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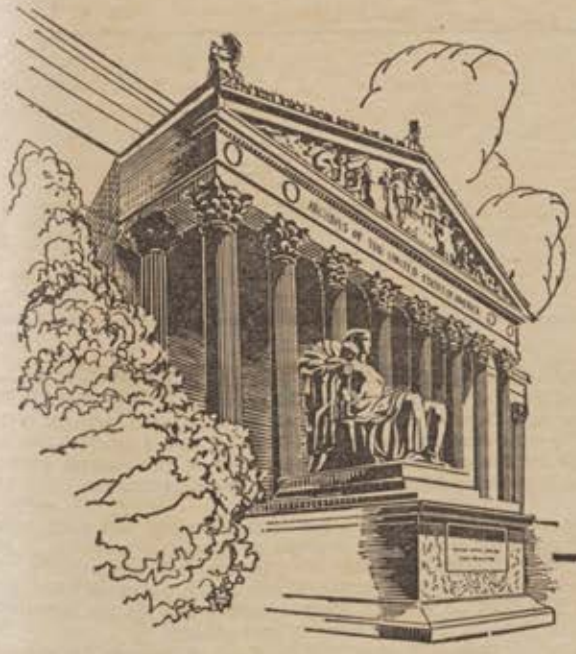

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Title 3—THE PRESIDENT

Executive Order 11478

EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

It has long been the policy of the United States Government to provide equal opportunity in Federal employment on the basis of merit and fitness and without discrimination because of race, color, religion, sex, or national origin. All recent Presidents have fully supported this policy, and have directed department and agency heads to adopt measures to make it a reality.

As a result, much has been accomplished through positive agency programs to assure equality of opportunity. Additional steps, however, are called for in order to strengthen and assure fully equal employment opportunity in the Federal Government.

NOW, THEREFORE, under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

SECTION 1. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency. This policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees of the Federal Government.

SEC. 2. The head of each executive department and agency shall establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in section 1. It is the responsibility of each department and agency head, to the maximum extent possible, to provide sufficient resources to administer such a program in a positive and effective manner; assure that recruitment activities reach all sources of job candidates; utilize to the fullest extent the present skills of each employee; provide the maximum feasible opportunity to employees to enhance their skills so they may perform at their highest potential and advance in accordance with their abilities; provide training and advice to managers and supervisors to assure their understanding and implementation of the policy expressed in this Order; assure participation at the local level with other employers, schools, and public or private groups in cooperative efforts to improve community conditions which affect employability; and provide for a system within the department or agency for periodically evaluating the effectiveness with which the policy of this Order is being carried out.

SEC. 3. The Civil Service Commission shall provide leadership and guidance to departments and agencies in the conduct of equal employment opportunity programs for the civilian employees of and applicants for employment within the executive departments and agencies in order to assure that personnel operations in Government departments and agencies carry out the objective of equal opportunity for all persons. The Commission shall review and evaluate agency program operations periodically, obtain such reports from departments and agencies as it deems necessary, and report to the President as appropriate on overall progress. The Commission will consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this Order.

SEC. 4. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, color, religion, sex, or national origin. Agency systems shall provide access to counseling for employees who feel aggrieved and shall encourage the resolution of employee problems on an informal basis. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

SEC. 5. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out this Order and assure that the executive branch of the Government leads the way as an equal opportunity employer, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this Order.

SEC. 6. This Order applies (a) to military departments as defined in section 102 of title 5, United States Code, and executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and to the employees thereof (including employees paid from nonappropriated funds), and (b) to those portions of the legislative and judicial branches of the Federal Government and of the Government of the District of Columbia having positions in the competitive service and to the employees in those positions. This Order does not apply to aliens employed outside the limits of the United States.

SEC. 7. Part I of Executive Order No. 11246 of September 24, 1965, and those parts of Executive Order No. 11375 of October 13, 1967, which apply to Federal employment, are hereby superseded.

Richard Nixon

THE WHITE HOUSE,
August 8, 1969.

[F.R. Doc. 69-9556; Filed, Aug. 8, 1969; 4:24 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that three positions of Congressional Liaison Officer in the Office of the Assistant Secretary for Public Affairs are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (19) is added to paragraph (a) as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(19) Three Congressional Liaison Officers, Office of the Assistant Secretary for Public Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-9541; Filed, Aug. 11, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1443—OILSEEDS

Subpart—Cottonseed Oil and Meal Purchase Program Regulations (1969)

Part 1443 is supplemented by revising §§ 1443.58–1443.71 to read as follows, effective as to the 1969 Cottonseed Oil and Meal Purchase Program. The material previously appearing in these sections remains in full force and effect as to the 1968 Cottonseed Oil and Meal Purchase Program to which it was applicable.

Sec.
1443.58 General statement.
1443.59 Administration.
1443.60 Crusher's participation in program.
1443.61 Purchases of cottonseed by crusher.
1443.62 Cooperative mills.
1443.63 Tenders.
1443.64 Purchase by CCC.
1443.65 Information release.
1443.66 Movement of cottonseed oil or meal.
1443.67 Books and records.
1443.68 Certification of independent price determination.
1443.69 Parent company.
1443.70 Benefits and contingent fees.
1443.71 Nondiscrimination in employment.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212, 15 U.S.C. 714b and 714c, and 7 U.S.C. 1447, 1421, 1446d.

Subpart—Cottonseed Oil and Meal Purchase Program Regulations (1969)

§ 1443.58 General statement.

As a part of the 1969 Cottonseed Price Support Program formulated by Commodity Credit Corporation (referred to in this subpart as "CCC") and the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS"), CCC will purchase cottonseed oil and, at its option and on a limited basis only, cottonseed meal from cottonseed crushers participating in the program upon the terms and conditions stated in this subpart. No purchases of cottonseed meal will be made unless CCC subsequently announces that it will consider tenders of meal under circumstances specified in § 1443.63(c). No purchases will be made by CCC from crushers who do not participate in the program.

§ 1443.59 Administration.

The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President, CCC. Except as specifically provided otherwise, operations under this subpart will be administered by the New Orleans ASCS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans, La. 70112 (referred to in this subpart as "the New Orleans office"). CCC contracting officers in the New Orleans office will execute contract documents on behalf of CCC. Officials in the New Orleans office do not have authority to waive or modify any provisions of this subpart. The forms referred to in this subpart may be obtained from the New Orleans office.

§ 1443.60 Crusher's participation in program.

(a) *Eligible crusher.* Any crusher who completes and forwards to the New Orleans office a signed original and copy of the 1969 Cottonseed Price Support Program Crusher Acceptance (Form CCC 912) not later than September 1, 1969, and complies with the other provisions of this subpart (such crusher is hereinafter referred to as a "participating crusher") will be eligible to make tenders hereunder to CCC, except that (1) no purchases will be made by CCC from any crusher debarred or suspended from contracting with CCC or from participating in programs financed by CCC, and (2) subject to approval of CCC, a crusher may file such acceptance form subsequent to September 1, 1969, but in such event he may tender only the cottonseed oil or meal equivalent of seed purchased subsequent to the date of filing the acceptance form. If a crusher operates more than one cottonseed crushing mill, he must file an acceptance form for each mill which he desires to have participate in the program, and each such mill shall be treated as a separate unit for the purpose of determining the rights and obligations of the crusher with respect to cottonseed purchased by and cottonseed oil and meal delivered from each such mill. A participating crusher may withdraw from the program at any time upon written notice to the New Orleans office and will not be obligated to pay the applicable minimum prices determined in accordance with § 1443.61(a) for cottonseed purchased after withdrawal. CCC will not accept any tender submitted by a crusher after his withdrawal, and cottonseed purchased after his withdrawal will not be eligible cottonseed as defined in § 1443.63(e).

(b) *Assurance.* The acceptance form will contain an assurance by the crusher that his participation in the program will be conducted, and his facilities operated, in compliance with all of the requirements imposed by, or pursuant to, the regulations governing nondiscrimination in federally assisted programs of the Department of Agriculture, Part 15 of this title, which effectuate title VI of the Civil Rights Act of 1964.

§ 1443.61 Purchases of cottonseed by crusher.

(a) *Price.* Except as otherwise provided in this paragraph, a participating crusher must pay for all 1969 crop cottonseed purchased from ginners not less than $41 per ton, net weight, basis grade (100), f.o.b. conveyance or carrier at the gin, and from producers not less than a season's weighted average price of $37 per ton, gross weight, basis grade (100), and, in the case of purchases from both gins and producers, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than the basis grade (100). For the purposes of this subpart, the term "season's weighted average price" means the weighted average of the prices paid for cottonseed by the crusher between the date on which he executes the 1969 Cottonseed Price Support Crusher Acceptance submitted to CCC under § 1443.60(a) and the earlier of (1) the date he executes a notice of withdrawal from the program which is submitted to CCC under § 1443.60(a), or (2) the date of

his final purchase of 1969 crop cottonseed. Cottonseed which is "below grade" or "off quality," as defined in C&MS Service and Regulatory Announcement No. 179, as amended, "Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States" (hereinafter referred to as "the Cottonseed Standards"), §§ 61.101–61.104 of this title, may be purchased at a price mutually agreeable to the crusher and the seller.

(b) *Grades.* Except as provided in subparagraphs (1), (2), and (3) of this paragraph, all 1969 crop cottonseed purchased by the crusher shall be graded by federally licensed cottonseed chemists in accordance with the Cottonseed Standards on the basis of samples drawn from the cottonseed by federally licensed cottonseed samplers or such other persons as are approved by CCC. The cost of sampling and grading cottonseed shall be borne by the crusher.

(1) Any crusher located in North Carolina, South Carolina, Georgia, the south Alabama counties of Montgomery, Dallas, Houston, and Barbour, or the San Joaquin Valley of California, may exclude the linters factor in determining the grade if such crusher did not have cottonseed from the 1968 crop graded in accordance with the Cottonseed Standards because of the linters factor.

(2) The grade of cottonseed acquired by the crusher in the San Joaquin Valley of California may be determined on the basis of composite samples of such cottonseed. Individual samples drawn from at least the first three shipments of cottonseed received by the crusher each day shall be mixed together to form a composite sample, except that if a crusher receives less than 35 tons of cottonseed on any day, individual samples may be retained and mixed to form a composite sample when the individual samples represent an accumulation of approximately 35 tons of cottonseed: *Provided,* That no composite sample shall be made from individual samples which have been retained for more than 3 days.

(3) The crusher shall not be obligated to grade 1969 crop cottonseed in accordance with the Cottonseed Standards until the 20th business day following the date of publication of this subpart in the FEDERAL REGISTER.

(c) *Weight.* Purchases of cottonseed from ginners by crushers under this subpart shall be based upon weight at the crusher's mill after deduction of the weight of all foreign material in excess of 1 percent. Purchases of cottonseed from producers by crushers under this subpart shall be based upon the gross weight of the cottonseed as customarily determined by the crusher when making purchases of cottonseed from producers. The cost of weighing shall be borne by the crusher.

(d) *Receipts from certain gins.* Where a gin and crusher are under common control, direction, or management, cottonseed received by the crusher from such gin shall not have been purchased from producers at less than a season's weighted average price of $37 per ton, gross weight, basis grade (100), with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than the basis grade (100).

§ 1443.62 Cooperative mills.

If the crusher is a cooperative oil mill, and if the marketing agreements between the crusher and its members provide for advances, the crusher may advance a part of the applicable minimum purchase price determined in accordance with the provisions of § 1443.61 at the time each lot of cottonseed is purchased and pay the balance of the minimum price after completion of crushing of the 1969 crop cottonseed, but not later than December 31, 1970. Such balance shall be paid in cash unless the Executive Vice President, CCC, has approved deferred payment thereof by issuance of revolving fund certificates or by other methods of retention of funds for capital purposes. The Executive Vice President will approve deferred payment only by crushers (a) which are organized under applicable State or Federal laws as an association of persons who are engaged in the production of agricultural commodities, or as an association of other associations of such persons, and (b) which he determines are operating on a financially sound basis. Any such crusher desiring approval to make deferred payment shall submit its application for approval to the Director, Oilseeds and Special Crops Division, ASCS, Washington, D.C. 20250, not later than the date of submission of its acceptance form, or such later date as CCC may for good cause approve. The application shall include a certified statement that the crusher meets the requirements of paragraph (a) of this section, and a complete and accurate statement of its current financial condition. The crusher shall also submit to CCC such other information regarding its financial condition as CCC may request.

§ 1443.63 Tenders.

(a) *Tenders of oil by crusher.* A participating crusher may tender to CCC only cottonseed oil produced at his mill. A participating crusher who produces only crude oil or only once-refined oil may tender only crude oil or once-refined oil, respectively. A participating crusher who produces both crude and once-refined oil may tender only once-refined oil, except that (1) the crusher may, at his request and with the prior approval of CCC, tender crude oil, and (2) the crusher may tender only crude oil if CCC notifies him that it will, with respect to specific tender periods, receive tenders of crude oil only. The price in any tender shall be the price as proposed by the crusher, except that, if a maximum price for the crusher's area is announced by CCC under paragraph (b) of this section, the price for oil as proposed by the crusher in any tender shall not exceed the price so announced.

(b) *Announcement of purchase price of oil by CCC.* CCC may, at its option, at any time prior to 2 p.m., c.s.t., or e.d.t., whichever is in effect, on any Monday of any given week, announce that it will purchase cottonseed oil at not more than specified prices within areas designated by CCC. Such prices will be determined by CCC after giving consideration to the criteria specified in § 1443.64(b).

(c) *Tenders of meal.* CCC will not consider tenders of any cottonseed meal unless it exercises an option to do so by announcing that it will consider such tenders from crushers located within localities designated by CCC in order to continue, insofar as practicable, the normal movement of both oil and meal into commercial channels. A participating crusher may tender to CCC only meal produced at his mill. The price stated in all tenders of meal shall be the price as proposed by the crusher and shall be on the basis of bulk 41 percent protein meal.

(d) *Submission of tenders.* Each tender shall be submitted to the New Orleans office. The tender may be made by letter transmitting a completed 1969 Cottonseed Price Support Program Crusher Tender Form (CCC Form 913) or by wire. If a tender is made by wire, a completed Crusher Tender Form shall promptly be mailed to the New Orleans office in confirmation. Each tender must be signed by the crusher, by an employee of the crusher having authority to sign tenders for the crusher, or by a broker designated in writing to the New Orleans office by the crusher. The designation of a broker shall authorize the broker, as an agent of the crusher, to submit such tenders on behalf of the crusher (see § 1443.70(c)). Each tender shall state the tender date on which it is to be considered; the prices at which the crusher tenders oil or meal to CCC; the quantity of oil or meal tendered; whether the crusher is tendering basis prime crude or prime bleachable summer yellow cottonseed oil; and the proposed delivery schedule meeting the requirements of § 1443.64, except that a tender of cottonseed meal may, unless and until CCC notifies participating crushers to the contrary, be submitted without a proposed delivery schedule; if a contract results from a tender submitted without a proposed delivery schedule, CCC may request the crusher to submit such a schedule for the purposes of § 1443.64(e)(3). A supplementary explanation and justification must accompany any tender contemplating delivery after August 31, 1970.

(e) *Time of tenders.* All tenders, including tenders made pursuant to an announcement by CCC under paragraph (b) of this section, shall be received at the New Orleans office not later than 3 p.m. (c.s.t. or c.d.t. whichever is in effect), on each Wednesday (or on the next working day if Wednesday is a holiday). No tender, or modification or withdrawal thereof will be considered if received after the specified time on a particular tender date, unless received before acceptance is made of tenders received before such time and CCC determines that (1) such tender, modification, or withdrawal was delayed in transmission by mail through no fault of the crusher, or (2) the modification is

made for the purpose of correcting an error apparent on the face of the original tender or for the purpose of clarifying an ambiguity or supplying an omission therein, or (3) the modification is beneficial to CCC and not prejudicial to any other crusher. No tenders shall be made later than July 31, 1970.

(f) *Limitation on tenders.* Tenders of oil by any crusher shall be made only against eligible cottonseed, which for the purposes of this subpart, is 1969 crop cottonseed produced in the United States and purchased by the crusher under the provisions of this subpart, other than below grade or off quality cottonseed and cottonseed purchased by the crusher prior to the date of receipt of his acceptance form by CCC if such date is after September 1, 1969. The quantity of oil or meal which the crusher tenders and CCC accepts shall not exceed the quantity thereof which could be produced from eligible cottonseed, based upon the 1968 crop outturn per ton of cottonseed in the crusher's area, as determined by CCC. Whenever CCC accepts a tender of either oil or meal, the cottonseed equivalent of either the oil or the meal covered by the tender (determined on the basis of the outturn, as provided above) shall be deducted from the quantity of eligible cottonseed against which the crusher may make future tenders. Whenever CCC accepts tenders of both oil and meal made on the same tender date, the cottonseed equivalent of the product which represents the greater quantity of cottonseed (determined on the basis of the outturn, as provided above) shall be deducted from the quantity of eligible cottonseed against which the crusher may make future tenders. Notwithstanding any other provisions of this paragraph, the crusher shall not tender any cottonseed oil or meal which, if accepted by CCC, would cause the total quantity of oil or meal tendered to and accepted by CCC and not yet delivered to CCC to exceed the smallest of (1) the quantities of oil or meal which have been or can be produced from eligible cottonseed acquired by the crusher up to the time of the tender, or (2) the capacity of the mill to produce during a 60-day period of normal operation if such tender is made prior to December 31, 1969, or during a 45-day period of normal operation if such tender is made thereafter, or (3) the quantity of oil or meal which can be produced from the uncrushed eligible cottonseed which he has on hand as of the date of tender: *Provided*, That the crusher may make one or more tenders of oil or meal in excess of the quantity limits stipulated in subparagraph (2) or (3) of this paragraph, but in such event CCC will not accept a total quantity of oil or meal covered by such tender(s) which is in excess of the capacity of the mill to produce during a 15-day period of normal operation.

§ 1443.64 Purchases by CCC.

(a) *Consideration of tenders.* As soon as possible atfer the final time for submission of tenders on each tender date, CCC will consider all tenders which are submitted by participating crushers and are in accordance with the provisions of this subpart. If CCC determines (1) that the prices stated in a tender are acceptable, and (2) that the tender is otherwise acceptable under this subpart, CCC will accept the tender. If any tender is not acceptable, CCC may, at its option, make a counteroffer. CCC will notify the crusher of acceptance or rejection of any tender, or make any counteroffer, by a wire filed not later than 4 p.m. (c.s.t. or c.d.t., whichever is in effect), on the next working day following the tender date. The crusher's acceptance of the counteroffer by CCC must be received by the New Orleans office within 1 business day after the date of filing of the wire containing CCC's counteroffer.

(b) *Price consideration.* The price stated in a tender, other than a tender in response to an announcement by CCC under § 1443.63(b), will be acceptable to CCC if CCC determines that such price is not in excess of that price necessary to enable crushers within the crusher's generally competitive area to recover, as a group average, the minimum price which participating crushers are required to pay to ginners for cottonseed under this subpart plus such margin above such minimum price as CCC deems to be reasonable. In making such determination, and in determining the price at which CCC counteroffers, due consideration will be given to current market prices for cottonseed products (oil, meal, linters, and hulls), and the average product outturns within said area. The crusher shall cooperate with the Consumer and Marketing Service, USDA, in furnishing prices at which he sells cottonseed products in bulk on the wholesale market, and the prices so furnished shall, in accordance with § 900.513(d) of the C&MS Regulations governing public information, Part 900 of this title, be exempt from public disclosure.

(c) *Contract of sale.* (1) Each (i) tender by the crusher and acceptance by CCC, or (ii) counteroffer by CCC and acceptance by the crusher, as the case may be, shall result in a separate contract for the sale of cottonseed oil or meal. Each contract of sale shall consist of, in addition to the documents specified in subdivision (i) or (ii) of this subparagraph, the terms and conditions of this subpart, and the Rules of the National Cottonseed Products Association, Inc. (hereinafter referred to as "NCPA"), in effect on the date as of which the tender is made, except to the extent such rules are inconsistent with the other provisions of this subpart, and except such of those rules which pertain to arbitration and the time for presentation of claims.

(2) The crusher may request, by writing to the New Orleans office, that the quantity of cottonseed meal covered by any executory contract(s) of sale be reduced. The crusher's request will be approved by CCC except to the extent that meal covered by the request (i) has been contracted for sale by CCC, (ii) has been offered for sale by CCC, or (iii) has been ordered delivered by CCC; however, such request may be approved by CCC even to the extent that the meal covered thereby falls within the provisions of subdivisions (ii) and (iii) of this subparagraph if CCC determines that such approval will not adversely affect the orderly handling or disposition of cottonseed meal. CCC will apply the quantity of meal for which its approval is granted against the quantity of meal covered by executory contracts of sale with the crusher which are subject to this subparagraph in the same chronological order in which such contracts were entered into.

(d) *Rules of NCPA—incorporation by reference.* The rules of NCPA referred to in paragraph (c) of this section, except to the extent such rules are inconsistent with the other provisions of this subpart, and except such of those rules which pertain to arbitration and the time for presentation of claims, are hereby adopted and incorporated by reference into this subpart. Copies of the rules of NCPA may be obtained from NCPA, 2400 Poplar Avenue, Memphis, Tenn. 38112. An official historic file of the rules of NCPA which are incorporated by reference into this subpart will be maintained by the Oilseeds and Special Crops Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. Such rules will be available for examination in the offices of that Division.

(e) *Delivery.* (1) Each lot of cottonseed oil or meal purchased by CCC shall be delivered by the crusher f.o.b. cars or trucks (CCC's option) made available without cost to the crusher at crusher's mill. Crusher shall deliver cottonseed oil or meal, as the case may be, crushed from 1969 crop cottonseed produced in the United States. Delivery shall be in car or truck lots in accordance with shipping instructions issued by the New Orleans office. No delivery of oil or meal shall be made after August 31, 1970, unless the New Orleans office and the crusher mutually agree upon a later date for delivery. Title to the cottonseed oil or meal shall pass to CCC upon delivery.

(2) CCC shall not be obligated to accept the initial delivery of oil under any contract of sale prior to 15 business days after the date of CCC's acceptance of the tender or the crusher's acceptance of the counteroffer (the date of whichever of such acceptances results in a contract is called in this subpart "the date of sale"). At least 10 percent of the contract quantity of oil shall be delivered within 30 days after the date of sale, at least 30 percent within 60 days after the date of sale, at least 60 percent within 90 days after the date of sale, and in any event the total contract quantity of oil shall be delivered not later than 180 days after the date of sale. In delivering oil under any contract of sale, a variation of one-half of 1 percent above or below the contract quantity will be accepted as a good delivery as to weight.

(3) CCC shall not be obligated to accept the initial delivery of meal under any contract of sale prior to 30 days after the date of sale. Meal shall be delivered in bulk, or if requested by CCC, in new or used bags at such adjustment in the sale price to reflect the increased cost of delivery in bags as may be mutually agreed upon by the crusher and the New Orleans office. Upon CCC's request and agreement of the crusher, the crusher shall deliver under his contract(s) with CCC cottonseed meal meeting the requirements of paragraph (g) of this section but with a designated fat content, or, in lieu of cottonseed meal, cottonseed cake, flakes or pellets. The cottonseed cake, flakes, or pellets delivered pursuant to such agreement (i) shall have 41 percent protein content and, in the case of cake, shall be prime quality as defined in the rules of NCPA, or in the case of flakes or pellets, shall meet the quality requirements of Rule 248 of such rules, unless CCC and the crusher mutually agree to the delivery of cake, flakes or pellets which do not meet such requirements, and (ii) shall for purposes of this subpart other than the quality requirements set forth in this sentence, be considered to be cottonseed meal. In delivering meal under any contract of sale, a variation of 5 percent above or below the contract quantity will be accepted as good delivery as to weight but the variation shall not exceed 2½ tons. If a tender of meal resulting in a contract of sale is made without a delivery schedule in accordance with § 1443.63 (d), either the crusher or CCC may request of the other in writing that delivery be made; delivery of the meal shall then be made in accordance with the delivery schedule mutually agreed to by the parties. CCC will apply the quantity of meal delivered to it under contract(s) of sale with the crusher resulting from tenders made without a delivery schedule against such contract(s) in the same chronological order in which they are entered into.

(f) *Grade of oil.* The cottonseed oil delivered by the crusher shall be basis prime crude cottonseed oil or prime bleachable summer yellow cottonseed oil (whichever is specified in the contract) as defined in the rules of the NCPA: *Provided*, That if, on the basis of sampling and chemical analysis of cottonseed being crushed by the mill at the time for delivery, or because of other conditions inherent in the cottonseed which are not reflected in sampling and chemical analysis, it is shown to the satisfaction of the New Orleans office that basis prime crude cottonseed oil or prime bleachable summer yellow cottonseed oil cannot be produced, the crusher may deliver crude cottonseed oil of less than prime grade at the agreed sales price, or may deliver once-refined cottonseed oil of prime summer yellow or summer yellow grade at a price mutually agreed upon by the crusher and CCC. The agreed sale price of crude oil shall be adjusted in accordance with the crude oil settlement provisions of the rules of the NCPA.

(g) *Grade of meal and protein content.* The cottonseed meal delivered by the crusher shall be 41 percent protein cottonseed meal, prime quality, as defined in the rules of NCPA, except that (1) less than prime quality meal may be delivered at the agreed sales price less discounts determined in accordance with the rules of the NCPA if, on the basis of sampling and chemical analysis of cottonseed being crushed at the mill at the time for delivery, or because of other conditions inherent in the cottonseed which are not reflected in sampling and chemical analysis, it is shown to the satisfaction of the New Orleans office that prime quality meal cannot be produced, and (2) meal having less than 41 percent protein content may be delivered at market discounts agreed upon by the crusher and CCC, as applied against the sales price for 41 percent protein meal. Meal having in excess of 41 percent protein content may be delivered to CCC at no premium. Notwithstanding any other provision of this subpart, CCC may reject to the crusher any meal which is condemned or disqualified for use as animal feed by the Food and Drug Administration, U.S. Department of Health, Education, and Welfare, or subject to such condemnation or disqualification.

(h) *Provisional payment.* When oil or meal is delivered to CCC, the crusher may present to CCC for provisional payment, an invoice, with shipping documents acceptable to CCC attached, for the value of the oil or meal based on origin weights and the agreed sales price.

(i) *Final settlement.* Final settlement for oil or meal delivered to CCC will be made upon the basis of the official analysis and the certified destination weight of the oil or meal determined in accordance with the NCPA rules. The analysis and weighing of oil or meal delivered will be arranged for by CCC at its expense.

§ 1443.65 Information release.

CCC will issue press releases announcing the names, quantities, locations, and prices and such other information as it deems advisable with respect to all contracts entered into under this subpart and transactions developing therefrom.

§ 1443.66 Movement of cottonseed oil or meal.

CCC shall not be responsible for any loss or injury caused the crusher by failure of CCC to move cottonseed oil or meal promptly, and the crusher shall not be responsible for any failure to deliver or delay in delivery, where such failure or delay on the part of CCC or the crusher is due to any cause without such party's fault or negligence including, but not restricted to, acts of God or the public enemy, storms, floods, conflagrations, strikes, blockades, riots, embargoes, or priority, allocation, service, or other orders or directives issued by the Government, or difficulty in obtaining cars or trucks. Notwithstanding the foregoing provisions, if CCC fails for any reason to issue shipping instructions in accordance with the delivery schedule specified in the tender (or any modification mutually agreed to by the New Orleans office and the crusher), the crusher may have an official analysis or quality determination made of the quantity of oil or meal involved and shall not, after giving timely written notice to CCC accompanied by a copy of such official analysis or quality determination, be responsible for any loss or deterioration in quality subsequent to the date of such official analysis or quality determination, except for any loss, deterioration, or damage due to the fault or negligence of the crusher.

§ 1443.67 Books and records.

Each crusher filing an acceptance form under this subpart shall keep accurate books, records, and accounts with respect to all purchases of cottonseed (including the name of seller, date of receipt, weight, and grade of each lot of cottonseed purchased) and all other transactions under this subpart for a period of at least 3 years from the last date any cottonseed oil or meal is delivered by the crusher under this subpart, and shall furnish CCC such information and reports relating thereto as CCC may from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The crusher shall permit authorized employees of the U.S. Department of Agriculture, and the General Accounting Office, at any time during customary business hours, to inspect, examine, audit, and make copies of such books, records, and accounts.

§ 1443.68 Certification of independent price determination.

(a) *Certification of crusher.* By submission of a tender under this subpart, the crusher certifies that:

(1) The prices in his tender have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other crusher or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in his tender have not been knowingly disclosed by the crusher and will not knowingly be disclosed by the crusher prior to acceptance, in the case of a tender, directly or indirectly, to any other crusher or to any competitor; and

(3) No attempt has been made or will be made by the crusher to induce any other crusher to submit or not to submit a tender for the purpose of restricting competition.

(b) *Certification of person signing.* Each person signing the tender certifies that:

(1) He is the person in the crusher's organization responsible within that organization for the decision as to the prices being offered and that he has not participated, and will not participate, in any action contrary to paragraph (a) (1) through (3) of this section; or

(2) (i) He is not the person in the crusher's organization responsible within that organization for the decision as to

the prices being offered but that he has been authorized in writing to act as agent for the persons responsible to such decision in certifying that such persons have not participated, and will not participate, in any action contrary to paragraph (a) (1) through (3) of this section, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to paragraph (a)(1) through (3) of this section.

(c) *Deleting or modification.* A tender will not be considered where paragraph (a)(1), (a)(3), or (b) of this section has been deleted or modified. Where paragraph (a)(2) of this section has been deleted or modified, the tender will not be considered unless the crusher furnishes with the tender a signed statement which sets forth in detail the circumstances of the disclosure and CCC determines that such disclosure was not made for the purpose of restricting competition.

§ 1443.69 Parent company.

Each crusher submitting a tender under this subpart shall state whether the crusher is owned or controlled by a parent company, and if so, shall state the name and principal office address of the parent company in the spaces provided on the tender form. The crusher shall also insert in the space provided the Employer's Identification Number (E.I. number) (Federal Social Security number used on Employee's Quarterly Federal Tax Return, U.S. Treasury Department Form 941) of the crusher and the parent company (if any). For the purposes of this subpart, a parent company is defined as one which either owns or controls the activities and basic business policies of the participating crusher. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company, such ownership is not required; if another company is able to formulate, determine, or veto basic business policy decisions of the participating crusher, such other company is considered the parent company of the crusher. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.

§ 1443.70 Benefits and contingent fees.

(a) *Officials not to benefit.* No Member of or Delegate to the Congress of the United States, or Resident Commissioner, shall be admitted to any share or part of any contract resulting from tenders of cottonseed oil or meal under this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from such contract to a Member of or Delegate to the Congress or a Resident Commissioner in his capacity as a producer of cottonseed.

(b) *Contingent fees.* By submitting a tender under this subpart, the crusher warrants that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the crusher for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability, or in its discretion to deduct from the contract price of the cottonseed oil or meal, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

(c) *Price information.* By submitting a tender under this subpart, the crusher further warrants that he has not employed or utilized any person, firm, or organization which (1) furnished any information or service which might tend to prevent, limit, or restrict competition in the submission of tenders under this subpart, or (2) furnished any assistance to the crusher in the calculation of prices if such person, firm, or organization has assisted or is assisting other persons submitting tenders under this subpart in the calculation of prices (other than prices specified in tenders made pursuant to CCC's offer to purchase oil under § 1443.63(b)).

§ 1443.71 Nondiscrimination in employment.

(a) *Applicability.* The provisions of this section are applicable to any contract of sale which is entered into under this subpart and which is subject to the Equal Opportunity clause of Executive Order 11246 of September 24, 1965, as amended (hereinafter referred to in this section as the "Executive order").

(b) *Equal opportunity clause.* During the performance of any contract of sale entered into under this subpart, the crusher agrees as follows:

(1) The crusher will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The crusher will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The crusher agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(2) The crusher will, in all solicitations or advertisements for employees placed by or on behalf of the crusher, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The crusher will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the labor union or workers' representative of the crusher's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The crusher will comply with all provisions of the Executive order, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The crusher will furnish all information and reports required by the Executive order, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by CCC and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the crusher's noncompliance with the Equal Opportunity clause of this contract, or with any of such rules, regulations, or orders, the contract may be canceled, terminated, or suspended in whole or in part and the crusher may be declared ineligible for further Government contracts in accordance with procedures authorized in the Executive order, and such other sanctions may be imposed and remedies invoked as provided in the Executive order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The crusher will include the provisions of subparagraphs (1) through (7) of this paragraph in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of the Executive order, so that such provisions will be binding upon each subcontractor or vendor. The crusher will take such action with respect to any subcontract or purchase order as CCC may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the crusher becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by CCC, the crusher may request the United States to enter into such litigation to protect the interests of the United States.

(c) *Certification of nonsegregated facilities.* (Applicable to contracts and subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause.) By the submission of a tender under this subpart, the crusher certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does

not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location under his control, where segregated facilities are maintained. The crusher agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods).

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in tenders is prescribed in 18 U.S.C. 1001, 15 U.S.C. 714m(a).

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 6, 1969.

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

Incorporation by reference provisions approved by the Director of the Federal Register on August 11, 1969.

[F.R. Doc. 69-9471; Filed, Aug. 11, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Miscellaneous Amendments

The Commission announces the following changes in Part 2 of Chapter I of Title 16, published June 13, 1967 (32 F.R. 8444, 8446-8449). These changes shall become effective on the date of their publication in the FEDERAL REGISTER.

1. Section 2.7 of Subpart A of Part 2 is amended to read as follows:

§ 2.7 Subpoenas in investigations.

The Commission or any member thereof may issue a subpoena, directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence, or both, relating to any matter under investigation by the Commission. The Directors and Assistant Directors of the Bureaus of Deceptive Practices, Restraint of Trade, Textiles and Furs, Industry Guidance, and Economics, pursuant to delegation of authority by the Commission, without power of redelegation, also may issue investigational subpoenas, and, for good cause shown, may extend the time prescribed for compliance with subpoenas issued during the investigation of any matter. Any motion to limit or quash any such subpoena shall be filed with the Secretary of the Commission within ten (10) days after service of the subpoena, or, if the return date is less than ten (10) days after service of the subpoena, within such other time as the Commission may allow. All such motions shall be ruled upon by the Commission, but the Director or Assistant Director who issues any subpoena under this section is authorized to negotiate and approve the terms of satisfactory compliance therewith.

2. Section 2.14(a) of Subpart A of Part 2 is amended to read as follows:

§ 2.14 Disposition.

(a) When a matter is not subject to informal nonadjudicative disposition pursuant to § 2.21 and investigation indicates that corrective action is warranted, further proceedings may be instituted pursuant to the provisions of Subpart C of this part and the provisions of Part 3 of this chapter: *Provided, however,* That any individual, partnership, or corporation being investigated may be afforded an opportunity to submit through the operating Bureau having responsibility in the matter a proposal for disposition of the matter in the form of an executed consent order agreement complying with the requirements of § 2.33, for consideration by the Commission in connection with a proposed complaint submitted simultaneously by the Commission's staff.

* * * * *

3. Section 2.34 of Subpart C of Part 2 is amended to read as follows:

§ 2.34 Disposition.

(a) Within thirty (30) days after the filing of an affirmative reply under § 2.32, an executed agreement conforming with the requirements of § 2.33 may be submitted to the Commission through the operating Bureau in which the matter is then pending.

(b) Upon receiving such an agreement, the Commission may: (1) Accept it; (2) reject it and issue its complaint and set the matter down for adjudication in regular course; or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place the order contained therein on the public record for a period of thirty (30) days, during which it will receive and consider any comments or views concerning the order that may be filed by any interested persons. Within ten (10) days thereafter, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances require), and decision, in disposition of the proceeding.

(c) If an agreement is not so submitted, or if at any time it appears to the operating Bureau in which the matter is then pending that the execution of a satisfactory agreement is unlikely, such Bureau, after notification to the proposed respondents of its intention to do so, shall submit the matter to the Commission, together with any written offers of settlement which the proposed respondents desire to have the Commission consider. The Commission will thereupon take such action as may be appropriate.

(d) After a complaint has been issued, the consent order procedure described in this part will not be available. However, in exceptional and unusual circumstances, the Commission may, upon request and for good cause shown, withdraw a matter from adjudication for the purpose of negotiating a settlement by the entry of a consent order. In such event, the Commission will treat the matter as being in a nonadjudicative status and may consult with and receive advice from its staff members and others. This rule will not preclude the settlement of the case by regular adjudicatory process through the filing of an admission answer or submission of the case to the hearing examiner on a stipulation of facts and an agreed order.

Issued: August 7, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-9494; Filed, Aug. 11, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9733; Amdt. 661]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Manchester VOR	Nashua NDB	Direct	3300	T-dn	300-1	300-1	NA
				C-dn*	600-1	600-1	NA
				A-dn	NA	NA	NA

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

City, Nashua; State, N.H.; Airport name, Boire Field; Elev., 199'; Fac. Class., MHW; Ident., AMH; Procedure No. NDB (ADF) Runway 14, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. 4; Dated, 3 July 69.

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

Crossville, Tenn.—Crossville Memorial, ADF 1, Orig., 2 Oct. 1965 established under Subpart C).
Garden City, Kans.—Municipal, ADF 1, Amdt. 3, 28 May 1966 (established under Subpart C).
Hyannis, Mass.—Barnstable Municipal, NDB (ADF) Runway 24, Amdt. 3, 6 May 1967 (established under Subpart C).
Knoxville, Tenn.—McGhee Tyson, ADF 1, Amdt. 22, 23 Apr. 1966 (established under Subpart C).
Kotzebue, Alaska—Ralph Wien Municipal, ADF 1, Amdt. 7, 6 Feb. 1965 (established under Subpart C).
La Crosse, Wis.—La Crosse Municipal, NDB (ADF) Runway 13, Amdt. 4, 28 Oct. 1967 (established under Subpart C).
Omak, Wash.—Omak, NDB (ADF)-1, Amdt. 2, 4 Apr. 1968 (established under Subpart C).
Bowling Green, Ky.—Bowling Green-Warren County, VOR 1, Amdt. 4, 31 July 1965 (established under Subpart C).
Cross City, Fla.—Cross City, VOR Runway 31, Amdt. 11, 9 Dec. 1967 (established under Subpart C).
Crossville, Tenn.—Crossville Memorial, VOR 1, Amdt. 1, 2 Oct. 1965 (established under Subpart C).
Fort Stockton, Tex.—Pecos County, VOR 1, Orig., 9 Apr. 1966 (established under Subpart C).
Hobbs, N. Mex.—Lea County (Hobbs), VOR 1, Amdt. 11, 31 July 1965 (established under Subpart C).
Hyannis, Mass.—Barnstable Municipal, VOR Runway 24, Amdt. 4, 6 May 1967 (established under Subpart C).
Kaanapali, Maui, Hawaii—Kaanapali, VOR-1, Orig., 12 Oct. 1967 (established under Subpart C).
Knoxville, Tenn.—McGhee Tyson, VOR Runway 22R, Amdt. 11, 25 April 1968 (established under Subpart C).
Kotzebue, Alaska—Ralph Wien Memorial, VOR 2, Orig., 13 Nov. 1965 (established under Subpart C).
Kotzebue, Alaska—Ralph Wien Memorial, VOR 1, Orig., 13 Nov. 1965 (established under Subpart C).
La Crosse, Wis.—La Crosse Municipal, VOR Runway 13, Amdt. 10, 28 Oct. 1967 (established under Subpart C).
La Crosse, Wis.—La Crosse Municipal, VOR Runway 36, Amdt. 12, 28 Oct. 1967 (established under Subpart C).
Rehoboth Beach, Del.—Rehoboth Aircrafters, VOR-1, Amdt. 2, 13 June 1968 (established under Subpart C).
Toccoa, Ga.—Toccoa, VOR 1, Orig., 16 Jan. 1965 (established under Subpart C).
Valdosta, Ga.—Valdosta Municipal, VOR Runway 35, Amdt. 16, 17 June 1967 (established under Subpart C).
Wurtsboro, N.Y.—Wurtsboro-Sullivan County, VOR Runway 5, Amdt. 1, 11 Feb. 1967 (established under Subpart C).

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

Knoxville, Tenn.—McGhee Tyson, ADF 2, Amdt. 1, effective 30 July 1966, canceled, effective 28 Aug. 1969.

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

Garden City, Kans.—Municipal, TerVOR-17, Amdt. 4, 28 May 1966 (established under Subpart C).
Garden City, Kans.—Municipal, TerVOR-35, Orig., 28 May 1966 (established under Subpart C).
Laurel, Miss.—Laurel Municipal, TerVOR-13, Amdt. 3, 8 Oct. 1966 (established under Subpart C).

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

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

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Lisbon Int	FND RBn	Direct	2500	T-dn	300-1	300-1	200-½
Towson Int	FND RBn	Direct	2500	C-dn	500-1	500-1	500-1½
BAL VORTAC	FND RBn	Direct	2500	S-dn-15	200-½	200-½	200-½
EMI VORTAC	FND RBn (NOPT)	Direct	2500	A-dn	600-2	600-2	600-2
				With glide slope inoperative:			
				*S-dn-15	500-¾	500-¾	500-¾

Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 2500' within 10 miles of Ellicott RBn.
Minimum altitude of glide slope over Ellicott RBn, 2510' MSL.
Crs and distance, Ellicott RBn to airport, 152°—7.5 nautical miles.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1366'—3.8 nautical miles; at MM, 351'—0.5 nautical mile.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 3.8 miles after passing OM, climb to 2000' on BAL VOR R 105° to Bodkin Int. Hold E, 1 minute, left turns, 285° Inbnd.
NOTE: ASR.
Glide slope unusable below 290' MSL.
*With glide inoperative maintain 1400' until passing OM.
MSA within 25 miles of LOM: 000°–090°—2400'; 090°–180°—2400'; 180°–270°—2100', 270°–360°—2400'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., ILS; Ident., I-FND; Procedure No. ILS Runway 15, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. Orig.; Dated 1 May 69

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-27	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar required.
Procedure turn not authorized.
Minimum altitude over Whitman BCM final approach crs, 2000'; Camden Int, 1700'.
Crs and distance, Camden Int to airport 265°—4.7 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing Whitman BCM, or, within 4.7 miles after passing Camden Int, climb to 1000' on crs 265°, then left-climbing turn direct to Woodstown VOR at 2000'. Hold SW R 211°, 031° Inbnd, 1 minute, left turns.
MSA within 25 miles of PD BCM: 000°–090°—2500'; 090°–180°—2100'; 180°–270°—2100'; 270°–360°—2400'.

City, Philadelphia; State, Pa.; Airport name, Philadelphia International; Elev., 14'; Fac. Class., ILS; Ident., I-PHL; Procedure No. LOC (BC) Runway 27, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. ILS-27 (BC), Orig.; Dated, 9 Apr. 66

Greensburg Int	McKeesport RBn (final)	Direct	3000	T-dn*	300-1	300-1	200-½
Scottdale Int	McKeesport RBn	Direct	3000	C-dn	500-1	500-1	500-1½
Allegheny VOR	McKeesport RBn	Direct	3000	S-dn-27**	300-½	300-½	300-½
GP LOM	McKeesport RBn	Direct	3000	A-dn	600-2	600-2	600-2
McKeesport RBn	ILS OM (final)	Direct	2700	When glide slope not utilized:			
Imperial VOR	McKeesport RBn	IRL, R 117°	3000	S-dn-27%	400-¾	400-¾	400-¾
McKeesport RBn	Jeannette Int	Direct	3000				
Jeannette Int	McKeesport RBn (final)	Direct	3000				

Radar available.
Procedure turn S side of crs, 096° Outbnd, 276° Inbnd, 3000' within 10 miles of MKP RBn.
Minimum altitude at glide slope interception inbnd, 2700'. Glide slope may be intercepted at 3000' over MKP-RBn or 2700' between MKP-RBn and the ILS-OM.
Altitude of glide slope and distance to approach end of runway at OM, 2015–4.2 miles; at MM, 1480—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000' proceeding to AGC RBn. Hold W, right turns, 1-minute, 082° Inbnd.
NOTE: Back crs unusable.
Supplementary charting information: LOC crs crosses runway centerline extended 2740' prior to runway threshold.
*RVR 2400' authorized Runway 27.
**RVR 2400'. Descent below 1552' not authorized unless approach lights are visible.
%400-¾ authorized with operative ALS except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°–090°—3300'; 090°–180°—4000'; 180°–270°—3100'; 270°–360°—3100'.

City, Pittsburgh; State, Pa.; Airport name, Allegheny County; Elev., 1252'; Fac. Class., ILS; Ident., I-AGC; Procedure No. ILS Runway 27, Amdt. 17; Eff. date, 28 Aug. 69; Sup. Amdt. No. 16; Dated, 4 Feb. 67

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

Hyannis, Mass.—Barnstable Municipal, LOC Runway 24, Amdt. 8, 3 June 1967 (established under Subpart C).
Knoxville, Tenn.—McGhee Tyson, ILS-4L, Amdt. 25, 12 Mar. 1966 (established under Subpart C).

7. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Knoxville, Tenn.—McGhee Tyson, Radar-1, Amdt. 11, 25 Apr. 1968 (established under Subpart C).
West Memphis, Ark.—West Memphis Municipal, Radar 1, Amdt. 1, 6 Jan. 1966 (established under Subpart C).

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.1 miles after passing BWG VORTAC.
R 150°, BWG VORTAC CW	R 204°, BWG VORTAC	10-mile Arc BWG, R 192° lead radial.	2500	Climb to 2500', right turn direct BWG VORTAC and hold.
10-mile DME Arc	BWG VORTAC (NOPT)	BWG, R 204°	1300	Supplementary charting information:
10-mile DME Arc	BWG VORTAC (NOPT)	R 215°, BWG VORTAC	1300	Hold SW, 1 minute, right turns, 024° Inbnd. Final approach crs to Runway 3 threshold. Runway 3, TDZ elevation, 539'.

