addition to those already authorized in this docket by the Commission's order of March 13, 1969.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 22, 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). 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-9009; Filed, July 31, 1969; 8:45 a.m.]