Procedure turn E side of crs, 204° Outbnd, 024° Inbnd, 2500' within 10 miles of BWG VORTAC.
FAF, BWG VORTAC. Final approach crs, 024°. Distance FAF to MAP, 2.1 miles.
Minimum altitude over BWG VORTAC, 1300'.
MSA: 000°-090°—2300'; 090°-180°—2500'; 180°-270°—2500'; 270°-360°—2500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	900	1	361	900	1	361	900	1	361	900	1	361
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	421	1080	1	541	1100	1¼	561	1100	2	561
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Bowling Green; State, Ky.; Airport name, Bowling Green-Warren County; Elev., 539'; Facility, BWG; Procedure No. VOR Runway 3, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 31 July 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing CTY VORTAC.
CTY VORTAC, R 091° CW	CTY VORTAC, R 120°	7-mile Arc	1700	Right-climbing turn to 1700' direct to CTY VORTAC and hold.
CTY VORTAC, R 209° CCW	CTY VORTAC, R 120°	7-mile Arc	1700	
7-mile Arc	CTY VORTAC (NOPT)	R 120°	800	Supplementary charting information: Hold SE, 1 minute, right turns, 300° Inbnd. LRCO, 122.1R. Runway 31, TDZ elevation, 42'.

Procedure turn N side of crs, 120° Outbnd, 300° Inbnd, 1700' within 10 miles of CTY VORTAC.
FAF, CTY VORTAC. Final approach crs, 300°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over CTY VORTAC, 800'.
MSA: 000°-090°—1600'; 090°-180°—1400'; 180°-270°—1200'; 270°-360°—1400'.
NOTE: Use Gainesville, Fla., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	620	1	578	620	1	578	620	1	578	620	1¼	578
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	618	680	1	638	720	1¼	678	720	2	678
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Cross City; State, Fla; Airport name, Cross City; Elev., 42'; Facility, CTY; Procedure No. VOR Runway 31, Amdt. 12; Eff. date, 28 Aug. 69; Sup. Amdt. No. 11; Dated 9 Dec. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.8 miles after passing FST VORTAC.
PEQ VOR	FST VORTAC	Direct	5000	Turn left, climb to 5000' on FST R 086° within 20 miles.
INK VORTAC	FST VORTAC	Direct	5000	
MAF VORTAC	FST VORTAC	Direct	5000	Supplementary charting information: LRCO 122.1.

Procedure turn S side of crs, 296° Outbnd, 116° Inbnd, 4500' within 10 miles of FST VORTAC.
FAF, FST VORTAC. Final approach crs, 116°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over FST VORTAC, 4000'.
MSA: 000°-090°—5400'; 090°-180°—6600'; 180°-270°—6500'; 270°-360°—5100'.
NOTE: Use Wink FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-11R	3580	1	570	3580	1	570	3580	1	570		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	3660	1	650	3660	1	650	3660	1¼	650		NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-Eng.—Standard.					

City, Fort Stockton; State, Tex.; Airport name, Pecos County; Elev., 3010'; Facility, FST; Procedure No. VOR Runway 11R, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 9 Apr. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GCK VORTAC.
R 270°, GCK VORTAC CW	R 353°, GCK VORTAC (NOPT)	9-mile Arc	4300	Climbing left turn to 4300' within 10 miles; return to GCK VORTAC.
R 086°, GCK VORTAC CCW	R 353°, GCK VORTAC (NOPT)	9-mile Arc	4300	
GCK NDB	GCK VORTAC	Direct	4300	Supplementary charting information:
9-mile DME Arc	4-mile DME Fix (NOPT)	GCK, R 353°	4000	Final approach crs intercepts runway centerline extended 3600' from threshold. Runway 17, TDZ elevation, 2885'.

Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 4200' within 10 miles of GCK VORTAC.
Final approach crs, 173°.
Minimum altitude over 4-mile DME Fix, *3300' (*4000' from 9-mile DME Arc).
MSA: 045°-135°—4500'; 135°-315°—4800'; 315°-045°—4200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17	3300	1	415	3300	1	415	3300	1	415	3300	1	415
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3300	1	405	3360	1	465	3360	1¼	465	3460	2	565
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17	3240	1	355	3240	1	355	3240	1	355	3240	1	355
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Garden City; State, Kans.; Airport name, Municipal; Elev., 2895'; Facility, GCK; Procedure No. VOR Runway 17, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. Ter VOR-17, Amdt. 4; Dated, 28 May 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GCK VORTAC.
R 086°, GCK VORTAC CW	R 160°, GCK VORTAC (NOPT)	9-mile Arc	4700	Climbing right turn to 4700' within 10 miles; return to GCK VORTAC.
R 270°, GCK VORTAC CCW	R 160°, GCK VORTAC (NOPT)	9-mile Arc	4700	
GCK NDB	GCK VORTAC	Direct	4700	Supplementary charting information:
9-mile DME Arc	4-mile DME Fix (NOPT)	GCK R 160°	4000	Final approach crs intercepts runway centerline extended 3600' from threshold.
				Runway 35, TDZ elevation, 2876'.

Procedure turn E side of crs, 160° Outbnd, 340° Inbnd, 4700' within 10 miles of GCK VORTAC.
Final approach crs, 340°.
Minimum altitude over 4-mile DME Fix, *3400' (*4000' from 9-mile DME Arc).
MSA: 045°-135°—4500'; 135°-315°—4800'; 315°-045°—4200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	3400	1	524	3400	1	524	3400	1	524	3400	1¼	524
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3400	1	505	3400	1	505	3400	1½	505	3460	2	565
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	3240	1	364	3240	1	364	3240	1	364	3240	1	364
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Garden City; State, Kans.; Airport name, Municipal; Elev. 2895'; Facility, GCK; Procedure No. VOR Runway 35, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. Ter VOR-35, Orig.; Dated, 28 May 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ITO VOR.
ITO VOR	Bayview Int	Direct	1600	Climbing right turn to 2000' on R 002°. Reverse crs, return to ITO VOR on R 002° and hold.
				Supplementary charting information:
				Hold E, 1 minute, left turns, 259° Inbnd, MHA 3000'.
				Radio tower, 19°44'11" N/155°02'07" W., 184'.
				Runway 26, TDZ elevation, 37'.

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 1600' within 10 miles of ITO VOR.
Final approach crs, 259°.
Minimum altitude over Bayview Int., 1600'.
MSA: 030°-120°—1300'; 120°-210°—7500'; 210°-300°—15,800'; 300°-030°—8000'.
%400-1 required Runway 26 with right turn after takeoff.
*When circling N of Runways 8/26 MDA is 700', HAA 663'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26	440	1	403	440	1	403	440	1	403	440	1	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	463	540	1	503	600	1½	563	*820	2	783
	Category E:											
	MDA	VIS	HAT									
S-26	440	1	403									
	MDA	VIS	HAA									
C	1420	3	1383									
A	Standard.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %					

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37'; Facility, ITO; Procedure No. VOR Runway 26, Amdt. Orig.; Eff. date, 28 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.3 miles after passing HOB VOR.
				Climb to 5400' on HOB R 036° within 20 miles.

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 5200' within 10 miles of HOB VOR.
FAF, HOB VOR. Final approach crs, 031°. Distance FAF to MAP, 3.3 miles.
Minimum altitude over HOB VOR, 4500'.
MSA: 000°-090°—5400'; 090°-180°—5100'; 180°-270°—5400'; 270°-360°—5800'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	4000	¾	341	4000	¾	341	4000	¾	341	4000	1	341
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	4040	1	381	4120	1	461	4120	1⅛	461	4220	2	561
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng. —Standard.					

City, Hobbs; State, N. Mex.; Airport name, Lea County (Hobbs); Elev., 3659'; Facility, HOB; Procedure No. VOR Runway 3, Amdt. 12; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Amdt. 11; Dated, 31 July 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing HYA VOR.
				Make left-climbing turn to 1700' direct HYA VOR and hold. Supplementary charting information: Hold NE of HYA VOR, 1 minute, left turns, 241° Inbnd. CAUTION: Obstructions to 82' from 1000' to approach end Runway 24, left side of centerline, 170' antenna 3400' S approach end Runway 6. Runway 24. TDZ elevation, 43'.

Procedure turn S side of crs, 061° Outbnd, 241° Inbnd, 1700' within 10 miles of HYA VOR.
FAF, HYA VOR. Final approach crs, 241°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over HYA VOR, 1200'.
MSA: 000°-090°—1400'; 090°-180°—1400'; 180°-270°—1400'; 270°-360°—1600'.
NOTES: (1) Radar vectoring. (2) Use Otis approach altimeter setting. (3) Inoperative components table does not apply to HIRLS or ALS Runway 24. (4) Approach from a holding pattern not authorized; procedure turn required.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-24	520	1	477	520	1	477	520	1	477	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	560	1	508	560	1	508	560	1⅛	508	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 52'; Facility, HYA; Procedure No. VOR Runway 24, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. 4; Dated, 6 May 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing Channel Int.
MKK VOR	Channel Int (NOPT)	Direct	2000	Climbing left turn to 2000' on MKK R 115°. Return to Channel Int and hold. Supplementary charting information: Hold NW on MKK R 115, right turns, 115° Inbnd. Depict visual flight path symbol, MAP to airport 076°—2.9 miles. UNICOM 122.8 MHz.

Procedure turn not authorized. Approach crs (profile) starts at Channel Int.
FAF, Channel Int. Final approach crs, 115°. Distance FAF to MAP, 4 miles.
Minimum altitude over Channel Int, 2000'.
MSA: 045°-135°—7000'; 135°-225°—5400'; 225°-045°—3400'.
NOTES: (1) Dual VOR required. (2) Private airport; prior approval required for landing.
*Night minimums not authorized.
% Departures climb on heading 250° to intercept and proceed via MKK R 115° to Channel Int at 4000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	1000	2	990	1000	2	990	NA	NA
A	Not authorized.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %	

City, Kaanapali; Island, Maui; State, Hawaii; Airport name, Kaanapali; Elev., 10'; Facility, MKK; Procedure No. VOR-1, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. Orig.; Dated, 12 Oct. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.6 miles after passing TYS VORTAC
TYS VORTAC, R 263° CW	TYS VORTAC, R 042°	7-mile DME Arc	3500	Climb to 3000' on TYS VORTAC, R 220° to Greenback Int and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 040° Inbnd. HIRL Runway 4L/22R. Final approach crs to runway threshold. Runway 22R, TDZ elevation, 981'.
TYS VORTAC, R 100° CCW	TYS VORTAC, R 042°	7-mile DME Arc	3500	
7-mile DME Arc	TYS VORTAC (NOPT)	TYS, R 042°	3000	

Procedure turn E side of crs, 042° Outbnd, 222° Inbnd, 3500' within 10 miles of TYS VORTAC.
FAF, TYS VORTAC. Final approach crs, 222°. Distance FAF to MAP, 6.6 miles.
Minimum altitude over TYS VORTAC, 3000'.
MSA: 000°-090°—3700'; 090°-180°—8700'; 180°-270°—6100'; 270°-360°—5600'.
NOTES: (1) ASR. (2) Inoperative component table does not apply to HIRL Runway 22R.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22R	1500	1	519	1500	1	519	1500	1	519	1500	1¼	519
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	551	1540	1	551	1540	1¼	551	1540	2	551
A	Standard.		T 2-eng. or less—RVR 24', Runway 4L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 4L; Standard all other runways.					

City, Knoxville; State, Tenn.; Airport name, McGhee; Elev., 989'; Facility, TYS; Procedure No. VOR Runway 22R, Amdt. 12; Eff. date, 28 Aug. 69; Sup. Amdt. No. 11; Dated, 25 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OTZ VOR.
OTZ NDB	OTZ VOR	Direct	1500	Climb to 1500' on OTZ VOR, R 079° within 15 miles. Supplementary charting information: 120' hill 3000' E of Runway 8. 163' radio tower 0.9 mile N of airport.

Procedure turn S side of crs, 259° Outbnd, 079° Inbnd, 1500' within 10 miles of OTZ VOR.
Final approach crs, 079°.
MSA: 000°-090°—3500'; 090°-180°—1400'; 180°-270°—1200'; 270°-360°—3100'.
NOTE: Inoperative components table does not apply to HIRL Runway 8.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8	480	1	470	480	1	470	480	1	470	480	1	470
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	470	480	1	470	480	1½	470	500	2	550
A	Standard.		T 2-eng. or less—200-1, Runway 8; Standard all other runways.				T over 2-eng.—200-1, Runway 8; Standard all other runways.					

City, Kotzebue; State, Alaska; Airport name, Ralph Wien Memorial; Elev., 10'; Facility, OTZ; Procedure No. VOR Runway 8, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 2, Orig.; Dated, 13 Nov. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OTZ VOR.
OTZ NDB	OTZ VOR	Direct	1500	Climb to 1500' on R 251° within 15 miles. Supplementary charting information: 120' hill 3000' E of Runway 8. Radio towers 163', 0.9 mile N of airport.

Procedure turn N side of crs, 071° Outbnd, 251° Inbnd, 1500' within 10 miles of OTZ VOR.
Final approach crs, 251°.
MSA: 000°-090°—3500'; 090°-180°—1400'; 180°-270°—1200'; 270°-360°—3100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	610	620	1	610	620	1¼	610	620	2	610
A	Standard.		T 2-eng. or less—200-1, Runway 8; Standard all other runways.				T over 2-eng.—200-1, Runway 8; Standard all other runways.					

City, Kotzebue; State, Alaska; Airport name, Ralph Wien Memorial; Elev., 10'; Facility, OTZ; Procedure No. VOR Runway 26, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 13 Nov. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LSE VOR.
LSE VOR	Midway Int	Direct	2900	Make immediate right-climbing turn to 2900' on R 318° within 10 miles; return to VOR.
ONA VOR	Holman Int	Direct	2900	
ODI VOR	Midway Int	Direct	2900	
Holman Int	Midway Int (NOPT)	LSE, R-318°	2100	Supplementary charting information: Final approach crs intercepts runway centerline 3600' from threshold. 1840' tower 5.6 miles SW at 43°48'23"/91°22'04" (MSP-OE-67-232). 1050' terrain 1.7 miles NE. 1380' terrain 3.5 miles NE. Runway 13, TDZ elevation, 652'.

Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2900' within 10 miles of Midway Int.
Final approach crs, 138°.
Minimum altitude over Midway Int, 2100'.
MSA: 090°-270°—2900'; 270°-090°—3500'.
NOTES: (1) Dual VOR receivers required. (2) Inoperative table does not apply to REIL Runway 13. (3) Final approach from holding pattern at Midway Int not authorized; procedure turn required.
% IFR departure procedures: When weather is below 1200-2, departures on Runways 31 and 36, climb to 2300' on runway heading before proceeding on crs; Runways 21, 18, and 13, climb to 2300' on LSE R 180° before turning eastbound or westbound. After takeoff Runway 13 immediate right-climbing turn, Runway 21 immediate left-climbing turn.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	1040	¾	388	1040	¾	388	1040	¾	388	1040	1	388
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1140	1	487	1140	1	487	1360	1¼	707	1360	2	707
A	Standard.			T 2-eng. or less—600-1, Runway 3; Standard all other runways. %			T over 2-eng.—600-1, Runway 3; Standard all other runways. %					

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 653'; Facility, LSE; Procedure No. VOR Runway 13, Amdt. 11; Eff. date, 28 Aug. 69; Sup. Amdt. No. 10; Dated, 28 Oct. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LSE VOR.
ODI VOR	LSE VOR	Direct	2800	Make left-climbing turn to 2900' on R 318° within 10 miles; return to VOR.
Westby Int	LSE VOR	Direct	2800	
LSE VOR	Ronnie Int	LSE, R 181°.	2800	Supplementary charting information: Final approach crs intercepts runway centerline 3300' from threshold. 1840' tower 5.6 miles SW at 43°48'23"/91°22'04" (MSP-OE-67-232). 1050' terrain 1.7 miles NE. 1380' terrain 3.5 miles NE. Runway 36, TDZ elevation, 652'.

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 2800' within 10 miles of Ronnie Int.
Final approach crs, 001°.
Minimum altitude over Ronnie Int, 2500'.
MSA: 045°-315°—2900'; 315°-045°—3500'.
NOTES: (1) Dual VOR receivers required. (2) Inoperative table does not apply to HIRL Runway 36.
% IFR departure procedures: When weather is below 1200-2, departures on Runways 31 and 36, climb to 2300' on runway heading before proceeding on crs: Runways 21, 18, and 13, climb to 2300' on LSE R 180° before turning eastbound or westbound. After takeoff Runway 13 immediate right-climbing turn, Runway 21 immediate left-climbing turn.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1080	1	428	1080	1	428	1080	1	428	1080	1	428
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1140	1	487	1140	1	487	1360	1¼	707	1360	2	707
A	Standard.			T 2-eng. or less—600-1, Runway 3; Standard all other runways. %			T over 2-eng.—600-1, Runway 3; Standard all other runways. %					

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 653'; Facility, LSE; Procedure No. VOR Runway 36, Amdt. 13; Eff. date, 28 Aug. 69; Sup. Amdt. No. 12; Dated, 28 Oct. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LUL VOR.
HBG VOR	LUL VOR	Direct	2000	Climbing right turn to 1700' to LUL VOR and hold. Supplementary charting information: Hold NW, 1 minute, right turns, 145° Inbnd. LRCO 122.1R, 122.6R (MEI FSS). Runway 13, TDZ elevation, 238'.

Procedure turn W side of crs, 325° Outbnd, 145° Inbnd, 1700' within 10 miles of LUL VOR.
Final approach crs, 145°.
Minimum altitude over Soso Int, 960'.
MSA: 000°–360°—1800'.
NOTES: (1) Operators with approved weather reporting service decrease MDA 200' and visibility ¼-mile, Categories C and D straight-in Runway 13 and decrease MDA 200' and visibility ¼-mile Category C and ½-mile Category D straight-in Runway 13 for dual VOR equipped aircraft. (2) Use MEI FSS altimeter setting.
*Alternate minimums not authorized except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13	960	1	722	960	1	722	960	1¼	722	960	1½	722
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	722	960	1	722	960	1½	722	960	2	722
	Dual VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–13	900	1	662	900	1	662	900	1¼	662	900	1½	662
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	662	900	1	662	900	1½	662	900	2	662
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Laurel; State, Miss.; Airport name, Laurel Municipal; Elev., 238'; Facility, LUL; Procedure No. VOR Runway 13, Amdt. 4; Eff. date, 28 Aug. 69; Sup. Amdt. No. TerVOR-13, Amdt. 3; Dated, 8 Oct. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.4 miles after passing ATR VOR TAC.
Hobbs Int	ATR VORTAC	Direct	1600	Climb to 1600', right turn direct to ATR VOR and hold. Supplementary charting information: Hold N on R 360°, 1 minute, left turns, 180° Inbnd. 322' tower 153°—4.2 miles. 103' silo NW edge of airport.
SIE VORTAC	ATR VORTAC	Direct	1600	

Procedure turn not authorized. One-minute holding pattern N of ATR VORTAC, 180° Inbnd, left turns, 1600' in lieu of procedure turn.
FAF, ATR VORTAC. Final approach crs, 153°. Distance FAF to MAP, 6.4 miles.
Minimum altitude over ATR VORTAC, 1600'; over 5-mile DME Fix, 760'.
MSA: 000°–090°—1700'; 090°–180°—1400'; 180°–270°—1700'; 270°–360°—1600'.
NOTE: Use Salisbury, Md., altimeter settinz.
*Night operations authorized Runways 12/30 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	760	1	732	760	1	732	NA	NA
	VOR/DME MINIMUMS:							
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	540	1	512	540	1	512	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Rehoboth Beach; State, Del.; Airport name, Rehoboth Aircrafters; Elev., 28'; Facility, ATR; Procedure No. VOR-1, Amdt. 3; Eff. date, 28 Aug. 69; Sup. Amdt. No. 2 Dated, 13 June 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing TOC VOR.
Dillard Int	TOC VOR	Direct	6200	Climbing left turn to 5000', proceed to TOC VOR via R 180° and hold.
Clemson Int	TOC VOR	Direct	5200	Supplementary charting information:
Homer Int	TOC VOR	Direct	5200	Hold NE, 1 minute, right turns, 230° Inbnd.
				Final approach crs to runway threshold.
				LRCO 122.1R.

Procedure turn E side of crs, 020° Outbnd, 200° Inbnd, 5000' within 10 miles of TOC VOR.
FAF, TOC VOR. Final approach crs, 180°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over TOC VOR, 3200'.
MSA: 000°-090°—6700'; 090°-180°—3600'; 180°-270°—4700'; 270°-360°—7000'.
NOTES: (1) Use Anderson, S.C., altimeter setting. (2) No weather reporting.
CAUTION: Abrupt changes in terrain elevations adjacent to procedure areas.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-20	1980	2	996	1980	2	996	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1980	2	996	1980	2	996	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2 eng.—Not authorized.	

City, Toccoa; State, Ga.; Airport name, Toccoa; Elev., 984'; Facility, TOC; Procedure No. VOR Runway 20, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 16 Jan. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing VLD VOR.
Lee Int	VLD VOR (NOPT)	VLD, R 181°	1800	Turn left, climb to 1900' on R 346° within 15 miles.
				Supplementary charting information:
				Hold S, 1 minute, left turns, 006° Inbnd.
				Runway 35, TDZ elevation, 198'.

Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 1800' within 10 miles of VLD VOR.
FAF, VLD VOR. Final approach crs, 006°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over VLD VOR, 1700'.
MSA: 000°-090°—1600'; 090°-180°—1500'; 180°-360°—1600'.
NOTES: (1) Radar vectoring. (2) No lights Runways 12/30.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	640	1	442	640	1	442	640	1	442	640	1	442
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	436	660	1	456	660	1½	456	760	2	556
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Valdosta; State, Ga.; Airport name, Valdosta Municipal; Elev., 204'; Facility, VLD; Procedure No. VOR Runway 35, Amdt. 17; Eff. date, 28 Aug. 69; Sup. Amdt. No. 16; Dated, 17 June 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing Ottisville Int.
Huguenot VOR	Ottisville Int (NOPT)	HUO R 039°	2000	Left-climbing turn to 3300' direct to HUO VOR and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 039° Inbnd 1413' terrain 0.7 mile E of airport. 1660' terrain 1.9 miles NE of airport. 1292' terrain 1.2 miles NNW of airport. 1280' terrain 1.3 miles NW of airport.

Procedure turn W side of crs, 219° Outbnd, 039° Inbnd, 3300' within 10 miles of Ottisville Int.
FAF, Ottisville Int (8-mile DME). Final approach crs, 039°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over Ottisville Int (8-mile DME), 2000'.
MSA: 000°-090°—3700'; 090°-180°—2900'; 180°-270°—3400'; 270°-360°—3500'.
NOTE: Use Stewart AFB altimeter setting.
CAUTION: High terrain surrounding airport.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	1840	1¼	1280	1860	2	1300	NA	NA
A	Not authorized.		T 2-eng. or less—1000-2 all runways.				T over 2-eng.—not authorized.	

City, Wurtsboro; State, N.Y.; Airport name, Wurtsboro-Sullivan County; Elev., 560'; Facility, HUO; Procedure No. VOR Runway 5, Amdt. 2; Eff. date, 28 Aug. 69; Sup. Amdt. No. 1; Dated, 11 Feb. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Donnelly Int.
CSV VORTAC, R 060° CW	CSV VORTAC, R 153°	7-mile DME Arc	5000	Climb to 4000', right-climbing turns to 5000' to Pomona Int via CSV VORTAC R 348° and hold. Supplementary charting information: Hold N, 1 minute, right turns, 168° Inbnd. Final approach crs to center of landing area.
CSV VORTAC, R 282° CCW	CSV VORTAC, R 153°	7-mile DME Arc	5000	
7-mile DME Fix	CSV VORTAC (NOPT)	CSV, R 153°	4500	

Procedure turn E side of crs, 153° Outbnd, 333° Inbnd, 5000' within 10 miles of CSV VORTAC.
Final approach crs, 333°.
Minimum altitude over CSV VORTAC, 4500'; over Donnelly Int or 6.4-mile DME Fix, 3600'.
MSA: 000°-090°—5400'; 090°-360°—5100'.
NOTE: Operating VOR/DME or ADF receivers required for this approach.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	2340	1	459	2340	1	459	2340	1¼	459	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Crossville; State, Tenn.; Airport name, Crossville Memorial; Elev., 1881'; Facility, CSV; Procedure No. VOR/DME-1, Amdt. 2; Eff. date, 28 Aug. 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 2 Oct. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

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

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1-mile DME Fix, R 105°.
R 360°, AWK VORTAC CW	R 105°, AWK VORTAC	12-mile Arc	1500	Climb to 1500' on R 285° within 20 miles.
R 180°, AWK VORTAC CCW	R 105°, AWK VORTAC	12-mile Arc	1500	Supplementary charting information:
AWK VORTAC	8-mile DME Fix, R 105°	AWK, R 105°	1500	Depict 136' tower Peale Island.
12-mile Arc	8-mile DME Fix, R 105° (NOPT)	AWK, R 105°	1000	Runway 28, TDZ elevation, 12'.

Procedure turn N side of crs, 105° Outbnd, 285° Inbnd, 1500' within 19 miles of 8-mile DME Fix, R 105°.
Final approach crs, 285°.
Minimum altitude over 8-mile DME Fix, R 105°, 1000'.
MSA: 000°-360°—1500'.
*Also applies to Category E aircraft.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA*	VIS	HAT*
S-28	320	1	308	320	1	308	320	1	308	320	1	308
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	420	1	406	480	1	466	480	1½	466	580	2	566
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

Island, Wake Island; Airport name, Wake Island; Elev., 14'; Facility, AWK; Procedure No. VORTAC Runway 28, Amdt. Orig.; Eff. date, 28 Aug. 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BTL VORTAC.
AZO VOR	BTL VORTAC	Direct	2600	Climb to 3000' and proceed to Hickory Int. via BTL VORTAC R 331°; or, when directed by ATC, make right-climbing turn to 2600' on BTL R 036° then reverse crs to the left and return to BTL VORTAC.
LFD VORTAC	BTL VORTAC	Direct	2600	
Marshall Int	Clark Int (NOPT)	Direct	2000	
R 015°, BTL VORTAC CW	R 118°, BTL VORTAC	12-mile Arc	2600	
R 222°, BTL VORTAC CCW	R 118°, BTL VORTAC	12-mile Arc	2600	
12-mile DME Fix	Clark 4-mile DME Fix (NOPT)	R 118°, BTL VORTAC	2000	
				Supplementary charting information: Final approach crs intercepts runway centerline 2200' from end of runway. Runway 31, TDZ elevation, 929'.

Procedure turn N side of crs, 118° Outbnd, 298° Inbnd, 2600' within 10 miles of BTL VORTAC.
Final approach crs, 298°.
Minimum altitude over Clark Int/4-mile DME Fix, 1500'* (*2000' from 12-mile Arc).
MSA: 000°-180°—2700'; 180°-270°—2300'; 270°-360°—2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1500	1	571	1500	1	571	1500	1	571	1500	1	571
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	559	1500	1	550	1500	1½	559	1500	2	559
Dual VOR or VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1460	1	531	1460	1	531	1460	1	531	1460	1	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	519	1460	1	519	1460	1½	519	1500	2	559
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941'; Facility, BTL; Procedure No. VOR Runway 31, Amdt. 3; Eff. date, 28 Aug. 69; Sup. Amdt. No. 2; Dated, 14 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 18-mile DME Fix or 3.8 miles after passing Cedar Creek Int.
JEF VOR	Stephens Int	Direct	2800	Climbing left turn to 2400', return to Stephens Int and hold.*
CBI VOR	Stephens Int	Direct	2400	Supplementary charting information:
Shaw Int	Stephens Int	Direct	2400	Chart holding at Stephens Int.
HLV VORTAC	Stephens Int (NOPT)	Direct	2400	Runway 20, TDZ elevation, 888'.
				*Hold N, left turn, 187° Inbnd.
				Chart Stephens and Cedar Creek Ints for Dual VOR and DME.

Procedure turn E side of crs, 007° Outbnd, 187° Inbnd, 2400' within 10 miles of Stephens Int.
FAF Cedar Creek Int. Final approach crs, 187°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over Stephens Int (9-mile DME), 2400'; over Cedar Creek Int (14.2-mile DME), 2000'.
MSA: 000°-090°—2300'; 090°-180°—2800'; 180°-270°—2800'; 270°-360°—2400'.
NOTES: (1) Use Columbia, Mo., altimeter setting, except operators with approved weather reporting service. (2) Inoperative components table does not apply to HIRL. (3) Operators with approved weather reporting service may reduce straight-in MDA's 20'.
$Dual VOR or VOR/DME required.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20$	1200	1	312	1200	1	312	1200	1¼	312	1200	1½	312
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	1240	1	352	1340	1	452	1340	1½	452	1440	2	552
A*	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbia; State, Mo.; Airport name, Columbia Regional; Elev., 888'; Facility, HLV; Procedure No. VOR Runway 20, Amdt. 2; Eff. date, 28 Aug. 69; Sup. Amdt. No. 1; Dated, 26 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MGR VOR.
Hartsfield Int	MGR VOR	Direct	1800	Climb to 1800' R 049° MGR VOR within 10 miles or, when directed by ATC, climb to 1800' right turn direct MGR VOR, hold SW 049° Inbnd, right turns, 1 minute.
				Supplementary charting information:
				Final approach crs intercepts runway centerline 3000' from threshold.
				Advance notice required for operation of runway lights after control zone hours.
				TDZ elevation, 289'. LRCO 122.1R

Procedure turn S side of crs, 229° Outbnd, 049° Inbnd, 1800' within 10 miles of MGR VOR.
Final approach crs, R 049°.
Minimum altitude over MGR VOR, 680'.
MSA: 000°-090°—2400'; 090°-180°—1800'; 180°-360°—2600'.
NOTES: (1) Radar vectoring. (2) Local weather available during control zone hours.
CAUTION: Trees approach end of Runways 16 and 34.
%Takeoff minimums Runways 34, 10, 28, 500-1.
#Use Valdosta altimeter setting when control zone not effective and increase straight-in and circling MDA 140'.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-4#	680	1	391	680	1	391	680	1	391	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C#	720	1	426	760	1	466	760	1¼	466	NA
A	Standard.*		T 2-eng. or less—Standard Runways 16, 4, 22.%				T over 2-eng.—Standard Runways 16, 4, 22.%			

City, Moultrie; State, Ga.; Airport name, Moultrie-Thomasville; Elev., 294'; Facility, MGR; Procedure No. VOR Runway 4, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. 4; Dated, 30 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MGR VOR.
Hartsfield Int	MGR VOR	Direct	1800	Climb to 1800', R 180° MGR VOR within 10 miles or, when directed by ATC, climb to 1800' left turn direct MGR VOR hold NE, 210° Inbnd, 1 minute, right turns. Supplementary charting information: Final approach crs intercepts runway centerline 3000' from runway threshold. Advance notice required for operation of runway lights after control zone hours. TDZ elevation, 294'. LRCO 122.1R.

Procedure turn W side of crs, 030° Outbnd, 210° Inbnd, 1800' within 10 miles of MGR VOR.
Final approach crs, R 210°.
Minimum altitude over MGR VOR, 920'.
MSA: 000°-090°—2400'; 090°-180°—1800'; 180°-360°—2000'.
NOTES: (1) Radar vectoring. (2) Local weather available during control zone hours.
CAUTION: Trees approach end of Runway 16 and 34.
*Takeoff minimums Runways 34, 10, 28, 500-1.
#Use Valdosta altimeter setting when control zone not effective and increase straight-in and circling MDA 140'.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-22#	920	1	626	920	1	626	920	1¼	626	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C#	920	1	626	920	1	626	920	1½	626	NA
A	Standard.*			T 2-eng. or less—Standard Runways 16, 4, 22.%			T over 2-eng.—Standard Runways 16, 4, 22.%			

City, Moultrie; State, Ga.; Airport name, Moultrie-Thomasville; Elev., 294'; Facility, MGR; Procedure No. VOR Runway 22, Amdt. 4; Eff. date, 28 Aug. 69; Sup. Amdt. No. 3; Dated, 30 May 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CRE VORTAC.
R 300°, CRE VORTAC (CCW)	R 223°, CRE VORTAC	7-mile DME Arc	1600	Climb to 1600' on R 067° of CRE VORTAC within 15 miles. Supplementary charting information: Final approach crs intercepts runway centerline extended 2600' from threshold. LRCO 122.1R, 123.6R. TDZ elevation, 33'.
7-mile DME Arc	Paul Int or 4-mile DME Fix (NOPT)	CRE, R 223°	640	

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

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-6	640	1	607	640	1	607	640	1	607	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	640	1	607	640	1	607	640	1¼	607	NA
	VOR/DME/NDB Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-6	420	1	387	420	1	387	420	1	387	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	480	1	447	500	1	467	500	1¼	467	NA
A	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, North Myrtle Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33'; Facility, CRE; Procedure No. VOR Runway 5, Amdt. 3; Eff. date, 28 Aug. 69; Sup. Amdt. No. 2; Dated, 27 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CRE VORTAC.
R 357°, CRE VORTAC (CW)	R 057°, CRE VORTAC	7-mile DME Arc	1600	Climb to 1600' on R 223° of CRE VORTAC within 15 miles.
7-mile DME Arc	CRE VORTAC (NOPT)	CRE, R 057°	420	Supplementary charting information: Final approach crs intercepts runway centerline extended 2000' from threshold. LRCS 122.1R, 123.6R. TDZ elevation, 33'.

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

DAY AND NIGHT MINIMUMS

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

City, North Myrtle Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33'; Facility, CRE; Procedure No. VOR Runway 23, Amdt. 3; Eff. date, 28 Aug. 69; Sup. Amdt. No. 2; Dated, 27 Mar. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.5 miles after passing Redondo Int.
SMO VOR	LAX VOR (NOPT)	Direct	2800	Climbing left turn to 2500' via SLI R 269° to Redondo Int and hold.*
LAX VOR	Redondo Int	Direct	1100	Supplementary charting information: *Hold E, 1 minute, left turns, 269° Inbnd. Final approach crs intercepts runway centerline at displaced threshold. Chart 8.2-mile DME at MAP. Runway 11L, TDZ elevation, 91'.

Procedure turn not authorized. Approach crs (profile) starts at Redondo Int.
FAF, Redondo Int. Final approach crs, 135°. Distance FAF to MAP, 2.5 miles.
Minimum altitude over Redondo Int, 1100'.
MSA: 075°–255°—2600'; 255°–345°—5100'; 345°–075°—7200'.
NOTES: (1) Radar vectoring. (2) Use Los Angeles altimeter when control zone not effective. (3) Dual VOR, VOR/DME, VOR/ADF, or radar required.

♯Circling and straight-in MDA raised 20' and alternate minimums not authorized when control zone not effective, except operators with approved weather reporting service.
@Circling SW of Runways 11R/29L extended centerline not authorized.
%IFR departure procedures: Runways 29L/R turn right; Runways 11L/R turn left to heading 315°. Proceed to Tuna Int, via SLI R 266° and LAX R 205°.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11L♯	840	1	749	840	1	749	860	1¼	769	880	1¼	789
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C♯@	840	1	739	840	1	739	860	1¼	759	880	2	779
A	Standard.♯		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Torrance; State, Calif.; Airport name, Torrance Municipal; Elev., 101'; Facility, LAX; Procedure No. VOR Runway 11L, Amdt. 7; Eff. date, 28 Aug. 69; Sup. Amdt. No. 6; Dated, 13 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AWK VOR.
				Climb to 1500' on R 285° within 20 miles; return to VOR and hold.
				Supplementary charting information:
				Hold NW, 1 minute, right turns, 120° Inbnd, MHA 1500'.
				Depict 136' tower Peale Island.
				Runway 28, TDZ elevation, 12'.

Procedure turn N side of crs, 105° Outbnd, 285° Inbnd, 1500' within 12 miles of AWK VOR.
Final approach crs, 285°.
Minimum altitude over AWK VOR, 420'.
MSA: 000°–360°—1500'.
*Also applies to Category E aircraft.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA*	VIS	HAT*
S-28	420	1	408	420	1	408	420	1	408	420	1	408
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	420	1	406	480	1	466	480	1¼	466	580	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

Island, Wake Island; Airport name, Wake Island; Elev., 14'; Facility, AWK; Procedure No. VOR Runway 28, Amdt. 3; Eff. date, 28 Aug. 1969; Sup. Amdt. No. 2; Dated 25 July 1968

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1-mile DME Fix R 259°.
R 311°, ITO VORTAC CW	R 345°, ITO VORTAC	11-mile Arc	4000	Climbing right turn to 3000' on R 079°;
R 345°, ITO VORTAC CW	R 079°, ITO VORTAC (NOPT)	11-mile Arc	1600	proceed to Bayview DME and hold.
11-mile DME ITO, R 079°	Bayview DME/Int	Direct	1600	Supplementary charting information:
				Hold E, 4-mile leg, left turns, 259° Inbnd.
				Radio tower 19°44'11" N./155°02'07" W., 184'.
				Runway 26, TDZ elevation, 37'.

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 1600' within 10 miles of ITO VORTAC.
Final approach crs, 259°.
Minimum altitude over Bayview DME/Int, 1600'.
MSA: 090°–120°—1300'; 120°–210°—7500'; 210°–300°—15,800'; 300°–090°—8000'.
%400-1 required Runway 26, with right turn after takeoff.
*When circling N of Runways 8/26 MDA is 700', HAA 663'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26	440	1	403	440	1	403	440	1	403	440	1	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	463	540	1	503	600	1¼	563	*820	2	783
	Category E:											
	MDA	VIS	HAT									
S-26	440	1	403									
	MDA	VIS	HAA									
C	1420	3	1383									
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37'; Facility, ITO; Procedure No. VORTAC Runway 26, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. Orig.; Dated, 31 July 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing CMA NDB.
Pomona Int	CMA NDB	Direct	4000	Climb to 4000', right-climbing turn to 5000' direct to CMA NDB and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 242° inbnd. Final approach crs to runway threshold.

Procedure turn N side of crs, 062° Outbnd, 242° Inbnd, 4000' within 10 miles of CMA NDB.
FAF, CMA NDB. Final approach crs, 256°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over CMA NDB, 3000'.
MSA: 000°-180°—5400'; 180°-270°—5100'; 270°-360°—4300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-25	2340	1	459	2340	1	459	2340	1	459		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	2340	1	459	2340	1	459	2340	1¼	459		NA	
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Crossville; State, Tenn.; Airport name, Crossville Memorial; Elev., 1881'; Facility, CMA; Procedure No. NDB (ADF) Runway 25, Amdt. 1; Eff. date, 28 Aug. 69; Sup. Amdt. No. ADF 1, Orig.; Dated, 2 Oct. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing GCK NDB.
GCK VORTAC	GCK NDB	Direct	4500	Climbing left turn to 4500' within 10 miles; return to GCK NDB. Supplementary charting information: Runway 12, TDZ elevation, 2888'.

Procedure turn S side of crs, 313° Outbnd, 133° Inbnd, 4500' within 10 miles of GCK NDB.
FAF, GCK NDB. Final approach crs, 133°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over GCK NDB, 4500'.
MSA: 000°-090°—4200'; 090°-270°—4800'; 270°-360°—4400'.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12*	3400	1	512	3400	1	512	3400	1	512	3400	1¼	512
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3400	1	505	3400	1	505	3400	1¼	505	3400	2	505
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Garden City; State, Kans.; Airport name, Municipal; Elev., 2893'; Facility, GCK; Procedure No. NDB (ADF) Runway 12, Amdt. 4; Eff. date, 28 Aug. 69; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 28 May 66

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.8 miles after passing HY LOM.
Hyannis VORTAC	HY LOM	Direct	1700	Make left-climbing turn to 1700' direct HY LOM and hold. Supplementary charting information: Hold NE of HY LOM, 1 minute, left turns, 245° Inbnd. CAUTION: Obstructions to 82' from 1000' to approach end Runway 24, left side of centerline. 170' antenna 3400' S approach end of Runway 6. Runway 24, TDZ elevation, 43'.

Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 1700' within 10 miles of HY LOM.
FAF, HY LOM. Final approach crs, 245°. Distance FAF to MAP. 3.8 miles.
Minimum altitude over HY LOM, 1400'.
MSA: 000°-090°—1400'; 090°-180°—1400'; 180°-270°—1400'; 270°-360°—1600'.

NOTES: (1) Radar vectoring. (2) Use Otis approach altimeter setting. (3) Inoperative components table does not apply to HIRL's or ALS Runway 24.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-24	560	1	517	560	1	517	560	1	517		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	560	1	508	560	1	508	560	1¼	508		NA	
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

CITY, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 52'; Facility, HY; Procedure No. NDB (ADF) Runway 24, Amdt. 4; Eff. date, 28 Aug. 69; Sup. Amdt. No. 3; Dated, 6 May 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles after passing TY LOM.
Sweetwater Int	Brenda Int	CSV, R 099°	3000	Climb to 3000', left turn to TY LOM at 3500' and hold.
Brenda Int	TY LOM (NOPT)	Direct	2500	
Reward Int	TY LOM	Direct	4200	Supplementary charting information:
Tallassee Int	TY LOM	Direct	3000	Hold SW, 1 minute, right turns, 045° Inbnd.
TYS VORTAC	TY LOM	Direct	3000	HIRL Runways 4L/22R.
Greenback Int	TY LOM (NOPT)	Direct	2500	Runway 4L, TDZ elevation, 955'.
Swanson Int	TY LOM	Direct	3000	

Procedure turn N side of crs, 225° Outbnd, 045° Inbnd, 2500' within 10 miles of TY LOM.
FAF, TY LOM. Final approach crs, 045°. Distance FAF to MAP 5.3 miles.
Minimum altitude over TY LOM, 2500'.
MSA: 000°-090°—6100'; 090°-180°—7600'; 180°-270°—7500'; 270°-360°—5600'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4L	1400	RVR 40	445	1400	RVR 40	445	1400	RVR 40	445	1400	RVR 50	445
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1520	1	531	1520	1	531	1520	1¼	531	1540	2	551
A	Standard.		T 2-eng. or less—RVR 24', Runway 4L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 4L; Standard all other runways.					

CITY, Knoxville; State, Tenn.; Airport name, McGhee Tyson; Elev., 989'; Facility, TY; Procedure No. NDB (ADF) Runway 4L, Amdt. 23; Eff. date, 28 Aug 69.; Sup. Amdt. No. ADF 1, Amdt. 22; Dated, 23 Apr. 66

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.1 miles after passing OTZ, NDB.
OTZ VOR	OTZ NDB	Direct	1500	Climb to 1500' on 209° bearing from OTZ NDB within 15 miles. Supplementary charting information: 120' hill 3000' E of Runway 8. Radio towers 163', 0.9 mile N of airport.

Procedure turn W side of crs, 029° Outbnd, 209° Inbnd, 1500' within 10 miles of OTZ NDB.
FAF, OTZ NDB. Final approach crs, 209°. Distance FAF to MAP, 1.1 miles.
Minimum altitude over OTZ NDB, 700'.
MSA: 000°-090°—3500'; 090°-180°—1400'; 180°-270°—1200'; 270°-360°—3100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	470	480	1	470	480	1¼	470	560	2	550
A	Standard.		T 2-eng. or less—200-1. Runway 8; standard all other runways.				T over 2-eng.—200-1. Runway 8; Standard all other runways.					

City, Kotzebue; State, Alaska; Airport name, Ralph Wien Memorial; Elev., 10'; Facility, OTZ; Procedure No. NDB (ADF)-1, Amdt. 8; Eff. date, 28 Aug. 69; Sup. Amdt. No. ADF 1, Amdt. 7; Dated, 6 Feb. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.3 miles after passing LSE NDB.
ODI VOR	LSE NDB	Direct	2800	Make immediate right-climbing turn to NDB, continue climb to 2800' on 301° bearing from NDB within 10 miles; return to NDB. Supplementary charting information: 1840' tower 5.6 miles SW at 43°48'22"/ 91°22'04" (MSP-OE-67-232). 1050' terrain 1.7 miles NE. 1380' terrain 3.5 miles NE. Runway 13, TDZ elevation, 652'.

Procedure turn S side of crs, 301° Outbnd, 121° Inbnd, 2800' within 10 miles of LSE NDB.
FAF, LSE NDB. Final approach crs, 142°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over LSE NDB, 1800'.
MSA: 090°-270°—2900'; 270°-090°—3500'.
NOTE: Final approach from holding pattern at LSE NDB not authorized; procedure turn required.
% IFR departure procedures: When weather is below 1200-2, departures on Runways 31 and 36, climb to 2300' on runway heading before proceeding on crs; Runways 21, 18, and 13, climb to 2300' on LSE R 180° before turning eastbound or westbound. After takeoff runway 13 immediate right-climbing turn, runway 21 immediate left-climbing turn.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	1080	1	428	1080	1	428	1080	1	428	1080	1	428
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1140	1	487	1140	1	487	1360	1¼	707	1360	2	707
A	Standard.		T 2-eng. or less—600-1, Runway 3; Standard all other runways. %				T over 2-eng.—600-1, Runway 3; Standard all other runways. %					

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 653'; Facility, LSE; Procedure No. NDB ADF) Runway 13, Amdt. 5; Eff. date, 28 Aug. 69; Sup. Amdt. No. 4; Dated, 28 Oct. 67

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MSV NDB.
Rowlands Int	MSV NDB	Direct	3300	Climb on crs 321° to 2800' within 5 miles, climbing left turn to 3300' direct to MSV NDB and hold.
Monticello Int	MSV NDB	Direct	3300	
Loomis Int	MSV NDB	Direct	3700	

Supplementary charting information: Hold SE., 1 minute, left turns, 330° Inbnd.
Runway 33, TDZ elevation, 1392'.

Procedure turn W side of crs, 141° Outbnd, 321° Inbnd, 3300' within 10 miles of MSV NDB.
Final approach crs, 321°.
MSA: 000°-090°—6300'; 090°-180°—3300'; 180°-270°—3400'; 270°-360°—4000'.
NOTE: Use Stewart AFB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	2240	1	848	2240	1¼	848	2240	1½	848	2240	1¾	848
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2240	1	837	2240	1¼	837	2240	1½	837	2240	2	837
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Monticello; State, N.Y.; Airport name, Sullivan County International; Elev., 1403'; Facility, MSV; Procedure No. NDB (ADF) Runway 33, Amdt. Orig.; Eff. date, 28 Aug. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OMK NDB.
EPH VOR	OMK NDB	Direct	6800	Climbing left turn to 5000' in holding pattern.§

Supplementary charting information: §Hold SE. 1 minute, left turns, 335° Inbnd. LRCO 122.6, 122.2.

Procedure turn W side of crs, 155° Outbnd, 335° Inbnd, 5000' within 10 miles of OMK NDB.
Final approach crs, 335°.
Minimum altitude over OMK NDB, 3540'.*
MSA: 000°-090°—8300'; 090°-180°—7800'; 180°-270°—8000'; 270°-360°—8300'.
NOTE: Final approach from holding pattern at OMK NDB not authorized; procedure turn required.
*When Omak altimeter setting not available, use Wenatchee altimeter setting; MDA becomes 3860', visibility 3 miles. Alternate minimums not authorized except operators with approved weather reporting service.
*Night visibility minimum 3 miles all categories.
%Climb visually over the airport to 3500', then 155° bearing to en route altitude.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	3540	2	2239	3540	2	2239	3540	2	2239	3540	2	2239
A	4000-5.*		T 2-eng. or less—2200-2.%				T over 2-eng.—2200-2.%					

City, Omak; State, Wash.; Airport name, Omak; Elev., 1301'; Facility, OMK; Procedure No. NDB (ADF)-1, Amdt. 3; Eff. date, 28 Aug. 1969; Sup. Amdt. No. 2; Dated, 4 Apr. 1968

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing UKT NDB.
Green Lane Int	UKT NDB	Direct	2000	Climbing left turn to 2000' direct to UKT NDB and hold.
Dublin Int	UKT NDB	Direct	2000	
Coopersburg Int	UKT NDB	Direct	2500	Supplementary charting information:
Pottstown VORTAC	UKT NDB	Direct	2000	Hold E, 1 minute, right turns, 289° Inbnd. Runway 29, TDZ elevation, 526'.

Procedure turn S side of crs, 109° Outbnd, 289° Inbnd, 2000' within 10 miles of UKT NDB.
FAF, UKT NDB. Final approach crs, 289°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over UKT NDB, 1300'.
MSA: 000°-090°—3100'; 090°-270°—2400'; 270-360°—2700'.
NOTE: Use ABE altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-29	1060	1	534	1060	1	534	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1060	1	534	1060	1	534	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Quakertown; State, Pa.; Airport name, Upper Bucks County; Elev., 526'; Facility, UKT; Procedure No. NDB (ADF) Runway 29, Amdt. Orig.; Eff. date, 28 Aug. 1969

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing RS LOM.
Gardner VORTAC	RS LOM	Direct	3000	Make right-climbing turn to 2900' direct RS LOM and hold.
Millbury Int	RS LOM	Direct	3000	
Templeton Int	Spencer Int	Direct	3000	Supplementary charting information:
Eagle Int	Spencer Int	Direct	3000	Hold W of RS LOM, 1 minute, left turns, 108° Inbnd.
Spencer Int	RS LOM (NOPT)	Direct	2900	1663' antenna 2.1 miles N of airport.
Dover Int	RS LOM	Direct	2900	Runway 11, TDZ elevation, 980'.
BE NDB/LOM	RS LOM	Direct	3000	

Procedure turn N side of crs, 288° Outbnd, 108° Inbnd, 2900' within 10 miles of RS LOM.
FAF, RS LOM. Final approach crs, 108°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over RS LOM, 2900'.
MSA: 000°-090°—3100'; 090°-180°—2700'; 180°-270°—2400'; 270°-360°—2800'.
Departure procedures: Runway 33, climb on heading 290° to 2000' before proceeding northeastbound; Runway 2, climb on heading 050° to 2000' before proceeding westbound.
*Category D, 1000-2.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	1560	¾	580	1560	¾	580	1560	¾	580	1560	1	580
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1	551	1560	1	551	1620	1¼	611	2000	2	991
A	Standard.*		T 2-eng. or less—300-1, Runways 29 and 33; Standard all others.				T over 2-eng.—300-1, Runways 29 and 33; Standard all others.					

City, Worcester; State, Mass.; Airport name, Worcester Municipal; Elev., 1009'; Facility, RS; Procedure No. NDB (ADF) Runway 11, Amdt. Orig.; Eff. date, 28 Aug. 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.7 miles after passing CQN NDB.
Sale Creek Int	CQN NDB (NOPT)	Direct	3000	Climb to 4000' on 196° bearing from CQN NDB within 15 miles, or when directed by ATC, climb to 4000', left turn, direct to CHA VORTAC and hold.
Palmer Int	CQN NDB	Direct	4000	
Whitewell Int	CQN NDB	Direct	4000	
Haletown Int	CQN NDB	Direct	4000	
Bridgeport Int	CQN NDB	Direct	4000	Hold SE, one minute, right turns, 331° Inbnd.
Chickamauga Int	CQN NDB	Direct	4000	
CHA VORTAC	CQN NDB	Direct	3000	Supplementary charting information:
Crandall Int	CQN NDB	Direct	3000	VASI, Runway 2.
Georgetown Int	CQN NDB	Direct	3000	HIRL, Runways 2/20.
Riceville Int	CQN NDB	Direct	3000	ALS, Runway 20.
				Final approach crs to runway threshold. Runway 20, TDZ elevation, 673'.

Procedure turn E side of crs, 016° Outbnd, 196° Inbnd, 3000' within 10 miles of CQN NDB.
FAF, CQN NDB. Final approach crs, 196°. Distance FAF to MAP, 7.7 miles.
Minimum altitude over CQN NDB, 3000'; over OM, 1560'.
MSA: 000°–180°—4200'; 180°–360°—4100'.
NOTE: ASR.
#Inoperative components table does not apply to ALS Runway 20.
*Standard minimums for NDB/FM equipped aircraft. For NDB only aircraft all category 1000–2.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from CHA LMM to 3000' before continuing climb on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20#	1560	1¼	887	1560	1½	887	1560	1¾	887	1560	2	887
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1¼	878	1560	1½	878	1560	1¾	878	1560	2	878
	NDB/FM:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20#	1260	RVR 50	587	1260	RVR 50	587	1260	RVR 50	587	1260	RVR 60	587
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1¼	878	1560	1½	878	1560	1¾	878	1560	2	878
A	Standard.*		T 2-eng. or less—RVR 24', Runway 20; Standard all others.				T over 2-eng.—RVR 24', Runway 20; Standard all others.					

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682'; Facility, CQN; Procedure No. NDB (ADF) Runway 20, Amdt. 19; Eff. date, 28 Aug. 69; Sup. Amdt. No. 18; Dated, 26 June 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.8 miles after passing HY LOM.
Hyannis VORTAC	HY LOM	Direct	1700	Make left-climbing turn to 1700' direct HY LOM and hold. Supplementary charting information: Hold NE of HY LOM, 1 minute, left turns, 245° Inbd. CAUTION: Obstructions to 82' from 1000' to approach end Runway 24, left side of centerline. 170' antenna 3400' S approach end Runway 6. Runway, 24, TDZ elevation, 43'.

Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 1700' within 10 miles of HY LOM.
FAF, HY LOM. Final approach crs, 245°. Distance FAF to MAP, 3.8 miles.
Minimum glide slope interception altitude, 1400'. Glide slope altitude at OM, 1312'; at MM, 266'.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.6 mile.
MSA: 000°-090°—1400'; 090°-180°—1400'; 180°-270°—1400'; 270°-360°—1600'.
NOTES: (1) Radar vectoring. (2) Use Otis approach altimeter setting. (3) Inoperative components table does not apply to HIRL or ALS Runway 24. (4) Back crs unusable.
#Increase straight-in minimums 50' when ALS not available.
*Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-24#	323	1	280	323	1	280	323	1	280		NA	
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT			
S-24	440	1	397	440	1	397	440	1	397		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	560	1	508	560	1	508	560	1¼	508		NA	
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 52'; Facility, I-HYA; Procedure No. ILS Runway 24, Amdt. 9; Eff. date, 28 Aug. 69; Sup. Amdt. No. LOC Runway 24, Amdt. 8; Dated, 3 June 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1155'; LOC 5.3 miles after passing TY LOM.
Sweetwater Int	Brenda Int	CSV, R 099°	3000	Climb to 4000' direct to TYS VORTAC and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 231° Inbnd HIRL Runways 4L/22R. Runway 4L, TDZ elevation, 955'.
Brenda Int	TY LOM (NOPT)	TYS LOC	2500	
Howard Int	TY LOM	Direct	4200	
Tallassee Int	TY LOM	Direct	3000	
TYS VORTAC	TY LOM	Direct	3000	
Greenback Int	TY LOM (NOPT)	Direct	2500	
Swanson Int	TY LOM	Direct	3000	

Procedure turn N side of crs, 225° Outbnd, 045° Inbnd, 2500' within 10 miles of TY LOM.
FAF, TY LOM. Final approach crs, 045°. Distance FAF to MAP, 5.3 miles.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2485'; at MM, 1150'.
Distance to runway threshold at OM, 5.3 miles; at MM, 0.6 mile.
MSA: 000°-090°—6100'; 090°-180°—7600'; 180°-270°—7500'; 270°-360°—5600'.
NOTES: (1) ASR. (2) Localizer back crs unusable.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-4L	1155	RVR 24	200	1155	RVR 24	200	1155	RVR 24	200	1155	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4L	1360	RVR 24	405	1360	RVR 24	405	1360	RVR 24	405	1360	RVR 24	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1520	1	531	1520	1	531	1520	1¼	531	1540	2	551
A	Standard.		T 2-eng. or less—RVR 24', Runway 4L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 4L; Standard all other runways.					

City, Knoxville; State, Tenn.; Airport name, McGhee Tyson; Elev., 980'; Facility, I-TYS; Procedure No. ILS Runway 4L, Amdt. 26; Eff. date, 28 Aug. 69; Sup. Amdt. No. ILS-4L, Amdt. 25; Dated, 12 Mar. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1339'; LOC 5.8 miles after passing RS LOM.
Gardner VORTAC	RS LOM	Direct	3000	Make right-climbing turn to 2900' direct RS LOM and hold; or, when directed by ATC, climb straight ahead on LOC BC to 2500' direct Dover Int. Hold E of Dover Int, 1 minute, left turns, 288° Inbnd.
Millbury Int	RS LOM	Direct	3000	
Templeton Int	Spencer Int	Direct	3000	
Eagle Int	Spencer Int	Direct	3000	
Spencer Int	RS LOM (NOPT)	Direct	2900	
Dover Int	RS LOM	Direct	2900	
BE NDB/LOM	RS LOM	Direct	3000	Supplementary charting information: Hold W of RS LOM, 1 minute, left turns, 108° Inbnd. 1563' antenna 2.1 miles N of airport. Runway 11, TDZ elevation, 980'.

Procedure turn N side of crs, 288° Outbnd, 108° Inbnd, 2900' within 10 miles of RS LOM.
FAF, RS LOM. Final approach crs, 108°. Distance FAF to MAP, 5.8 miles.
Minimum glide slope interception altitude, 2000'. Glide slope altitude at OM, 2892'; at MM, 1212'.
Distance to runway threshold at OM, 5.8 miles; at MM, 0.6 mile.
MSA: 000°–090°—3100'; 090°–180°—2700'; 180°–270°—2400'; 270°–360°—2800'.
Departure procedures: Runway 33, climb on heading 250° to 2000' before proceeding northeastbound; Runway 2, climb on heading 050° to 2000' before proceeding westbound.
*Category C, 700–2; Category D, 1000–2.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-11	1339	¾	359	1339	¾	359	1339	¾	359	1339	1	359
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	1440	¾	460	1440	¾	460	1440	¾	460	1440	1	460
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	451	1540	1	531	1620	1¾	611	2000	2	991
A	Standard.*		T 2-eng. or less—300-1, Runways 29 and 33; Standard all others.				T over 2-eng.—300-1, Runways 29 and 33; Standard all others.					

City, Worcester; State, Mass.; Airport name, Worcester Municipal; Elev., 1009'; Facility, I-RSR; Procedure No. ILS Runway 11, Amdt. Orig.; Eff. date, 28 Aug. 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Knoxville, Tenn., ASR minimum altitude vectoring charts. All bearings and distances are from Radar Site on McGhee Tyson Airport with sectors azimuths progressing clockwise.										Descend aircraft after passing FAF. 1. Runway 4L, FAF—5 miles from threshold. TDZ elevation, 955'. 2. Runway 22R, FAF—4 miles from threshold. TDZ elevation, 981'. HIRL Runways 4L/22R. Inoperative component table does not apply to HIRL Runway 22R.						

Missed approach:
Runway 4L—Climb to 4000' direct to TYS VORTAC and hold. Hold NE, 1 minute, right turns, 231° Inbnd.
Runway 22R—Climb to 3000' direct to T Y LOM and hold. Hold SW, 1 minute, right turns, 045° Inbnd.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4L	1360	RVR 24	405	1360	RVR 24	405	1360	RVR 24	405	1360	RVR 50	405
S-22R	1460	1	479	1460	1	479	1460	1	479	1460	1	479
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1520	1	531	1520	1	531	1520	1¾	531	1540	2	551
A	Standard.		T 2-eng. or less—RVR 24'. Runway 4L; Standard all other runways.				T over 2-eng.—RVR 24', Runway 4L; Standard all other runways.					

City, Knoxville; State, Tenn.; Airport name, McGhee Tyson; Elev., 989'; Facility, Knoxville Radar; Procedure No. Radar-1, Amdt. 12; Eff. date, 28 Aug. 69; Sup. Amdt. No. 11; Dated, 25 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by MEM ASR minimum altitude vectoring chart.										1. Approach crs from 000° CW to 360°. 2. Descend aircraft to MDA after FAF 5 miles from airport. 3. Missed approach point over airport.	

Missed approach: Climb to 2000' direct Brulns NDB and hold W on the 257° bearing—077° Inbnd, right turns, 1 minute.
Use Memphis approach Control altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS
C	700	1	488	700	1	488	700	1	488		NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, West Memphis; State, Ark.; Airport name, West Memphis Municipal; Elev., 212'; Facility, MEM ASR; Procedure No. ASR-1, Amdt. 2; Eff. date, 28 Aug. 69; Sup. Amdt. No. Radar 1, Amdt. 1; Dated, 6 Jan. 66

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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

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

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

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

DAY AND NIGHT MINIMUMS

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

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 632'; Facility, Austin Radar; Procedure No. Radar-1, Amdt. 8; Eff. date, 28 Aug. 69; Sup. Amdt. No. 7; Dated, 3 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by DAL ASR minimum altitude vectoring chart.										ASR Runways 31L and 31R: Intermediate approach fix 5 miles from threshold 2000'. Descent aircraft to MDA after FAF. ASR Runways 31L and 31R, FAF 3 miles from threshold 1500'. Minimum altitude over 1.3-mile Radar Fix on final approach crs, 1000'. TDZ elevation: Runway 31L—475'; Runway 31R—485'.

Missed approach: Climb to 2200' on runway heading within 10 miles or climb to 2000', right turn, direct to DAL VORTAC.
NOTE: Facilities inoperative components table does not apply.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R	880	1	395	880	1	395	880	1	395	880	1	395
S-31L	880	RVR 40	405	880	RVR 40	405	880	RVR 40	405	880	RVR 40	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	435	1000	1	515	1000	1¼	515	1080	2	595
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485'; Facility, DAL ASR; Procedure No. ASR-1, Amdt. 14; Eff. date, 28 Aug. 69; Sup. Amdt. No. 13; Dated, 26 June 69

These procedures shall become effective on the dates specified therein.

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

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

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

[F.R. Doc. 69-9033; Filed, Aug. 11, 1969; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. IC-5741, 33-4986]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 270—RULES AND REGULATION, INVESTMENT COMPANY ACT OF 1940

Certain Separate Accounts of Insurance Companies

Certain separate accounts of insurance companies in which employer or employee contributions under qualified pension and profit-sharing plans are held and invested and transactions involving such separate accounts.

On March 6, 1969, the Securities and Exchange Commission published notice (Investment Company Act Release No. 5628; Securities Act Release No. 4954) (34 F.R. 5027) that it had under consideration the adoption of Rule 6e-1 (17 CFR 270.6e-1) under the Investment Company Act of 1940 ("Investment Company Act") and the amendment of Rule 156 (17 CFR 230.156) under the Securities Act of 1933 ("Securities Act") and invited all interested persons to submit their views and comments upon the proposals. The Commission has considered all the comments and suggestions received and has determined to adopt Rule 6e-1 (17 CFR 270.6e-1) under the Investment Company Act and an amended Rule 156 under the Securities Act in the form set forth below. The Commission has also adopted temporary Form N-6E-1(T) (17 CFR 274.6e-1) which is referred to in Rule 6e-1 (17 CFR 270.6e-1) and which is necessary to implement that rule.

Section 6(c) of the Investment Company Act provides that the Commission by rule, regulations, or order may conditionally or unconditionally exempt any person, security, or transaction, or any class of persons, securities, or transactions from any provision or provisions of the Investment Company Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Investment Company Act. Section 6(e) of the Investment Company Act provides that if, in connection with any rule, regulation, or order under section 6 (of the Act) exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or necessary for the protection of investors that certain specified provisions of the Investment Company Act shall be applicable in respect of such company, the provisions so specified shall apply to such company and to other persons in their transactions and relations with such company, as though such company were a registered investment company. Section 38(a) of the Investment Company Act authorizes the Commission to issue rules necessary or appropriate to the exercise of the powers conferred upon the Commission in the Investment Company Act Rule 6e-1 (17 CFR 270.6e-1).

Rule 6e-1 under the Investment Company Act exempts from the registration requirements of the Investment Company Act certain separate accounts established by life insurance companies upon the condition that such accounts comply with all but certain designated provisions of the Investment Company Act and meet other requirements set forth in the rule. Rule 6e-1 (§ 270.6e-1) is applicable to separate accounts which hold assets attributable only to pension and profit-sharing plans which meet the requirements for qualification under either section 401 or 404(a)(2) of the Internal Revenue Code. These are commonly referred to as "qualified plans." They include plans established for self-employed persons pursuant to the provisions of the Self-Employed Individuals Tax Retirement Act of 1962 ("Smathers-Keogh plans"), since those plans also meet the requirements of section 401 or 404(a)(2). Unlike Rule 3c-3 (17 CFR 270.3c-3) under the Investment Company Act, Rule 6e-1 (§ 270.6e-1) does not condition the exemption by requiring a prohibition against the allocation of employee contributions to the separate account. Thus, separate accounts which meet the more restrictive conditions for exemption under Rule 3c-3 (§ 270.3c-3) will continue to enjoy the much more

extensive exemption from the Investment Company Act provided by that rule while on the other hand, a wider variety of pension and profit-sharing plans will be able to be funded through contracts participating in separate accounts which qualify for the narrower exemption under Rule 6e–1.

Rule 6e–1 (§ 270.6e–1) provides that certain separate accounts are exempt from section 7 (of the Act), which effectively prohibits an unregistered investment company from operating, and section 8 (of the Act), which provides for the method of registration and the content of the registration statement. In place of the notification of registration provided by section 8(a) (of the Act), an insurance company may file a notification of claim of exemption under Rule 6e–1 (§ 270.6e–1) on Form N–6E–1(T), (§ 274.6e–1) which the Commission herein adopts as a temporary form to be used until such time as the Commission adopts a permanent form. In place of the registration statement required by section 8(b) (of the Act), the insurance company will file a report on Form N–6E–2 (§ 274.6e–2) to be promulgated.

Rule 6e–1 (§ 270.6e–1) also provides that such separate accounts must comply with every provision of the Investment Company Act as if they were registered open-end investment companies, except for a number of specified sections of the Investment Company Act. In addition to sections 7 and 8 (of the Act), exemption is granted from section 18(i) (of the Act) so that persons who hold participating interests in the separate account will not be required to be given any voting rights. In consequence, and since such separate accounts will not have a separate board of directors, exemption is also granted from the other provisions of the Act which, broadly speaking, provide the opportunity for shareholder participation in the management of registered investment companies. These provisions include sections 10 (other than subsection (f) thereof), 15, 16, 20 (a) and (b), and 32 (a) and (b) (of the Act). A conditional exemption is granted from section 13(a) which requires majority shareholder approval of any change in the fundamental investment policy of a registered investment company. Instead, the Commission must be notified in writing at least 60 days prior to any proposed change in the investment policy of a separate account. The change may then be made unless the Commission, within 30 days of the receipt of such notice, conditions or limits the exemption provided by the rule.

A partial exemption from section 9 (of the Act) makes the restrictions of that section applicable only to officers and directors of the insurance company and to other employees who participate either in the administration of the separate account or in the sale of participating contracts.

A limited exemption from the provisions of section 14(a) (of the Act) is provided in order to afford separate accounts claiming exemptions from the provisions of the Investment Company Act under Rule 6e–1 with the same treatment which the Commission has proposed in Investment Company Act Release No. 5586 (34 F.R. 1910) (Jan. 24, 1969) for registered separate accounts having assets derived solely from pension and profit-sharing plans meeting the requirements of section 401, 403(b), or 404(a) of the Internal Revenue Code. That is, exemption from the minimum capital requirements of section 14(a) (of the Act) is afforded by Rule 6e–1 where the insurance company has a combined capital and surplus or an unassigned surplus of at least $1 million.

A narrow exemption from section 17(d) (of the Act) is granted. Most life insurance companies currently invest some portion of their general funds in common stocks and it is anticipated that many companies will establish more than one separate account that will qualify for exemption under Rule 3c–3 or Rule 6e–1. While the investment policies of these separate accounts may differ, there will be times when an insurance company will wish simultaneously to purchase the same security or sell the same security, on behalf of its general accounts and one or more of its separate accounts Rule 6e–1 grants exemption from section 17(d) (of the Act) to permit contemporaneous purchases or contemporaneous sales of the same class or series of securities of the same issuer on behalf of separate accounts and the general account of the insurance company. Except to the extent provided by this exemption, section 17(d) (of the Act) will be applicable to transactions of separate accounts claiming exemption under this rule exactly as if such accounts were registered investment companies.

The rule grants an exemption from section 17(f) (of the Act) to allow securities held in a separate account claiming exemption under the rule to be held in the custody of the insurance company. Exemption from section 19 (of the Act) is granted since separate accounts do not pay dividends in the sense in which the term is used in this section.

Because of the manner in which insurance companies negotiate and sell contracts respecting interests in separate accounts for funding pension and profit-sharing plans, the Commission believes that it is not necessary to impose all the requirements of section 22 (of the Act) on such separate accounts. Thus exemptions from section 22 (d), (e), and (f) are provided. No exemption is provided, however, from section 22 (a), (b), and (c) (of the Act), so that the Commission and, in effect, the National Association of Securities Dealers ("NASD"), with respect to its members, will retain jurisdiction to prescribe means of pricing of interests in such accounts and prevent the imposition of unconscionable or grossly excessive sales loads. The rule as proposed would not have subjected such accounts to section 22 (a) and (b) (of the Act). The result of that would have been that the NASD would have been prevented from regulating some insurance companies which are its members. No exemption from section 22(g) (of the Act) is provided, since the Commission believes there is no reason why separate accounts should not observe the prohibitions of this section.

Since most contracts that participate in a separate account meeting the conditions of Rule 6e–1 will be exempt from the registration requirements of the Securities Act, under the amendment to Rule 156 that is simultaneously being adopted, the provisions of section 24 of the Investment Company Act, other than subsection (b), would not be meaningful as applied to such accounts. However, exemption from the entire section is provided, including section 24(b) (of the Act), since Rule 6e–1, in paragraph (b), imposes separate specific filing requirements with respect to literature prepared by the insurance companies that relate to the operations of such separate accounts. These requirements are discussed below. Similarly, exemption is granted from sections 30 and 31(a) (of the Act), which require periodic reporting to the Commission and to stockholders and the keeping of prescribed records. In place of these requirements the Rule requires reports and records in a form which takes into account the nature of the contracts issued through such separate accounts and the manner in which such accounts are administered.

An exemption from section 27(c) is granted in recognition of the fact that annuity contracts with life contingencies are necessarily nonredeemable during the payout period.

Paragraph (b) of Rule 6e–1 sets forth the several report and record-keeping requirements that have already been mentioned. Subparagraphs (1) and (2) require the filing of initial reports which correspond to the notification of registration and the registration statement filed by investment companies. Subparagraph (3) requires the filing of such annual and other reports and the maintenance of such records with respect to separate accounts as the Commission shall prescribe as appropriate.

Paragraph (b)(4) (§ 270.6e–1(b)(4)) requires the insurance company to furnish a written statement to every employer to which a contract participating in the separate account has been issued, if the retirement plan provides for benefits which vary to reflect the investment results of the separate account. That statement must explain, to the extent applicable to the particular employer's retirement plan, that the benefits to be received by employees will not be paid in any fixed dollar amount but will vary to reflect the investment experience of the separate account, and that the assets held in the account will include common stocks and other equity investments. In addition, the statement must describe how the insurance company will determine the dollar amount of each periodic payment to be made to the covered employees pursuant to the plan. A copy of the statement must be filed with the Commission within 10 days after it is delivered to any employer. While the rule as proposed did not require it, the rule adopted requires the insurance company to make sufficient copies of the statement available to each employer for all covered employees.

The insurance company must recommend to the employer that this statement should be transmitted to each covered employee. While it appears desirable that each employee be given a copy of such a statement, it is the employer, rather than the funding agency, that controls what communications are delivered to its employees. Accordingly, it would not be feasible to impose such an obligation upon the insurance company. Although this section is not intended to impose any duty upon employers to transmit copies of this required statement to their employees, responsible employers will, of course, wish to be certain that their employees are given the information set forth in this required statement.

Paragraph (b)(5) (§ 270.6e-1(b)(5)) also imposes upon insurance companies claiming exemption under the rule the requirement to file certain other documents with the Commission. Virtually every employer that establishes a pension or profit-sharing plan will provide its covered employees with a booklet or brochure describing the principal features of the plan. Sometimes a copy of the plan itself is distributed. In some cases this description is prepared entirely by the employer. In many cases the funding agency will participate in its preparation, supplying information for part of the brochure. In other cases the funding agency will be entirely responsible for the preparation and printing of this descriptive material. This paragraph does not require any participation by the insurance company in the preparation of this explanatory literature. It does require, if the funding agency does furnish the employer with all or some portion of a document that is transmitted to employees, or if it provides the employer with material that may reasonably be expected to be transmitted to employees, that a copy of what has been furnished the employer, if it relates in any way to the separate account, be filed with the Commission within 10 days after it is first delivered to an employer.

Paragraph (c) (§ 270.6e-1(c)) of the rule sets forth two conditions that must be met by a separate account in order to be exempt under the rule. The first is that the separate account be legally segregated and not subject to claims which arise out of any other business of the insurance company. Because the value of the assets held in separate accounts will be related not only to investment performance but also to the longevity of covered employees, formulation of this condition has required the use of insurance terminology. The reserve and other contract liabilities under all contracts that participate in a separate account, which is the equivalent of the value of all present and future payments that the insurance company is obligated to make under the contracts, can be determined only by actuarial computations. This amount, moreover, will vary from time to time to take into account the deaths of persons who were entitled to payment of benefits under the contracts. To the extent that the market value of the assets in a separate account exceeds the reserve and other contract liabilities of the account, the excess is part of the surplus of the insurance company. Paragraph (c)(1) (§ 270.6e-1(c)(1)) of the rule recognizes that this portion of the assets held in a separate account must be subject to claims arising out of other business of the insurance company. The subparagraph also provides that the value of the assets of the account must not be less than the reserve and other contract liabilities of the account. Thus the insurance company is free to transfer any or all of the excess from a separate account to its general funds. If, however, the value of the assets should fall below the amount of the reserve and other contract liabilities, the insurance company is required to eliminate the deficiency by transferring funds to the account. The rule as proposed required that the assets in the account have at all times a value at least equal to the reserves and other contract liabilities with respect to such account. A less rigid provision, thought to be more in keeping with actuarial practice, is in the rule adopted. It requires that the assets be at least equal to such reserves and other liabilities at any time during the year that adjustments in the reserves are made and that at all other times such assets shall have a value approximately equal to or in excess of such reserves and other liabilities.

Under the laws of many of the States which authorize the establishment of separate accounts by life insurance companies, such accounts will either be legally segregated to the extent required by this subparagraph or can readily be made segregated through the addition of appropriate provisions in the participating contracts. Some States require legal segregation but other States do not require nor permit such segregation. This condition will be satisfied if an arrangement is made which will ensure, in the event of insolvency of the insurance company, that claims of creditors that arise out of other business of the insurance company will not be satisfied out of assets held to meet the separate account contract obligations. This might be accomplished, for example, through some form of insurance with a different insurance company, or by provision of a superior lien under applicable State law. Because insurance companies in some States may find it difficult to make the necessary arrangements to comply with this condition, it is provided that the condition need not be satisfied until 6 months after the effective date of the rule.

The second condition is that every contract which participates in a separate account claiming exemption under the rule must authorize the contract holder to direct that an amount equal to the value of the contract holder's interest (rather than "assets" as the proposed rule specified) be withdrawn or transferred. This will enable a contract holder, if he chooses, to utilize a different funding agency for the investments of the funds supporting his plan. This withdrawal or transfer privilege would not, however, apply to funds allocated to provide benefits to individual employees who have retired, since the insurance company would in such cases have assumed direct contractual obligations to pay those benefits. In some cases these benefits might be payable to persons other than employees, as in the case of a plan which provides for the payment of an annuity to an employee and his spouse so long as either shall live. Amounts held to provide for the payment of benefits to the spouse of a deceased employee under such an arrangement would also not be required to be made subject to this withdrawal or transfer provision.

Many existing contracts already contain such a provision. These usually provide for a limitation upon the amount that may be withdrawn or transferred in any 1 month. This is to protect against a large drain upon the assets of the account, causing a forced liquidation of some of the securities, to the possible disadvantage both to the withdrawing or transferring contract holder and to other contract holders. Such a limitation is authorized under the rule, provided that the contract must permit the withdrawal or transfer of at least $1 million in any one month, or, where the value of the contract holder's interest in the separate account at the time the request for withdrawal or transfer is made is in excess of $20 million, at least 5 percent of the value of that interest.

The rule also provides that no surrender charge in excess of 2 percent may be made in connection with any such withdrawal or transfer. Many contracts employed for the purpose of funding pension and profit-sharing plans impose no sales load at all in connection with purchase payments but do impose what would be the equivalent of a sales load in connection with withdrawals or the payment of benefits. In order to accommodate these arrangements, paragraph (c)(2) permits a surrender charge in excess of 2 percent but only if the sales load and the surrender charge under the contract in the aggregate do not exceed 6 percent.

Rule 156 (17 CFR 230.156). In connection with its Rule 6e-1(§ 270.6e-1) the Commission also adopted an amendment of Rule 156 (§ 230.156) under the Securities Act pursuant to the authority conferred upon the Commission by section 19(a) of the Securities Act. Paragraph (a) now covers transactions involving contracts which relate to separate accounts claiming exemption either under Rules 3c-3 (§ 270.3c-3) or 6e-1 (§ 270.6e-1) under the Investment Company Act, instead of only under Rule 3c-3, and defines them as "transactions by an issuer not involving any public offering" in section 4(2) of the Securities Act provided that certain additional conditions are met. This paragraph continues to cover only transactions with employers and has no applicability to any transaction whereby an employee acquires an interest in a separate account.

Rule 156 had been applicable only to contracts which are negotiated with an

employer for the benefit of at least 25 employees because this is one of the conditions for exemption under Rule 3c–3. Since Rule 6e–1 would not have any such condition, such a requirement is an explicit condition in paragraph (a)(1) of the amended Rule 156.

The term "employer" is defined, as it was in the earlier version of Rule 156, to mean "an employer, employers or persons acting on their behalf." This would include within the definition of transactions not involving any public offering, the sale of group contracts to trustees or associations representing several employers in a single industry. In several industries, pension and profit-sharing plans are established in connection with collective bargaining between industry-wide management representatives and unions, and these plans permit covered employees to change from one employer to another while remaining eligible for benefits under the plan. A group annuity contract issued for the purpose of funding such a plan would not, under the amended rule, as it did not under the earlier version of the rule, have to be registered under the Securities Act, if the other conditions of the rule are met.

A different test would apply, however, to contracts issued for the purpose of funding Smathers-Keogh plans. Where a contract is to cover a sole proprietorship or a partnership involving 25 or more employees, the transaction would be regarded under the rule as a transaction not involving a public offering. But where a contract is issued covering the employees of several separate enterprises, as would be the case with a contract issued to a bar or medical association permitting participation thereunder by members of the association, this would be regarded as constituting a public offering if any member of the association employed less than 25 persons. As a practical matter it would therefore appear that virtually all Smathers-Keogh contracts would be subject to the registration requirements of the Securities Act.

Paragraph (b) of the amendment to Rule 156 is new. Since Rule 3c–3 provides an exemption from the Investment Company Act only for transactions involving contracts which prohibit the allocation of employee contributions to a separate account, paragraph (b) would be applicable only where allocations of employee contributions are made to a separate account which is entitled to exemption under Rule 6e–1, as part of a transaction that is regarded as not involving a public offering under Rule 156(a).

Paragraph (b) provides that no sale or offer shall be deemed to be involved where employee contributions are allocated to a separate account under the foregoing circumstances if two conditions are met. First, there must not be any individual solicitation of employees either to participate in the plan or to elect to participate in the portion that utilizes the separate account rather than other aspects of the plan. Second, the employer must make a "substantial contribution" to the overall pension and profit-sharing program of which the contract participating in the separate account is a part. Each of these conditions is described more fully below.

The first condition is set forth in paragraphs (b)(1) and (b)(2). It is recognized, of course, that employees who are offered an opportunity to make contributions under a retirement program must be told about the plan and about the terms and nature of their participation. Booklets describing the plan may be distributed by the employer or the insurance company. Regular employees of the employer, in its labor relations, personnel, or comparable divisions may meet with employees either in groups or singly, to discuss and explain the plan and to make whatever recommendations are thought appropriate. Where a pension consultant has been retained by the employer, he may participate in this activity.

It is common practice, when a retirement plan is first established or a significant change made, or new features added, to provide oral explanations to groups of employees at meetings arranged for that purpose. Representatives of the insurance company or, where an independent broker has participated in the sale of the contract, representatives of the broker, may appear at and participate in such meetings. If the provisions of paragraph (b) are to be available, these representatives must be salaried employees and may not receive commissions or other incentive compensation based upon the extent of participation under the separate account contract. Such representatives may not, however, engage in discussions with individual employees for the purpose of inducing participation in or explaining the plan. Nor may the employer engage anyone for the purpose of inducing participation.

The "substantial contribution" condition is set forth in paragraph (b)(3). The employer must make a contribution under the program, of which the plan funded by the separate account contract is a part, that can be expected, over the life of the plan, to be at least one-half that made by the employees. Because employers enjoy considerable flexibility in determining the amount and timing of their contributions under qualified pension and profit-sharing plans, demonstration of satisfaction of this condition presents certain difficulties. For this reason the test set forth in paragraph (b)(3) has been included.

It should be noted that the amended rule continues to provide an exemption only from section 5 of the Securities Act and would not, therefore, afford any exemption from the antifraud sections of the Securities Act.

Findings and conclusions. After consideration of the comments and suggestions received from interested persons, the Commission has determined to adopt Rule 6e–1 (17 CFR 270.6e–1) under the Investment Company Act and an amended Rule 156 (17 CFR 230.156) under the Securities Act, effective July 15, 1969, as well as Form N–6E–1(T) (17 CFR 274.6e–1).

The Commission finds that the adoption of Form N–6E–1(T) (17 CFR 274.6e–1) is appropriate in the public interest and is consistent with the protection of investors and that notice and procedures pursuant to the Administrative Procedure Act is not necessary. Accordingly, Form N–6E–1(T) (17 CFR 274.6e–1) whose text follows, shall become effective July 15, 1969.

The Commission intends to follow closely the operation of Rule 6e–1 and amended Rule 156 in actual practice in order to determine whether any hardships or abuses occur that warrant adjustment in the rules consistent with the protection of investors.

Commission action. I. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding a new § 270.6e–1 reading as follows:

§ 270.6e–1 Exemption for certain separate accounts of insurance companies.

(a) A separate account which issues only interests or participations in a fund of securities, pursuant to contracts made in connection with pension or profit-sharing plans which meet the requirements either for qualification under section 401 of the Internal Revenue Code or for deduction of the employer's contributions under section 404(a)(2) of said Code, shall, except for the following sections (of the Act), be subject to all provisions of the Act as though such separate account were a registered open-end investment company:

(1) Section 7 (of the Act);

(2) Section 8 (of the Act) except to the extent made applicable by paragraph (b) of this section;

(3) Section 9 (of the Act) but only to the extent that a company shall not be subject to the restrictions of section 9(a)(3) (of the Act) by virtue of the status of persons who do not participate in any way in the operations of or sales of interests in the separate account;

(4) Section 10 (of the Act) but not paragraph (f) thereof;

(5) Section 13(a) (of the Act) provided that the Commission is notified in writing at least 60 days prior to any proposed change in investment policy, and the Commission does not in its discretion within 30 days of receipt of such notice condition or limit, in respect of the proposed change in investment policy, the exemption otherwise provided by this section;

(6) Section 14(a) (of the Act) provided the insurance company of which the separate account is a part shall have (i) a combined capital and surplus, if a stock company, or (ii) an unassigned surplus, if a mutual company, of not less than $1 million at the time of the filing of the notification provided for by paragraph (b)(1) of this section;

(7) Section 15 (of the Act);

(8) Section 16 (of the Act);

(9) Section 17(d) (of the Act), to the extent necessary to permit contemporaneous purchases or contemporaneous

sales on behalf of the separate account and other separate accounts and the general account of the insurance company of the same class or series of securities of the same issuer;

(10) Section 17(f) (of the Act);

(11) Section 18(i) (of the Act);

(12) Section 19 (of the Act);

(13) Section 20 (a) and (b) (of the Act);

(14) Section 22 (of the Act) other than paragraphs (a), (b), (c), and (g) thereof;

(15) Section 24 (of the Act);

(16) Section 27(c) (of the Act);

(17) Sections 30 and 31(a) (of the Act) except as provided by paragraph (b) of this section; and

(18) Sections 32 (a) and (b) (of the Act).

(b) Any insurance company which maintains, or proposes to maintain a separate account with respect to which exemption from registration under this section is claimed shall:

(1) File with the Commission, within 30 days after the effective date of this section or within 30 days after the establishment of such separate account, whichever is later, a notification on Form N-6E-1 (§ 274.6e-1(T) of this chapter) which identifies such separate account;

(2) File with the Commission, a report on Form N-6E-2 (§ 274.6e-2 of this chapter) within 3 months after filing the notification referred to above: *Provided*, That, if the fiscal year of the separate account ends within this 3-month period, the Form N-6E-2 (§ 274.6e-2 of this chapter) report may be filed within 3 months after the end of such fiscal year;

(3) File with the Commission, such annual and other reports, and shall maintain such records with respect to such separate account as the Commission shall prescribe by rules pursuant to sections 30 and 31 of the Act as appropriate in view of the character of the separate account and its operations and as necessary or appropriate in the public interest or for the protection of investors: *Provided*, That, except as may otherwise be provided in either such rules or in this section 270.6e-1 or in the forms for reports prescribed by the Commission, the provisions of Regulation 8B under the Act (§§ 270.8b-1 through 270.8b-32) shall be applicable. Records required to be maintained pursuant to such rules shall be subject to the requirements of section 31(b) of the Act;

(4) In the case of a contract that provides for the allocation of contributions to the separate account in connection with a pension or profit-sharing plan that provides for employee benefits which may vary to reflect the investment results of the separate account, such insurance company shall deliver to every employer to which such a contract has been issued a copy of a statement in writing setting forth, to the extent applicable, (i) that the benefits to be received by the employees will not be paid in any fixed dollar amount, and will vary to reflect the investment experience of the separate account; (ii) that the investments held in the separate account will include common stocks and other equity investments which may be changed from time to time; and (iii) the essential features of the procedure to be followed by the insurance company in determining the dollar amount of such variable benefits. The insurance company shall make sufficient copies of the statement available to each employer for all covered employees, recommend to the employer that such statement should be transmitted to such employees, and file such statement with the Commission within 10 days after delivery to any employer; and

(5) File with the Commission, within 10 days after delivery to an employer, a copy of every document, or portion thereof, relating to the separate account or the interests or participations therein, that has been furnished by the insurance company to an employer for transmission or which may reasonably be expected to be transmitted to employees.

(c) A separate account shall be entitled to the exemptions provided by paragraph (a) of this section of:

(1) The separate account is a legally segregated asset account, the assets of which, at the time during the year that adjustments in the reserves are made, have a value at least equal to the reserves and other contract liabilities with respect to such account, and at all other times shall have a value approximately equal to or in excess of such reserves and liabilities; and that portion of such assets, which has a value equal to, or approximately equal to such reserves and other contract liabilities of such account, is not chargeable with liabilities arising out of any other business which the insurance company may conduct: *Provided*, That this condition need not be satisfied until 6 months after the effective date of this section.

(2) Any contract which provides for allocation of contributions to the separate account, authorizes the contract holder to direct that an amount equal to the value of the contract holder's interest in the separate account (other than amounts which, pursuant to the contract, have been allocated to provide retirement benefits to individual employees) be withdrawn or transferred, although such contract may (i) limit the amount that may be withdrawn or transferred in any one month to the greater of (*a*) $1 million or (*b*) 5 percent of the value of the contract holder's interest in the separate account at the time the original request for withdrawal or transfer is made and (ii) impose a surrender charge not to exceed 2 percent of the amount withdrawn or transferred: *Provided*, That a surrender charge in excess of 2 percent of the amount withdrawn or transferred may be imposed if the sales load and surrender charge, in the aggregate, do not exceed 6 percent.

(d) "Separate account," as used in this section shall mean a fund established and maintained by an insurance company pursuant to the law of any State or territory of the United States or the District of Columbia, under which income, gains, and losses, whether or not realized, from assets allocated to such fund, are, in accordance with the applicable contract, credited to or charged against such fund without regard to other income, gains, or losses of the insurance company.

(e) "Insurance company," as used in this section shall have the same meaning as that prescribed in section 2(a)(17) of the Act.

II. Section 230.156 of Chapter II of Title 17 of the Code of Federal Regulations is amended to read as follows:

§230.156 Definition of "transactions by an issuer not involving any public offering" in section 4(2) of the Act, and of "sale", "offer", "offer to sell", and "offer for sale" for purposes of section 5 of the Act, in connection with separate accounts exempted by § 270.3c-3 or § 270.6e-1 of this chapter.

(a) The phrase "transactions by an issuer not involving any public offering" in section 4(2) of the (Securities Act of 1933) shall include any transaction with an employer, employers, or persons acting on their behalf (herein called the "employer") whereby an insurance company offers, pursuant to a contract, interests or participations in a separate account, which meets the conditions and limitations set forth in § 270.3c-3 or § 270.6e-1 of this chapter: *Provided*, That:

(1) Such contract is negotiated with such employer for the benefit of at least 25 employees: *Provided further*, That, in the case of a contract which covers self-employed individuals and owner-employees some or all of whom are employees within the meaning of section 401(c) of the Internal Revenue Code, each partnership or sole proprietor employs at least 25 employees including such self-employed individuals and owner-employees; and

(2) Such contract is not advertised in any written communication which, insofar as it relates to interests or participations in a separate account, does more than identify the insurance company, state that it is engaged in the business of writing such contracts, sets forth a brief description of the nature of the separate account and of the basic provisions of the contract, and invites inquiries in regard thereto. The limitations of this subparagraph shall not apply to disclosure made in the course of direct discussion or negotiation of such contract.

(b) For purposes only of section 5 of the Act, no "sale," "offer," "offer to sell," or "offer for sale" shall be deemed to be involved so far as an employee is concerned (whether or not there is a public offering to the employer), where allocations of employee contributions are made to a separate account entitled to the exemptions provided by § 270.6e-1 of this chapter pursuant to a contract which meets the conditions and limitations set forth in subparagraph (1) of paragraph (a) of this section: *Provided*, That:

(1) The employer does not engage any person for the purpose of inducing employees to participate under such contract or in a plan based on such contract or of inducing any elections on the part of employees under such contract or in such plan; and

(2) Any solicitation of individual employees by or on behalf of the insurance company is limited to discussions with the employer and to furnishing the employer with explanatory documents as required or contemplated by § 270.6e–1 of this chapter, or giving oral explanations, including answering of questions, at meetings of groups of employees arranged by the employer, and no commissions or other incentive compensation are paid to the persons responsible for drafting the explanatory documents or for inducing any election on the part of the employee; and

(3) The employer makes a substantial contribution to the overall pension and profit-sharing program of which the contract is a part. An employer's contribution shall be deemed "substantial," as used in this section if the overall pension and profit-sharing program applicable to the employees covered by the program can be reasonably expected to provide for a contribution by the employer, over a period for which the program may be reasonably be expected to be in operation, which in the aggregate is at least half as much as the contributions made by the employees. The foregoing requirement shall be deemed to have been satisfied if the employer has in the preceding 5 fiscal years, or since the inception of the program, if less than such 5 years, contributed in the aggregate at least half as much under such program as have the employees and the basis for determining contributions has not been changed since such past contributions were made to reduce the employer's anticipated contributions. At the inception of a program and at any time thereafter, notwithstanding that the aggregate contributions by the employer during such 5-year (or shorter) period do not amount to at least half as much under such program as was contributed by the employees, or that the basis for determining contributions has changed, a written certificate by a member of the American Academy of Actuaries, prepared in accordance with generally accepted actuarial standards, stating that the employer's contribution can reasonably be expected to be at least half as much as contributions to be made by the employees over a period for which the plan may reasonably be expected to be in operation and stating the basis thereof, shall be prima facie evidence of satisfaction of the requirement of this subparagraph at that time and for the ensuing year. A copy of each such certificate shall be filed with the Commission as an exhibit to the notification or report next following such certificate, filed pursuant to paragraph (b) of § 270.6e–1 of this chapter.

§ 274.6e–1 Form N–6E–1 (T).

This form shall be filed as the Notification of Claim of Exemption pursuant to § 270.6e–1 of this chapter by each insurance company claiming exemption thereunder which has separate accounts in which are held assets attributable only to pension and profit-sharing plans meeting the requirements for qualification under either section 401 or 404(a)(2) of the U.S. Internal Revenue Code.

(Secs. 4, 19, 48 Stat. 77, 85, as amended 15 U.S.C. 77d, 77s; secs. 6, 38(a), 54 Stat. 800, 15 U.S.C. 80a–6, 80a–37)

By the Commission.[1]

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

JULY 15, 1969.

Incorporation by reference approved by the Director of the Federal Register on August 11, 1969.

[F.R. Doc. 69–9458; Filed, Aug. 11, 1969; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–297; Order 387]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 14—REPORTING NET INVESTMENT IN LICENSED PROJECTS TO THE COMMISSION

Hydroelectric Project Licenses; Calculation of "Net Investment"; Statement of Policy

AUGUST 4, 1969.

Introduction. Rulemaking proceeding R–297 was instituted by notice of proposed rule making issued January 20, 1966 (31 F.R. 1079). Numerous comments and responses were filed, including those by the Secretary of the Interior, electric utilities, state public service commissions, and other interested persons and groups. By notice of November 2, 1966 (31 F.R. 14884), the Commission permitted further filings and responses to initial comments and supplemental comments. On September 21, 1967, the Commission gave notice of oral argument and set forth certain proposed revisions and modifications to the previously proposed rule (32 F.R. 13596).

On October 12, 1967, Great Northern Paper Co. and six other companies moved to sever certain issues with respect to industrial licensees and their affiliates. On November 7, 1967, the Commission deferred action on this motion until after the oral argument (32 F.R. 15714).

After oral argument, held December 18, 1967, the motion of Great Northern Paper Co. et al., was granted to the extent of severing the issues concerning licensed projects owned directly or indirectly by industrial corporations, and which do not sell power on a regular basis to customers other than their corporate affiliates or parents, by Order No. 370, issued September 27, 1968 (33 F.R. 14943).

Following the issuance of said order 33 applications for rehearing or modification were filed with the Commission. On November 22, 1968, by Order No. 370–A (33 F.R. 17901), we granted rehearing for the purpose of allowing us an opportunity to give full and adequate consideration to the views of the applicants, and extended the time for compliance with certain filing requirements. A further extension of time was granted by our order issued June 6, 1969 (34 F.R. 9332).

We have reconsidered Order No. 370 and have concluded that it should be set aside. In lieu thereof, we have determined to issue a new order, intending that it should be treated as an initial order stating a general policy. Petitions for reconsideration will be entertained if filed within 90 days and otherwise in accordance with the Commission's rules of practice and procedure.

The notice of proposed rule making of January 20, 1966. We deem it advisable first to direct comments to the notice of proposed rule making in Docket No. R–297, issued January 20, 1966, so that the Commission's findings and conclusions with respect to the subjects upon which views were at that time tentatively or inferentially expressed may be stated and explained.

In paragraph 1 of that notice the Commission's stated purpose was to set forth "a method for determining the 'net investment in a project', as the phrase is defined in section 3(13) of the Federal Power Act." Paragraph 4 of the notice of January 20, 1966, paraphrases section 3(13) of the Federal Power Act. It states three questions which, as many of the comments to the notice point out, assume the proposition in issue, namely, that section 3(13) is a regulatory section to be read separately and independently of section 10(d) and other sections of the Act.

In this reconsideration our conclusion is that section 3(13) should not be so read. Section 10(d), in pari materia with the other operative provisions of the Act, shows that the qualifying limitation (i.e., "as the phrase is defined in section 3(13)") of the notice is misleading. In short, the notice of rulemaking initiating that proceeding adopted as a legal premise the proposition in issue.

For this reason we are vacating our prior order, Order No. 370. We undertake in this order to carry out the proper legal purpose of the Commission in initiating the rulemaking proceeding. That purpose, as the history of the proceeding amply discloses, is to devise regulations, if any are found needed, to carry out Commission duties under the Federal Power Act with particular reference to the provisions of sections 14 and 15, wherein the Congress treated with

[1] Copies of this form have been filed with the Office of the Federal Register and may be obtained from the headquarters and regional offices of the Securities and Exchange Commission.

rights and duties of licensees and others when license terms expire. Comments on the earlier notice of rulemaking accordingly are limited and pertain only to those points which contribute to a correct understanding of the action now taken.

The language of the statute itself must be looked to as a reference point governing the scope of these proceedings. Since the date of the notice of rulemaking in Docket No. R–297, the Congress has said that "[F] or any new license issued under section 15, the amortization reserves [under subsection 10(d)] shall be maintained." In this connection, Public Law 90–451, August 3, 1968, 82 Stat. 616, et seq., amends both of the referenced sections, as well as section 10(d), of the Federal Power Act. Our present consideration takes this amendment into account, naturally. Paragraph two of the notice of January 20, 1966, paraphrased sections 14 and 15 of the Power Act as they were then worded.

We have determined not to issue new regulations, but rather to issue this as a statement of general policy. This statement is consistent with our Uniform System of Accounts Prescribed for Public Utilities and Licensees, and prior decisions and precedents of the Commission. We will estimate for Congress the "net investment" component of a takeover price as equal to the project original cost, less the amount accumulated in the project depreciation reserve, subject to a maximum potential further deduction of the balance accumulated in the project section 10(d) amortization reserve account, Account 264, Amortization Reserve-Federal, and as reported in FPC Form No. 9, Licensed Project Annual Report.[1]

We contemplate that a final determination of "net investment" may be made only after opportunity has been given for a hearing as provided in section 14 of the Federal Power Act.

Consistent with our prior administration of the provisions of section 10(d), our general policy will be to require that licensees subject to the provisions of section 10(d) establish and maintain amortization reserve accounts upon a current basis, consonant with the terms of their licenses, of which there are two general types, one issued prior to 1935, and one subsequent thereto. Accordingly, we deem it important to reflect herein the general principles which have heretofore governed the Commission's section 10(d) determinations, and we will set forth so far as is possible in a general statement, the method of attributing a portion of licensee's overall earnings to the project.

Continuing on with the January 20, 1966 notice, paragraph three is speculative in tone. It emphasizes the interest of Congress and of potential applicants for a new license in price or compensation to an existing licensee. It speculates also that "it may * * * be necessary to determine whether the net investment in the project exceeds its fair value."

As a matter of general legal intent the interrelationship between "net investment" and "fair value" is governed by the provisions of section 14 of the Federal Power Act. Factually, the subject raises a host of general considerations affecting the Nation's economy as a whole. We think that generally the necessity to determine whether the "net investment" in a project exceeds its "fair value" will not arise in the foreseeable future, given the inflation which has persisted for so many years. But whatever the ultimate outcome, our present concerns are, and should be, to reach a determination of the meaning of the statute taken as a whole (particularly that section 10(d) must be read in pari materia with the operative provisions of the Act), so as to insure that the licensee's operating data is properly recorded and that these data, with other full information are furnished to the Congress in any takeover proceeding and are a part of a complete record in any proceeding for the issuance of a new license by this Commission.

Paragraph five of the notice, although speaking to "fair return", does so in terms of a "fair rate of return"—a different matter. Section 3(13) of the Act does not refer to a rate of return, in contrast to section 10(d), which does.

Believing the distinction to have been purposeful, we can turn to other sections of the Act to conclude that Congress intended to permit participation by the Federal Government (or by a new licensee) in favorable earnings of a licensee whose rates and charges are regulated by a State commission or this Commission only to the extent of the proportion of its earnings that are accumulated in the section 10(d) reserve in accordance with the terms of the license.

The base upon which the license-specified rate of return should be applied is, of course, a remaining question. The second paragraph of the section numbered five in the notice of proposed rulemaking grapples with the problem of accommodating the literal accounting language embodied in section 3(13) to "modern accounting practice". To the extent that outstanding licenses issued by this Commission prior to 1935 project similar questions into the area of section 10(d) reserve balances they will be dealt with on an ad hoc basis as interpretations of Commission ordered provisions. In our judgment this will best facilitate the purposes of the Power Act. Experience has shown that speculative analysis of whether the Congress comprehended the difference between return on capital and return of capital,[2] and similar accounting questions are not particularly helpful in correctly synthesizing the legislative purposes of the Power Act.

Paragraphs six and seven specify two alternatives for allocation between project and system or nonproject earnings. A third alternative was later specified for consideration.

In view of the findings and conclusions of this statement and order we return to an allocation method not specified in the proposed order, or any supplemental order, but which has been consistently followed by the Commission in its section 10(d) cases. It was referred to in the course of the proceedings in Docket No. R–297 as the "old staff method".

Paragraph eight of the notice dealt with the determination of the calculation of excess earnings for industrial licensees. We severed that issue from the proceedings in Docket No. R–297 by Order No. 370 and that result will stand.

Paragraph nine, on the deductibility of project excess earnings, presents a problem whose scope is sharply reduced in the light of our determination that section 3(13) is not a regulatory section. As a section 10(d) matter the policy question becomes one with regard to the deduction of section 10(d) balances in reduction of project "net investment". It should be stated as a part of this order. We will not make such deductions prior to the expiration of the license.

Paragraph 10 announces an intention to add a new Part 14 to the Commission's regulations under the Federal Power Act for licensee reporting of "current net investment". The accounts required by section 10(d) are already in existence as is the Commission report form. A new Part 14 for a separate "net investment" calculation is not necessary. Rather, what is required is an implementation of those provisions associated with section 10(d) which are now extant.

Legislative history. The Federal Water Power Act of 1920 was in a gestation process from about 1908 until its enactment. This was the period when public utility regulation was developing, and when accounting and ratemaking concepts were taking form and shape. In the history of the bill which was finally enacted, we see that section 10(d) as we now have it was added as an amendment, and the circumstances of this amendment have to be understood in the light of the understanding of the regulatory issues then prevailing.

As Mr. O. C. Merrill, Chief Engineer of the Forest Service and an adviser to the Secretary of Agriculture on the subject of the pending bill, pointed out (Hearings before House Committee on Water Power, 65th Cong., second sess., p. 47), the only way to reach excessive earnings on a licensed project was by an annual charge or through rate regulation. Thereafter, Mr. Merrill's principal, Secretary of Agriculture Houston, recommended that a provision be made for the setting up of an amortization reserve out of part of the earnings in excess of a specified rate of return. He pointed out that the original bill did not require the setting up of amortization reserves, and, that if reserves were not required to be set up, all of the earnings could be distributed by the licensee (Hearings,

[1] It appears that a license might be appropriately conditioned for compliance with the statute, even though the precise amount of the section 10(d) reserves might be in dispute, awaiting hearing and Commission or ultimate judicial determination.

[2] Whether depreciation is an expense rather than an element of return.

supra, pp. 657–659). The purpose of the recommended new section 10(d) was to compel a reservation of a portion of the earnings and to remove them from being available for distribution of dividends.

The amendment to add section 10(d) was further refined after it was reported by the Committee. H. Rept. No. 715, 65th Cong., second sess., p. 6, shows that the section 10(d) amendment, as approved by the Committee, provided for setting up of amortization reserves out of part of excess earnings during the entire period of the license. Before enactment, the bill was changed to provide that the reserve would be created only after the first 20 years of operation.

In the final conference on the bills passed by the House and Senate, a change in section 10(e) was inserted, providing for expropriation of unregulated excessive profits until the period of amortization under section 10(d) was reached. H. Rept. No. 910, 66th Cong., second sess., pp. 3, 9.

Congress did not provide that all excess earnings, as determined by the Commission, be expropriated at the end of the license period.

For purposes of the matter here before us it should be noted that the language of section 10(e) is distinct from that of section 10(d). The latter section requires the setting aside of a proportion of surplus earnings in excess of a "specified reasonable rate of return" which is to be set forth in the license. And this specified rate of return is contrasted with "fair return" as mentioned in section 3(13). Additionally, it must be remembered that even when the current interplay of all of these distinctions are taken into account the legislative history shows that Congress considered and rejected a scheme to require, inflexibly, the amortization of the investment of the licensee during the term of the license.

Inherent in the Act is the premise that rates charged by public service licensees of hydroelectric sites subject to Federal license would be regulated by State agencies, with only contingent authority in the Federal Power Commission, sections 19 and 20. For purposes of rate controls we conclude that Congress did not intend any retroactive review of the fairness of the return achieved under such State regulation. On the contrary, the Act specified that State rate regulation be accepted, and Secretary of the Interior Lane answered Congressman Taylor's question on this subject most categorically:

> Mr. TAYLOR: We should preserve the principle of absolutely holding this property and having a clean right of recapture at the end of 50 years. When we do that and reserve absolutely beyond any question the right of the various public utility commissions to regulate the rates and the service, it seems to me that everything else is a minor detail, is it not?
>
> Secretary LANE: Yes; I should say those were the two outstanding things, that those were the pillars upon which the whole proposition rests. (Hearings, supra, p. 463.)

We conclude that the legislative history of the Federal Water Power Act supports the view that a main purpose of the Act was to stop the wasting of a natural resource and achieve development of hydroelectric power sites through encouraging private investment; that if a licensed project is taken over at the end of a license period, the licensee would receive the capital invested, if the "fair value" were not less, plus severance damages, if any; that necessary amortization of the cost of the project over the term of the license was rejected as not in the public interest; that returns earned by a licensee from a project would be under rates regulated by states or the Federal Power Commission, both of which were provided for in the Act; and that in view of those various controls, including section 10(d), it was not contemplated that there would be any excessive earnings in unappropriated surplus at the end of the license period, since there are no other provisions for the retention of any part of surplus earnings.

By way of a final general comment on the economic history of the period of The Federal Water Power Act, it should be recalled that the hearings and debates on the 1918 Water Power bill took place against a background of wartime inflation, but with a difference. Then the conventional wisdom was that inflation was a cyclical and temporary matter, to be followed inexorably by depression. Congress provided, for example, that if the safety of the United States demands Federal takeover for war purposes, "just and fair compensation for the use of said property [shall be] fixed by the commission upon the basis of a reasonable profit in time of peace * * *", section 16, The Federal Water Power Act, 41 Stat. 1063, 1072.

In such a context, it may be seen that the conflict between the proponents of "net investment" and those of "fair value" were ideologically reversed from the situation prevailing today, with the "net investment" concept being urged by those who would protect the utility investment from being eroded by deflation—explaining the duty referred to the Commission, and alluded to in the notice of proposed rulemaking, to determine whether "fair value" is less than "net investment". The idea is curious, in today's context, but it does cast light upon the attitude of Congress.

Administrative interpretations. Immediately upon its creation by the Congress, the Federal Power Commission instituted service-life depreciation accounting, to protect "the integrity of properties in which the United States has the interest of a potential ownership" (1 FPC Ann. Rep., 57–58 (1921)). Depreciation reserves were not required to be funded, and the priority which the Commission from the very start gave to depreciation as against return resulted in excluding from unappropriated surplus any return of capital element, and established the original-cost-less-depreciation concept which is the bedrock of our regulation.[3]

[3] Unfortunately, actual administrative follow-through on individual licensed project accounts was sporadic prior to 1935 due principally to budgetary and personnel limitations.

It then established a graduated scale under which the Federal Government might share in favorable earnings of a licensee pursuant to section 10(d)—Regulation 17—explaining to Congress and to the public its interpretation of the intent of Congress with respect to takeover price:

> If the properties are taken away, the licensee must be paid his "net investment" in the properties, an amount equal to the actual investment plus severance damages and less such sums in depreciation and amortization reserves as have been accumulated during the period of the license after having received a fair return upon the investment. (1 FPC Ann. Rep., 50–51 (1921))

These concepts then were reflected in the System of Accounts Prescribed for Licensees adopted in 1922, and remain in the present Uniform System of Accounts Prescribed for Public Utilities and Licensees.

Prior to the 1935 revisions of the Federal Water Power Act, the Commission recommended to the Congress the need to clarify the amortization reserves provision of section 10(d) with particular reference to the phrase "actual, legitimate investment". After Congress substituted the term "net investment" for "actual, legitimate investment", the Commission employed "net investment" as the earnings base phrase in section 10(d) cases. Licenses issued since 1935 have reflected this change.

Rates fixed by this Commission have uniformly been fixed upon original cost less depreciation, which has been characterized as "net investment rate base." (Working capital allowances have been included within the term.)

In 1947 the Commission dismissed a general rulemaking proceeding in Docket No. R–105 involving section 3(13) of the Federal Power Act (12 F.R. 6980).

In Niagara Falls Power Co., 9 FPC 228 (1950), the Commission decided that amortization reserves should be established and maintained on a cumulative rather than an annual basis. Although the Commission discussed section 3(13), it did not reach the question of how amortization reserves should be used to reduce "net investment".

Further administration. To facilitate the processing of the pending work associated with the Commission's administration of section 10(d) of the Act and the related Commission accounts and report forms, Commission staff personnel will be available to consult with representatives of licensees. A substantial workload exists in this area. It consists primarily of those matters which were deferred pending Commission consideration of the issues raised in Docket No. R–297. We contemplate that through conferences and other informal procedures most licensees' questions which involve underlying factual and legal issues may be resolved. We recognize that in the administration of section 10(d) it is almost always necessary to allocate the earnings of a utility between project and nonproject plant operations, because the electric energy is intermingled and distributed in a system that includes energy produced by other hydroelectric plants, both licensed and unlicensed, and

steam production plants. Furthermore, power is purchased from other suppliers. A process of averaging and allocation is necessary. Prior Commission actions have evolved one practical approach to the problem, all as set forth hereafter. Other approaches are possible and a showing of the appropriateness thereof on an ad hoc basis is contemplated by this statement.

As the Uniform System of Accounts Prescribed for Public Utilities and Licensees is bottomed on cost concepts as well as functional accounting and is related to the ratemaking process, the practical approach to the problem is to allocate the operating income of the electric department on the basis of the relationship between the licensed project plant in service, less the accumulated provision for depreciation, and the electric plant in service, less the accumulated provision for depreciation, of all other electric plants, the latter including an allowance for working capital. More specifically, the method of allocation requires an annual determination of a net plant in service base, as described above for the electric department as a whole, and the development of related operating income. These data permit a calculation of annual earnings percentages for the entire electric department, which percentages are then applied, by years, to the licensed project plant in service, less depreciation, in ascertaining the earnings deemed applicable to project property. Claimed increases and decreases in the "actual legitimate original cost" and accumulated provision for depreciation for both project and nonproject electric plant, operating income, and pertinent balance sheet accounts and records of operating income for each year, shall be used to determine the excess project earnings.

For licenses issued before 1935, under Regulation 17, the amount of excess earnings to be recorded in Account 264 is at differing percentages, depending upon circumstances which require a determination of whether the accumulated earnings of the licensee, including the first 20 years of operation under license, have yielded a "fair return" upon the "actual, legitimate investment" in the project under license. If they have not, the amount to be paid into amortization reserves is ten percent of the surplus earnings until the accumulated earnings represent, in the judgment of the Commission, a "fair return" upon the investment for the period of operation.

For all other licenses (not subject to Regulation 17), the information by which the correctness of the amortization reserve, Account No. 264, shall be measured shall relate to the years beginning with the 21st year of project operation under license to the end of the period under examination.[4] The rate of return specified in the license (6 percent per annum) is applied to the project investment base to determine the project specified return. The excess, if any, of the actual project earnings over the project specified return constitutes the excess project earnings, a proportion of which as set forth in the license (one-half) shall be credited to Account No. 264.

The Commission further finds:

(1) It is necessary and appropriate for the purposes of the Commission's administration of the Federal Power Act and its regulations thereunder, including the Commission's Uniform System of Accounts Prescribed For Public Utilities and Licensees (18 CFR Part I, eq seq.):

(a) That the rulemaking proceeding instituted by the Commission in Docket No. R-297 on January 20, 1966 "for the purpose of setting forth a method for determining the 'net investment in a project', as * * * defined in section 3 (13) of the Federal Power Act", be terminated;

(b) That Order Nos. 370 and 370A and Order Granting Motion For Extension Of Time For Compliance, issued September 27, 1968, November 22, 1968, and June 6, 1969, respectively, in Docket No. R-297 be vacated; and

(c) That all licensees which are subject to the provisions of section 10(d) of the Federal Power Act establish and maintain their respective amortization reserve accounts upon a current basis and in accord with their statutory and administrative obligations as licensees.

(2) Section 10(d) of the Federal Power Act, as amended, provides:

> * * * after the first 20 years of operation, out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the net investment of a licensee in any project or projects under license, the licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the Commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the license. For any new license issued under section 15, the amortization reserves under this subsection shall be maintained on and after the effective date of such new license.

(3) Account 264, Amortization Reserve—Federal, of the Commission's Uniform System of Accounts Prescribed For Public Utilities and Licenses directs in part as follows:

> This account shall be credited with such amounts as are appropriated or set aside by a licensee from earnings for amortization purposes in accordance with the requirements of a license * * *

(4) The Amortization Reserve—Federal Schedule, page 13, of the Commission's Licensed Project Annual Report, FPC Form No. 9, requires that each licensee which is subject to section 10(d) of the Act:

> Report * * * the amount of the amortization reserve for each licensed project * * * the balance at the beginning of the year, increase during the year, and balance at the end of the year * * * tabulations showing the computation of the annual project earnings and the effect on the project amortization reserve.

(5) Two general forms of license articles have been promulgated by the Commission, one of which is included in each license subject to the provisions of section 10(d) of the Act:

(a) After the first 20 years of operation of said project under this license, out of surplus earnings thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the actual, legitimate investment of the Licensee in said project, all as defined in and determined by the provisions of Regulation 17 of said rules and regulations of the Commission (First Revised Issue, effective June 6, 1921), the Licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the Commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return shall be times the weighted average annual interest rate payable on the par value of the bona fide interest-bearing debt of the Licensee actually outstanding, in whole or in part, on account of the project property at the beginning of the period of amortization and of each calendar year thereafter; such weighted average annual interest rate being determined as provided in paragraphs B and C of section 3 (of Regulation 17):

Provided, That, if at the beginning of the period of amortization or of any calendar year thereafter, the outstanding interest-bearing debt of the Licensee on account of the project or projects under license together with any other works or property operated in connection therewith is less than 25 percent of the actual, legitimate investment of the Licensee in said project, then, and in such event for the calendar year next following, the specified rate of return shall be two times the legal rate of interest in the State of _____:

Subject to the provisions of section 6 of said regulation (Regulation 17), the following proportions of such surplus earnings shall be paid into and held in such amortization reserves: Of all surplus earnings up to and including 2 percent of the actual, legitimate investment, 30 percent thereof shall be so paid; of all surplus earnings in excess of 2 percent and not in excess of 4 percent upon such investment, 50 percent thereof shall be so paid; and of all such surplus earnings in excess of 4 percent, 70 percent thereof shall be so paid, and of all such surplus earnings in excess of 6 percent, 90 percent thereof shall be so paid: *Provided*, That, if at the end of any calendar year of the amortization period the Commission shall find that the accumulated earnings of the Licensee during the period of operation, including the first 20 years thereof, have not yielded a fair return upon the actual, legitimate investment in the project or projects under license, the proportion of such surplus earnings for such calendar year and for succeeding calendar years to be paid into such amortization reserves shall

[4] For any new license issued in accordance with Public Law 90-451, the amortization reserves are to be maintained on and after the effective date of such license.

be 10 percent thereof until such time as the accumulated earnings of the Licensee represent, in the judgment of the Licensee represent, in the judgment of the Commission, a fair return upon such investment for such period of operation.

(b) After the first 20 years of operation of the project under the license, 6 percent per annum shall be the specified rate of return on the net investment in the project for determining surplus earnings of the project for the establishment and maintenance of amortization reserves, pursuant to section 10(d) of the Act; one-half of the project surplus earnings, if any, accumulated after the first 20 years of operation under the license, in excess of 6 percent per annum on the net investment, shall be set aside in a project amortization reserve account as of the end of each fiscal year: *Provided*, That, if and to the extent that there is a deficiency of project earnings below 6 percent per annum for any fiscal year or years after the first 20 years of operation under the license, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained therein until further order of the Commission.

(6) Currently the amortization reserves balances on various dates have been determined by the Commission for 25 hydroelectric projects licensed by the Commission under Part I of the Federal Power Act, including the determinations made in Florida Power Corporation, 22 FPC 740 (1959), Kentucky Utilities Company, 23 FPC 4 (1960), Idaho Power Company, 27 FPC 349 (1962), Minnesota Power & Light Company, 27 FPC 354 (1962), Southern California Edison Company, 27 FPC 360 (1962), California Electric Power Company, 27 FPC 658 (1962), and Utah Power & Light Company, 30 FPC 63 (1963). By Commission order issued January 20, 1966, 35 FPC 124, rehearing denied March 15, 1966, 35 FPC 391, the Commission deferred further proceedings relative to the determination of the amortization reserves of Alabama Power Co.'s Project No. 82.

(7) Of the 25 projects referred to above, the respective licenses for 11 will terminate within 2 years from the date hereof, four will terminate within 5 years hereof, and three will terminate within 10 years hereof. The Commission has accepted the surrender of the licenses for two projects. The licenses for the remaining five projects will terminate on or before November 30, 1986. The 23 projects now under license are among 295 projects for which licenses have been issued to various licensees currently subject to the Commission accounting and reporting requirements as referred to above.

(8) Proper administration of the Federal Power Act and the Commission's regulations thereunder, requires that immediate consideration be given to the matter of the amortization reserves of all licensees subject to section 10(d) requirements. Pending Commission deliberation in this proceeding, Docket No. R-297, administrative work on section 10(d) calculations was deferred. The FPC Form No. 9, Amortization Reserve-Federal Schedule, page 13, reports of numerous licensees which would otherwise have been filed upon timely or complete basis have not been so filed and are required to be filed or supplemented hereafter. Upon termination of this proceeding it is contemplated that the Commission's staff will commence the processing of all such pending matters in consultation with representatives of the affected systems to insure that the respective amortization reserve accounts, Account 264, Amortization Reserve-Federal, of Commission licensees reflect the proper balances upon current basis.

(9) To facilitate that work we are summarizing for the benefit of all licensees the general principles which have governed the Commission's section 10(d) determinations to date.

(a) The hydroelectric projects, for which the amortization reserves were determined by the Commission in the concluded proceedings referred to in Finding (6) above, are operated by licensees as integral parts of licensees' hydro, thermal, and internal combustion electric generating resources and networks of electric transmission and distribution facilities supplying licensees' interconnected electric utility systems, thereby resulting in power and energy generated by licensed projects being transmitted and distributed in licensees' systems with power and energy from other sources of supply, including power and energy received by licensees through purchase, interchange and pooling arrangements with other utility systems, and losing its identity as to source and revenues therefrom.

(b) Under the circumstances described in Finding (a) above, it was necessary to determine earnings of the licensed projects referrred to in Finding (6) above by means of specific allocation procedures.

(c) In the concluded proceedings referred to in Finding (6) above, the allocations to the licensed projects involved therein of certain portions of the earnings of licensees' electric departments and the amortization reserves for the projects were generally determined in the following manner:

(i) Impute to each project during the given fiscal period the particular earned rate of return which the licensee derived from its electric department utility operations as a whole during that period when computed in accordance with applicable precedents of this Commission;

(ii) In the given fiscal period, determine the dollar excess, if any, of the project earnings, computed by applying the particular imputed earned rate of return to the average project net investment during the same period, over the project specified return, computed by applying the reasonable rate of return specified in the license to the average project net investment for the same period, such dollar excess to be considered as the surplus earnings of the project during the particular period, except that in the case of licenses subject to the provisions of Regulation 17 of the Commission's rules and regulations the rate of return specified in the license shall be applied to the project net investment as of the beginning of the given fiscal period;

(iii) Set aside in the project amortization reserves at the end of the particular fiscal period during which the project surplus earnings were accumulated, that proportion of those earnings which the license requires to be credited to the project amortization reserve account; and

(iv) In computing the licensee's earned rate of return for its entire electric department utility operations for a given fiscal period, such as 1 year, include in the earnings base of the electric department the average of the beginning and end-of-year balances of electric plant in service (original cost) less the related accumulated provision for depreciation and contributions in aid of construction similarly averaged, plus an allowance for working capital, omit the construction work in progress balance, and omit the electric plant acquisition adjustments balance unless a showing of consumer benefits is made, all as required by applicable Commission precedents, including the relevant provisions of the Commission's Uniform System of Accounts.

(10) Overall these determinations reflect the original cost and cost functionalization concepts of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees. Accordingly, the supporting schedules of individual entities whose section 10(d) computations are required to be reported on an annual basis pursuant to the requirements of FPC Form No. 9 must necessarily give consideration to inter alia increases and decreases in the original cost of utility plant, including licensed project plant, accumulated provisions for depreciation of utility plant in service and amortization of limited term electric plant in service, electric plant acquisition and other electric plant adjustments, materials and supplies, prepayments, contributions in aid of construction, capitalization, operation and maintenance expenses, and allowances for depreciation and amortization, return and taxes. Moreover, depending upon the particular governing license provision fixing the manner in which the section 10(d) computations are to be concluded the supporting schedules for a project vary in the period of time covered. Variously, they may include computations for each year extending from the commencement of operation under license, from the beginning of the 21st year of operation under license, or from and after the effective date of a new license as referred to in Public Law 90-451, section 4.

The Commission orders:

(A) The proceedings in Docket No. R-297 are hereby terminated.

(B) Commission Orders Nos. 370 and 370A and Order Granting Motion For Extension Of Time For Compliance in Docket No. R-297 are hereby vacated.

(C) The Commission staff shall commence immediately to audit the respective account balances of all licensees subject to Federal Power Act section 10(d) requirements to insure the establishment and maintenance of amortization reserve balances upon current basis.

(D) All licensees as referred to in paragraph (C) above shall commence forthwith the preparation of all necessary computations and supporting schedules showing their respective annual project earnings and the effect on project amortization reserves as required by FPC Form No. 9, Amortization Reserve-Federal Schedule, page 13; and shall cooperate with the Commission's Secretary in arranging a time schedule for the completion and filing of such FPC Form No. 9 reports as are currently due, but presently unreported, and for supplementing those reports which have been filed heretofore but do not comport with applicable Commission precedents. These licensees shall submit their respective suggested time schedules to the Secretary with a period of 180 days from the date hereof.

(E) Any licensee as referred to in paragraph (C) above which seeks any further deferral in the administrative processing of its section 10(d) computations or to complete its computations in a manner other than in accordance with prior Commission determinations shall submit to the Commission a full statement in support of its reasons and the factual or legal basis for departing from what would otherwise be deemed the controlling requirements of the Commission as reflected in the Commission's regulations under the Federal Power Act, including the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, and the computation and allocation techniques as referred to in the findings above. Those statements shall be filed within the time period specified in paragraph (D) above. The Commission will consider such statements in determining the manner in which further administrative work will be undertaken as respects the Account 264, Amortization Reserve-Federal, balances of those licensees.

(F) The Secretary shall entertain petitions for reconsideration of this policy statement if filed within 90 days hereafter and in the form and style as provided in the Commission's rules of practice and procedure, § 1.7.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[*]

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9442; Filed, Aug. 11, 1969; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 in the Table of Contents §§ 200.61a, 200.61c, and 200.84 are deleted, §§ 200.58d, 200.61b, and 200.109 are amended, and new §§ 200.61e and 200.61f are added to read as follows:

Sec.

200.58d Chief of the Nursing Homes, Medical Facilities, and Nonprofit Hospitals Branch.

200.61b Chief of the Nonprofit Sponsor and Management Assistance Branch.

200.61e Chief of the Elderly Housing Assistance Branch.

200.61f Chief of the Multifamily Housing Assistance Branch.

200.109 HUD Regional Administrators and Assistant Regional Administrators for FHA.

In § 200.57 paragraph (h) is amended and a new paragraph (k) is added to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing and Deputy.

* * * * *

(h) To be responsible for administration of the rent supplement program, the homeownership assistance, and rental housing assistance programs, the credit assistance program under section 237; and for the administration of the direct loan program for housing for the elderly or handicapped under section 202 of the Housing Act of 1959, and for conversion of section 202 projects to insured private financing with interest assistance under section 236 of the National Housing Act.

* * * * *

(k) To act for the Commissioner in approving or directing approval of loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959, including full authority to make contracts, sign and execute documents and take any action incident thereto.

In § 200.58 paragraph (a) is amended to read as follows:

§ 200.58 Director of the Project Mortgage Insurance Division and Deputy.

* * * * *

(a) To develop and recommend policies and establish operating plans for the insurance of multifamily housing mortgages, exclusive of sections 221(d)(3), 221(h), 231, and 236; nursing home mortgages; equity investments in multifamily housing; and for mortgages for the construction and equipment of facilities for the group practice of medicine.

In Part 200, § 200.58d is amended to read as follows:

§ 200.58d Chief of the Nursing Homes, Medical Facilities, and Nonprofit Hospitals Branch.

To the position of Chief of the Nursing Homes, Medical Facilities, and Nonprofit Hospitals Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies, procedures, requirements, and methods of operation for insurance of mortgages for nursing homes, and for the construction and equipment of facilities for the group practice of medicine.

(b) To be responsible for the administration of FHA's responsibility with respect to the nonprofit hospital mortgage insurance program and for coordination with the Department of Health, Education, and Welfare on the program.

In Part 200, § 200.61 is amended to read as follows:

§ 200.61 Director of the Low and Moderate Income Housing Division and Deputy.

To the position of the Director of the Low and Moderate Income Housing Division and under his general supervision to the position of Deputy Director of the Low and Moderate Income Housing Division there is delegated the authority to develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages under section 231 and section 221(d)(3), exclusive of prescribing forms and procedures for cooperatives and condominiums; for insurance of mortgages under section 221(h); for insurance of mortgages under the homeownership assistance program, the rental housing assistance program, and the credit assistance program; for technical and loan assistance to nonprofit sponsors of low and moderate income housing and for administration of the direct loan program for housing for the elderly or handicapped under section 202 of the Housing Act of 1959; for administration

[*] Joint concurring and dissenting statement of Chairman White and Commissioner O'Connor filed as part of the original document. (This order was adopted before Chairman White left the Commission.)

of the rent supplement program, the homeownership assistance program, the rental housing assistance program, and the credit assistance programs; to act for the Commissioner in approving applications for financial assistance and in approving the waiver of repayment of loans made under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended, and in approving the waiver of interest on such loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965; and to approve or direct the approval of loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959, including full authority to make contracts, sign and execute documents, and take any action incident thereto, and to be responsible for conversion of section 202 projects to insured private financing with interest assistance under section 236 of the National Housing Act.

In Part 200 § 200.61a is revoked as follows:

§ 200.61a Chief of the Moderate Income Assistance Branch. [Revoked]

In Part 200 § 200.61b is amended to read as follows:

§ 200.61b Chief of the Nonprofit Sponsor and Management Assistance Branch.

To the position of Chief of the Nonprofit Sponsor and Management Assistance Branch there is delegated authority to develop and recommend policies and establish operating plans for technical and loan assistance to nonprofit sponsors of low and moderate income housing and assistance to project management to meet the needs of families of low and moderate income.

In Part 200 § 200.61c is revoked as follows:

§ 200.61c Chief of the Rent Supplement Branch. [Revoked]

In Part 200 § 200.61d is amended to read as follows:

§ 200.61d Chief of the Homeownership Assistance Branch.

To the position of Chief of the Homeownership Assistance Branch there is delegated authority to develop and recommend policies and establish operating plans and procedures for the insurance of mortgages under sections 221(h), 235(i), 235(j), and 237, and for administration of the homeownership assistance program and the credit assistance program.

In Part 200 a new § 200.61e is added to read as follows:

§ 200.61e Chief of the Elderly Housing Assistance Branch.

To the position of Chief of the Elderly Housing Assistance Branch there is delegated authority to develop and recommend policies and establish operating plans and procedures for approval of loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 and for conversion of the section 202 projects to insured private financing with interest assistance under the section 236 program; for insurance of mortgages for the elderly under sections 231 and 236 and under the rent supplement program; and for advice, guidance, and assistance to nonprofit mortgagors in the management and operation of housing projects for the elderly and handicapped.

In Part 200 a new § 200.61f is added to read as follows:

§ 200.61f Chief of the Multifamily Housing Assistance Branch.

To the position of Chief of the Multifamily Housing Assistance Branch there is delegated authority to develop and recommend policies and establish operating procedures for the insurance of mortgages under section 221(d)(3) at below market interest rate, under section 236 and the rent supplement program, except as they are utilized for elderly housing projects.

In Part 200 § 200.84 is revoked as follows:

§ 200.84 Director of Congressional Liaison. [Revoked]

In § 200.95 a new paragraph (cc) is added to read as follows:

§ 200.95 Field Office Chiefs of Operations and Assistants to the Directors.

* * * * *

(cc) To make contracts for interest assistance payments under sections 235 and 236 of the National Housing Act and to approve change in amount, change in term, or any other modification in such contracts.

In § 200.96 a new paragraph (c) is added to read as follows:

§ 200.96 Field Office Directors, Deputy Directors, and Assistant Directors; and Director, Multifamily Housing Insuring Office (New York).

* * * * *

(c) To make reservations of contract authority for interest assistance under section 235 of the National Housing Act and to modify or cancel such reservations of contract authority.

In § 200.109 paragraph (a) is amended and a new paragraph (e) is added to read as follows:

§ 200.109 HUD Regional Administrators (except Regional Administrator, Region VII) and Assistant Regional Administrators for FHA.

* * * * *

(a) To allocate below market interest rate funds to eligible section 221(d)(3) projects and to make reservations of contract authority for rent supplements and for interest assistance under section 236 of the National Housing Act and to modify or cancel such allocations and reservations.

* * * * *

(e) To approve or disapprove loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 and to make contracts and execute documents in connection therewith and, with respect to project applications filed under section 202 of the Housing Act of 1959 and converted to applications for mortgage insurance under section 236 of the National Housing Act, to determine feasibility under section 236, issue commitments for mortgage insurance under section 236, and insure such mortgages pursuant to such commitments, including approval of insured advances during construction.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., effective July 31, 1969.

WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-9474; Filed, Aug. 11, 1969; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 257—PAYMENT ON ACCOUNT OF DEPOSITS IN POSTAL SAVINGS SYSTEM

Applications by States

The Treasury Department has recently been informed by the Offices of the Attorneys General of the States of Connecticut and New York that their laws governing the escheat of abandoned private property have been amended to provide for judicial proceedings to determine the escheat of private funds in the hands of Federal officials, including unclaimed postal savings deposits held by the Secretary of the Treasury in a trust fund for payment to rightful owners under the Act of March 28, 1966, 39 U.S.C. 5225–5229. The Treasury Department accordingly finds that it is necessary to promulgate regulations providing for the fair and orderly consideration and disposition of the claims by these and other States based on succession to the right and title to unclaimed postal savings deposits of depositors whose last known addresses were in such State, established by a judgment of escheat.

The Treasury Department further finds that appropriate regulations may be promulgated based upon the proposed regulations on this subject published for comment in the FEDERAL REGISTER for August 20, 1968, 33 F.R. 11779, as § 257.3 of this part, and withheld from promulgation in the publication of the remainder of this part in the FEDERAL REGISTER of October 1, 1968, 33 F.R. 14644. Section 257.3 was then reserved

to allow for a hearing of representatives of States which claimed a right to hold unclaimed funds in custody for rightful owners under their abandoned property laws. Such a hearing was held November 15, 1968. The Department has fully considered such claims for custody and determined that it has no authority, power, or obligation to transfer the funds it holds under Federal statute in trust for rightful owners to a State trustee, custodian, or administrator of abandoned property for liquidation by him.

Further, the Department finds, in accord with 5 U.S.C. 553, that publication of these regulations for additional comment would serve no useful purpose and would delay the effective date of regulations needed immediately.

Accordingly, § 257.3, heretofore reserved, is hereby promulgated to read as follows:

§ 257.3 Applications by States.

(a) *Entitlement.* The Treasury Department will recognize and pay a claim by a State for unclaimed postal savings accounts, made in conformity with these regulations, where the State has obtained a State court judgment of escheat transferring to the State the right and title, as owner, to unclaimed deposits of persons whose last known addresses were in that State, under a State escheat law applicable to private funds held by Federal officials for their rightful owners.

(b) *Accounts considered unclaimed.* (1) The Treasury Department has determined that accounts transferred by the Post Office Department under 39 U.S.C. 5228 as inactive accounts, being at the time of transfer 20 or more years without activity, and not since paid, nor pending payment, nor held by the Treasury on the request of the depositor, are now unclaimed in the hands of the Treasury.

(2) The accounts transferred by the Post Office Department as active accounts and remaining unpaid or unclaimed as of May 1, 1971, being 5 years subsequent to the closing date of the Postal Savings System, will be deemed on that date to be unclaimed in the hands of the Treasury Department.

(c) *Information and records on inactive accounts.* The Bureau of Accounts will provide, without charge, to the appropriate State official designated by the State's Attorney General:

(1) A list of depositors by post offices in that State, produced from magnetic tapes prepared by the Post Office Department, which shows the account number, the post office of deposit, the depositor's name, and the unpaid principal for unclaimed inactive accounts with principal balances of $3 or more.

(2) The individual account cards of depositors at post offices in that State, which show addresses and account transactions, covered by the list, when notified by the State's Attorney General that these cards are needed to initiate judicial proceedings for the escheat of unclaimed accounts of depositors whose last known addresses were in that State, and upon written agreement by the State's representative to return to the Bureau of Accounts promptly all account cards showing last addresses in another State.

(3) The Bureau of Accounts will permit access by State representatives, at the Bureau, to the account cards of depositors at that State's post offices, with principal balances of $1 or $2 for compiling lists when the State intends to seek escheat of these accounts.

(d) *Information and records on active accounts.* On or after May 1, 1971, the Bureau of Accounts will furnish, without charge, to the designated State representative:

(1) A list of depositors at post offices in that State, produced from magnetic tapes received from the Post Office Department, which shows the account number, the post office of deposit, the depositor's name, and the unpaid principal for unclaimed active accounts, regardless of amount.

(2) The individual account cards of depositors at post offices in that State, which show addresses and account transactions, covered by the list, when notified by the State's Attorney General that these cards are needed to initiate judicial proceedings for the escheat of unclaimed accounts of depositors whose last known addresses were in that State, and upon written agreement by the State's representative to return to the Bureau of Accounts promptly all account cards showing last addresses in another State.

(e) *Payment of claims by Bureau.* The Bureau of Accounts will continue to process and pay claims for deposits, the records for which have been transferred to a State, until the date of a judicial decree escheating title to unclaimed accounts to the State. For this purpose the State's representative accepting the account cards shall return to the Bureau such account cards as may be needed.

(f) *Principal payment.* The amount paid to a State will be the amount which represents the total of the principal balances shown on the lists of those accounts covered by an escheat decree, but the total amount of the principal for active accounts will be reduced by a small, uniform percentage reflecting the margin of error in the records between the total of principal balances shown on the lists of active accounts provided by the Post Office Department and the lesser, and more accurate, total amount for such accounts shown by the books of the Board of Trustees of the Postal Savings System and transferred to the Secretary of the Treasury.

(g) *Interest payment.* The interest accrued on the principal balances of the escheated accounts will be computed on the total principal to be paid and will be calculated by a uniform formula for inactive accounts and another for active accounts, designed to provide an equitable percentage payment of interest, based on the Bureau's experience as to the percentage of interest, to principal, paid on inactive and active accounts liquidated.

(h) *Payment terms—indemnity commitment.* Payment of principal and interest, in accordance with the foregoing provisions, will be made to a State upon receipt of a copy of a final judgment of escheat of title to the accounts listed in the judgement, in accordance with the State's law, and upon receipt of a commitment by the State to indemnify the United States for any loss suffered as a result of the escheat of the unclaimed accounts.

(5 U.S.C. 301; 31 U.S.C. 725p)

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

Dated: August 6, 1969.

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

[F.R. Doc. 69-9479; Filed, Aug. 11, 1969; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Revised Schedule A of Aug. 12, 1969]

M-11A—COPPER AND COPPER-BASE ALLOYS

Schedule A—Set-Aside Percentages

This amendment of Schedule A to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment changes Revised Schedule A of May 8, 1969, to BDSA Order M-11A, as amended October 28, 1966, by increasing the set-aside percentages on unalloyed plate, sheet, strip, and rolls, and on unalloyed rod, bar, shapes, and wire from 5 percent to 6 percent; by decreasing the set-aside percentages on alloyed plate, sheet, strip, and wire from 10 percent to 7 percent and on alloyed rod, bar, shapes, and wire from 16 percent to 7 percent; and by increasing the set-aside percentages on copper wire mill products from 3 percent to 4 percent, including shipboard cable which previously had no reserve space provided.

This amendment applies to authorized controlled material orders calling for delivery after September 30, 1969.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279)

Schedule A to BDSA Order M-11A is hereby amended to read as follows:

SCHEDULE A TO BDSA ORDER M-11A

SET-ASIDE PERCENTAGES

(See Sec. 6(f) of BDSA Order M-11A)

BASE PERIOD—JULY-DECEMBER 1968

(See Sec. 2(o) of BDSA Order M-11A)

Product	Percentage for orders calling for delivery after Sept. 30, 1969 [1]
Brass Mill Products:	
Unalloyed:	
Plate, sheet, strip, and rolls	6
Rod, bar, shapes, and wire	6
Seamless tube and pipe	2
Alloyed:	
Plate, sheet, strip, and rolls	7
Rod, bar, shapes, and wire	7
Seamless tube and pipe	[2]
Military ammunition cups	[2]
Copper Wire Mill Products:	
Copper Wire and Cable:	
Bare and tinned	4
Weatherproof	4
Magnet wire	4
Insulated building wire	4
Paper and lead power cable	4
Paper and lead telephone cable	4
Asbestos cable	4
Portable and flexible cord	4
Communications wire and cable	4
Shipboard cable	4
Automotive and aircraft wire and cable	4
Insulated power cable	4
Signal and control cable	4
Coaxial cable	4
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	4
Copper foundry products	4
Unalloyed copper powder mill products	[2]
Copper-base alloy powder mill products	[2]

[1] Schedule A revised as of May 8, 1969, to BDSA Order M-11A, as amended Oct. 28, 1966, applies to orders calling for delivery prior to Oct. 1, 1969.

[2] No reserve space required. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, section 6(f) of Order M-11A does not apply to such authorized controlled material orders.

This revised schedule shall take effect August 12, 1969.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 69-9477; Filed, Aug. 11, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Lacreek National Wildlife Refuge, S. Dak., is permitted from November 8 through November 16, 1969, and November 28 through December 2, 1969, but only on the area designated by signs as open to hunting. This open area comprising 310 acres is delineated on a map available at the refuge headquarters, Martin, S. Dak. 57551, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the State regulations covering the hunting hunting of deer.

The provisions of this regulation supplement the regulations which govern hunting on wildlife refuges areas generally which set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 2, 1969.

JOHN W. ELLIS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

JULY 28, 1969.

[F.R. Doc. 69-9469; Filed, Aug. 11, 1969; 8:47 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER D—GRANTS

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

Subpart F—Grants To Improve Quality of Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry, Pharmacy, and Veterinary Medicine

Notice of proposed rule making, public rule making procedures, and postponement of effective date have been omitted in the issuance of the following revised Subpart F—Grants to Improve Quality of Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry, Pharmacy, and Veterinary Medicine, which relates solely to grants. The purpose of the revision of Subpart F is to implement the amendments made to Part E of Title VII of the Public Health Service Act by Public Law 90-490 (82 Stat. 779), which extended the programs of basic improvement and special improvement grants (renamed "institutional" and "special project" grants, respectively) with significant modifications, and extended eligibility for such grants to schools of pharmacy and veterinary medicine.

The following revised Subpart F shall become effective upon the date of publication in the FEDERAL REGISTER, but only with respect to appropriations from fiscal years ending after June 30, 1969.

Subpart F is revised to read as follows:

Subpart F—Grants To Improve Quality of Schools of Medicine, Dentistry, Osteopathy, Optometry, Podiatry, Pharmacy, and Veterinary Medicine

Sec.

AUTHORITY: The provisions of this Subpart F issued under secs. 215, 771(c)(1), Public Health Service Act as amended, 58 Stat. 690, 82 Stat. 776; 42 U.S.C. 216, 295f-1(c)(1).

§ 57.501 Definitions.

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

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

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

(c) *School.* A public or other nonprofit school of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, or veterinary medicine which provides a course of study or a portion thereof which leads respectively to a degree of doctor of medicine, doctor of dental surgery or an equivalent degree, doctor of osteopathy, doctor of optometry or an equivalent degree, doctor of podiatry or an equivalent degree, bachelor of science in pharmacy or an equivalent degree, or doctor of veterinary medicine or an equivalent degree and which is accredited as provided in section 773(b)(2) of the Act.

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

(e) *Council.* The National Advisory Council on Health Professions Educational Assistance (established by section 774 of the Act).

(f) *Construction.* (1) The construction of new buildings or the expansion of existing buildings (including related costs such as architects' fees, acquisition of land, off-site improvements, and the initial equipping of such buildings); and (2) the remodeling, alteration, and repair of existing buildings.

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

(h) *Budget year.* The 12-month period from July 1 to June 30 specified in the grant award document.

(l) *Project period.* The time for which support for a special project has been approved, as specified in the grant award document.

§ 57.502 Eligibility.

To be eligible for an institutional or special project grant under the Act, the applicant shall:

(a) Meet the applicable requirements of section 773(b) of the Act;

(b) File an application as required by § 57.503; and

(c) Be located in a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

§ 57.503 Application.

Each school desiring an institutional or special project grant shall submit an application in such form and at such time as the Secretary may require. Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(a) *Institutional grants.* An application for an institutional grant shall include a description of the manner and method by which all funds granted will be utilized by the applicant.

(b) *Special project grants.* An application for a special project grant shall specify the purposes for which the application is made, in accordance with the provisions of section 772 of the Act, and shall include a plan describing the manner and method by which all funds granted will be utilized to carry out the specified purposes.

§ 57.504 Assurances required.

(a) In connection with applications for both institutional and special project grants, with respect to the assurance required by section 773(d)(2) of the Act (relating to the continued expenditure of non-Federal funds), the determination of the amount of non-Federal funds expended during the fiscal year in which the grant is made shall exclude costs of construction as defined in § 57.501(f), and the determination of the amount of non-Federal funds expended during the 3 fiscal years immediately preceding such fiscal year shall exclude all expenditures of a nonrecurring nature, including costs of construction as so defined.

(b) In connection with applications for institutional grants only, with respect to the assurance required by section 771(b)(1) of the Act (relating to increased enrollment), the school shall, except as otherwise provided in this paragraph, furnish such reasonable assurances as the Secretary may require that for the first school year beginning after the fiscal year in which a grant is made and each school year thereafter during which such a grant is made the first-year enrollment of full-time students in such school will exceed the average of the first-year enrollments of such students in such school for the 2 school years having the highest such enrollment during the 5 school years during the period July 1, 1963, through June 30, 1968, by at least 2½ per centum of such highest first-year enrollment, or by five students, whichever is greater. Where the applicant has given assurance under section 721(c)(2)(D) of the Act with respect to a construction grant application, this increase shall be in addition to the increase of 5 per centum or five students required thereunder. Where any school desires that the Secretary shall waive, in whole or in part (in accordance with the last sentence of section 771(b)(1) of the Act), the assurance of increased enrollment, it shall so indicate in its application and shall in its application state the reasons why the required increase in first-year enrollment of full-time students in such school cannot, because of limitations of physical facilities available to the school for training, be accomplished without lowering the quality of training for such students.

(c) The Secretary may in individual cases require additional assurances where he finds that such additions are necessary to carry out the purposes of the Act.

§ 57.505 Determination of number of students and number of graduates.

(a) For purposes of this subpart, the number of full-time students enrolled in a school, or the number of full-time first-year students enrolled in a school, as the case may be, for any year, shall be the number which the Secretary, on the basis of information relating to the school's past and anticipated enrollment, determines to be the number of such students enrolled or to be enrolled, as the case may be, in such school on October 15 of such year.

(b) For purposes of determining the relative number of graduates under section 771(a)(1)(B) of the Act, the number of graduates of any school for the fiscal year in which any such grant is made shall be the number which the Secretary, on the basis of information relating to such school's enrollment and expected rate of attrition, determines to be the number of students to whom such school will, during such year, award degrees specified in § 57.501(d).

(c) For purposes of determining the relative increase in enrollment of full-time students under section 771(a)(1)(A)(ii) of the Act:

(1) Where a school had an enrollment of full-time students during all of the 5 school years preceding the year in which the grant is made, the increase in enrollment of full-time students shall be the number by which the school's enrollment for the year in which the grant is made exceeds the average enrollment of the school for the 5 preceding school years.

(2) Where a school had an enrollment of full-time students during at least one but not all of the 5 school years preceding the year in which the grant is made, the increase in enrollment of full-time students shall be the number by which the school's enrollment for the year in which the grant is made exceeds the average enrollment of the school for such of the 5 preceding school years as it had an enrollment.

(3) Where a school had no enrollment of full-time students during any of the 5 school years preceding the year in which the grant is made, the increase in enrollment of full-time students shall equal the number of full-time students enrolled in the school in the year in which the grant is made.

(d) For purposes of the assurance required by section 771(b)(1) of the Act relating to increased first-year enrollment:

(1) Where a school had a first-year class in at least two of the 5 school years during the period July 1, 1963, through June 30, 1968, the increase in enrollment of full-time first-year students shall be the number by which the school's first-year enrollment for the first school year beginning after the year in which the grant is made exceeds the average of the first-year enrollments in such school for the 2 school years having the highest such enrollment during such period.

(2) Where a school had a first-year class in only one of the 5 school years during such period, the increase in enrollment of full-time first-year students shall be the number by which the school's first-year enrollment for the first school year beginning after the year in which the grant is made exceeds the first-year enrollment in such school for such single year.

(3) Where a school had no first-year class in any of the 5 school years during such period, the increase in enrollment of full-time first-year students shall equal the school's first-year enrollment for the first school year beginning after the year in which the grant is made.

(e) The classification of a full-time student as a first-year student or as a student in a particular year-class in a school shall be in accordance with the policies of the particular school, except that any student who is required to repeat one or more first-year courses after having been enrolled as a full-time student during a previous school year shall not be considered a first-year student.

§ 57.506 Grant awards.

(a) *Institutional grants.* After consultation with the Council, the Secretary shall award an institutional grant to each applicant whose application is found by the Secretary to meet the applicable requirements of the Act and of this subpart.

(b) *Special project grants.* The Secretary may award a special project grant to any applicant where the Secretary determines, after consultation with the Council, that such grant will be utilized by the applicant in accordance with one or more of the purposes specified in section 772 of the Act. In determining priority of special project grants, the Secretary shall give consideration to the following factors:

(1) The extent to which the project will increase enrollment of full-time students receiving the training for which such grants are authorized;

(2) The relative need of the applicant for financial assistance to maintain or

provide for accreditation or to avoid curtailing enrollment or reduction in the quality of training provided; and

(3) The extent to which the project may result in curriculum improvement or improved methods of training or will help to reduce the period of required training without adversely affecting the quality thereof.

§ 57.507 Amount of grants.

(a) *Institutional grants.* The amount of each institutional grant shall be an amount computed in accordance with section 771 of the Act.

(b) *Special project grants.* Within the limits of available funds, the amount of each special project grant shall be an amount which the Secretary deems to be reasonably necessary to carry out the applicant's approved special project.

§ 57.508 Expenditure of grant funds.

(a) Institutional grants: Institutional grant funds may be obligated by the school at any time before the end of the 12-month period following the budget year for any purpose related to the educational program of the school, but may not be expended for the purposes listed in paragraph (c) of this section. Any funds not so obligated must be refunded to the Public Health Service.

(b) Special project grants: Special project grant funds may be expended only to carry out the purposes of the special project plan set forth in the school's application as approved by the Secretary after consultation with the Council, but may not be expended for the purposes listed in paragraph (c) of this section. Any unobligated special project funds remaining in the grant account at the close of a budget year will be carried forward and will be available for obligation during subsequent budget years of the project period. The amount of the subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget year of the project period any unobligated special project funds remaining in the grant account must be refunded to the Public Health Service.

(c) Institutional and special project grant funds may not be expended for the following purposes:

(1) Construction (as defined in § 57.501(f)): *Provided, however,* That the recipient of any such grant may expend grant funds not in excess of $50,000 during a budget year for remodeling, alteration, and repair of existing buildings: *And, provided further,* That the Secretary may in particular cases approve the expenditure of institutional or special project grant funds for remodeling, alteration, and repair of existing buildings in excess of $50,000 for a budget year where he finds that such expenditure is necessary in order to accomplish the purposes of the Act.

(2) Research (except for research regarding the educational process as it relates to the various health professionals);

(3) Research training;

(4) Student assistance;

(5) Patient care; or

(6) Operation of teaching or other hospitals.

§ 57.509 Nondiscrimination.

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

(b) Each grant for remodeling, alterations, or repairs shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246 (Sept. 24, 1965), relating to nondiscrimination in construction contract employment, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.510 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement.

§ 57.511 Records, reports, inspection.

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

(b) *Inspection and audit.* Any application for a grant award under this subpart shall constitute the consent of the applicant to inspections at reasonable times by persons designated by the Secretary of the facilities, equipment and other resources of the applicant and to interviews with the principal staff members to the extent that such resources and personnel will be, or are, involved in the project. In addition, the acceptance of any grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 57.512 Termination of grants or withholding of payments.

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

Dated: May 19, 1969.

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

Approved: August 6, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-9473; Filed, Aug. 11, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 81]

POULTRY AND POULTRY PRODUCTS

Inspection

Notice is hereby given that the Consumer and Marketing Service of the U.S. Department of Agriculture is considering amending, as indicated below, the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81) pursuant to authority contained in section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq. and 82 Stat. 791).

Statement of considerations. The Poultry Products Inspection Act requires that all poultry products subject to the Act bear specified label information and such other information as may be required by regulation to prevent false or misleading labeling. When a significant part or parts of a carcass are omitted from the package containing the remainder of the carcass, there is reason to believe that the consumer should be advised as to what is missing.

All persons who desire to submit written data, views, or comments in connection with the proposal, shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 60 days after publication hereof in the FEDERAL REGISTER. Any person who desires to present his views orally shall so inform Dr. W. J. Minor, Chief, Labels, Standards and Packaging Branch, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements can be made for such presentation.

The proposed amendment is as follows:

Section 81.130(a)(1) would be amended by adding after the first sentence: "When a whole or cut-up carcass of poultry is packaged and a significant part of the carcass, or the giblets, is omitted, the label on the immediate container shall bear wording, prominently displayed in conjunction with the name of the product, clearly identifying the part or parts missing. A significant part means a drumstick, thigh, back, whole wing, whole leg, neck, or major portion of the breast or giblets. Any one giblet (liver, gizzard, heart) or major portion (one-half) of liver, gizzard or heart is considered a significant part of the giblets. Minor trimmings, including removal of breast blisters, or some minor skin abrasions, or removal of a portion of the wing at the junction of the humerus with the radius and ulna shall not be considered removal of significant parts."

All written submissions made pursuant to this notice shall be made available for public inspection in a manner convenient to the public business at the office of the Hearing Clerk during normal business hours (9 a.m. to 5:30 p.m. Mondays through Fridays, excepting holidays). (7 CFR 1.27(b))

Done at Washington, D.C., on August 7, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-9491; Filed, Aug. 11, 1969; 8:48 a.m.]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for 1969–70 Crop Year

Notice is hereby given of a proposal to establish, for the 1969–70 crop year, which began July 1, 1969, salable and surplus percentages of 65 and 35 percent, respectively, applicable to California almonds. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Almond Control Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates (kernel weight basis) for the crop year beginning July 1, 1969:

(1) Production of 119 million pounds;

(2) Trade demand for domestic almonds of 70 million pounds (which is based on a total demand of 70.5 million pounds less 500,000 pounds of imported almonds);

(3) Handler carryover of 18.1 million pounds on July 1, 1969;

(4) Desirable handler carryover of 25.4 million pounds on June 30, 1970;

(5) Trade demand and desirable handler carryover requirements for 1969 crop almonds of 77.3 million pounds (items 2 plus 4 minus 3); and

(6) 41.7 million pounds of surplus almonds (item 1 minus item 5).

On the basis of the foregoing estimates, salable and surplus percentages of 65 percent and 35 percent, respectively, appear to be appropriate for the 1969–70 season.

The proposal is as follows:

§ 981.219 Salable and surplus percentages for almonds during the crop year beginning July 1, 1969.

The salable and surplus percentages during the crop year beginning July 1, 1969, shall be 65 percent and 35 percent, respectively.

Dated: August 7, 1969.

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

[F.R. Doc. 69-9492; Filed, Aug. 11, 1969; 8:48 a.m.]

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Expenses of Hop Administrative Committee and Rate of Assessment for 1969–70 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Hop Administrative Committee for the 1969–70 marketing year and rate of assessment for that marketing year, pursuant to §§ 991.55 and 991.56 of Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Hop Administrative Committee has unanimously recommended for the 1969–70 marketing year beginning August 1, 1969, a budget of expenses in the total amount of $135,000 and a rate of assessment of 0.225 cent per pound of salable hops. Expenses in that amount and the rate of assessment are specified in the proposal hereinafter set forth.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.304 Expenses of the Hop Administrative Committee and rate of assessment for the 1969–70 marketing year.

(a) *Expenses.* Expenses in the amount of $135,000 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1969, for its maintenance and functioning and for purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.225 cent per pound of salable hops.

Dated: August 7, 1969.

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

[F.R. Doc. 69-9493; Filed, Aug. 11, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 25, 37, 121]

[Docket No. 9605; Notice 69-33]

TRANSPORT CATEGORY AIRPLANES; CRASHWORTHINESS AND PASSENGER EVACUATION

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending the emergency evacuation requirements and operating procedures for transport category airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 13, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In Amendment 25-15, adopted on September 15, 1967, which established detailed emergency evacuation equipment and operating requirements for transport category airplanes, the FAA advised that it would consider additional revisions to the regulations as advances in the state-of-the-art allowed in order to further increase the probability of occupant survival in an airplane accident. To this end, Government and industry development programs were established to find ways to increase passenger and crew survivability through improvements in interior materials, fire suppression systems, emergency lighting and exit awareness, and evacuation systems.

This notice reflects the recommendations of the Aerospace Industries Association (AIA) as set forth in their Petition for Rulemaking filed April 30, 1969, and the recommendation of the National Electrical Manufacturers' Association (NEMA) as set forth in their Petition for Rulemaking filed July 25, 1968. It also contains various additional proposals which the FAA considers appropriate. The following discussion concerns the more significant proposals presented in this notice. For convenience the matters will be considered in the order of their appearance in the Federal Aviation Regulations.

Part 25. It is proposed to increase the ultimate inertia forces currently prescribed in § 25.561(b)(3) for upward and sideward loads, and to specify an ultimate inertia force for aft loads, for transport category airplanes. The FAA has found that seats and seat attachments in airplanes designed to the current standards generally meet the higher ultimate inertia forces proposed herein. It is proposed to amend the regulations accordingly.

The FAA proposes to add a new § 25.562 that is designed to reduce the occurrence of fuel fires in and around an airplane following the initial crash impact. The FAA is particularly concerned with crash landings in which one or more landing gear legs do not remain extended and the airplane consequently slides to a stop. However, the FAA is also concerned with those crash landings that are the result of an excessive sink rate at impact, even though the landing gear remain properly extended. It is therefore proposed to require that the airplane be designed so that it can be landing under these conditions without sustaining a structural component failure that would result in the spillage of enough fuel to constitute a fire hazard, or that would cause serious injury to any occupant.

Current § 25.721 is designed to insure that if the landing gear fails, no part of the fuel system in the fuselage of the airplane will be punctured. It is proposed to extend this protection to the entire fuel system of the airplane. However, since not all punctures of the fuel system would result in a fire hazard, the proposal would protect against those punctures only that would result in the spillage of enough fuel to cause a fire.

The purpose of the proposed change to paragraph (c) of § 25.785 is to make it clear that the applicant for a type certificate may select any one of the three methods prescribed in providing protection for an occupant of other than a sideward facing seat.

It is proposed to amend § 25.787 to make it applicable to all stowage compartments. In addition to cargo and baggage, the regulation would specifically refer to the stowage of carry-on baggage and the stowage of equipment, such as life rafts. It is also proposed to require that each stowage compartment in the passenger cabin, except for underseat and overhead compartments for passenger convenience, be completely enclosed.

A new § 25.789 is proposed, containing substantially the same requirements as are now contained in §§ 25.561(c) and 25.787(c). The purpose of this change is to make the requirement applicable to all items of mass in the airplane (in passenger, crew, and cargo compartments) whether attached to the structure or not.

Section 121.317 of Part 121 requires passenger information signs to notify passengers and cabin attendants when smoking is prohibited and when safety belts should be fastened. These signs are often installed in transport category airplanes at the time of manufacture. However, there are at present no standards for such signs in Part 25 and it is proposed to add a new § 25.791 containing passenger information requirements consistent with Part 121.

The current regulations require that the escape route from each overwing emergency exit must be marked but do not provide a standard for the marking. In its petition, the AIA proposed that the escape route have a reflectance of 80 percent, that the escape route surface be defined by marking with a route surface-to-marking contrast ratio of at least 5:1, and that those markings be extended over the normal flap area or escape assist means or descent route. The FAA agrees with these recommendations. However, the FAA also considers that the size of the escape route marking should be specified and it is proposed to require that the surface of the escape route be at least 4 feet wide at Type A exits and at least 2 feet wide at all other overwing passenger emergency exits.

Under the current regulations a Type III exit must, in addition to other things, be located over the wing. Since the regulations also require that all emergency exits be distributed as uniformly as practicable, there is an advantage in allowing flexibility in the location of the Type III exits and it is proposed to delete the requirements that the Type III exit be located over the wing. It should be noted, however, that any Type III exit not over a wing and more than 6 feet from the ground with the landing gear extended must meet additional requirements not applicable to such exits when located over the wing.

It appears to the FAA that because of the relatively little difference in size between the Type III and Type IV exits and the significant improvement in egress rate afforded by the Type III exit, there is very little justification for continuing to provide for the Type IV exit. It is, therefore, proposed to amend the regulations to delete the requirement providing for Type IV exits and to require Type III exits instead. This change would not result in a reduction in the number of required emergency exits.

Section 25.807(c)(3) currently permits an increase in the passenger/emergency exit relationship if slides meeting the requirements of § 25.809(f)(1) are installed. Since all slides, when prescribed, must now meet the requirements of § 25.809(f)(1) requiring automatic deployment and erection concurrent with the opening of the exit, there appears to be no rational basis for the current rule. It is, therefore, proposed to improve the exit-to-occupant ratio of the current regulations by striking out paragraph (c)(3) of § 25.807.

With the advent of the large capacity aircraft and the large, heavy Type A size emergency exit, the means of opening the emergency exit by a cabin attendent or passenger in an emergency takes on added importance. To insure that these and other emergency exits do not incorporate design features that might adversely affect their operational performance and reliability, it is proposed to require that each emergency exit must be designed so that it can be opened within 10 seconds with the airplane in each of the attitudes corresponding to a collapse of one or more of the landing gear legs. If a power-boost or power-operated system is used to operate the exit, an alternate means must be available for opening the exit in the event of failure of the primary system.

In accordance with the recommendation made by the AIA, it is proposed to change § 25.809(f)(1) to require that the assisting means for each passenger emergency exit be automatically erected within 10 seconds after its deployment is begun. In addition, the FAA agrees with AIA's recommendation that the regulation should be further amended to require that passenger entrance doors and service doors be provided with means to prevent deployment of the assisting means when there is no emergency and the door is opened for normal use.

In the area of emergency exit markings, various changes are proposed in line with the recommendations of the AIA. At the present time, the regulations require that signs be above the aisle near each over-the-wing exit and that signs be placed next to each floor level exit. To provide for a more uniform application of the requirement, it is proposed to require that there must be a passenger emergency exit locator sign above the aisle near each emergency exit and that there must also be an emergency exit marking sign next to each such exit. However, the proposal would permit one sign to serve more than one exit if each exit can be readily seen from the sign. In addition, the current rules do not provide adequate illumination for the operating handles on Type III exits. To this end the proposal would require that the operating handle on Type III exits be self-illuminated with initial brightness of at least 160 microlamberts.

Various changes have been proposed to § 25.812 dealing with emergency lighting. In this connection, detailed changes to the requirements governing the exit locator and marking signs have been proposed substantially along the lines recommended by the AIA. The exceptions being that while the AIA recommended that the lettering be 1 inch high, the proposal requires lettering of 1½ inches. The FAA believes that this increase in size is necessary to make the signs sufficiently conspicuous. In addition, the AIA recommended that the bulkhead and divider signs be exempt from the emergency lighting requirement of § 25.812. However, the FAA considers that while these signs need not have the same level of illumination as the other signs, a minimum level of illumination should be specified.

Since the regulations will no longer provide for nonautomatic assisting means in meeting the emergency evacuation requirements, the AIA's recommendation for emergency lighting requirements for such means has not been incorporated into this proposal.

The AIA recommended that § 25.812(k) be amended to provide that not more than 25 percent of all required electrically illuminated locator and marking signs may be rendered inoperative during any single vertical separation of the fuselage during crash landing. While the regulations currently permit an emergency lighting system in which 25 percent of the exit locator signs may be rendered inoperative during any single vertical separation of the fuselage, the rule presently requires that all required exit marking signs must remain operative. The FAA does not consider that it would be in the interest of safety to require an emergency lighting system in which 25 percent of the exits would not remain identified by exit markings in the event of an emergency and AIA's proposal has not been incorporated into this notice.

At the present time, § 25.813, prohibits the obstruction of the projected emergency exit opening by outboard seat backs in any position but allows obstruction of the projected opening by other objects (such as arm rests) if they do not reduce the effectiveness of the exit. The FAA now considers that it is necessary in the interest of safety to apply this prohibition to any form of obstruction, not just seat backs. This would leave the projected exit opening completely clear for at least the width of a passenger seat.

As indicated in the petition for rule making filed by the AIA, materials suitable for use in passenger and crew compartments are now available which resist fire more effectively. In accordance with the recommendation made by the AIA and based on its findings under its development program, it is proposed to amend § 25.853 to require, among other things, that specified materials used in passenger and crew compartments be self-extinguishing when tested vertically, meet a more severe burn length requirement, and have an average flame time after removal of the flame source not to exceed 15 seconds. A companion change would be made to Appendix F of Part 25 to establish an acceptable test procedure for these new requirements. Among other things, the new procedure would require a minimum flame temperature of 1,550° F. in all tests and would contain a new 45° test for cargo compartment liners.

In response to the petition from NEMA, the notice proposes to add a new requirement in § 25.1359 setting forth improved flammability standards for wire and cable insulation. In addition, new test procedures for electrical wire and cable substantially as recommended by the NEMA are set forth in the proposed change to Appendix F. The NEMA recommendations concerning smoke emission from electrical wire and cable have not been incorporated in this notice since the smoke emission issue, in broad aspect, is the subject of a separate rule-making action. (Notice 69–30, Docket No. 9611.)

The requirements for cargo and baggage compartments in § 25.855 would be changed to now require that the liners and the thermal and acoustic insulation used in such compartments must meet the fire protection requirements of § 25.853. In addition, it would require that all liners be separate from the airplane structure even though it permits the liner to be attached to the structure.

As has been the case in the previous crashworthiness and passenger evacuation rule-making actions, it is proposed to make certain of the new requirements applicable to airplanes for which type certificates are issued after the effective date of these proposed amendments. However, unlike the previous rule-making actions, it is not proposed to make these new requirements applicable to all applicants for supplemental type certificates or amendments to type certificates; only to those applicants for STC's or amendments related to the type certificates issued after the effective date of these proposed amendments. To this end a new § 25.3 is proposed containing the special retroactive requirements of this notice.

Part 37. In addition to the foregoing, appropriate changes are proposed to the Technical Standard Order (TSOs) covering Safety Belts, Aircraft Seats and Berths, and Individual Flotation Devices, consistent with the improved fire protection requirements for compartment interiors.

Part 121. With the exception of the requirement for ash trays in compartments where smoking is to be allowed, all the other fire protection requirements currently contained in § 121.215 concerning cabin interiors are now covered under other provisions in Part 121. It is, therefore, proposed to amend § 121.215 to cover only the requirement for ash trays and to require placarding when smoking is not allowed.

It is proposed to amend § 121.285 to strike out the term flame resistant as it relates to materials in cargo bins in passenger compartments and to require that such materials at least meet the existing requirements of § 25.853(b). It is not proposed to require that materials in cargo bins in passenger compartments meet the changes to the requirements of § 25.853(b) proposed in this notice.

Section 121.310(a)(2) now requires that after September 30, 1969, the assist means for a floor level emergency exit on passenger-carrying landplanes must meet the requirements of § 25.809(f)(1). Section 25.809(f)(1) is being amended in this rule-making action to require that each passenger entrance and service door must be provided with a means to prevent deployment of the assisting means when it is opened under nonemergency conditions. This new requirement would present a prohibitive installation problem for aircraft already certificated and the FAA considers that for those airplanes the current requirement is adequate. It is therefore proposed to amend § 121.310(a)(2) to require that only airplanes type certificated after September 30, 1969, need meet this new requirement.

Paragraph (b) of § 121.310 now requires that each passenger emergency exit marking and each locating sign must, among other things, be manufactured to meet the requirement of § 25.812(b). Section 25.812(b) is being amended in this rule-making action and the FAA does not consider it necessary to require existing airplanes to comply with this new requirement. It is therefore proposed to amend § 121.310(b) to require that only airplanes type certificated after the effective date of the amended § 25.812(b) proposed herein need meet the new requirement.

Consistent with the change proposed for Part 25, it is proposed to amend paragraph (c) of § 121.310 to provide that sources of general cabin illumination need not be independent of the main lighting system if the emergency power supply for general cabin illumination is independent of the power supply for the main lighting system.

It is proposed to add a new subparagraph (3) to paragraph (d) of § 121.310 to require that a flight crew warning light be installed that illuminates whenever electric power is on in the airplane and the emergency system is not armed or turned on. This is consistent with the change proposed in § 25.812(e)(2).

It is further proposed to amend paragraph (e) of § 121.310 to make it clear that on airplanes type certificated after the effective date of this amendment, the location of each passenger emergency exit operating handle and the instructions for opening the exit must continue to be provided in accordance with the applicable requirements of Part 25 proposed in this notice.

Paragraphs (f) and (h) of § 121.310, and § 121.312 contain references to requirements of Part 25 that are being changed in this proposal. It is therefore proposed to amend §§ 121.310 and 121.312 to make it clear that the older airplanes need not comply with the amendments to the Part 25 requirements proposed in this notice. No other changes to these regulations are proposed.

It is proposed to amend § 121.311 to require that occupants of seats equipped with a shoulder harness must fasten that shoulder harness during takeoff and landing. An exception would be made for crewmembers who cannot perform their duties with the harness fastened.

Paragraph (a) of § 121.317 would be amended consistent with the new proposal in Part 25 to require that passenger information signs regarding smoking and seat belts must be legible to all persons seated in the passenger cabin under all conditions of cabin illumination.

Paragraph (c) of § 121.391 presently contains a reference to paragraph (b) that is no longer necessary or appropriate. In addition to making this correction, it is proposed to make it clear that the number of flight attendants approved under either paragraph (a) or (b) of § 121.391 are set forth in the certificate holder's operations specifications.

It is proposed to amend § 121.571 to require that each certificate holder make an announcement, when the seat belt sign is first turned off after takeoff, that all passengers should, for their safety, keep their seat belts loosely or comfortably fastened while seated. This requirement recognizes the possibility that turbulence may be encountered unexpectedly. The seat belt sign would be turned on when turbulence is expected or when landing is imminent and would notify the passengers that the fastening of seat belts is mandatory. The passenger information requirement of § 121.317(a) would be amended to implement this proposal.

A new § 121.576 is proposed to require that a means be provided to prevent galley equipment, serving carts and crew baggage from becoming a hazard by shifting under specified load conditions. Operators would be given 2 years in which to meet this requirement.

Section 121.589 would be amended to require that the certificate holder ensure that all carry-on baggage has been stowed before each takoff and each landing. In addition, it would require each passenger to comply with instructions given by any crewmember concerning the stowage of carry-on baggage.

The FAA believes that it is essential for the safety of passengers in a crash situation to require that no food, beverage, tableware, or trays be in position in front of passengers during takeoff or landing. Impact with trays, dishes, cups, glasses, and silverware can cause serious head and face injuries. Furthermore, in the event of an emergency evacuation, the trays, food, and tableware could obstruct and slow movement to the exits and the slippery food litter could cause needless injury. It should also be noted that the cabin attendants, who prepare and serve food and beverages, are responsible for many duties connected with passenger safety which must be performed before takeoff and landing. The preparation and serving of food and beverages before takeoff can interfere with the crewmember's performance of these duties. It is, therefore, proposed to add a new § 121.577 prohibiting a certificate holder from taking off or landing an airplane (1) when any food, beverage, or tableware furnished by the certificate holder is located at any passenger seat, and (2) unless each passenger's food and beverage tray and each serving cart is in the stowed position. Each passenger would be required to comply with instructions given by a crewmember concerning the foregoing requirements.

In consideration of the foregoing, it is proposed to amend Parts 21, 25, 37, and 121 as follows:

PART 21

§ 21.17 [Amended]

1. By amending § 21.17(a) by striking out the reference to "§ 25.2" and inserting the reference to "§§ 25.2 and 25.3" in place thereof.

PART 25

1. By adding a new § 25.3 to read as follows:

§ 25.3 Additional special retroactive requirements.

(a) Notwithstanding §§ 21.17 and 21.101 of this chapter and § 25.2, and irrespective of the date of application—

(1) Each applicant for a type certificate must show after (the effective date of this amendment), that the airplane concerned meets the requirements listed in paragraph (b) of this section in effect on (the date of this amendment); and

(2) Each applicant for a Supplemental Type Certificate (or an amendment to the type certificate) for an airplane type certificated on or after (the effective date of this amendment) must show that the airplane concerned meets the requirements listed in paragraph (b) of this section in effect on (the effective date of this amendment).

(b) Sections 25.561(b), 25.562(a), 25.721(d), 25.785(c), 25.787(a), 25.789, 25.803(e), 25.807 (a), (c), and (d), 25.809 (b), (f), (g), (h), and (i), 25.811 (d), (e), and (g), 25.812 (a), b), (c), (d), (e), (f), (g), and (k), 25.813(c), 25.853, 25.855, 25.1359(d), 25.1557(a), and Appendix F of this part.

2. By amending § 25.561 by striking out paragraph (c) and by amending subparagraph (3) of paragraph (b) to read as follows:

§ 25.561 General.

* * * * *

(b) * * *

(3) The occupant experiences the following ultimate inertia forces relative to the surrounding structure:

(i) Upward—4.5 *g*.

(ii) Forward—9.0 *g*.

(iii) Sideward—3.0 *g*.

(iv) Downward—4.5 *g*. or any lesser force that will not be exceeded when the airplane absorbs the landing loads resulting from impact with an ultimate descent velocity of 5 f.p.s. at design landing weight.

(v) Aft—1.5 *g*.

(c) [Deleted]

3. By adding a new § 25.562 to read as follows:

§ 25.562 Fuel containment.

(a) The airplane must be designed so that it can be landed on a paved runway,

with any one or more landing gear legs not extended, without sustaining a structural component failure that would result in the spillage of enough fuel to constitute a fire hazard, or that would result in serious injury to any occupant, under the following conditions:

(1) Airplane weight=design landing weight;

(2) Touchdown velocity=1.05 V_{s_0};

(3) Rate of sink=3 f.p.s.; and

(4) Coefficient of friction (μ)=0.4

(b) The airplane must be designed so that it can be landed on a paved runway, with the airplane in the normal landing configuration, without sustaining a structural component failure that would result in the spillage of enough fuel to constitute a fire hazard, or that would result in serious injury to any occupant, under the following conditions:

(1) Airplane weight=design landing weight;

(2) Rate of sink=24 f.p.s.; and

(3) Airplane pitch attitude=7° above. and below, the pitch attitude for a normal landing.

4. By amending paragraph (d) of § 25.721 to read as follows:

§ 25.721 General.

* * * * *

(d) The main landing gear system must be designed so that if it fails due to overloads during takeoff and landing (assuming the overloads are in the vertical plane parallel to the longitudinal axis of the airplane), the failure mode is not likely to cause the spillage of enough fuel from any part of the fuel system to constitute a fire hazard. This may be shown by analysis or test, or both.

5. By amending § 25.785(c) by amending the second sentence of the lead-in paragraph and subparagraphs (1), (2), and (3) as follows:

§ 25.785 Seats, berths, safety belts, and harnesses.

* * * * *

(c) * * * Each occupant of any other seat must be protected from head injury by a safety belt and, as appropriate to the type, location, and angle of facing of each seat, by one or more of the following:

(1) A shoulder harness that will prevent the head from contacting any injurious object.

(2) The elimination of any injurious object within striking radius of the head.

(3) An energy absorbing rest that will support the arms, shoulders, head, and spine.

* * * * *

6. By amending § 25.787 by striking out paragraph (c) and by changing the title of the section and amending paragraph (a) as follows:

§ 25.787 Stowage compartments.

(a) Each compartment for the stowage of cargo, baggage, carry-on articles, and equipment (such as life rafts), and any other stowage compartment must be designed for its placarded maximum weight of contents and for the critical load distributions at the appropriate maximum load factors corresponding to the specified flight and ground load conditions, and to the emergency landing conditions of § 25.561(b), except that the forces specified in the emergency landing conditions need not be applied to compartments located below, or forward, of all occupants in the airplane. Each stowage compartment in the passenger cabin except for underseat and overhead compartments for passenger convenience must be completely enclosed.

* * * * *

(c) [Deleted]

7. By adding new § 25.789 to read as follows:

§ 25.789 Retention of items of mass in passenger and crew compartments.

Means must be provided to prevent each item of mass in a passenger or crew compartment from becoming a hazard by shifting under the appropriate maximum load factors corresponding to the specified flight and ground load conditions, and to the emergency landing conditions of § 25.561(b).

8. By adding a new § 25.791 to read as follows:

§ 25.791 Passenger information signs.

When installed, passenger information signs must be legible to all persons seated in the passenger cabin under all conditions of cabin illumination. Signs which notify when seat belts should be fastened and when smoking is prohibited must be so constructed that the crew can turn them on and off.

9. By amending paragraph (e) of § 25.803 to read as follows:

§ 25.803 Emergency evacuation.

* * * * *

(e) An escape route must be established from each overwing emergency exit, and (except for flap surfaces suitable as slides) covered with a slip resistant surface. The escape route surface must have a reflectance of at least 80 percent, must be defined by markings with a surface-to-marking contrast ratio of at least 5:1, must be at least 4 feet wide at Type A passenger emergency exits, and must be at least 2 feet wide at all other passenger emergency exits.

§ 25.807 [Amended]

10. By amending § 25.807 *Passenger emergency exits* as follows:

A. By amending paragraph (a)(3) to read as follows:

(3) *Type III.* This type must have a rectangular opening of not less than 20 inches wide by 36 inches high, with corner radii not greater than one-third the width of the exit, and with a step-up inside the airplane of not more than 20 inches. If the exit is located over the wing the step-down outside the airplane must not exceed 27 inches.

B. By striking out paragraph (a)(4).

C. By amending paragraphs (c) and (d) to read as follows:

(c) *Passenger emergency exits.* The prescribed exits need not be diametrically opposite each other nor identical in size and location on both sides. They must be distributed as uniformly as practicable taking into account passenger distribution. If only one floor level exit per side is prescribed, and the airplane does not have a tail cone or ventral emergency exit, the floor level exits must be in the rearward part of the passenger compartment, unless another location affords a more effective means of passenger evacuation. Where more than one floor level exit per side is prescribed, at least one floor level exit per side must be located near each end of the cabin, except that this provision does not apply to combination cargo/passenger configurations. Exits must be provided as follows:

(1) Except as provided in subparagraphs (2) through (5) of this paragraph, the number and type of passenger emergency exits must be in accordance with the following table:

Passenger seating capacity (cabin attendants not included)	Emergency exits for each side of the fuselage		
	Type I	Type II	Type III
1 through 19			1
20 through 39		1	1
40 through 79	1		1
80 through 109	1		2
110 through 139	2		1
140 through 179	2		2

(2) An increase in passenger seating capacity above the maximum permitted under subparagraph (1) of this paragraph but not to exceed a total of 299 may be allowed in accordance with the following table for each additional pair of emergency exits in excess of the minimum number prescribed in subparagraph (1) of this paragraph for 179 passengers:

Additional emergency exits (each side of fuselage)	*Increase in passenger seating capacity allowed*
Type A	100
Type I	45
Type II	40
Type III	35

(3) For passenger capacities in excess of 299, each emergency exit in the side of the fuselage must be either a Type A or Type I. A passenger seating capacity of 100 is allowed for each pair of Type A exits and a passenger seating capacity of 45 is allowed for each pair of Type I exits.

(4) If a passenger ventral or tail cone exit is installed and can be shown to allow a rate of egress at least equivalent to that of a Type III exit with the airplane in the most adverse exit opening condition because of the collapse of one or more legs of the landing gear, an increase in passenger seating capacity beyond the limits specified in subparagraph (1), (2), or (3) of this paragraph may be allowed as follows:

(i) For a ventral exit, 12 additional passengers.

(ii) For a tail cone exit incorporating a floor level opening of not less than 20 inches wide by 60 inches high, with corner radii not greater than one-third

the width of the exit, in the pressure shell and incorporating an approved assist means in accordance with § 25.809(f)(1), 25 additional passengers.

(iii) For a tail cone exit incorporating an opening in the pressure shell which is at least equivalent to a Type III emergency exit with respect to dimensions, step-up and step-down distance, and with the top of the opening not less than 56 inches from the passenger compartment floor, 15 additional passengers.

(5) Each emergency exit in the passenger compartment in excess of the minimum number of required emergency exits must meet the applicable requirements of §§ 25.809 through 25.812, and must be readily accessible.

(d) *Ditching emergency exits for passengers.* If the emergency exits required by paragraph (c) of this section do not meet subparagraph (1) of this paragraph, exits must be added to meet them:

(1) One exit above the waterline in a side of the airplane, meeting at least the dimensions of a Type III exit, for each unit (or part of a unit) of 35 passengers, but no less than two such exits in the passenger cabin with one on each side of the airplane. However, where it has been shown through analysis, ditching demonstrations, or any other tests found necessary by the Administrator, that the evacuation capability of the airplane during ditching is improved by the use of larger exits or by other means, the passenger/exit ratio may be increased.

(2) If side exits cannot be above the waterline, the side exits must be replaced by an equal number of readily accessible overhead hatches of not less than the dimensions of a Type III exit except that, for airplanes with a passenger capacity of 35 or less, the two required Type III side exits need be replaced by only one overhead hatch.

§ 25.809 [Amended]

11. By amending § 25.809 as follows:

A. By amending paragraph (b) by adding the following at the end thereof:

(b) * * * Each exit must be capable of being opened—

(1) With the airplane in each of the attitude corresponding to collapse of one or more legs of the landing gear; and

(2) Within 10 seconds measured from the time when the opening means is actuated to the time when the exit is fully opened.

B. By amending paragraph (f)(1) to read as follows:

(1) The assisting means for each passenger emergency exit must be a self-supporting slide or equivalent, and must be designed to meet the following requirements:

(i) It must be automatically deployed concurrent with the opening of the exit from the inside of the airplane. However, each passenger emergency exit which is also a passenger entrance door or a service door must be provided with means to prevent deployment of the assisting means when it is opened from either the inside or the outside under nonemergency conditions for normal use.

(ii) It must be automatically erected within 10 seconds after deployment is begun.

(iii) It must be of such length that the lower end is self supporting on the ground after collapse of one or more legs of the landing gear.

C. By amending paragraph (g) to read as follows:

(g) Each emergency exit must be shown by tests to meet the requirements of paragraphs (b) and (c) of this section.

D. By striking out present paragraph (h) and by adding new paragraphs (h) and (i) to read as follows:

(h) If the place on the airplane structure at which the escape route required in § 25.803(e) terminates is more than 6 feet from the ground with the airplane on the ground and the landing gear extended, means must be provided to assist evacuees (who have used the overwing exits) to reach the ground. If the escape route is over a flap, the height of the terminal edge must be measured with the flap in the takeoff or landing position, whichever is higher from the ground. The assisting means must be of such length that the lower end is self-supporting on the ground after collapse of any one or more landing gear legs.

(i) If a power-boost or power-operated system is the primary system for operating the exit, the exit must be capable of meeting paragraph (b)(1) of this section in the event of failure of the primary system. Manual operation of the exit (after failure of the primary system (is acceptable. If a secondary power-boost or power-operated system is provided to operate the exit in the event of failure of the primary system, it must be independent of the airplane's main systems and main energy sources.

§ 25.811 [Amended]

12. By amending § 25.811 as follows:

A. By amending paragraph (d) to read as follows:

(d) The location of each passenger emergency exit must be indicated by a sign visible to occupants approaching along the main passenger aisle (or aisles). There must be—

(1) A passenger emergency exit locator sign above the aisle (or aisles) near each passenger emergency exit, or at another overhead location if it is more practical because of low headroom, except that one sign may serve more than one exit if each exit can be seen readily from the sign;

(2) A passenger emergency exit marking sign next to each passenger emergency exit, except that one sign may serve two such exits if they both can be seen readily from the sign; and

(3) A sign on each bulkhead or divider that prevents fore and aft vision along the passenger cabin to indicate emergency exits beyond and obscured by the bulkhead or divider, except that if this is not possible the sign may be placed at another appropriate location.

B. By amending subparagraph (1) of paragraph (e) to read as follows:

(e) The location of the operating handle and instructions for opening the exit must be shown as follows:

(1) For each passenger emergency exit, by a marking on or near the exit that is readable from a distance of 30 inches. In addition, the operating handle for each Type III passenger emergency exit must be self-illuminated with an initial brightness of at least 160 microlamberts. If the operating handle is covered, self-illuminated cover removal instructions having an initial brightness of at least 160 microlamberts must also be provided.

C. By amending subparagraph (2) of paragraph (e) by inserting the words "Type A" between the word "each" and the word "Type I."

D. By amending paragraph (g) to read as follows:

(g) Each sign required by paragraph (d) of this section may use the word "exit" in its legend in place of the term "emergency exit."

§ 25.812 [Amended]

13. By amending § 25.812 *Emergency lighting* as follows:

A. By amending the lead-in statement of paragraph (a) to read as follows:

(a) An emergency lighting system, independent of the main lighting system, must be installed except that sources of general cabin illumination need not be independent of the main lighting system if the emergency power supply for general cabin illumination is independent of the power supply for the main lighting system. The emergency lighting system must include:

B. By amending paragraphs (b), (c), (d), (e), (f), and (g) to read as follows:

(b) Emergency exit signs must meet the following requirements:

(1) Each passenger emergency exit locator sign required by § 25.811(d)(1) and each passenger emergency exit marking sign required by § 25.811(d)(2) must have red letters at least 1½ inches high on an illuminated white background, and must have an area of at least 21 square inches excluding the letters. The lighted background-to-letter contrast must be at least 10:1. The stroke height-to-width ratio must be 7:1. These signs must be internally electrically illuminated with a background brightness of at least 25 foot-lamberts and a high-to-low background contrast no greater than 3:1.

(2) Each passenger emergency exit sign required by § 25.811(d)(3) must have red letters at least 1½ inches high on a white background having an area of at least 21 square inches excluding the letters. These signs must be internally electrically illuminated or self-illuminated by other than electrical means and must have an initial brightness of at least 400 microlamberts. The colors may be reversed in the case of a self-illuminated sign if this will make the sign more conspicuous.

(c) General illumination in the passenger cabin must be provided so that when measured along the centerline of

main passenger aisle(s), and cross aisle(s) between main aisles, at seat armrest height and at 40-inch intervals, the average illumination is not less than 0.05 foot-candle and the illumination at each 40-inch interval is not less than 0.01 foot-candle. A main passenger aisle(s) is considered to extend along the fuselage from the most forward passenger emergency exit or cabin occupant seat, whichever is farther forward, to the most rearward passenger emergency exit or cabin occupant seat, whichever is farther aft.

(d) The floor of the passageway leading to each floor-level passenger emergency exit, between the main aisles and the exit openings, must be provided with illumination that is not less than 0.02 foot-candle measured along a line that is within 6 inches of and parallel to the floor and is centered on the passenger evacuation path.

(e) The emergency lighting system must be designed as follows:

(1) The lights must be operable manually from the flight crew station and (if required by the operating rules of this chapter) from a point in the passenger compartment that is readily accessible to a normal flight attendant seat.

(2) There must be a flight crew warning light which illuminates when power is on in the airplane and the emergency lighting control device is not armed or turned on.

(3) When armed or turned on, the lights must remain lighted or become lighted upon interruption (except an interruption caused by a transverse vertical separation of the fuselage during crash landing) of the airplane's normal electric power. There must be means to safeguard against inadvertent operation of the control device from the "armed" on "on" position.

(f) Exterior emergency lighting must be provided as follows:

(1) At each overwing emergency exit the illumination must be—

(i) Not less than 0.03 foot-candle (measured normal to the direction of the incident light) on a 2-square-foot area where an evacuee is likely to make his first step outside the cabin;

(ii) Not less than 0.05 foot-candle (measured normal to the direction of the incident light) for a minimum width of 4 feet for a Type A overwing emergency exit and 2 feet for all other overwing emergency exits along the 30 percent of the slip-resistant portion of the escape route required in § 25.803(e) that is farthest from the exit; and

(iii) Not less than 0.03 foot-candle on the ground surface with the landing gear extended (measure normal to the direction of the incident light) where an evacuee using the established escape route would normally make first contact with the ground.

(2) At each nonoverwing emergency exit not required by § 25.809(f) to have descent assist means the illumination must be not less than 0.03 foot-candle (measured normal to the direction of the incident light) on the ground surface with the landing gear extended where an evacuee is likely to make his first contact with the ground outside the cabin.

(g) The means required in § 25.809 (f) (1) and (h) to assist the occupants in descending to the ground must be illuminated so that the deployed assist means is visible from the airplane.

(1) If the assist means is illuminated by exterior emergency lighting, it must provide illumination of not less than 0.03 foot-candle (measured normal to the direction of the incident light) at the ground end of the deployed assist means where an evacuee using the established escape route would normally make first contact with the ground, with the airplane in each of the attitudes corresponding to the collapse of one or more legs of the landing gear.

(2) If the assist means is self-illuminated, the lighting provisions—

(i) May not be adversely affected by stowage; and

(ii) Must provide illumination of not less than 0.03 foot-candle (measured normal to the direction of incident light) at the ground end of the deployed assist means where an evacuee would normally make first contact with the ground, with the airplane in each of the attitudes corresponding to the collapse of one or more legs of the landing gear.

C. By amending paragraph (k) by inserting the word "transverse" between the words "single" and "vertical" in the lead-in statement and by striking out the word "exit" in subparagraph (3).

14. By amending § 25.813(c) to read as follows:

§ 25.813 Emergency exit access.

* * * * *

(c) There must be access from each aisle to each Type III exit. For airplanes having a maximum seating capacity of 20 or more, the projected opening of the exit provided must not be obstructed by seats, berths, or other protrusions (including seatbacks in any position) for a distance from that exit not less than the width of the narrowest passenger seat installed in the airplane.

* * * * *

15. By amending § 25.853 by redesignating present paragraphs (c) through (f) as paragraphs (e) through (h), respectively, and by amending the lead-in statement and paragraphs (a) and (b) and by adding new paragraphs (c) and (d) to read as follows:

§ 25.853 Compartment interiors.

Materials, including finishes or decorative surfaces applied to the materials, used in each compartment occupied by the crew or passengers must meet the following test criteria, as applicable:

(a) Interior ceiling panels, interior wall panels, partitions, galley structure, large cabinet walls, structural flooring, and materials used in the construction of stowage compartments (other than underseat) must be self-extinguishing when tested vertically in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods. The average burn length may not exceed 6 inches and the average flame time after removal of the flame source may not exceed 15 seconds. Drippings from the test specimen may not continue to flame for more than 3 seconds after falling.

(b) Floor covering, textiles (including draperies, upholstery, and the covering of upholstery), seat cushions, padding, decorative and nondecorative coated fabrics, leather, trays and galley furnishings, transparencies not covered in paragraph (c) of this section, electrical conduit, molded and thermoformed parts, thermal and acoustical insulation and insulation covering, air ducting, joint and edge covering, trim strips (decorative and chafing), cargo compartment liners, insulation blankets, and cargo covers, must be self-extinguishing when tested vertically in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods. The average burn length may not exceed 8 inches and the average flame time after removal of the flame source may not exceed 15 seconds. Drippings from the test specimen may not continue to flame for more than 5 seconds after falling.

(c) Acrylic windows, edge lighted instrument assemblies, seat belts, shoulder harnesses, and cargo and baggage tiedown equipment including containers, bins, pallets, etc., used in passenger or crew compartments, may not have a burn rate greater than 2.5 inches per minute when tested horizontally in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods.

(d) Except for electrical wire and cable insulation, materials in items not specified in paragraph (a), (b), or (c) of this section may not have a burn rate greater than 4 inches per minute when tested horizontally in accordance with the applicable portions of Appendix F of this part or other approved equivalent methods.

* * * * *

16. By amending § 25.855 by amending paragraph (a), by redesignating present paragraphs (b) through (e) as paragraphs (c) through (f) and by adding new paragraph (b) to read as follows:

§ 25.855 Cargo and baggage compartments.

(a) Liners and thermal and acoustic insulation used in each cargo and baggage compartment, including convertible passenger-cargo compartments, must be constructed of materials that at least meet the requirements set forth in § 25.853(b). In addition, the liners must be separate from (but may be attached to) the airplane structure and must be tested at a 45° angle in accordance with the applicable portions of Appendix F of this part or other approved equivalent methods. The flame may not cause a hole to appear in the material during application of the flame or subsequent to its removal. The average flame time after removal of the flame source may not exceed 15 seconds and the average glow time may not exceed 10 seconds.

(b) Insulation blankets and covering used to protect cargo must be constructed of materials that at least meet the requirements of § 25.853(b) and tiedown equipment must be constructed of materials that at least meet the requirements set forth in § 25.853(c).

* * * * *

§ 25.857 [Amended]

17. By amending § 25.857 by striking out subparagraph (4) of paragraph (b), and subparagraph (5) of paragraph (c), subparagraph (4) of paragraph (d), and subparagraph (1) of paragraph (e).

18. By amending § 25.1359 by adding a new paragraph (d) to read as follows:

§ 25.1359 Electrical system fire and smoke protection.

* * * * *

(d) Electrical wire and cable insulation installed in any area of the fuselage must be self-extinguishing when tested in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods. The average flame time after removal of the flame source may not exceed 30 seconds. Drippings from the test specimen may not continue to flame for more than 3 seconds after falling.

§ 25.1411 [Amended]

19. By amending § 25.1411(c) by striking out the reference to "§ 25.807(c)(4)" and inserting reference to "§ 25.809(f)" in place thereof.

20. By amending paragraph (a) of § 25.1557 to read as follows:

§ 25.1557 Miscellaneous markings and placards.

(a) *Stowage compartments and ballast location.* Each stowage compartment and each ballast location must have a placard stating any limitations on contents, including weight, that are necessary under the loading requirements.

* * * * *

21. By amending Appendix F to read as follows:

Appendix F

AN ACCEPTABLE TEST PROCEDURE FOR SHOWING COMPLIANCE WITH §§ 25.853, 25.855, AND 25.1359

(a) *Conditioning.* Specimens must be conditioned at 70° F., plus or minus 5° and at 50 percent plus or minus 5 percent relative humidity until moisture equilibrium is reached. Only one specimen at a time may be removed from the conditional environment immediately before subjecting it to the flame.

(b) *Specimen configuration.* Except as provided for materials used in electrical wire and cable insulation and in small items, materials must be tested either as a section cut from a fabricated part as installed in the airplane or as a specimen simulating a cut section, such as: A specimen cut from a flat sheet of the material or a model of the fabricated part. The specimen may be cut from any location in a fabricated part; however, fabricated units, such as sandwich panels, may not be separated for test. The specimen thickness must be no thicker than the minimum thickness to be qualified for use in the airplane, except that: (1) Thick foam parts, such as seat cushions, must be tested in ½-inch thickness; (2) when showing compliance with § 25.853(d) for materials used in small items the materials must be tested in no more than ⅛-inch thickness; (3) when showing compliance with § 25.1359 (d) for materials used in electrical wire and cable insulation the wire and cable specimens must be the same size as used in the airplane. In the case of fabrics, both the warp and fill direction of the weave must be tested to determine the most critical flammability conditions. When performing the tests prescribed in paragraphs (d) through (e) of this appendix, the specimen must be mounted in a metal frame so that (1) in the vertical tests of paragraphs (d) and (e) the two long edges are held securely, (2) in the horizontal test of paragraph (f) the two long edges and one end are held securely, (3) the exposed area of the specimen is at least 2 inches wide and 12 inches long, and (4) the edge to which the burner flame is applied must not consist of the finished or protected edge of the specimen but must be representative of the actual cross-section of the material or part installed in the airplane. When performing the test prescribed in paragraph (f) of this appendix, the specimen must be mounted in a metal frame so that all four edges are held securely and the exposed area of the specimen is at least 8 inches by 8 inches.

(c) *Apparatus.* Except as provided in paragraph (h) of this appendix, tests must be conducted in a draft-free cabinet in accordance with Federal Specification CCC-T-191b Method 5903T (revised Method 5902) for the vertical test, or Method 5906 for the horizontal test (available from the General Services Administration, Business Service Center, Region 3, Seventh and D Streets SW., Washington, D.C. 20407) or other approved equivalent methods. Specimens which are too large for the cabinet must be tested in similar draft-free conditions.

(d) *Vertical test, in compliance with § 25.853 (a) and (b).* A minimum of three specimens must be tested and the results averaged. For fabrics, the direction of weave corresponding to the most critical flammability conditions must be parallel to the longest dimension. Each specimen must be supported vertically. The specimen must be exposed to a Bunsen or Tirril burner with a nominal ⅜-inch I.D. tube adjusted to give a flame of 1½ inches in height. The minimum flame temperature measured by a calibrated thermocouple pyrometer in the center of the flame must be 1,550° F. The lower edge of the specimen must be three-fourths inch above the top edge of the burner. The flame must be applied to the centerline of the lower edge of the specimen. For materials covered by § 25.853(a), the flame must be applied for 60 seconds and then removed. For materials covered by § 25.853(b), the flame must be applied for 12 seconds and then removed. Flame time, burn length, and flaming time of drippings, if any, must be recorded. The burn length determined in accordance with paragraph (g) of this appendix must be measured to the nearest one-tenth inch.

(e) *Horizontal test in compliance with § 25.853 (c) and (d).* A minimum of three specimens must be tested and the results averaged. Each specimen must be supported horizontally. The exposed surface when installed in the aircraft must be face down for the test. The specimen must be exposed to a Bunsen burner or Tirrill burner with a nominal ⅜-inch I.D. tube adjusted to give a flame of 1½ inches in height. The minimum flame temperature measured by a calibrated thermocouple pyrometer in the center of the flame must be 1,550° F. The specimen must be positioned so that the edge being tested is three-fourths of an inch above the top of, and on the center line of the burner. The flame must be applied for 15 seconds and then removed. A minimum of 10 inches of the specimen must be used for timing purposes, approximately 1½ inches must burn before the burning front reaches the timing zone, and the average burn rate must be recorded.

(f) *Forty-five degree test, in compliance with § 25.855(a).* A minimum of three specimens must be tested and the results averaged. The specimens must be supported at an angle of 45° to a horizontal surface. The exposed surface when installed in the aircraft must be face down for the test. The specimens must be exposed to a Bunsen or Tirrill burner with a nominal ⅜-inch I.D. tube adjusted to give a flame of 1½ inches in height. The minimum flame temperature measured by a calibrated thermocouple pyrometer in the center of the flame must be 1,550° F. Suitable precautions must be taken to avoid drafts. One-third of the flame must be applied for 30 seconds and then removed. Flame time, glow time, and whether a hole appears through the specimen must be recorded.

(g) *Burn length.* Burn length is the distance from the original edge to the farthest evidence of damage to the test specimen due to flame impingement, including areas of partial or complete consumption, charring, or embrittlement, but not including areas sooted, stained, warped, or discolored, nor areas where material has shrunk away from the heat source.

(h) *Sixty degree test in compliance with § 25.1359.* The specimen of wire or cable (including insulation) must be placed at an angle of 60° with the horizontal within a chamber approximately 2 feet high x 1 foot x 1 foot, open at the top and at one vertical side (front), and which allows sufficient flow of air for complete combustion, but which is free from drafts. The specimen must be parallel to and approximately 6 inches from the front of the chamber. The lower end of the specimen must be held rigidly clamped. The upper end of the specimen must pass over a pulley and must have an appropriate weight attached to it so that the specimen is held tautly throughout the flammability test. The test specimen span between lower clamp and upper pulley must be 24 inches and must be marked 8 inches from the lower end to indicate the central point for flame application. A flame from a Bunsen burner must be applied for 30 seconds at the test mark. The Bunsen burner must be mounted underneath the test mark on the specimen, and at an angle of 30° to the vertical plane of the specimen. The Bunsen burner must have a ¼-inch inlet, a nominal bore of three-eighths inch, and a length of approximately 4 inches from top to primary inlets. The burner must be adjusted to produce a 3-inch high flame with an inner cone approximately one-third of the flame height. The temperature of the hottest portion of the flame, as measured with a calibrated thermocouple pyrometer, may not be less than 954° C. (1,750° F.). The burner must be positioned so that the hottest portion of the flame is applied to the test mark on the wire. The distance of flame travel upward along the wire from the test mark and the time of burning after removal of the flame must be recorded. The time of burning of any dripping particles must be recorded. Breaking of the wire specimens is not considered a failure. The results of this compliance testing must indicate that, based on a statistical determination, not less than 80 percent of the wire of each specification installed in the airplane must equal or exceed the requirements of § 25.1359(d).

PART 37

§§ 37.132, 37.136 [Amended]

22. By amending § 37.132 *Safety belts, TSO–C22e* to require that new models of such equipment must meet the test criteria set forth in proposed § 25.853(c) and by amending § 37.136 *Aircraft seats and berths, TSO–C39,* to require that new models of such equipment must meet the test criteria set forth in proposed § 25.853(b).

§ 37.178 [Amended]

23. By amending § 37.178 *Individual flotation devices, TSO–C72a,* by amending paragraphs 4.0.4 and 7.0.3 of the FAA Standard to read as follows:

4.0.4 *Fire protection.* If the device is not used as part of a seat or berth, materials used in the device, including any covering, must meet paragraph 6.0.2 of this standard. If the device is to be used as part of a seat or berth, all materials used in the device must meet paragraph 7.0.3 of this standard.

* * * * *

7.0.3 *Test for fire protection of materials.* Materials used in flotation devices that are to be used as part of an aircraft seat or berth must comply with the self-extinguishing fire protection provisions of § 25.853(b) of Part 25 of this chapter. In all other applications, the materials in the flotation devices must be tested in accordance with paragraph 6.0.2 of this standard to substantiate adequate flame resistant properties.

PART 121

24. By amending § 121.215 to read as follows:

§ 121.215 Compartments where smoking is allowed.

Each compartment used by the crew or passenger where smoking is allowed must be equipped with self-contained ash trays that are completely removable. Other compartments used by the crew or passengers must be placarded against smoking.

25. By amending § 121.285 by amending paragraph (b)(6) to read as follows:

§ 121.285 Carriage of cargo in passenger compartments.

* * * * *

(b) * * *

(6) The bin must be fully enclosed and made of materials that at least meet § 25.853(b) of this chapter in effect on (the day prior to the effective date of this amendment).

* * * * *

§ 121.310 [Amended]

26. By amending paragraph (a) of § 121.310 by amending the first sentence of subparagraph (2) to read as follows:

(2) After September 30, 1969, it must meet the requirements of § 25.809(f)(1) of this chapter in effect on that date, except that, on any airplane type certificated after September 30, 1969, it must meet the assist means requirements under which the airplane was type certificated. * * *

27. By amending paragraph (b)(2) of § 121.310 to read as follows:

(2) Each passenger emergency exit marking and each locating sign must have white letters 1 inch high on a red background 2 inches high, be self or electrically illuminated, and must meet the following:

(i) For airplanes type certificated prior to (the effective date of this amendment) each passenger emergency exit marking and each locating sign must be manufactured to meet the requirements of § 25.812(b) of this chapter in effect on (the day prior to the effective date of this amendment). On these airplanes, no sign may continue to be used if its luminescence (brightness) decreases to below 100 microlamberts.

(ii) For airplanes type certificated after (the effective date of this amendment) each passenger emergency exit marking and each locating sign must be manufactured to meet the interior emergency exit marking requirements under which the airplane was type certificated. On these airplanes, no sign may continue to be used if its luminescence (brightness) decreases to below 250 microlamberts.

(iii) The colors may be reversed if it increases the emergency illumination of the passenger compartment. However, the Administrator may authorize deviation from the 2-inch background requirements if he finds that special circumstances exist that make compliance impractical and that the proposed deviation provides an equivalent level of safety.

28. By amending paragraph (c) of § 121.310 to read as follows:

(c) *Lighting for interior emergency exit markings.* Each passenger-carrying airplane must have an emergency lighting system, independent of the main lighting system, except that sources of general cabin illumination need not be independent of the main lighting system if the emergency power supply for general cabin illumination is independent of the power supply for the main lighting system. The emergency lighting system must—

(1) Illuminate each passenger exit marking and location sign; and

(2) Provide enough general lighting in the passenger cabin so that the average illumination, when measured at 40-inch intervals at seat armrest height, on the centerline of the main passenger aisle, is at least 0.05 foot-candles.

29. By amending paragraph (d) of § 121.310 by amending the flush paragraph at the end by inserting the word "transverse" between the word "a" and the word "vertical," by amending subparagraph (2)(iii) and by adding a new subparagraph (3) to read as follows:

(d) *Emergency light operation.* * * *

(2) * * *

(iii) When armed or turned on at either station, remain lighted or become lighted upon interruption of the airplane's normal electric power and provide the required level of illumination for at least 10 minutes at the critical ambient conditions after emergency landing.

(3) After (2 years after the effective date of this amendment) a flight crew warning light must be provided which illuminates when electric power is on in the airplane and the flight crew manual control device used to meet subparagraph (2) of this paragraph is not armed or turned on.

30. By amending paragraph (e) of § 121.310 to read as follows:

(e) *Emergency exit operating handles.* (1) For passenger-carrying airplanes type certificated prior to (the effective date of this amendment), the location of each passenger emergency exit operating handle, and instructions for opening the exit, must be shown by a marking on or near the exit that is readable from a distance of 30 inches. In addition, for each Type I and Type II emergency exit with a locking mechanism released by rotary motion of the handle, the instructions for opening must be shown by—

(i) A red arrow with a shaft at least ¾-inch wide and a head twice the width of the shaft, extending along at least 70° of arc at a radius approximately equal to three-fourths of the handle length; and

(ii) The word "open" in red letters 1 inch high, placed horizontally near the head of the arrow.

(2) For passenger-carrying airplanes type certificated on or after (the effective date of this amendment), the location of each passenger emergency exit operating handle and instructions for opening the exit must be shown in accordance with § 25.811(e) of this chapter. On these airplanes, no operating handle or operating-handle cover may continue to be used if its luminescence (brightness) decreases to below 100 microlamberts.

31. By amending paragraph (f) of § 121.310 by amending the last sentence of subparagraphs (3) and (6) to read as follows:

(f) *Emergency exit access.* * * *

(3) * * * In addition—

(i) For airplanes type certificated prior to (the effective date of this amendment), the access must meet the requirements of § 25.813(c) of this chapter in effect on (the day prior to the effective date of this amendment); and

(ii) For airplanes type certificated after (the effective date of this amendment), the access must meet the emergency exit access requirements under which the airplane was type certificated.

* * * * *

(6) * * * The latching means must be able to withstand the loads imposed upon it when the door is subjected to the ultimate inertia forces, relative to the surrounding structure, listed—

(i) For airplanes type certificated prior to (the effective date of this amendment), in § 25.561(b) of this chapter in effect on (the day prior to the effective date of this amendment); and

(ii) For airplanes type certificated after (the effective date of this amendment), in the emergency landing conditions regulations under which the airplane was type certificated.

32. By amending paragraph (h) of § 121.310 by amending subparagraph

(1) and the first sentence of subparagraph (2) to read as follows:

(h) *Exterior emergency lighting and escape route.* (1) After June 30, 1971, each passenger-carrying airplane must be equipped with exterior lighting that meets the following requirements:

(i) For airplanes type certificated prior to September 30, 1969, the requirements of § 25.812 (f) and (g) of this chapter in effect on that date; and

(ii) For airplanes type certificated on or after September 30, 1969, the exterior emergency lighting requirements under which the airplane was type certificated.

(2) After September 30, 1969, each passenger-carrying airplane type certificated on or before that date must be equipped with a slip-resistant escape route that meets the requirements of § 25.803(e) of this chapter in effect on September 30, 1969, and each passenger-carrying airplane type certificated after September 30, 1969, must have a slip-resistant escape route that meets the requirements under which the airplane was type certificated. * * *

33. By amending § 121.311 by adding a new paragraph (e) to read as follows:

§ 121.311 Seat and safety belts.

* * * * *

(e) Each occupant of a seat equipped with a shoulder harness must fasten the shoulder harness during takeoff and landing, except that, in the case of crewmembers, the shoulder harness need not be fastened if the crewmember cannot perform his required duties with the shoulder harness fastened.

34. By amending § 121.312 to read as follows:

§ 121.312 Materials for compartment interiors.

After October 24, 1968, upon the first major overhaul of an aircraft cabin or refurbishing of the cabin interior all materials in each compartment used by the crew or passengers that do not meet the following requirements must be replaced with materials that meet these requirements:

(a) For airplanes type certificated prior to (the effective date of this amendment), § 25.853 of this chapter in effect on (the day prior to the effective date of this amendment); and

(b) For airplanes type certificated after (the effective date of this amendment) § 25.853 of this chapter in effect on (the effective date of this amendment).

35. By amending the first sentence of § 121.317(a) to read as follows:

§ 121.317 Passenger information.

(a) No person may operate an airplane unless it is equipped with signs that are legible under all conditions of cabin illumination to all persons seated in the passenger cabin to notify them when smoking is prohibited and when safety belts must be fastened. * * *

* * * * *

36. By amending paragraph (c) of § 121.391 to read as follows:

§ 121.391 Flight attendants.

* * * * *

(c) The number of flight attendants approved under paragraphs (a) and (b) of this section are set forth in the certificate holder's operations specifications.

* * * * *

37. By amending paragraph (a) of § 121.571 to read as follows:

§ 121.571 Briefing passengers before takeoff.

(a) Before each takeoff, each certificate holder operating a passenger-carrying airplane shall ensure that all passengers are orally briefed by the appropriate crewmember on each of the following:

(1) Smoking.

(2) The location of emergency exits.

(3) The use of seat belts. This briefing must include an announcement that even when the seat belt sign is off, passengers should keep their seat belts loosely or comfortably fastened while seated.

* * * * *

38. By adding a new § 121.576 to read as follows:

§ 121.576 Retention of items of mass in passenger and crew compartments.

After (2 years after the effective date of this amendment), means must be provided to prevent each item of galley equipment and each serving cart, when not in use, and each item of crew baggage, which is carried in a passenger or crew compartment from becoming a hazard by shifting under the appropriate load factors corresponding to the emergency landing conditions under which the airplane was type certificated.

39. By adding the following new § 121.577 preceding § 121.579:

§ 121.577 Food and beverage service equipment during takeoff and landing.

(a) No certificate holder may take off or land an airplane when any food, beverage, or tableware, furnished by the certificate holder is located at any passenger seat.

(b) No certificate holder may take off or land an airplane unless each passenger's food and beverage tray is in the stowed position or removed from the passenger's seat and stowed.

(c) Each passenger shall comply with instructions given by a crewmember in compliance with this section.

40. By amending § 121.589 to read as follows:

§ 121.589 Carry-on baggage.

(a) No certificate holder may permit an airplane to take off or land unless each article of baggage carried aboard by passengers is stowed—

(1) In a suitable baggage or cargo stowage compartment;

(2) As provided in paragraph (c) of § 121.285; or

(3) Under a passenger seat.

(b) Each passenger shall comply with instructions given by crewmembers regarding compliance with paragraph (a) of this section.

(c) After August 24, 1969, each passenger seat shall be fitted with a means to prevent articles of baggage stowed under it from sliding forward under crash impacts severe enough to induce the ultimate inertia forces specified in § 25.561(b)(3) of this chapter or in the emergency landing condition regulations under which the aircraft was type certificated. A certificate holder may obtain an additional extension of the compliance date, but not beyond October 24, 1969, from the air carrier district office charged with the overall supervision of its operation by showing that good cause exists for the extension.

These amendments are proposed under the authority of sections 313(a) 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) 1421, 1423, and 1424, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 6, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-9468; Filed, Aug. 11, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[363.2]

METAL ANGLES, SHAPES, AND SECTIONS

Notice of Tentative Ruling Regarding Country of Origin Marking

AUGUST 6, 1969.

The Bureau of Customs has caused an investigation to be made regarding the country of origin marking of imported metal angles, shapes, and sections.

The investigation disclosed that these articles are frequently not marked in a manner which will adequately indicate the country of origin to the ultimate purchaser in the United States. In some cases marking is accomplished by means of tags attached to several bundles in a shipment of angles, shapes, or sections. However, these tags are frequently broken off, destroyed, or otherwise removed during transfer of the articles from the vessel to the pier, from the pier to the importer's warehouse, or during handling at the importer's warehouse prior to shipment to the ultimate purchaser. In some cases, marking has been by means of a paint stencil or similar marking on one end of a few pieces in a shipment. Marking has also been made in some cases by die stamping in small letters on the end of the angle or other article. Such marking may soon become illegible through corrosion or may be removed by cutting off a portion of the article. The Bureau is of the opinion that the above-described forms of marking do not meet the requirements of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304).

Accordingly, the Bureau is tentatively of the opinion that imported angles, shapes, and sections should be individually marked to indicate the country of origin by a legible and conspicuous marking which will be sufficiently permanent as to be expected to remain on the articles in normal handling until they reach the ultimate purchaser in the United States. Acceptable methods of marking would include rolling or die stamping the name of the country of origin into the articles, stenciling or stamping the name of the country of origin on the articles with paint or ink which can be easily read, or securely affixing a tag or other label to each article which legibly and conspicuously identifies the country of origin. In all cases the marking should be applied or affixed to a flat surface of the article, not on the end, and so located on the article away from the end as reasonably to insure that it will not be removed in the course of ordinary handling.

Notice is hereby given that the Bureau has under consideration the issuance of a ruling providing for the marking of angles, shapes, and sections as described above which will be published in the FEDERAL REGISTER. Prior to the issuance of such ruling, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 69-9478; Filed, Aug. 11, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ASSISTANT AREA DIRECTOR (ADMINISTRATION), ET AL., SEATTLE LIAISON OFFICE

Redelegation of Authority

1. The Assistant Area Director (Administration), Area Property and Supply Officer, and Administrative Officer and Special Representative at Seattle Liaison Office, are hereby authorized to exercise the authority of the Area Director, Juneau Area Office, as authorized contracting officer for this Area under the "Buy Indian Act," 25 U.S.C. 47.

2. Delegation of authority included herein is not construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs

3. The effective date of this delegation will be the date of signature by the Area Director.

Dated: July 22, 1969.

CHARLES A. RICHMOND,
Area Director, Bureau of Indian Affairs, Juneau Area Office, Juneau, Alaska.

Approved: August 6, 1969.

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69-9452; Filed, Aug. 11, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. G-447]

DON L. HOFFMAN

Notice of Loan Application

AUGUST 5, 1969.

Don L. Hoffman, Star Route, Box 5, Brownsville, Tex. 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 65.9-foot registered length wood vessel to engage in the fishery for shrimp.

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

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-9475; Filed, Aug. 11, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OH2436) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of the antimicrobial agents dodecylguanidine acetate and dodecylguanidine hydrochloride in paper and paperboard for use in contact with aqueous and fatty foods.

Dated: August 4, 1969.

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

[F.R. Doc. 69-9453; Filed, Aug. 11, 1969; 8:45 a.m.]

CHAS. PFIZER AND CO., INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Chas. Pfizer and Co., Inc., Medical Research Laboratories, Groton, Conn. 06340, has withdrawn its petition (41-061V), notice of which was published in the FEDERAL REGISTER of February 6, 1969 (34 F.R. 1784), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of carbadox (methyl 3-(2-quinoxalinylmethylene) carbazate-N^1, N^4,-dioxide) in swine feed as follows: 0.0011–0.0055 percent (10–50 grams per ton of feed) for improvement of weight gains and feed efficiency in the presence of subclinical stress; and 0.0055 percent (50 grams per ton of feed) for prevention and control of swine dysentery (so-called vibrionic dysentery, bloody scours, or hemorrhagic dysentery) and prevention of bacterial swine enteritis (salmonellosis or nectrotic enteritis caused by *Salmonella choleraesuis*).

Dated: August 5, 1969.

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

[F.R. Doc. 69-9457; Filed, Aug. 11, 1969; 8:46 a.m.]

CHEMICAL INDUSTRIES, INC.

Notice of Withdrawal of Petition for Food Additive Disodium EDTA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Chemical Industries, Inc., Box 70, 2104 Maury, Des Moines, Iowa 50301, has withdrawn its petition (MF 3379-V), notice of which was published in the FEDERAL REGISTER of April 4, 1968 (33 F.R. 5377), proposing the issuance of a food additive regulation to provide for the safe use of disodium EDTA as a preservative for nutrients and color in processed animal feeds including hay, silage, and feed grains.

Dated: August 4, 1969.

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

[F.R. Doc. 69-9454; Filed, Aug. 11, 1969; 8:46 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

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 OF0856) has been filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, proposing the establishment of tolerances (21 CFR 120.197) for residues of inorganic bromides (calculated as Br) in or on the raw agricultural commodities almond hulls at 75 parts per million; almond nut meats at 50 parts per million; and cherries and plums (prunes) at 15 parts per million. The residues result from application of the nematocide 1,2-dibromo-3-chloropropane to the soil.

The analytical method proposed in the petition for determining residues of the inorganic bromides is the method of S. A. Shrader et al., "Industrial and Engineering Chemistry," Analytical Edition, volume 14, pages 1–4 (1942).

Dated: August 5, 1969.

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

[F.R. Doc. 69-9455; Filed, Aug. 11, 1969; 8:46 a.m.]

[Docket No. FDC-D-111; NDA No. 14-241]

UNIMED, INC.

Serc Tablets: Notice of Rescheduling of Hearing

Pursuant to notice published in the FEDERAL REGISTER of June 26, 1969 (34 F.R. 9895), a prehearing conference was held in this matter on July 17, 1969. On this date, Unimed, Inc., filed a motion to suspend the hearing in this matter then scheduled to commence on July 29, 1969. The filing of this motion necessitated a postponement of the commencement of the evidentiary hearing in order to allow time for the submission of briefs on the questions raised. On July 29, 1969, in lieu of beginning the evidentiary hearing, oral argument on Unimed's motion was heard. This motion has been denied.

Therefore, it is hereby ordered that the hearing in the matter of the proposal of the Commissioner of Food and Drugs to withdraw the approval of new-drug application No. 14-241 for marketing the drug Serc Tablets, will begin at 10 a.m., August 19, 1969, in Room 5131, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

Dated: August 4, 1969.

WILLIAM E. BRENNAN,
Hearing Examiner.

[F.R. Doc. 69-9456; Filed, Aug. 11, 1969; 8:46 a.m.]

Social Security Administration

ASSISTANT BUREAU DIRECTOR, OPERATIONS, ET AL.

Delegation of Authority To Certify True Copies and Affix Department Seal

The Assistant Secretary for Administration has delegated authority to the Commissioner of Social Security to certify true copies of any books, records, papers, or other documents on file within the Social Security Administration, or extracts from such, or to certify the nonexistence of records on file within the Social Security Administration, and to cause the Seal of the Department to be affixed to such certifications (32 F.R. 17866). The Commissioner of Social Security has redelegated this authority to officials of the Social Security Administration, as set forth in 33 F.R. 2613.

Notice is given that the redelegations of authority to the Director and Deputy Director, Division of Accounts and Adjustments, Bureau of Data Processing and Accounts, and to the Director and Deputy Director, Division of Registration, Bureau of Data Processing and Accounts, as set forth in 33 F.R. 2613, are hereby revoked.

Notice is given further that authority to certify true copies of any books, records, papers, or other documents on file, or extracts from such, or to certify the nonexistence of records on file, and to cause the Seal of the Department to be affixed to such certifications, is hereby redelegated as follows:

1. With respect to books, records, papers, or other documents on file in the Divisions of Adjustments Operations, Claims Operations, Earnings Operations, Health Insurance Operations, and Registration Operations, Bureau of Data Processing and Accounts:

a. Assistant Bureau Director, Operations;

b. Deputy Assistant Bureau Director, Operations.

2. With respect to books, records, papers, or other documents on file in the Division of Adjustments Operations, Bureau of Data Processing and Accounts:

a. Director, Division of Adjustments Operations;

b. Deputy Director, Division of Adjustments Operations.

3. With respect to books, records, papers, or other documents on file in the Division of Claims Operations, Bureau of Data Processing and Accounts:

a. Director, Division of Claims Operations;

b. Deputy Director, Division of Claims Operations;

4. With respect to books, records, papers, or other documents on file in the Division of Earnings Operations, Bureau of Data Processing and Accounts:

a. Director, Division of Earnings Operations;

b. Deputy Director, Division of Earnings Operations.

5. With respect to books, records, papers, or other documents on file in the Division of Health Insurance Operations, Bureau of Data Processing and Accounts:

a. Director, Division of Health Insurance Operations;

b. Deputy Director, Division of Health Insurance Operations.

6. With respect to books, records, papers, or other documents on file in the Division of Registration Operations, Bureau of Data Processing and Accounts:

a. Director, Division of Registration Operations;

b. Deputy Director, Division of Registration Operations.

Authority herein delegated may not be redelegated.

These delegations of authority shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 1, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

[F.R. Doc. 69-9466; Filed, Aug. 11, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21031]

ALITALIA-LINEE AEREE ITALIANE-S.p.A. AND TRANSPORTES AEREOS PORTUGUESES, S.A.R.L.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 10, 1969, at 10 a.m., d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 6, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69-9480; Filed, Aug. 11, 1969; 8:47 a.m.]

[Docket No. 21237]

CESKOSLOVENSKE AEROLINIE

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 21, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

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., August 6, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-9481; Filed, Aug. 11, 1969; 8:48 a.m.]

[Docket No. 21017; Order 69-8-39]

EASTERN AIR LINES, INC.

Order Providing for Further Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1969.

Application of Eastern Air Lines, Inc., for amendment of its certificate of public convenience and necessity.

On May 16, 1969, Eastern Air Lines, Inc. (Eastern), filed an application, pursuant to Subpart N of Part 302 of the Board's procedural regulations, for amendment of its certificate of public convenience and necessity so as to add new segments: (a) Between the terminal point St. Louis, Mo., and the terminal point Charlotte, N.C.; (b) between the terminal point St. Louis, Mo., and the terminal point Greensboro-High Point-Winston-Salem, N.C.; (c) between the terminal point St. Louis, Mo., and the terminal point Raleigh-Durham, N.C., and (d) between the terminal point St. Louis, Mo., and the terminal point Richmond, Va. The carrier serves these cities on various segments of its routes 5, 6, and 10.

Piedmont Aviation, Inc., filed a statement opposing the processing of Eastern's application under Subpart N. The Raleigh-Durham Airport Authority filed a motion for leave to file an otherwise unauthorized document, namely a response to Piedmont's statement.[1] Airlift International, Inc. (Airlift), filed a letter on May 28, 1969, stating that it did not have the opportunity to file a request for dismissal within the 10-day period and requesting that the letter be received and considered.[2]

Upon consideration of the foregoing, we do not find that Eastern's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart N. Accordingly, we order further proceedings pursuant to the provisions of Subpart N, §§ 302.1406—302.1410, with respect to Eastern's application.

Accordingly, it is ordered:

1. That the motions of the Raleigh-Durham Airport Authority and Airlift International, Inc., to file unauthorized documents be and they hereby are granted;

2. That Airlift's motion to dismiss be and it hereby is denied;

3. That the application of Eastern Air Lines, Inc., Docket 21017, be and it hereby is set for further proceedings pursuant to Rules 1406–1410 of the Board's procedural regulations; and

4. That this order shall be served upon all parties served by Eastern Air Lines.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9483; Filed, Aug. 11, 1969; 8:48 a.m.]

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[1] We shall grant the motion of the Raleigh-Durham Airport Authority to file an unauthorized document.

[2] We shall treat this as a motion to file an unauthorized document, which we shall grant, and a motion to dismiss.

[Docket No. 20291; Order 69-8-15]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

AUGUST 4, 1969.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to fare matters.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated agreement numbers.

The agreements (1) establish an air surface fare between London and Paris, (2) amend add-ons for points within Norway to reflect recent increases in domestic fares, (3) specify fares for Bratislava for Mid and South Atlantic travel at the same level as the Vienna fares, (4) amend the application of affinity group size so as to clarify that for the purpose of computing the number of passengers, two half-fare passengers (children aged 2 to 12) shall be counted as one member of the group, and (5) decrease certain add-on fares for Antwerp to the level of the Brussels fares.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which are incorporated in the agreement indicated, affect air transportation within the meaning of the Act:

Agreements CAB	*IATA resolutions*
21158, R-2	200(Mail 908)072b.
21170, R-2	JT12(Mail 609)070v.
21171, R-3	JT12(Mail 700)076f.
21171, R-6	200(Mail 911)076k.
21171, R-7	JT123(Mail) 610)076o.
21182, R-2	JT12(Mail 602)070v.

2. It is not found that the following resolutions, which are incorporated in the agreements indicated, and which do not directly affect air transportation, are adverse to the public interest or in violation of the Act:

Agreements CAB	*IATA resolutions*
21138	200(Mail 896)154a.
21158, R-1	200(Mail 908) 052.
	200(Mail 908)062.
21158, R-4	JT12(Mail 605)054c.
	JT12(Mail 605)064c.
21170, R-1	JT12(Mail 609)054c.
	JT12(Mail 609)064c.
21182, R-1	JT12(Mail 602)054c.
	JT12(Mail 602)064c.

3. It is not found, on a tentative basis, that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreements CAB	*IATA resolutions*
21158, R-4	JT12(Mail 605)054a.
	JT12(Mail 605)054b.
	JT12(Mail 605)070d.
	JT12(Mail 605)076e.
	JT12(Mail 605)083a.
	JT12(Mail 605)064a.
	JT12(Mail 605)064b.
	JT12(Mail 605)070f.
	JT12(Mail 605)076p.
	JT12(Mail 605)084a.
21158, R-5	JT23(Mail 217)055.
	JT23(Mail 217)065.
21158, R-6	JT23(Mail 217)058.
	JT23(Mail 217)068.
	JT123(Mail 605)058.
	JT123(Mail 605)068.
21170, R-1	JT12(Mail 609)054b.
	JT12(Mail 609)064b.
	JT12(Mail 609)070f.
21171, R-1	JT23(Mail 218)076d.
21171, R-2	JT12(Mail 700)076e.
21171, R-3	JT123(Mail 610)076g.
21171, R-5	JT123(Mail 610)076i.
21171, R-8	JT12(Mail 700)076p.
	JT123(Mail 610)076p.
21182, R-3	JT12(Mail 602)079a.
21182, R-4	JT123(Mail 602)057.
	JT123(Mail 602)067.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to those portions of Agreements CAB 21158, 21170, 21171, and 21182 as set forth in finding paragraph 1;

2. Those portions of Agreements CAB 21138, 21158, 21170, and 21182 as set forth in finding paragraph 2 be and are hereby approved; and

3. Action on those portions of Agreements CAB 21158, 21170, 21171, and 21182 as set forth in finding paragraph 3 is deferred with a view toward eventual approval.

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. 69-9484; Filed, Aug. 11, 1969; 8:48 a.m.]

[Docket No. 20932]

NORDAIR LTEE-NORDAIR LTD.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 3, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 5, 1969

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69-9482; Filed, Aug. 11, 1969; 8:48 a.m.]

[Docket No. 18078; Order 69-8-27]

TRANSATLANTIC AND TRANSPACIFIC PRIORITY MAIL

Order To Show Cause Regarding Service Mail Rates

AUGUST 5, 1969.

By petition filed July 22, 1969, Northwest Airlines, Inc. (Northwest), requests that the Board issue an order amending Order 68-9-9, dated September 4, 1968, as amended by Order 69-7-11, dated July 2, 1969, to the extent of adopting additional standard mileages, as proposed by Northwest and attached to its petition, for computation of mail payments for Pacific routes which Northwest has been newly authorized to serve through amendment of its certificate for Route 129.

In support of its application, Northwest points out that it has by amendment of its certificate for Route 129 effective May 28, 1969 (Order 69-4-90, as approved by the President Apr. 23, 1969), been authorized to provide new transpacific service and that it plans to inaugurate at least a portion of the newly authorized service on August 1, 1969; that no standard mileages are provided in Order 68-9-9, as amended by Order 69-7-11, for the routings newly authorized for Northwest by its amended certificate for Route 129; and that it is necessary that such standard mileages be established in order that Northwest may be properly compensated for its carriage of mail under the new route authority which it has been granted.

The Postmaster General, in answer to Northwest's position, agrees that the mileages proposed by Northwest and appended to its petition have been correctly computed and joins Northwest in requesting that such mileages be fixed as standard.

Upon consideration of Northwest's petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order adopting the standard mileages proposed by Northwest and agreed to by the Postmaster General.[1]

The Board tentatively finds and concludes that, effective August 1, 1969, Order 68-9-9, as amended by Order 69-7-11, should be amended by adding to page 11 of Appendix A of Order 69-7-11 the standard mileages for Northwest which are appended to this order to show cause.[2]

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, the Board's procedural regulations, 14 CFR Part 302, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.14(f).

It is ordered, That:

1. All interested persons are directed to show cause why the Board should not adopt the foregoing findings and conclusions.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of objection to the 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.

4. If answer is filed presenting issues for hearing, the issues involved 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. This order shall be served on the Postmaster General, Northwest Airlines, Inc., American Airlines, Inc., The Flying Tiger Line Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9485; Filed, Aug. 11, 1969; 8:48 a.m.]

[1] 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).

[2] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 69-856]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

AUGUST 7, 1969.

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM, and TV station licenses which have termination dates in 1970.

Sunday, January 26, 1969.
Monday, July 7, 1969.
Tuesday, March 18, 1969
Wednesday, November 13, 1968.
Thursday, May 8 ,1969.
Friday, December 13, 1968.
Saturday, February 8, 1969.

Action by the Commission August 6, 1969.[1]

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

[F.R. Doc. 69-9488; Filed, Aug. 11, 1969; 8:48 a.m.]

[1] Commissioner Bartley (Acting Chairman), Robert E. Lee, Cox, and H. Rex Lee.

[Docket No. 16258, etc.; FCC 69-842]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Regarding Phase 1–B

In the matter of American Telephone and Telegraph Co., and the Associated Bell System Companies, charges for interstate and foreign communication service, Docket No. 16258; in the matter of American Telephone and Telegraph Co., charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service, Docket No. 15011; in the matter of American Telephone and Telegraph Co., long lines department, revisions of Tariff FCC No. 260, private line services Series 5000 (TELPAK), Docket No. 18128.

1. The Commission has before it for consideration a Statement of Rate-Making Principles and Factors in Docket No. 16258, Phase 1–B. This statement embodies a stipulation of the parties to the proceeding and of the Common Carrier Bureau (Staff), reached on May 28, 1969 (Tr. 179—pp. 22329–22341), as well as certain procedures recommended to the Commission. It is further specified in the statement that if the Commission should direct procedures other than those proposed (except with respect to the reopening of the record in the TELPAK Sharing Case, Docket No. 17457), then the Respondents and other parties would not be bound by the stipulations set forth therein. The statement of rate-making principles which is attached hereto as Appendix A, was entered into following a series of off-the-record conferences, open to the parties, as provided by the order of the Telephone Committee released February 18, 1969 (FCC 69M–197). The Telephone Committee has reviewed this matter and has forwarded the statement to the Commission with a recommendation that the procedures set forth therein, with the exception noted below (see paragraph 13), be approved.

2. The issues in this proceeding were specified in our original order of investigation of October 27, 1965 (2 FCC 2d 871), and a two-phase procedure was provided by the order released December 23, 1965 (2 FCC 2d 142). We have previously dealt with certain of the Phase 1 issues, such as rate of return, certain rate base items, and jurisdictional separations procedures. (Memorandum opinions and orders, July 5, 1967, 9 FCC 2d 30; Sept. 13, 1967, 9 FCC 2d 960.) The issue of the appropriate rate-making principles and factors which should govern the relationship among the rate levels for each of Respondents' principal services was, however, deferred for later consideration. (Memorandum opinion and order, Dec. 9, 1966, 5 FCC 2d 844.) This remainder of Phase 1 has been described as Phase 1–B.

3. Hearings in Phase 1–B began October 9, 1967, and required approximately 100 days of hearing and 12,000 pages of testimony by February 14, 1969, when the present series of hearings ended. All direct testimony has been offered. Cross-examination has been conducted on all testimony except certain fully distributed cost studies (FCC Staff Exs. 1 through 8, 37, and 48, and certain explanatory statements relating thereto, FCC Staff Exs. 53 through 55). The Bell System Respondents have not yet had opportunity to present rebuttal testimony.

4. Pursuant to the off-the-record conferences previously noted, the present statement was reached. It deals with both substance and procedure. In effect, the statement sets forth a set of principles and accompanying procedures which would be applied and tested in conjunction with the consideration of specific rate-making issues, such as those now involved in the pending Docket 18128, which embraces all private line services, including Telpak service.

5. We have reviewed the statement solely for the purpose of determining whether the implementation of the suggested procedures might facilitate the determination of appropriate rate-making principles for the interstate services of the Bell System Respondents, and, hence, permit a more definitive and timely disposition of the issues involved in Phase 1–B of this docket. Accordingly, we express no opinion on the merits of the various positions advocated on the record. A review of the salient issues and the general nature of the evidence thus far adduced, however, is necessary background to our considerations.

6. A primary predicate of our initial order of investigation herein was the results of the fully distributed cost study made by Bell in the Domestic Telegraph Investigation, Docket 14650, which revealed a wide disparity in the levels of earnings among the various classes of interstate service. It was then, and still remains, our concern that the basic Message Toll Telephone Service (MTT), for which there is no directly competitive service, and which accounts for about 80 percent of the interstate services, should not be burdened by, or required to subsidize, the so-called competitive services. It was, and remains, our concern that, whatever methods are employed to price MTT and other services, they should also accord with sound rate-making practice and statutory requirements. Traditionally, interstate revenue requirements for the Bell System have been determined on the basis of its net historical investment for the totality of interstate services. In addition, we also regarded an allocation of net historical investment as a principal, if not controlling, basis upon which to determine revenue requirements and rate levels for a particular class of service, with relative use being the significant measure of such allocation.

7. We have accumulated, in Phase 1–B, a massive record in which the economics of pricing has been explored in detail. In this regard, the record has been benefitted by testimony from a number of eminent economists, including Drs. James C. Bonbright, William J. Baumol, J. Rhoads Foster, Paul Davidson, William Vickrey, R. B. Johnson, John W. Coughlan, Harold Wein, and William H. Melody. Bell's basic presentation consisted of an attack on fully distributed costs (FDC) for rate-making purposes, and an advocacy of full additional costs, which were, according to Bell, developed in accordance with the long-run incremental cost (LRIC) principles of theoretical economics. A variety of views have been expressed as to whether or not a burden on MTT Service has occurred, or would occur, on the basis of the principles advocated by Bell. The practical difficulties of accurately measuring incremental costs in a system as complex as the telephone industry have been recognized even by advocates of incremental costs as a floor for pricing. Criticisms, likewise, have been directed to the use of fully distributed costs for pricing purposes. Moreover, some witnesses have advocated that public interest considerations could justify rate levels lower than might be supported by cost considerations alone, and one of the principles set forth in the stipulation (paragraph 12), provides for such a contingency.

8. The specific statement of principles now proposed, in our judgment, properly recognizes the relevance of both fully distributed and incremental costs in considering appropriate rate levels of specific classes of service.[1] We make this observation without reaching any conclusion, at this time, as to the weight, if any, that should be accorded to either or both of these factors in fixing rates for a specific service. We note, in this connection, that the statement contemplates the submission of both fully distributed and incremental cost studies, based on methodologies to be developed. It is the thrust of the statement that effective testing of the complex economic theories of costing and pricing which have been advanced in this record, and the reconciliation of opposing, or at least partially conflicting, views of expert witnesses, can best be accomplished by relating the principles advocated to specific rate proposals. Bell has agreed that implementing studies called for by the statement, and any related rate adjustments based thereon, can be filed by October 1, 1969 (Tr. 22342). Moreover, Respondents indicate that, if the plan is adopted, they will waive their right to present rebuttal testimony in Phase 1–B. Cross-examination on the fully distributed cost studies would likewise be unnecessary in this proceeding. We note that paragraph 11 of the statement provides for LRIC and FDC studies at regular predetermined intervals. We expect that such studies will be at least on an annual basis and that initially they will cover the totality of interstate services.

9. The record developed in Docket 16258 provides an examination of pricing principles which we believe is of unprecedented scope in regulatory proceedings. It affords a sound basis upon which to determine theoretical rate-making principles which can then be

[1] We note, of course, that each party to the agreement has reserved the right to assert the relevance of FDC, LRIC, or any other method of cost determination.

tested and applied in the context of rate-making proceedings dealing with Respondents' rate structure and the prices to be charged for their specific services. It is readily apparent that the techniques or methodology for developing the data needed to test and apply long-run incremental cost principles require formulation. Inplementation of the stipulation and development of such needed data will substantially benefit from the extensive testimony and cross-examination which occurred in Docket 16258, and will permit us to proceed to the testing of specific rate-making principles in the light of the issues in the Telpak-Private Line case (Docket 18128), the new Program Transmission rates, and such additional issues that may arise. Thus, if we follow the procedures recommended, the full benefits of the record so far developed will not be lost or minimized. Moreover, we believe that the procedures will enable us to reach these rate issues with greater dispatch and effectiveness than if further extended hearings were held in Docket 16258. Accordingly, it is our judgment that the proposed procedures will provide a better and more timely method of reaching a final conclusion on these important matters and will best conduce to the proper exercise of our statutory authority and promote the ends of justice. We, therefore, note the stipulation (without necessarily approving it) and approve the procedures, except as stated in paragraph 13 below.

10. In taking this action, we will incorporate the record of Phase 1–B (Vols. 77–179 of the Transcript and related exhibits, including Staff Exs. 1 through 8 and 37) into Docket 18128, in order that we may then have the full benefit of the extensive and informative record already developed and to prevent any duplication or repetition thereof in the consideration of the specific rate issue involved in that docket. In the course of the hearing in Docket 18128, it is expected that appropriate disposition will be made of any related matters still pending in Docket 16258, such as the receipt into evidence of certain exhibits (FCC Staff Exs. 48, 53 through 55) and corrections to Networks Exs. 6 and 6A (Tr. 21176). There would also be incorporated with Docket 18128, the record of Docket 14251, the Telpak case which was previously incorporated herein.

11. Other matters presently pending in Phase 1–B, such as the TWX proceeding, Docket 15011, which was consolidated herein (Order of July 22, 1966, FCC 66–675); issues relating to the restructuring of interexchange channel rates in connection with the elimination of Telpak A and B; and increases in charges for private line teletypewriter station equipment which went into effect August 1, 1968, are awaiting the outcome of Phase 1–B (Order Aug. 1, 1967, FCC 67–895), but in view of our action herein, will be separately treated. Accordingly, in view of the events which have transpired since the consolidation, we shall treat the TWX issue by separating Docket 15011 and disposing of it on the record in that docket. The teletypewriter station equipment rates and related issues are already included in Docket 18128 (Order of July 16, 1968, FCC 68–711), and, since any remaining questions as to those rates may be resolved in the latter proceeding, there is no need for any further action in Docket 16258 with respect to such rates.

12. When we brought the private line services within the scope of Docket 18128 by our July 16, 1968 Order, we excluded the program and video transmission services (Series 6000 and 7000 services). New rates for such services are to be filed on September 1, 1969, to be effective October 1, 1969, partly as a result of the proceeding in the Sports Network case, Docket 16043. The same rate-making principles that will be further considered in Docket 18128 will be involved in connection with the new program transmission rates. When those new rates are filed in tariffs, we will make appropriate provision for their consideration in the light of the same rate-making principles.

13. Paragraph 5(D) of the related procedures proposed in the statement is a recommendation, joined in by all the parties (but not by the Staff of the Common Carrier Bureau), that the record in the Telpak Sharing Case, Docket 17457, be reopened and consolidated with Docket 18128. For the reasons set forth in our recent denial of petitions seeking this same result (Memorandum Opinion and Order, adopted June 11, 1969, FCC 69–646), we do not adopt this recommendation.

In view of the foregoing: *It is ordered*, That:

1. Further proceedings in Docket 16258 will be subject to further order.

2. The record of Phase 1–B of Docket 16258, consisting of Volumes 77 through 179 of the Transcript, and related exhibits, including Staff Exs. 1 through 8, and 37, together with the entire record of Docket 14251, is incorporated by reference into Docket 18128. Any required rulings with respect to such exhibits, as noted in paragraph 10 above, shall be made in Docket 18128.

3. Docket 15011, the Teletypewriter Exchange Service case, previously consolidated herewith by our order of July 22, 1966, is hereby separated from Docket 16258 for final disposition on the record of that docket.

Adopted: July 29, 1969.

Released: August 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-9489; Filed, Aug. 11, 1969; 8:48 a.m.]

[1] Commissioner Johnson's dissenting statement filed as part of the original document; Commissioner H. Rex Lee abstaining from voting.

[Docket No. 17441, etc.; FCC 69-819]

BETTER T.V., INC., OF DUTCHESS COUNTY, N.Y., AND NEW YORK TELEPHONE CO. ET AL.

Memorandum Opinion and Order and Certificate Designating Applications for Consolidated Hearing and Modifying Issues

In the matter of Better T.V., Inc., of Dutchess County, N.Y., Complainant v. New York Telephone Co., Defendant, Docket No. 17441; In regard applications of New York Telephone Co., for certificates of public convenience and necessity for construction and/or operation of CATV channel distribution facilities to provide service to:

U.S. Cablevision Corp., in the general vicinity of Hyde Park, N.Y., Docket No. 18525, File No. P–C–7271; Hudson Valley Cablevision Corp., in the general vicinity of Titusville, Poughkeepsie, and La Grange, N.Y., Docket No. 18617, File No. P–C–7114; Dimension Cable TV, Inc., in the general vicinity of Plattsburgh, N.Y., File No. P–C–7116; Hightower of Poughkeepsie, Inc., in the general vicinity of Arlington, Poughkeepsie, and La Grange, N.Y., Docket No. 18618, File No. P–C–7117; Catskill Cablevision Corp., in the general vicinity of Catskill, N.Y., Docket No. 18619, File No. P–C–7118; Comtel, Inc., in the Borough of Manhattan, New York City, N.Y., Docket No. 18620, File No. P–C–7226; WEOK Cablevision, Inc., in the general vicinity of Poughkeepsie and La Grange, N.Y., Docket No. 18621, File No. P–C–7247; WEOK Cablevision, Inc.,[1] in the general vicinity of Poughkeepsie, La Grange and Pleasant Valley, N.Y., Docket No. 18622, File No. P–C–7248; Broadway Maintenance CATV Corp., in the general vicinity of Brookhaven, N.Y., Docket No. 18623, File No. P–C–7255; Manhattan Cable Television, in the Borough of Manhattan, New York City, N.Y., Docket No. 18624, File No. P–C–7282.

1. By a memorandum opinion and order, 17 FCC 2d 367, released April 29, 1969, in Docket Nos. 17441 and 18525, the Commission designated for a consolidated hearing a complaint by Better T.V., Inc., of Dutchess County, N.Y., against New York Telephone Co. (Telco) and the application of the said telephone company for a certificate of public convenience and necessity pursuant to section 214 of the Communications Act. Both the complaint and the section 214 certification application relate to the construction of CATV channel distribution facilities in Hyde Park, N.Y.

2. The designated issues contemplate exploration into the Telco policies and practices underlying the grant of some and denial of other pole-line attachment arrangements; whether undue or unreasonable preference or prejudice or advantage or disadvantage resulted from such policies and practices; whether certification of the proposed construction and operation is warranted; and, if so, whether a grant of the certification application should be made subject to any

[1] Cablevision Enterprises, Inc., named in the application as the CATV customer, has been acquired by WEOK Cablevision, Inc., and the former corporation was dissolved.

conditions. Since it appeared that similar applications for certification had been filed by Telco for CATV facilities in other communities within the State, and that such applications might be designated for hearing in a consolidated proceeding, leave to intervene was granted to certain specified persons and entities which were involved in the other applications.

3. Now before the Commission are the following: (a) A petition filed May 15, 1969, by Telco for reconsideration of the designation order, to confine the evidentiary hearing to the Hyde Park application (File No. P-C-7271), and to withdraw the permission for leave to intervene from any person or entity not concerned with that application;[1] and (b) a motion for consolidated hearing filed jointly by the Common Carrier Bureau and the CATV Task Force on May 29, 1969; together with the responsive pleadings directed to the said petition and motion.[2] On June 9, 1969, Dimension Cable TV, Inc., filed a pleading in response to the joint motion for consolidation which contained comments in partial opposition thereto and, in addition, a request for a grant without hearing of the certification application in File No. P-C-7116.

4. In the designation order in Dockets Nos. 17441 and 18525, we noted that a number of applications by Telco for CATV facilities in communities in New York State were pending and that a consolidated hearing for at least some of them might be appropriate. Processing of such applications has been completed and a determination must now be made as to whether any should be designated for hearing and, if so, whether the pleadings raise issues which are sufficiently similar to warrant hearing in a consolidated proceeding.

5. Dimension Cable TV, Inc., a CATV operator and the proposed customer of Telco at Plattsburgh, N.Y., opposes consolidation of the certification application for additional facilities in that community (File No. P-C-7116) with other certification applications. It asserts that over $275,000 has been invested in the system which has been operating at a loss since service was commenced in July 1967, and that completion of the system is essential to a viable operation. Dimension Cable points out that the only protest was filed by Vermont New York Television, Inc., permittee of station WVNY-TV on Channel 22 at Burlington, Vt., which television permittee does not oppose certification but "merely requests that any certificate should contain an appropriate condition with respect to nonduplication protection. * * *" In a letter dated June 18, 1969, WVNY-TV asserted that it also opposes consolidation on the ground that "as a struggling new UHF station in an intermixed market" it does not desire to become involved in a long, complicated hearing on issues irrelevant to the station's interests. Therefore, WVNY-TV would interpose no objection to a grant of the Plattsburgh application provided an appropriate condition is included concerning nonduplication protection.[4]

6. The joint reply filed by the Bureau and the Task Force does not dispute Dimension Cable's or WVNY-TV's assertions but, in opposition, alleges only that consolidation should be ordered because "the application involves the same applicant and the same basic issues as the other applications * * *" Unquestionably, the same applicant is involved, but the pleading is devoid of any factual allegations to support the contention that the basic issues are the same. The local authorities in the areas of the existing and contemplated facilities have not protested certification. No person or entity has come forward with any claim that there is a likelihood of wasteful duplication by Telco in Plattsburgh, or any charges that Telco has shown undue discrimination against or preferential treatment for certain CATV operators, or engaged in unlawful anticompetitive practices or other improper conduct having to do with pole-line attachment agreements or CATV channel distribution facilities in that community. These are the situations, however, and they are the charges to which reference is made in the designation order (paragraph 12) and out of which the "basic issues" arose. In our view, the mere facts that the same applicant is involved and that the application is for facilities in the State of New York provide no sufficient justification for consolidating the Plattsburgh application in this hearing; and nothing more is indicated by the pleadings before us. Since no substantial and material questions of fact necessitating a hearing have been raised, we shall deny the request to designate the application for certification of facilities in Plattsburgh (File No. P-C-7116) for hearing in a consolidated proceeding. We find that the public convenience and necessity requires the construction and operation for which certification is requested in the said application, and that a grant subject to an appropriate condition which will insure compliance by the CATV customer with the rules and any outstanding or subsequently issued orders of the Commission concerning nonduplication protection for the local television stations is in the public interest.

7. We do find, however, that the remaining eight applications must be designated for hearing in a consolidated proceeding. The pleadings filed in connection with these applications raise issues with respect to the actions, policies and practices of Telco which are similar to those involved in the April 29, 1969, designation order. Thus, it is likely that much of the evidence introduced in connection with one application will be critical to a determination of several, if not all, of the aforesaid Telco applications. By conducting the inquiry in a consolidated proceeding needless duplication will be avoided and the parties and the Commission will be spared the time, effort, and expense of separate hearings. Moreover, we believe that a pattern of Telco's actions, policies and practices with respect to pole-line attachment agreements and its tariff offerings can be developed more effectively in a consolidated hearing with all interested parties participating than by considering the application for each community in isolation.

8. In the joint motion for consolidated hearing, request is made for issues in addition to those designated in the Dockets Nos. 17441 and 18525 proceeding. Thus, it is asserted that issues should be included to determine whether the proposed CATV customers are in compliance with the Commission's rules or the interim processing procedures promulgated in Docket No. 18397; whether there has been an abuse of the Commission's processes; and whether statements made to the Commission reflect a lack of candor or are misrepresentations. We do not deem it advisable to pass on such matters. Our determination to hold a consolidated hearing is predicated upon the similarity of the issues which have been raised by the pleadings directed against Telco's applications. In our view, the more orderly procedure is to confine the consolidated hearing to matters considered in our initial designation order and to make only such changes in the designated issues as are necessary to accomplish this purpose. Those matters raised for the first time in the motion to consolidate and which do not appear directly to involve the disposition of the Telco applications we shall leave for determination either at a later stage of this proceeding in the manner set forth below upon a showing that resolution of

[1] Telco also requests that the complaint in Docket No. 17441 be dismissed, but the request is so completely without merit as to require no extended discussion. The Commission did not hold, as Telco erroneously asserts, that the allegations of the complaint can best be resolved in the consolidated proceeding in Docket No. 16928 et al. The Commission's reference to the consolidated proceeding as an adequate forum in which to ascertain the relevant facts was expressly limited to Better T.V.'s request "that a general investigation and hearing be instituted" concerning alleged unlawful anticompetitive pole-line attachment practices and antitrust violations of Telco and American Telephone and Telegraph Co.

[2] Oppositions to the petition for reconsideration were filed on May 28, 1969, by the Chief, Common Carrier Bureau, by the Chief, CATV Task Force, and by Better T.V., Inc. With respect to the joint motion for consolidated hearing, Telco and American Telephone and Telegraph Co. each filed an opposition on June 10, 1969; and, as set forth above, Dimension Cable filed comments in partial opposition to the joint motion. On June 23, 1969, a reply pleading was filed jointly by the Bureau and the CATV Task Force. WEOK Cablevision, Inc., filed a pleading on June 11, 1969, which combines a response to the joint motion for consolidation with a request for enlargement of issues addressed to the Review Board. Since such a combined pleading violates § 1.44 of the rules, it has been given no consideration in the disposition of this matter.

[4] The television station is concerned primarily with protection against duplication of programs of domestic networks prereleased over Canadian stations carried on the CATV system.

the issue herein is essential or in a separate but more appropriate proceeding.

9. Our refusal to include the additional issues requested in the joint motion is, of course, without prejudice to a motion to the Review Board for enlargement of issues in accordance with the provisions of § 1.229 of the rules.[5] While we do not mean to express an opinion concerning the merits of any such motion, if made, we do deem a word of caution to be advisable. In connection with any request for enlargement of issues, the moving party should demonstrate that resolution of the requested issue is essential to a decision in this proceeding. Thus, if an issue is requested concerning compliance by CATV operators with the Commission's rules, the pleadings should indicate the necessity for the issue in order to pass on Telco's applications, and should show that the matters raised cannot adequately be treated by a separate proceeding directed to the CATV operation or by conditioning the certificate of public convenience and necessity upon a showing of compliance with the Commission's rules and directives by the CATV operator (see New England Telephone & Telegraph Co., 17 FCC 2d 33, 37–38). We must not lose sight of the fact that the primary purpose of this consolidated proceeding is to explore Telco's actions, policies and practices in order to determine whether it has engaged in conduct which is inconsistent with the public interest and which would preclude the issuance of certificates of public convenience and necessity pursuant to section 214, and not to determine whether the CATV operator has met its responsibility under the rules in each and every detail.[6] If issues are included which have only an incidental relationship to the primary objective of this hearing and the resolution of which are not essential to a decision on Telco's applications, this proceeding may become so unwieldy as to make exceedingly difficult a concentration on the development of the essential facts and to delay unduly the issuance of a decision on the important policy matters under consideration.[7]

10. As too frequently occurs in our administrative proceedings, a plethora of pleadings have been filed which have no sanction in the rules, followed by motions and petitions directed to the unauthorized pleadings and these, in turn, have induced a host of responsive pleadings. Whether the numerous filings were justified, or if unjustified, whether they were due to willful misconduct, negligence, or ineptitude, we need not at this time decide. Our determination that certain of the applications under consideration should be designated for a consolidated hearing is based upon the applications and the pleadings authorized by the rules and by the published interim procedures (FCC 68–816, released Aug. 9, 1968) which govern section 214 applications to furnish CATV channel distribution facilities. Appropriate disposition of the motions and petitions pending before us will be made in the ordering clauses of this memorandum in the light of the views herein expressed.[8]

11. It is also suggested in the joint motion for consolidation that an issue be included to determine whether there has been an abuse of the Commission's processes by the filing of unauthorized pleadings for the purpose of delay and obstructionism. Again we must emphasize that this proceeding should not be encumbered with collateral issues which will not affect the outcome of the case. Thus, an abuse of the Commission's processes by one of the protestants to the grant of a Telco certification application would hardly be a relevant consideration in deciding whether a grant is in the public interest. The issue will therefore not be included. However, our action here is without prejudice to such other and further action as the Review Board may deem necessary and appropriate upon pleadings asserting that inclusion of this or a similar issue is essential to the disposition of a Telco application. In addition, we direct the staff to conduct a thorough investigation into the charges of abuse of the Commission's processes for the purpose of ascertaining whether action against a party, either by the commencement of a separate proceeding or the inclusion of an issue in a pending proceeding, is warranted; or whether the institution of disciplinary proceedings against the attorneys for the parties herein or any of them pursuant to section 1.24 of the rules is called for. The Commission has a tremendous workload, and we cannot tolerate conduct by a party, or any participation by an attorney in conduct, which serves to interfere with the orderly and expeditious disposition of the important matters that are pending before us.

12. In view of the restrictions that we have placed upon the matters to be considered in this proceeding, there is no basis for Telco's contention that, in a consolidated proceeding, factual situations would be intermingled and the orderly consideration of individual applications would be virtually impossible. The issues designated for hearing in the case of each application are similar in nature so that a substantial amount of the evidence adduced will be applicable to several or all of the applications. Where appropriate, circumstances peculiar to an individual application certainly may be introduced. The Hearing Examiner has considerable latitude in the conduct of the hearing, and we have no doubt that it is well within his competence to make clear whether the evidence adduced pertains only to one application or to several applications. Moreover, in writing our decision we shall take into consideration, and give appropriate weight to the facts and circumstances relating to an individual application.

13. American Telephone and Telegraph Co.'s objection to being made a party to this proceeding must be rejected. Section 411(a) of the Communications Act provides in pertinent part that "it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the charge, regulation, or practice under consideration * * *" In this proceeding the policies and practices of Telco with respect to the grant or denial of pole-line attachment agreements and relative to its tariff offerings for CATV channel distribution service will be explored in order to determine whether a grant of its pending applications is in the public interest. Whether such policies and practices are dictated by A.T. & T. cannot be determined from the pleadings before us but by reason of its control of the voting stock of Telco, A.T. & T. manifestly is in a position to do so. In any event, A.T. & T. will be "interested in or affected by" the decision and orders issued in this proceeding, and we conclude that it should be made a party to it.

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[5] Technically, the request in the joint motion is not for an enlargement of issues since the eight applications under consideration are only now being designated for hearing.

[6] Although not directly applicable, we call attention to a statement in the report and order in Docket No. 18383 (FCC 69–355, 15 RR 2d 1595, 1596, released Apr. 11, 1969), concerning the amendment of Part 2 of the rules. Therein we stated:

"We do not expect the carrier to insure that the CATV system has correctly complied with all provisions of the CATV rules. However, we do expect the carrier to require the CATV system to submit to it copies of all letters of notification (for purposes of inclusion in the application), to ascertain that such letters contain reference to the intended microwave filing, and to require the CATV system to identify any other Commission application or request that may be necessary for carriage of the imported signals. Beyond this the carrier will have no other responsibility with respect to the CATV rules. It will be the responsibility of the CATV system to make correct notification pursuant to § 74.1105 and to ascertain whether any other Commission authorization is needed to enable it to operate as proposed. To eliminate any misunderstanding in this aspect, we will eliminate the term 'certification' from § 21.713 and substitute other language which more accurately reflects the carrier's limited responsibility in this matter."

[7] Certainly, no issue should be added in the absence of a showing that the matter requires a hearing for resolution. We do not perceive, for example, why a discrepancy between the signals listed in the § 74.1105 notice and in a companion microwave application can be resolved only by an evidentiary hearing. Other information in the CATV file may indicate that a hearing is necessary, but on the basis of the brief comment in the joint motion, it would appear that a letter of inquiry should suffice. However, since we have not undertaken an examination of all of the CATV files mentioned in the joint motion, our comments should not be taken as an expression of our views on the merits of the request.

[8] Good cause having been shown, however, we shall grant the motion filed Feb. 4, 1969, by the city of New York for acceptance of its late-filed comments in File No. P–C–7282. With respect to the motions to dismiss Hudson Valley Cablevision's opposition filed Dec. 2, 1968, in File P–C–7117, we conclude that the public interest requires consideration of the pleading whether late filed or not, and the motions to dismiss will be denied.

14. In its petition for reconsideration, Telco seeks substantially the same relief as it does in its opposition to the joint motion for consolidation. It requests that the Hyde Park application (File No. P–C–7271) be considered separately and that the invitation to intervene extended to the persons and entities interested in the section 214 applications for facilities in other communities and to serve other CATV systems be withdrawn. The petition must be denied for essentially the same reasons that we have concluded that a consolidated hearing should be held. Evidence concerning Telco's conduct in all of the communities where its applications have been protested is material and relevant in determining the carrier's practices and policies relative to requests for pole-line attachment agreements or for CATV channel distribution facilities. Consequently, the participation of all interested parties is essential to the development of a full and complete record, and a consolidated proceeding is essential in order to avoid a multiplicity of hearings at which substantially the same evidence would be introduced.

15. The Supreme Court decision in National Labor Relations Board v. Wyman-Gordon Company (37 U.S.L.W. 4370), upon which Telco relies, is inapposite. There is no attempt here to hold Telco to new rules promulgated in adjudicatory proceedings rather than in accordance with the requirements of the Administrative Procedure Act. The matter at issue in this case is the disposition to be made of Telco's applications in the light of the evidence adduced in the adjudicatory hearing. Other contentions advanced by Telco have been considered but we find them to be without merit. Its petition for reconsideration will therefore be denied.

16. *Accordingly, it is ordered,* That, pursuant to sections 214(a) and 403 of the Communications Act of 1934, as amended, the applications of New York Telephone Co. in Files Nos. P–C–7114, P–C–7117, P–C–7118, P–C–7226, P–C–7247, P–C–7248, P–C–7255, and P–C–7282 are hereby designated for consolidated hearing with the proceeding in Dockets Nos. 17441 and 18525; that the issues previously specified are modified and the issues for this consolidated proceeding are restated as followed:

(a) To determine the facts with respect to the grant and denial by New York Telephone Co. of duct space and pole-line attachment agreements or arrangements with CATV operators in or near any of the communities proposed to be served by the facilities for which certification is being requested in the applications under consideration; and the policies and practices underlying such actions;

(b) To determine whether said actions, policies, and practices, relative to New York Telephone Co.'s tariff offerings, subjected any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage, or extended any undue or unreasonable preference or advantage to any person, class of persons, or locality;

(c) To determine whether the present or future public convenience and necessity requires or will require all or any of the construction and operation for which certification is requested in the subject applications;

(d) To determine, in the event of an affirmative finding under issue (c) above, what conditions, if any, should attach to a grant of any or all of the subject applications;

(e) To determine, in light of the evidence adduced under the foregoing issues, what further action, if any, the Commission should take.

17. *It is further ordered,* That, in addition to the persons named as parties in Dockets Nos. 17441 and 18525, the American Telephone and Telegraph Co., Broadway Maintenance CATV Corp., Catskill Cablevision Corp., the city of New York, Comtel, Inc., Hightower of Poughkeepsie, Inc., Hudson Valley Cablevision Corp., Listfax Cablevision, Manhattan Cable Television, Mid-Hudson Cablevision, Inc., Sterling Information Services, Ltd., Suffolk Cable Corp., TelePrompTer Manhattan CATV Corp., and WEOK Cablevision, Inc., are made parties to the proceeding.

18. *It is further ordered,* That the petition for reconsideration filed on May 15, 1969, by New York Telephone Co. is denied.

19. It is hereby certified, that the public convenience and necessity require the construction and operation of the CATV channel distribution facilities specifically described in application File No. P–C–7116: *And it is ordered,* That authority is hereby granted for the construction and operation of the said facilities: *Provided, however,* That no service other than the CATV channel service described in the said application shall be furnished over the facilities authorized herein without prior authorization by the Commission; that this authorization is issued without prejudice to any Commission action which may hereafter be indicated as the result of the proceedings in Dockets Nos. 16928, 16943, and 17098; that this authorization is further conditioned upon New York Telephone Co. obtaining from and filing with the Commission, within fifteen (15) days after the release of this memorandum opinion and order and certificate, a statement from Dimension Cable TV, Inc., that it will comply with Part 74, Subpart K, of the rules, the requirements of the interim procedures set forth in Docket No. 18397 and any rules that may be promulgated by the Commission in Docket No. 18397, and with any outstanding or subsequently issued orders of the Commission concerning nonduplication protection for local domestic television stations including, if ordered, nonduplication protection with respect to Canadian prerelease of network programs.

20. *It is further ordered,* That the motion filed February 4, 1969, by the city of New York in File No. P–C–7282 for acceptance of its late filed comments is granted, and the said comments are accepted for filing.

21. *It is further ordered,* That the petition for acceptance of a supplemental pleading filed January 13, 1969, by WEOK Cablevision, Inc., and Cablevision Enterprises, Inc., in connection with Files Nos. P–C–7114, P–C–7117, P–C–7247, and P–C–7248 is denied; the petition filed December 13, 1968, jointly by Hightower of Poughkeepsie, Inc., and Listfax Cablevision with a motion for leave to file the said petition, and the motion filed on December 16, 1968, by New York Telephone Co. to dismiss the opposition filed December 2, 1968, by Hudson Valley Cablevision Corp. to the certification application in File No. P–C–7117 are denied; the motions to dismiss filed by New York Telephone Co. on January 13, 1969, in File No. P–C–7114, on January 13, 1969, in File No. P–C–7116, and on January 21, 1969, in File No. P–C–7118 are dismissed as moot; and other relief requested in petitions and motions filed by the parties is granted on to the extent consistent with the determinations made in this memorandum opinion and order and certificate but in all other respects the requested relief is denied.

22. *It is further ordered,* That the joint motion for consolidation, filed May 29, 1969, by the Chief, Common Carrier Bureau, and the Chief, CATV Task Force is granted to the extent reflected herein and in all other respects is denied.

23. *It is further ordered,* That the burden of proceeding and the burden of proof upon issues (a) and (c) shall be upon New York Telephone Co.; that the burden of proof upon issue (b) shall be upon the party, or parties, urging that New York Telephone Co.'s actions, policies, and practices have, or had, the effect set forth therein; and that the burden of proof upon issues (d) and (e) shall be upon the party, or parties, urging conditions or actions, respectively.

24. *It is further ordered,* That the petition filed July 7, 1969, by New York Telephone Co. for authority to file an additional statement is dismissed as moot.

25. *It is further ordered,* That the Secretary of the Commission shall send a copy of this memorandum opinion and order and certificate to Dimension Cable TV, Inc.

26. *It is further ordered,* That the parties desiring to participate herein shall file their appearance in accordance with § 1.221 of the Commission's rules.

Adopted: July 29, 1969.

Released: August 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-9490; Filed, Aug. 11, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

FAR EAST CONFERENCE AND PACIFIC WESTBOUND 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

* Commissioner Bartley concurring in the result; Commissioner Robert E. Lee absent.

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 agreement 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:

Elkan Turk, Jr., Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Under date of October 16, 1968 in Federal Maritime Commission Docket No. 68–24 the Commission issued its order granting continued approval of Agreement No. 8200 for the period of 1 year from the date of the order, and granted approval of Agreements No. 8200–1 and 8200–2, also for the period of 1 year from the date of the order. By letters dated June 12 and July 25, 1969 the two conferences have petitioned the Commission that approval of these arrangements be extended for a period of 18 months. The petition has been assigned Federal Maritime Commission Agreement No. 8200–3.

Generally speaking, Agreement No. 8200 and 8200–2 are arrangements which permit the two conferences to discuss and agree upon rates assessed by steamship companies in all trades to the Far East (Japan to Viet Nam, including the Philippines) from all U.S. coasts excluding the Great Lakes.

Agreement No. 8200–1 stipulates that any carrier becoming a member of either conference shall become a party to Agreement No. 8200.

Dated: August 7, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69–9486; Filed, Aug. 11, 1969; 8:48 a.m.]

[Docket No. 69–12, etc.]

SOUTH ATLANTIC & CARIBBEAN LINE, INC., ET AL.

Consolidation of Hearings

South Atlantic & Caribbean Line, Inc., general increase in rates in the U.S. Atlantic/Puerto Rico trade, Docket No. 69–12; Lykes Bros. Steamship Co., Inc., general increases in rates in the U.S. Gulf/Puerto Rico trade, Docket No. 69–13; Gulf-Puerto Rico Lines, Inc., general increases in rates in the U.S. Gulf/Puerto Rico trade, Docket No. 69–23; Seatrain Lines, Inc., general increases in rates in the U.S. Atlantic/Puerto Rico trade, Docket No. 69–24; Transamerican Trailer Transport, Inc., temporary strike surcharge in the U.S. North Atlantic/Puerto Rico trade, Docket No. 69–25; Sea-Land Service, Inc., general increases in rates in the U.S. Atlantic/Puerto Rico trade, Docket No. 69–26.

In an order issued this date we have denied Transamerican Trailer Transport, Inc.'s, petition for reconsideration of our July 23, 1969, order denying their appealed motion to consolidate the above-styled proceedings and denying their alternative petition to intervene in Dockets 69–24 and 69–26.

While denying TTT's petition for reconsideration we have determined, on our own initiative, to effect a partial consolidation of the proceedings for hearing on the basis of trade areas served by the carriers. We are taking this action because we believe that such a format will facilitate the development of a more meaningful record with respect to each of the particular trade areas which are served by the carriers whose revenue levels are under investigation.

Dockets 69–13 and 69–23, involving Lykes Bros. Steamship Co., Inc., and Gulf-Puerto Rico Lines, Inc. (carriers in the Gulf/Puerto Rico trade), will be consolidated for hearing.

Dockets 69–24, 69–25, and 69–26, involving Seatrain Lines, Inc., Transamerican Trailer Transport, Inc., and Sea-Land Service, Inc. (carriers in the North Atlantic/Puerto Rico trade), will likewise be consolidated for hearing. Gulf-Puerto Rico Lines shall remain a party to this consolidated proceeding for the purpose of investigating the questions of whether the financial and operating relationships between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., are proper under the shipping acts, and whether they shall be treated in the future as a single entity for regulatory purposes.

Docket 69–12 involving South Atlantic & Caribbean Line, Inc. (the single carrier under investigation serving the South Atlantic/Puerto Rico trade), will be heard separately.

Therefore, it is ordered, That Docket No. 69–13 (Lykes Bros. Steamship Co. Inc.—General Increases in Rates in the U.S. Gulf/Puerto Rico Trade) be consolidated for hearing with Docket 69–23 (Gulf-Puerto Rico Lines, Inc.—General Increases in Rates in the U.S. Gulf/Puerto Trade).

It is further ordered, That Docket 69–24 (Seatrain Lines, Inc.—General Increases in Rates in the U.S. Atlantic/Puerto Rico Trade), Docket 69–25 (Transamerican Trailer Transport, Inc. Temporary Strike Surcharge in the U.S. North Atlantic/Puerto Rico Trade), and Docket 69–26 (Sea-Land Service, Inc.—General Increases in Rates in the U.S. Atlantic/Puerto Rico Trade) be consolidated for hearing.

It is further ordered, That Gulf-Puerto Rico Lines, Inc., shall remain a party to the consolidated proceeding involving Sea-Land Service, Inc., for the purpose of investigating the questions of whether the financial and operating relationships between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., are proper under the shipping acts, and whether they shall be treated in the future as a single party for regulatory purposes.

It is further ordered, That a copy of this order shall be served on all parties to these proceedings, that said parties be duly notified of the time and place of the hearings, and this order be published in the FEDEARL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69–9487; Filed, Aug. 11, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Charter New York Corp., New York, N.Y., for approval of acquisition of voting shares of the successor by merger to The Fulton County National Bank and Trust Co. of Gloversville, Gloversville, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Charter New York Corp., New York, N.Y., for the Board's prior approval of the acquisition of all of the outstanding voting shares (less directors' qualifying shares) of the successor by merger to The Fulton County National Bank and Trust Co. of Gloversville, Gloversville, N.Y.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 20, 1969 (34 F.R. 7935), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 5th day of August 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-9451; Filed, Aug. 11, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No G-3264, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 4, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments 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 28, 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 or the authorization for the proposed abandonment 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: *Provided, however,* That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3264 ..... D 7-14-69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221 (Partial abandonment).	Northern Natural Gas Co., Brunson Field, Lea County, N. Mex.	Uneconomical	.....
G-3498 ..... D 7-11-69	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Crowley Field, Acadia Parish, La.	Uneconomical	.....
G-4714 ..... (G-2712) C 7-7-69 [3]	Roberts and Murphy, Inc., c/o H.Y. Rowe, Attorney, 200 Jefferson Ave., El Dorado, Ark. 71730.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	11.86	14.65
G-12273 ..... C 7-7-69	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Pictured Cliffs et al. Fields, San Juan and Rio Arriba Counties, N. Mex.	[4] 13.0	15.025
G-13103 ..... D 7-11-69	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Southern Union Gathering Co., acreage in San Juan County, N. Mex.	(5)	.....
G-16271 ..... E 7-8-69	Triton Oil & Gas Corp. (successor to Landa Oil Co.), 2626 Republic National Bank Tower, Dallas, Tex. 75201.	Mississippi River Corp., Caddo Lake Field, Harrison County, Tex.	[6] 14.0	14.65
G-16748 ..... E 7-11-69	General Crude Oil Co. (successor to Magna Oil Corp.), Bank of the Southwest Bldg., Houston, Tex. 77002.	Northern Natural Gas Co., E. C. Greene Unit, Hansford County, Tex.	17.5	14.65
G-19299 ..... E 5-27-69	Beacon Gasoline Co. (successor Blackburn Gasoline Plant). [7]	Webster, Claiborne, and Bossier Parishes, North Louisiana. [8]	[7] 1.5 [8] 1.0	15.025
CI61-222 ..... E 7-3-69	Clinton Oil Co. (successor to H. F. Sears), 217 North Water St., Wichita, Kans. 67202.	El Paso Natural Gas Co., Perryton Lower Morrow 8700' Field, Ochiltree County, Tex.	17.0	14.65
CI61-1622 ..... E 7-2-69	Mack R. Worl and George W. Marthens (successors to Thomas J. Blaho, Jr., agent et al.), 5021 Baltan Road, Washington, D.C. 20016.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
CI62-1334 ..... E 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle (Red Cave) Field, Hutchinson County, Tex.	[9] 12.0	14.65
CI63-26 ..... E 7-2-69	Mack R. Worl and George W. Marthens (successors to Henry Breck). [10]	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
CI63-234 ..... C 7-15-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore County, Okla.	[11] 15.0	14.65
CI63-1060 ..... E 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle (Red Cave) Field, Hutchinson County, Tex.	11.0	14.65
CI64-380 [12] ..... E 7-7-69	Triton Oil & Gas Corp. (successor to Landa Oil Co).	Panhandle Eastern Pipe Line Co., Valley Center West Field, Dewey County, Okla.	[13] 15.0	14.65
CI64-1007 ..... C 6-19-69	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	[14] 13.0	15.025
CI65-603 ..... (CI65-586) C 7-7-69 [14]	Marathon Oil Co. (Operator) et al., 539 South Main St., Findlay, Ohio 45840.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	[15] 16.659	14.65
CI67-190 ..... C 7-7-69	Imperial Drilling Co. (Operator and Agent) et al., 216 Cravens Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Follett Field, Lipscomb County, Tex.	[17] 17.0	14.65
CI67-248 ..... E 5-27-69	Beacon Gasoline Co. (successor to Blackburn Gasoline Plant).	Webster, Claiborne, and Bossier Parishes, North Louisiana. [18]	[7] 1.5 [8] 1.0	15.025
CI68-703 ..... C 6-9-69 [19]	Banquete Gas Co., a division of Crestmont Oil & Gas Co., 2622 Mission St., San Marino, Calif. 91108.	United Gas Pipe Line Co., Odem (6850') Field, San Patricio County, Tex.	16.0	14.65
CI69-219 ..... C 7-2-69	Colorado Oil & Gas Corp., Box 749, Denver, Colo. 80201.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	[2] 17.0	14.65
CI69-368 ..... E 7-3-6	Clinton Oil Co. (successor to H. F. Sears).	Phillips Petroleum Co., West Panhandle (Red Cave) Field, Hutchinson County, Tex.	[20] 14.0	14.65
CI69-382 ..... E 7-3-69	do	do	[20] 13.0	14.65
CI69-384 ..... E 7-3-69	Clinton Oil Co. (successor to H. F. Sears et al.).	do	[20] 14.0896	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-400..... E 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	[2] 14.0896	14.65
CI69-1021..... C 7-15-69	Mobil Oil Corp.....	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	[2] 15.0	14.65
CI70-1..... A 7-2-69	Union Pacific Railroad Co., c/o Bradford Ross, Esq., Ross, Marsh & Foster, 725 15th St. NW., Washington, D.C. 20005.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., East Rock Springs Area Field, Sweetwater County, Wyo.	[2] 15.0	14.65
CI70-2..... (CI64-1405) F 7-2-69 [3]	Southwest Oil Industries, Inc. (successor to Steve Gose (Operator) et al.), 801 First National Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., Kinta Field, Haskell County, Okla.	[2] 15.0	14.65
CI70-4..... A 7-3-69	Sesco Production Co. (Operator) et al., 207 Pine Tree Road, Longview, Tex. 75601.	United Gas Pipe Line Co., Henderson East Field, Rusk County, Tex.	15.0	14.65
CI70-5..... A 7-3-69	Mobil Oil Corp.....	Marathon Oil Co., Doran Farms Field, Cheyenne County, Nebr.	12.5	15.025
CI70-6..... A 7-7-69	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	Mountain Gas Co., Union District, Kanawha County, W. Va.	27.0	15.325
CI70-8..... A 7-7-69	Woods Petroleum Corp., [3] 4900 North Santa Fe, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	[2] 17.0	14.65
CI70-9..... A 7-7-69	Graham-Michaelis Drilling Co., 302 Graham Bldg., 211 North Broadway, Wichita, Kans. 67202.	Michigan Wisconsin Pipe Line Co., Southwest Cedardale Field, Woodward County, Okla.	[2] 19.5	14.65
CI70-10..... (G-10990) F 7-2-69	Sun Oil Co. (DX Division) (successor to Viersen & Cochran), Post Office Box 2039, Tulsa, Okla. 74102.	Cities Service Gas Co., Eureka District, Grant and Alfalfa Counties, Okla.	[3] 14.0	14.65
CI70-11..... (CI61-1281) F 6-23-69	Shell Oil Co. (successor to Mobil Oil Corp. (Operator) et al.), 50 West 50th St., New York, N.Y. 10020.	Michigan Wisconsin Pipe Line Co., Cedardale Field, Woodward County, Okla.	[3] 17.015	14.65
CI70-12..... B 7-3-69	Texas Gas Exploration Corp. (Operator) et al., 1111 First City National Bank Bldg., Houston, Tex. 77052.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	[23]	.....
CI70-13..... B 7-3-69	Texas Gas Exploration Corp.....	do.....	[23]	.....
CI70-14..... B 7-3-69	do.....	do.....	[23]	.....
CI70-15..... B 7-3-69	do.....	do.....	[23]	.....
CI70-16..... B 7-3-69	Texas Gas Exploration Corp. (Operator) et al.	do.....	[23]	.....
CI70-17..... B 7-3-69	Texas Gas Exploration Corp.....	do.....	[23]	.....
CI70-18..... B 7-3-69	do.....	do.....	[23]	.....
CI70-19..... B 7-3-69	Texas Gas Exploration Corp. (Operator) et al.	do.....	[23]	.....
CI70-20..... A 7-10-69	The Rodman Corp., [3] Post Office Box 3826, Odessa, Tex. 79760.	Northern Natural Gas Co., VIP Clearfork Field, Crockett County, Tex.	[2] 14.5	14.65
CI70-21..... (CI67-220) F 7-7-69	B. J. Brown (Operator) (successor to Lone Star Producing Co.), 701 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Arkansas Louisiana Gas Co., Northeast Spiro Field, Le Flore County, Okla.	15.0	14.65
CI70-22..... (CI66-1083) F 7-8-69	Hassie Hunt Trust (successor to G. H. Vaughn, Jr. and Jack C. Vaughn (Operators) et al.), 1401 Elm St., Dallas, Tex. 75202.	Texas Gas Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	18.25	15.025
CI70-23..... A 7-3-69	Pennzoil United, Inc., c/o Kenneth R. Huddleston, Division Manager, Post Office Box 1588, Parkersburg, W. Va. 26101.	United Fuel Gas Co., Henry District, Clay County, W. Va.	[3a] 24.0	15.325
CI70-24..... A 7-10-69	Davis Oil Co., 1230 Denver Club Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Bitter Creek Field, Sweetwater County, Wyo.	[2] 15.0	14.65
CI70-25..... A 7-10-69	Davidor & Davidor, Inc., [3] 4515 North Santa Fe, Oklahoma City, Okla. 73112.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Weld County, Colo.	[2] 14.6	14.65
CI70-26..... A 7-11-69	King Resources Co., [3] Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Kant Area, Lea County, N. Mex.	10.0	14.65
CI70-27..... B 7-11-69	Trice Production Co. et al., Post Office Drawer 2282, Longview, Tex. 75601.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Rock Island Field, Colorado County, Tex.	Depleted	.....
CI70-28..... A 7-11-69	Caroline Hunt Sands and Loyd B. Sands, 1401 Elm St., Dallas, Tex. 75202.	Arkansas Louisiana Gas Co., Southeast Pritchett Area, Upshur County, Tex.	[3] 12.47 [3a] 11.97	14.65
CI70-29..... A 7-11-69	William M. Shepperd (Operator) et al., 2035 Main St., Houston, Tex.	Trunkline Gas Co., East Cypress Creek, Newton County, Tex.	17.0	14.65
CI70-30..... B 7-2-69	Thomas J. Blaho, Jr. et al.....	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Uneconomical	.....
CI70-31..... (G-4507) F 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Panhandle (Red Cave) Field, Hutchinson County, Tex.	[2] 12.0	14.65
CI70-32..... (G-2940) F 7-3-69	do.....	Phillips Petroleum Co., West Panhandle (Red Cave) Field, Moore County, Tex.	[2] 11.0	14.65
CI70-33..... (G-2890) F 7-3-69	do.....	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Panhandle (Red Cave) Field, Moore and Hutchinson Counties, Tex.	[2] 11.0	14.65
CI70-34..... (G-2949) F 7-3-69	do.....	Panhandle Producing Co., West Panhandle (Red Cave) Field, Hutchinson County, Tex.	11.0	14.65
CI70-35..... (G-2724) F 7-3-69	do.....	do.....	11.0	14.65
CI70-36..... A 7-14-69 [3]	Dorchester Gas Producing Co., Post Office Box 730, Amarillo, Tex. 79105.	Natural Gas Pipeline Co. of America, Harrington Field, Texas County, Okla.	1.0	14.65
CI70-37..... A 7-14-69	Subsurface Reserve Corp., 16th Floor, Milam Bldg., San Antonio, Tex. 78205.	Texas Eastern Transmission Corp., Salt Creek Field, Live Oak County, Tex.	16.0	14.65
CI70-38..... A 7-14-69	Jake L. Hamon, 3900 Republic National Bank Tower, Post Office Box 663, Dallas Tex. 75221.	Natural Gas Pipeline Co. of America, Buffalo Wallow Field, Hemphill County, Tex.	[2] 19.0	14.65
CI70-40..... A 7-14-69	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills and Ellis Counties, Okla.	15.0 [2] 17.0	14.65
CI70-41..... A 7-14-69	Gulf Oil Corp.....	Transcontinental Gas Pipe Line Corp., Bayou Couba Field, St. Charles Parish, La.	[3a] 21.25	15.025
CI70-42..... B 7-14-69	Salmon Corp., Suite 230, 833 South Detroit Ave., Tulsa, Okla. 74120.	Texas Eastern Transmission Corp., Bomba Field, Goliad County, Tex.	Depleted	.....
CI70-43..... (G14360) P 7-7-69	J. Gregory Merrion et al. (successor to Humble Oil & Refining Co.), Box 1541, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Bluff Field, San Juan County, Utah.	17.7	15.025
CI70-44..... (CI65-982) (CI65-844) F 7-7-69	J. Gregory Merrion et al. (successor to Humble Oil & Refining Co. and Featherstone Farms, Ltd.).	Montana-Dakota Utilities Co., Poison Creek Unit, Fremont County, Wyo.	15.384	15.025
CI70-45..... (G-15714) F 7-10-69	Cotton Petroleum Co. (successor to Humble Oil & Refining Co. (Operator) et al.), Parkland Plaza Bldg., 2211 South Columbia, Tulsa, Okla. 74114.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	[2] 17.0	14.65
CI70-46..... (G-2978) F 7-11-69	Texaco, Inc. (successor to Sun Oil Co. (DX Division)), Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., Spraberry Trend Field, Midland County, Tex.	14.5	14.65
CI70-47..... (CI69-389) F 7-11-69	Petroleum, Inc. (successor to Westhoma Oil Co.), 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., acreage in Texas County, Okla.	[2] 17.0	14.65

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-48 (G-12276) F 7-9-69	Tenneco Oil Co. (successor to Pan American Petroleum Corp. (Operator), et al.), Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan County, N. Mex.	13.2486	15.025
CI70-49 A 7-15-69	LaCoastal Petroleum Corp., c/o R. V. Leitner, Attorney, 2214 Westgate Dr., Houston, Tex. 77019.	Texas Eastern Transmission Corp., Bayou Latenache Field, Pointe Coupee Parish, La.	20.0	15.025
CI70-50 A 7-16-69	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	United Gas Pipe Line Co., West Cameron Block 19 Field, Offshore Louisiana.	[17] 21.25	15.025
CI70-51 (G-10200) F 7-11-69	Logue and Patterson (successor to Shell Oil Co.), 628 Meadows Bldg., Dallas, Tex. 75206.	Florida Gas Transmission Co., Kain Field, Matagorda County, Tex.	19.0	14.65
CI70-52 A 7-16-69	Anadarko Production Co. (Operator) et al., Post Office Box 9017, Fort Worth, Tex. 76102.	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	16.0	14.65
CI70-53 A 7-16-69	Cotten Petroleum Co.	Transwestern Pipeline Co., acreage in Hansford and Ochiltree Counties, Tex.	17.0	14.65
CI70-54 A 7-16-69	TransOcean Oil, Inc., 1700 Houston Natural Gas Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Block 190 Field (Block 166), Eugene Island Area, Offshore Louisiana.	19.5	15.025
CI70-55 A 7-10-69	Holly Creek Gas Transmission Co., c/o Charles R. Rudolph, President, 704 Federal Bar Bldg., Washington, D.C. 20006.	United Fuel Gas Co., Cardinal Field, Breathitt County, Ky.	26.5	15.325
CI70-56 (CI65-1272) F 7-15-69	Longhorn Production Co. (successor to Maynard Oil Co. (Operator) et al.), 540 Meadows Bldg., Dallas, Tex. 75206.	Natural Gas Pipeline Co. of America, acreage in Wise County, Tex.	[18] 17.338	14.65
CI70-57 (G-6180) F 7-14-69	Benjamin Eisenbogen (successor to The Superior Oil Co.), 4100 Montview Blvd., Denver, Colo 80207.	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Sandoval County, N. Mex.	13.0	15.025
CI70-60 (G-10670) F 7-2-69 [19]	Sun Oil Co. (DX Division) (successor to Tenneco Oil Co.), Post, Office Box 2039, Tulsa, Okla. 74102.	Cities Service Gas Co., Eureka Field, Grant and Alfalfa Counties, Okla.	[20] 14.0	14.65

[1] Adds acreage acquired from Cities Service Co. (Operator) et al., Docket No. G-2712.
[2] Applicant agrees to accept authorization for the additional acreage conditioned to 13 cents per Mcf.
[3] There is no available low-pressure line facility for gas produced from the Pictured Cliffs formation. Only available lines serve intrastate markets.
[4] Includes compression and dehydration charges.
[5] Formerly W. C. Feazel et al.
[6] Gas to be delivered after processing to various buyers.
[7] Gathering charge to be reduced to ½ cent per Mcf after cost of gathering facilities has been recovered or 5 years has elapsed from date of initial delivery, whichever occurs first.
[8] Compression charge.
[9] Includes 5 cents per Mcf for gathering and compression.
[10] Successor in interest to Thomas J. Blaho, Jr., doing business as Blaho Oil & Gas Co. Breck never made certificate filing covering subject acreage.
[11] Subject to deduction for compression should Buyer compress gas.
[12] Pending—no permanent authorization granted; only temporary certificate issued.
[13] Plus B.t.u. adjustment.
[14] By letter filed July 2, 1969, Applicant amended its application to reflect a total initial rate of 13 cents per Mcf in lieu of 12.2339 cents. Application was previously noticed July 2, 1969, in Dockets Nos. G-3012 et al. at 12.2339 cents per Mcf.
[15] Adds acreage acquired from Hanagan Petroleum Corp. et al., Docket No. CI65-586.
[16] As limited by rate established by Opinions Nos. 468 and 468-A.
[17] Subject to upward and downward B.t.u. adjustment.
[18] Gas to be delivered after processing to various buyers under FPC Gas Rate Schedules of producers already on file.
[19] Requests authorization to resell gas purchased from Gulf Coast Natural Gas Co.
[20] Less 0.4406 cent per Mcf for sour gas.
[21] Partially succeeds Steve Gose (Operator et al., FPC GRS No. 1. Applicant is succeeding the interests of Skelly Oil Co., Oil Participations, Inc., and Austral Oil Co., Inc., Texota Oil Co. and Amex Petroleum Corp.
[22] Applicant states its willingness to accept permanent certificate on the same terms as specified by the Commission's order issued Mar. 30, 1964 in Docket No. G-19416 et al.
[23] Rate in effect subject to refund in Dockets Nos. G-20427 and RI65-339.
[24] Includes 0.615-cent tax reimbursement. Rate in effect subject to refund in Dockets Nos. RI68-565 and RI69-476.
[25] Converted to underground gas storage field.
[26] By letter filed July 18, 1969, Applicant agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[26a] Includes 2 cents per Mcf for gathering and delivering gas.
[27] Buyer to deduct 5 cents per Mcf from purchase price of gas delivered until it has recovered its expenses over $10,000 for the cost of constructing pipeline to connect with Applicant's production.
[28] By letter filed July 17, 1969, Applicant agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[29] Sweet gas.
[30] Sour gas.
[31] An increase in rate to 13 cents per Mcf was suspended in Docket No. RI64-794 but not made effective.
[32] Rate in effect subject to refund in Docket No. G-10494.
[33] An increase in rate to 13 cents per Mcf was suspended in Docket No. RI65-96 but not made effective.
[34] Applicant seeks authorization to gather gas.
[35] Contract provides for rate of 13 cents per Mcf, subject to B.t.u. adjustment; however, Applicant states its willingness to accept certificate with an initial price of 15 cents per Mcf, subject to B.t.u. adjustment, for acreage in Roger Mills County and 17 cents per Mcf, subject to B.t.u. adjustment, for acreage in Ellis County.
[36] Applicant states its willingness to accept certificate in conformance with provisions of Opinion Nos. 546 and 546-A.
[37] Applicant states its willingness to accept certificate at 17 cents per Mcf at 14.65 p.s.i.a.
[38] Rate in effect subject to refund in Docket No. RI67-299.
[39] Application previously noticed July 18, 1969 in Dockets Nos. G-3072 et al., as a complete succession in Docket No. G-10670. Further review of the application reveals that acreage involved is only partial succession and the application has been reassigned Docket No. CI70-60.
[40] Rate in effect subject to refund in Dockets Nos. G-20907 and RI65-453.

[F.R. Doc. 69-9441; Filed, Aug. 11, 1969; 8:45 a.m.]

[Docket No. RI70-102]

MARATHON OIL CO.

Order Providing for Hearing on and Suspension of Changes in Rates Involving Wyoming Severance Tax, and Allowing Rate Changes To Become Effective Subject to Refund

AUGUST 1, 1969.

Marathon Oil Co. (Marathon) has tendered for filing proposed changes in its 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:

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
RI70-102	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	87	4	Colorado Interstate Gas Co. (Wamsutter Unit Area, Sweetwater County, Wyo.).	$604	7-3-69	[1] 7-31-69	8-1-69	[2] [3] 16.0	[3] 16.12
	do	93	[4] 2	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo., and Carbon County, Mont.).	111	7-3-69	[1] 7-31-69	8-1-69	[5] 13.0	[5] 13.065

[1] The effective date is July 31, 1969, by permitting waiver of part of the 30-day notice requirements.
[2] Rate in effect subject to refund in Docket No. RI68-335.
[3] Pressure base is 14.65 p.s.i.a.
[4] Pertains to gas produced only in Wyoming.
[5] Pressure base is 15.025.

Marathon has filed increased rate proposals, as set forth above, which reflect reimbursement of the recently enacted Wyoming Severance Tax. The Wyoming Severance Tax (Wyoming Session Laws of 1969, Ch. 193 sections 1–12, approved Mar. 6, 1969) provides, in effect, for a tax of a net 1 percent of the value of gas, among other extracted minerals, produced from within the State during the calender year 1968 which is payable on July 1, 1969, and thereafter payable each July 1 for the preceding calender year production. Marathon proposes unit rate increases under its subject rate schedules effective as of August 1, 1969, for reimbursement of that portion of the tax payable on gas produced on and after August 1, 1969. Marathon also proposes to collect for each of the subject sales two lump sum payments relating to tax reimbursement, one for the tax related to gas produced in 1968 for which payment was due July 1, 1969, and the other for the tax related to gas produced from January 1, 1969, through July 31, 1969, for which payment is due July 1, 1970.

Marathon requested an effective date of August 1, 1969, for the proposed unit increased rates, which constitute a request for waiver of the statutory notice period. Under the circumstances involved here, we conclude that it would be in the public interest to waive, to the extent necessary, the 30-day notice requirement provided in section 4(e) so as to permit Marathon to collect the aforementioned unit rate increases effective as of August 1, 1969, subject to refund in this proceeding. However, the lump sum payments proposed by Marathon as part of the notices of change involved here are rejected at this time. In addition to its refund obligation if the proposed rates are determined to be in excess of the just and reasonable rates for such sales, Marathon will also be required to refund any reimbursement relating to the Wyoming severance tax collected in this section 4(e) proceeding in the event the tax is for any reason held invalid upon judicial review.

The increased rates and charges involved in this proceeding may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. The proposed rates also exceed the applicable increased rate ceiling set forth in the Commission statement of general policy No. 61–1, as amended.

The Commission further finds: 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 a hearing concerning the lawfulness of the proposed unit increased rates, and that the above designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Marathon's proposed lump sum payments tendered as part of the notices of change in rate involved here are rejected.

(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 Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed unit increased rates and charges contained in Supplements Nos. 4 and 2 to Marathon's FPC Gas Rate Schedules Nos. 87 and 93, respectively.

(C) Pending such hearing and decision thereon, Supplement Nos. 4 and 2 to Marathon's FPC Gas Rate Schedule Nos. 87 and 93, respectively, are hereby suspended and the use thereof deferred until August 1, 1969, at which time they may be collected subject to refund in this proceeding under Marathon's general undertaking filed on May 12, 1969, which has been accepted.

(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 22, 1969.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9440; Filed, Aug. 11, 1969; 8:45 a.m.]

[Docket No. R-360]

RIGHTS-OF-WAY ROUTES AND ABOVE-GROUND FACILITIES OF NATURAL GAS COMPANIES

Selection, Clearing, Construction, and Maintenance; Notice of Further Extension of Time

AUGUST 6, 1969.

Upon consideration of the request filed by the Independent Natural Gas Association of America, on July 24, 1969, in the above-designated proceeding;

Notice is hereby given that the time is further extended to and including September 16, 1969, within which any interested person may submit data, views, and comments in writing in the above-designated proceeding.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9449; Filed, Aug. 11, 1969; 8:45 a.m.]

[1] This order was adopted before Chairman White left the Commission.

[Docket No. CP69-181, etc.]

CENTRAL FLORIDA GAS CORP. AND FLORIDA GAS TRANSMISSION CO.

Order Granting Interventions and Motion To Consolidate Proceedings and Denying Motion To Sever

AUGUST 5, 1969.

Central Florida Gas Corp., Applicant, Docket No. CP69-181; Florida Gas Transmission Co., Respondent, Docket No. CP69-117; Florida Gas Transmission Co., Docket No. CP69-280.

Florida Gas Transmission Co. (Florida Gas), filed an application in Docket No. CP69-280, on April 28, 1969, pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations thereunder for a budget-type certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities and authorizing the transportation and sale of natural gas to existing distributor customers for resale and to existing direct customers outside the franchise area of local distributors. The certificate would also cover miscellaneous rearrangements of Florida Gas' facilities without changing any service rendered by means of such facilities.

The facilities are to be constructed, as required, during the twelve month period commencing July 1, 1969. No single sale to be made by such facilities will exceed 100,000 Mcf annually per customer, and none of the gas will be used for boiler fuel purposes. The total estimated cost of the proposed facilities will not exceed $300,000 and will be financed with internally generated funds.

Notice of the application was issued by this Commission May 2, 1969, and published in the FEDERAL REGISTER May 9, 1969 (34 F.R. 7557). It set June 2, 1969, as the date by which petitions to intervene or protests were to be filed. Timely petitions to intervene were filed by Central

Florida Gas Corp. (Central Florida) on May 29, 1969, and the city of Gainesville, Fla., and Gainesville Utilities Department, jointly, on June 2, 1969.

Central Florida purchases its entire requirement of natural gas from Florida Gas and alleges that it is in competition with Florida Gas for certain industrial sales. It therefore asserts that it has an interest in the terms and conditions by which Florida Gas may, under a budget certificate, make additional sales for industrial use. The city of Gainesville asserts that it is interested in these proceedings because, as a distributor of electricity using natural gas acquired from Florida Gas as boiler fuel, any order issued herein can affect the availability and cost of Gainesville's gas supply. Both petitioners raise the issue of whether Florida Gas should be permitted to provide service to its direct sales customers on a basis more liberal than that on which it provides gas to its resale customers for resale to their industrial customers under its lateral line policy. The city of Gainesville also argues that the cost allocation and construction policies of Florida Gas with respect to its direct sales laterals are discriminatory and applied nonuniformly.

In its petition to intervene, Central Florida also moves to consolidate this proceeding with Docket No. CP69–117, involving a budget-type application, wherein Florida Gas is seeking a certificate for the period December 13, 1968 to July 1, 1969. That proceeding was consolidated by order of the Commission, issued April 25, 1969, with Docket No. CP69–181 which is an application by Central Florida, pursuant to section 7(a) of the Natural Gas Act, for an order directing Florida Gas to provide, at its expense, a delivery point, near West Lake Wales, Fla., to sell and deliver gas to Central Florida for resale. The order of that date more fully details the history of those proceedings which are presently set for hearing due to commence on September 3, 1969.

Florida Gas' answer, filed June 2, 1969, in opposition to petitioners' interventions and Central Florida's motion to consolidate, points out that Florida Gas has specifically stated it will not make sales in the franchise or service area of any distributor without its consent. Assuming this to be true it would not meet Central Florida's contentions with respect to area outside the franchise areas of either company in which they may compete for direct sales nor would it avoid any undue discrimination affecting competition between the two to induce industrial customers to locate within their respective franchise areas.

Florida Gas further contends that the above mentioned consolidated proceeding already presents an adequate forum in which Central Florida may present its position on discrimination.

But in view of the fact that the budget type certificate involved in Docket CP69–181, which was set for hearing on petition for rehearing but not stayed, involves a period which has already expired, we believe that consolidation of the new application to consider what is allegedly a continuing issue is appropriate, even assuming arguendo that the issues as they relate to Docket CP69–181 are not mooted by the passage of time.

Florida Gas also asserts in its answer that Central Florida incorrectly states it has been permitted to intervene in Docket No. CP69–117 and that in fact Central Florida's application for rehearing of the Commission's order denying intervention has been granted by our order of March 18, 1969, and no more. We agree that this is technically the situation despite the clear implication that the subsequent consolidation order of April 25, 1969, that Central Florida would be permitted, as of course it must, to intervene in the docket in which the Commission had consolidated with its own section 7(a) application. We shall accordingly grant such intervention herein.

By motion filed June 13, 1969, Central Florida moved to sever the proceedings in Docket No. CP69–181 from Docket No. CP69–117 and to set Docket No. CP69–181 for an early hearing. Central Florida says that the only question involved in Docket No. CP69–181 is whether the distribution system at West Lake Wales, Fla., is economically feasible, and that this issue is unrelated to those it has raised in opposition to Florida Gas' budget certificate applications. This is not correct. Florida Gas in its answer to Central Florida's section 7(a) application filed February 3, 1969, claimed Central Florida fails to qualify for service under its tariff provisions, in part, because new delivery points will be furnished a customer only if it is to be connected to a distribution system. This is the same tariff provision which is under consideration because of its allegedly discriminatory effects in the budget applications. We therefore find it inappropriate to sever Docket No. CP69–181 from Docket No. CP69–117.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the motion of Central Florida Gas Corp. to consolidate this proceeding with the proceedings consolidated by the Commission's order issued April 25, 1969, in Docket No. CP69–117 and Docket No. CP69–181 be granted and that a public hearing be held on the issues involved therein.

(2) The above named petitioners should be permitted to intervene in this consolidated proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the motion of Central Florida Gas Corp. to sever the proceeding in Docket No. CP69–181 from the proceeding in Docket No. CP69–117 and to set the proceeding in Docket No. CP 69–181 for early hearing be denied.

The Commission orders:

(A) The motion of Central Florida Gas Corp. to consolidate this proceeding with the proceedings consolidated by the Commission's order issued April 25, 1969, in Docket No. CP69–117 and Docket No. CP69–181 is granted.

(B) The above named petitioners are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the provision of § 262(c) of the Commission's rules of practice and procedure, the Applicant in Docket CP69–280 shall serve copies of its filings upon all interveners promptly, unless such service has already been effected pursuant to Part 157 of the regulations of the Natural Gas Act.

(D) The motion of Central Florida Gas Corp. to sever the proceedings in Docket No. CP69–181 from the proceeding in Docket No. CP 69–117 and to set the proceeding in Docket No. CP69–181 for early hearing is denied.

(E) A public hearing on the issues in the consolidated proceeding will be held in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t., on September 3, 1969.

(F) Florida Gas Transmission Co., in Docket No. CP69–280, shall file with the Commission and serve on all parties and the Commission's staff the proposed evidence comprising its case-in-chief, and including prepared testimony of witnesses and exhibits on or before August 15, 1969. Rebuttal evidence in Docket No. CP69–280 shall be filed and served on or before August 29, 1969.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69–9443; Filed, Aug. 11, 1969; 8:45 a.m.]

[Docket No. E–7498]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

AUGUST 6, 1969.

Take notice that on July 29, 1969, Community Public Service Co. (Community), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue $10 million principal amount of first mortgage bonds.

Community is incorporated in the State of Texas and is domesticated in

[1] This order was adopted before Chairman White left the Commission.

the State of New Mexico with its principal place of business at Fort Worth, Tex. Community is engaged primarily in the generation, purchase, distribution, and sale of electric energy and the purchase, distribution, and sale of natural gas. It provides electricity and natural gas service to a total of 116 communities in Texas and New Mexico.

Community proposes to issue $10 million principal amount of _____ percent first mortgage bonds, Series J, which will be secured by Community's Indenture of mortgage and deed of trust dated as of November 1, 1944, with Continental Illinois National Bank and Trust Co. of Chicago, trustee, as supplemented and to be supplemented by an 11th supplemental indenture following the issuance of the proposed bonds. Community proposes to issue the bonds in accordance with the competitive bidding requirements of the Commission's regulation under the Federal Power Act and expects to invite bids on or about September 23, 1969. Community indicates that the bonds will bear an issuance date of October 1, 1969, and that the date of maturity will be October 1, 1999. The interest rate of the bonds will be determined by competitive bidding.

Community states that it proposes to use the proceeds from the sale of the first mortgage bonds, Series J, for payment of additions and improvements to its properties, including the repayment of short-term bank loans obtained for such purposes, in the aggregate principal amount of $8 million.

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, 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. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9444; Filed, Aug. 11, 1969; 8:45 a.m.]

[Dockets Nos. CP70-24, CP70-25]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

AUGUST 5, 1969.

Take notice that on July 29, 1969, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP70-24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation of natural gas from a point on the international boundary near Emerson, Manitoba, to Marshfield, Wis., for the account of Michigan Wisconsin Pipe Line Co. (Mich Wis), and for the sale of increased volumes of natural gas to certain existing customers on Applicant's northern system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for the account of Mich Wis a contract quantity of 50,000 Mcf of natural gas per day from a point on the international boundary near Emerson to the presently existing facilities near Marshfield. This transportation service is to be rendered pursuant to the terms of a gas transportation contract to be entered into by Applicant and Mich Wis. Applicant further proposes to increase its peak day sales to seven existing customers on its northern system in the total amount of 3,059 Mcf per day. Applicant states that in order to render the proposed service and to make increased sales it is necessary to construct and operate one new compressor station and to install additional compressor horsepower at three existing stations. A total of 11,965 horsepower is proposed at an estimated cost of $6,663,000, which will be financed initially either from cash on hand, the sale of temporary investments, advances from an affiliated company, or some combination thereof.

Simultaneously, Applicant filed in Docket No. CP70-25 an application pursuant to section 3 of the Natural Gas Act for authorization to import from Canada 7,200 Mcf per day of natural gas. Such gas will provide a gas supply for the proposed increased sales and will provide additional fuel required by Applicant. The gas is to be purchased by Applicant from Trans-Canada Pipe Lines, Ltd.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on ts 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9445; Filed, Aug. 11, 1969; 8:45 a.m.]

[Docket No. CP70-23]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 4, 1969.

Take notice that on July 29, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP70-23 an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission permitting and approving the abandonment of deliveries to Northern Illinois Gas Co. (N.I.G.C.) at one point of delivery and the abandonment of the lateral lines and measuring station used for the sale and delivery of natural gas to N.I.G.C. at that point, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon its Mendota measuring station and approximately 10.5 miles each of 2-inch and 4-inch parallel lateral lines located between the Mendota measuring station and a point on Applicant's main Amarillo transmission pipeline, all in La Salle County, Ill. Applicant proposes to sell approximately 9.5 miles each of the 2-inch and 4-inch lines and certain of the measuring station facilities to N.I.G.C., the only customer being served by said facilities, for the original cost thereof less depreciation and a contribution in aid of construction. The application states that the sale price is $68,115.41. The portion of the lateral lines not sold to N.I.G.C. will be abandoned in place. Measuring station facilities not sold will be reclaimed by Applicant. The sales now being made through these facilities henceforth will be made through Applicant's other existing delivery points to N.I.G.C.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the

Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9446; Filed, Aug. 11, 1969; 8:45 a.m.]

[Project No. 1904]

NEW ENGLAND POWER CO.

Notice of Application for Approval for Granting Easements Over Project Lands

AUGUST 4, 1969.

Public notice is hereby given that application for Commission approval for the granting of various easements over project lands to use project reservoir has been filed by New England Power Co. (correspondence to: Mr. Richard B. Dunn, General Counsel, New England Power Co., 441 Stuart Street, Boston, Mass. 02116) for constructed Project No. 1904, known as Vernon Project located on the Connecticut River in Cheshire County, N.H., Windham County, Vt., and in Franklin and Worcester Counties, Mass., in the vicinity of Keene, N.H., Greenfield, Mass., Vernon and Brattleboro, Vt.

The application seeks approval of the granting of easements over project lands to use project reservoir of Vernon Project No. 1904 by Vermont Yankee Nuclear Power Corp. in connection with the 514,000 kw. (electric output) Vermont Yankee Plant being constructed in Vernon, Vt., on the westerly bank of the Connecticut River about 6,000 feet upstream from the Vernon Dam. The nuclear plant would withdraw from 49 c.f.s. to 807 c.f.s. of water for the plant's service water system and cooling system from the Vernon Reservoir all of which would be returned except for minor losses.

The proposed easements would be subject to specified limitations to provide assurance of continued use of the Vernon Reservoir by Vermont Yankee following the termination of New England Power Co.'s license for the Vernon Project on June 30, 1970.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9447; Filed, Aug. 11, 1969; 8:45 a.m.]

[Docket No. CP68-193 (Phase II), etc.]

NORTHERN NATURAL GAS CO. ET AL.

Order Consolidating Proceedings, Granting Interventions, Granting and Denying Withdrawal of Applications, Denying Reconsideration, Denying Cancellation of Proceedings, Modifying Order To Show Cause, and Modifying Procedure

JULY 25, 1969.

Northern Natural Gas Co., Docket No. CP68-193 (Phase II); Midwest Natural Gas, Inc., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP68-339; American Gas Company of Wisconsin, Inc., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP69-32; Iowa Electric Light and Power Co., Applicant, Docket No. CP69-131; Northern Natural Gas Co., Respondent; Northern Natural Gas Co., Docket No. CP69-267; Wisconsin Gas Co., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP69-272; Northern Natural Gas Co., Docket No. CP69-204; Midwest Natural Gas Co., Applicant, Northern Natural Gas Co., Respondent, Docket No. CP69-316; Iowa Public Service Co., Applicant, Docket No. CP69-324; Northern Natural Gas Co., Respondent.

On May 23, 1969, Midwest Natural Gas Co. (Midwest Co.) filed an application in Docket No. CP69-316 pursuant to section 7(a) of the Natural Gas Act (Act) seeking an order of the Commission requiring Northern Natural Gas Co. (Northern) to establish a physical connection with its proposed facilities and to deliver and sell up to 6,521 Mcf per day (third year volume) of natural gas for sale and distribution to 14 communities in North and South Dakota. On June 26, 1969, Northern filed its answer opposing the requested order. Requests to intervene were timely filed by Iowa Public Service Co., Minneapolis Gas Co., Minnesota Natural Gas Co., Metropolitan Utilities District of Omaha, Iowa Power and Light Co., and Northwestern Public Service Co. The petitioners appear to have sufficient interest to warrant intervention.

On May 28, 1969, Iowa Public Service Co. (Iowa Public) filed an application in Docket No. CP69-324 pursuant to section 7(a) of the Act seeking an order of the Commission requiring Northern to establish a physical connection with its proposed facilities and to deliver and sell up to 492 Mcf per day (third year volume) of natural gas for resale and distribution in the towns of Battlecreek and Danbury, Iowa. On June 26, 1969, Northern filed its answer opposing the requested order. Minnesota Natural Gas Co., Northwestern Public Service Co., and Metropolitan Utilities District of Omaha filed petitions to intervene. The latter's petition was not timely filed, however, no one has opposed the petition and the petitioners allege sufficient interest to warrant intervention.

Midwest Co. and Iowa Public both request consolidation of their applications with these proceedings; no opposition has been filed and the proposals appear sufficiently related to warrant consolidation.

Northern, by its application in Docket No. CP69-204, as amended on June 4, 1969, proposes to provide Winter Period Service (WPS) in the total amount of 92,449 Mcf per day from its Redfield Storage Field. For the 1969-70 winter service period Northern proposes to utilize 25,000 Mcf of the presently authorized unallocated mainline capacity to substitute for the 25,600 Mcf of contract demand service now being supplied from Redfield. Thereafter, Northern maintains the Redfield Storage Field will be relied upon to serve both the contract demand and the WPS volumes.

On July 9, 1969, in Docket No. CP68-193 (Phase II) et al., Northern Illinois Gas Co. (Northern Illinois) filed a motion to consolidate Docket No. CP69-204 with the consolidated proceedings. Michigan Power Co. (Michigan Power) filed a timely petition to intervene in Docket No. CP69-204 pursuant to the notice of amendment to application issued therein on June 11, 1969, together with a motion for consolidation of this matter with the consolidated proceedings in Docket No. CP68-193 (Phase II) et al. Since Northern's application in CP69-204 involves the disposition of unallocated capacity on Northern's system, which unallocated capacity is also involved in these consolidated proceedings, they submit that the proceedings should be consolidated for hearing, since the public convenience and necessity as it pertains to the utilization of the unallocated capacity on Northern's system cannot realistically be determined without consideration of all the requests for unallocated capacity at one and the same time. More importantly, since Northern now alleges that its gas supply situation is such that it cannot meet all the requests for gas in

the consolidated proceedings, the question of the allocation of the available supply, as well as capacity, among customers and classes of service should be considered in one proceeding. This is especially so when we realize, first, that the 60 towns involved in Docket No. CP68–193 have been waiting for service since January 1968; second, that mainline capacity was certificated in anticipation of service to these towns and Northern now wants to withdraw its proposal to serve them because of an alleged insufficient gas supply—even though the WPS proposal was filed a year later and involves at least 2,000,000 Mcf more annual volumes and 75,000 Mcf more peak day volumes. These are matters which should be heard on a consolidated record.

Minnesota Natural Gas Co. (Minnesota Natural) filed a letter opposing Michigan Power's motion to consolidate because of an alleged urgent need for the WPS service. However, without a record it is impossible to make a proper determination as to the priority of service. Certainly, those without natural gas service believe their space heat requirements outweigh someone else's need for gas to replace peak shaving or reduce curtailment to interruptibles. These issues should not be prejudged but in fairness to all concerned should be considered in the same hearing. Northern also filed answers in opposition to the requests to consolidate Docket No. CP69–204 with the consolidated proceedings and in substance argues that the proposed use of the unallocated capacity for one year, since it is clear that the consolidated proceedings will not be decided until after the 1969–70 heating season, cannot prejudice Michigan Power or Northern Illinois. However, as pointed out above, in view of Northern's alleged gas supply shortage consideration must be given to whether the gas volumes to be utilized for the WPS could be better used to serve the 60 towns or the other requests for service consolidated in these proceedings. Each request for service should be heard before any decision is made as to which service warrants first call upon the alleged limited supply.

In addition to Michigan Power timely petitions to intervene in Docket No. CP69–204 were filed by the following:

Northern States Power Co. (Minnesota).
Northern States Power Co. (Wisconsin).
Minnesota Natural Gas Co.
Iowa Public Service Co.
North Central Public Service Co.
Iowa Power and Light Co.
Minneapolis Gas Co.
Metropolitan Utilities District of Omaha.
Lake Superior District Power Co.
Wisconsin Gas Co.

Each petitioner appears to have a sufficient interest in the proceeding to warrant intervention.

In Docket No. CP69–267 in these consolidated proceedings timely requests to intervene were filed by the following:

Northern Illinois Gas Co.
Minneapolis Gas Co.
Northwestern Public Service Co.
Minnesota Natural Gas Co.
Iowa Public Service Co.
Wisconsin Power and Light Co.
Lake Superior District Power Co.
Central Telephone and Utilities Corp.
Wisconsin Gas Co.
Iowa Power and Light Co.
Metropolitan Utilities District.
Iowa Southern Utilities Co.
Iowa State Commerce Commission.
Midwest Natural Gas Co.
Michigan Power Co.

Each petitioner appears to have a sufficient interest in the proceedings to warrant intervention. Iowa-Illinois Gas and Electric Co. filed a late petition to intervene in the proceedings in Docket No. CP69–267. The petitioner will be permitted to intervene since a sufficient interest has been shown and no party has filed an answer in opposition to the granting of the requested intervention.

Michigan Power and Midwest Co. filed petitions to intervene in the consolidated proceedings in CP69–193 (Phase II) et al. as well as in CP69–267 which was consolidated therein. Michigan Power by its petition also requests an order pursuant to section 7(a) of the Act directing Northern Natural to deliver and sell an additional contract demand of 8,455 Mcf per day, all as more fully set forth in the petition. Of the requested additional volumes, 7,600 Mcf per day would be used to meet the increased requirements of the White Pine Copper Co. The remainder would be used to initiate gas service to Ontonagon, Green City, and Silver City, Mich. The total cost of the project is estimated to be $810,000. The request is filed pursuant to § 1.8 of the Commission's rules of practice and procedure and Part 156 of the regulations under the Natural Gas Act for consideration in these consolidated proceedings. Northern filed an answer in opposition to the requested allocation and Minnesota Natural filed petitions in opposition to the interventions and requested allocations of gas by Michigan Power and Midwest Co. and their consolidation with these proceedings. We believe Michigan Power and Midwest Co. have demonstrated a sufficient interest in the proceedings, especially in light of the unallocated capacity available on Northern's system, to warrant intervention and that their requests for gas should be considered in these consolidated proceedings.

Midwest Natural Gas Corp. on July 9, 1969 (Midwest Corp.), filed a late petition to intervene in the consolidated proceedings, however, good cause has been shown for the late filing and sufficient interest exists to warrant the intervention. Midwest Corp. by its petition also requests an order pursuant to section 7(a) of the Act directing Northern to establish physical connection of its transportation facilities with the facilities which Midwest Corp. proposes to construct and to sell and deliver to Midwest Corp. 682 Mcf per day (third year volume) to initiate service to Ontonagon, Mich., all as more fully set forth in the petition.

On June 13, 1969, Northern filed with the Commission a notice of withdrawal of its application for a certificate of public convenience and necessity in Docket No. CP69–267 for authorization to transport and sell an additional 35,000 Mcf of contract demand to Northern Illinois Gas Co. (Northern Illinois). Northern contends that, because of the situation presently existing in its traditional gas supply area relating to the discoveries of new supplies, it is not presently in a position to support further increases in contract demand on its system from these sources. It is Northern's position that the application in Docket No. CP69–267 should not be further prosecuted and indeed could not be successfully prosecuted before the Commission at this time. It does not appear that the underlying contract between Northern and Northern Illinois was terminated.

On June 20, 1969, Northern filed an answer to the Commission's order to show cause and a motion for reconsideration of our order of May 16, 1969, which, inter alia, denied Northern's request to withdraw its proposal to serve 60 communities in Iowa, Wisconsin, and Minnesota. In view of its filing to withdraw the proposal to serve an additional 35,000 Mcf of contract demand to Northern Illinois, Northern maintains that the basis for the show cause order is vitiated since there is no longer a question as to whether other parties should be served in lieu of the full 35,000 Mcf for Northern Illinois. In addition, Northern contends that its present gas supply situation is such that none of the services proposed or requested in these proceedings for contract demand volumes, which includes the 60 towns and the section 7(a) requests as well as Northern Illinois, should now be prosecuted or otherwise authorized by the Commission. In light of the foregoing, Northern urges the Commission to reconsider the denial of the withdrawal of the application in Docket No. CP68–193 (Phase II) to serve the 60 towns, permit withdrawal of the application in Docket No. CP69–267 to serve Northern Illinois and cancel the proceedings with respect to these two dockets; postpone the prehearing conference and any hearing to be held on all of the section 7(a) requests until further notice of the Commission and consider the show cause order answered.

Michigan Power, Lake Superior, and Northern Illinois filed timely responses in opposition to Northern's pleadings. It is significant that Northern Illinois urges the Commission, in view of the many requests and proposals for gas service from Northern in these proceedings, to hold hearings on these matters to determine whether Northern can substantiate its statements that it is unable to fulfill any of the proposals and requests for contract demand service. In view of this and the indications by several of the distributors involved in the proposed service to the 60 towns that they want Northern to prosecute their requests for service, the requests by Northern to withdraw the applications in Dockets Nos. CP68–193 (Phase II) and CP69–267 and cancellation of the proceedings cannot be permitted.

Obviously, with the withdrawal of the proposal to serve Northern Illinois denied, the order to show cause has not been satisfactorily answered simply because Northern now asserts that "it has become increasingly clear" that the situation in its traditional gas supply area will not support the proposed 35,000 Mcf for Northern Illinois—2 months after it reached that same conclusion with respect to the 17,500 Mcf for the 60 towns. As pointed out above, Northern's assertions that it is unable to provide contract demand service must be substantiated, consequently, the order to show cause will be modified to require Northern to show cause why the service requested by the section 7(a) applicants and interveners, the proposed new town service and the service to Northern Illinois cannot be rendered. In short, Northern will be required as part of its direct case to substantiate both the claim that it does not have a sufficient gas supply to support these requests for service as well as other assertions set forth in its pleadings.[1] Apart from the show cause order Northern will also be required to submit branchline feasibility studies with respect to the section 7(a) requests herein clearly setting forth the details of the calculations, together with the facilities Northern will construct with the cost thereof and all of the underlying assumptions, for each branchline involved. In addition Northern will be required to submit all the data necessary to support the requests of all the distributors and the 60 towns for natural gas service and to prosecute the application in Docket No. CP68–193 regardless of its desire to withdraw the proposal so that the application can be evaluated.

Since the show cause order has not been answered and in view of the evidence required of Northern as a result of the additional section 7(a) requests for service and the modification of the show cause order, which will probably require a system gas reserve and deliverability study, the prehearing conference set for August 5, 1969, must be canceled and the procedure modified as hereinafter provided.

American Gas Company of Wisconsin should be permitted to withdraw its application in Docket No. CP69–32 since it failed to obtain the requisite State authorization, as set forth in its notice of withdrawal filed June 23, 1969, in these proceedings.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provision of the Natural Gas Act that the matters in Dockets Nos. CP69–204, CP69–316, and CP69–324 be consolidated with the above-captioned proceedings for hearing and decision.

(2) It is desirable and in the public interest to allow the above named petitioners to intervene in these consolidated proceedings as requested in order that the petitioners may establish the facts and the law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) For the foregoing reasons Northern's requests to withdraw its application in Docket No. CP69–267; for reconsideration of the Commission's order of May 16, 1969, in these proceedings and to cancel the proceedings in Dockets Nos. CP68–193 (Phase II), and CP69–267 should be denied.

(4) American Gas Co.'s notice of withdrawal of its application in Docket No. CP69–32 should be permitted.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the order to show cause initiated by the Commission's order of May 16, 1969, be modified.

The Commission orders:

(A) The application in Dockets Nos. CP69–204, CP69–316, and CP69–324 are hereby consolidated with the above-captioned proceedings for hearing and decision.

(B) The above-named petitioners are hereby permitted to intervene in these consolidated proceedings as requested subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Northern's requests to withdraw its application in Docket No. CP69–267; for reconsideration of the Commission's order of May 16, 1969, in these proceedings and to cancel the proceedings in Dockets Nos. CP68–193 and CP69–267 are hereby denied.

(D) American Gas Co.'s notice of withdrawal of its application in Docket No. CP69–32 is hereby permitted.

(E) The order to show cause is hereby modified to require Northern on or before August 15, 1969, to show cause why the service requested by the section 7(a) applicants and intervener, the proposed service to the 60 towns and Northern Illinois cannot be rendered by Northern. Pursuant to this order Northern is directed to substantiate all the reasons it claims as to why it cannot perform these services, including but not limited to the claim that it does not have sufficient gas supply to support these requests as well as the other assertions set forth in Northern's pleadings herein.

(F) The applicant, Northern Natural Gas Co., shall file with the Commission and serve on all parties and the examiner on or before August 15, 1969, its direct presentation, which shall include, but is not limited thereto, branchline feasibility studies with respect to the section 7(a) requests for natural gas service in these proceedings as more fully set forth above. Northern is also hereby required to submit as part of its direct case all the data necessary to evaluate the requests of all the distributors and the 60 towns for natural gas service from Northern so that the proposed service in Docket No. CP68–193 (Phase II) can be evaluated.

(G) The prehearing conference scheduled for August 5, 1969, in these proceedings is hereby canceled and is rescheduled for August 25, 1969. Such conference will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–9448; Filed, Aug. 11, 1969; 8:45 a.m.]

[1] See Northern's notice of withdrawal of application in Docket No. CP68–193 (Phase II), filed April 14, 1969; Northern's notice of withdrawal of application in Docket No. CP69–267 filed herein on June 13, 1969, and Northern's answers to the section 7(a) requests in this proceeding.

[Docket No. RI69–858, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

JULY 31, 1969.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued June 30, 1969, and published in the FEDERAL REGISTER July 10, 1969 (34 F.R. 11443), on page 3, Docket No. RI69–858, opposite Rate Schedule No. 197; change Suplement No. "1" to read Supplement No. "2". On page 3, footnote 7; change pressure base from "14.65 p.s.i.a." to "15.025 p.s.i.a."

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69–9450; Filed, Aug. 11, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

DIRECTOR, BUREAU OF RESTRAINT OF TRADE ET AL.

Delegation of Authority

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961, the Federal Trade Commission on July 3, 1969, amended its delegation of authority of January 17, 1962, "In re: Extensions of time prescribed for compliance with demands for access, subpoenas, or orders issued during investigation of any matter," 27 F.R. 481, and made the following delegation of authority:

In re: The issuance of investigational subpoenas and extensions of time prescribed for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter. The Commission delegates to the Director and Assistant Director, Bureau of Restraint

of Trade; the Director and Assistant Director, Bureau of Deceptive Practices; the Director and Assistant Director, Bureau of Textiles and Furs; the Director and Assistant Director, Bureau of Industry Guidance; and the Director and Assistant Director, Bureau of Economics, severally and without power of redelegation, the authority to issue investigational subpoenas and the authority, for good cause shown, to extend the time prescribed for compliance with investigational subpoenas, demands for access, or orders issued during the investigation of any matter.

By the direction of the Commission.

Issued: August 7, 1969.

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

[F.R. Doc. 69-9495; Filed, Aug. 11, 1969; 8:49 a.m.]

OFFICE OF THE GENERAL COUNSEL ET AL.

Statement of Organization

The Federal Trade Commission hereby issues the following revised statement of organization as it relates to the Office of the General Counsel, the Bureau of Deceptive Practices, and the Bureau of Restraint of Trade, published June 13, 1967 (32 F.R. 8442-8443), and corrected on June 17, 1967 (32 F.R. 8739).

SEC. 13. *Office of the General Counsel.* The General Counsel is the Commission's chief law officer and adviser. In addition to rendering the necessary legal services to the Commission and representing the Commission in the Federal courts, this office is also responsible for coordinating the Commission's program of Federal-State relations. The office functions through the following organizational units, each of which is under the immediate supervision of an Assistant General Counsel:

(a) *Division of Litigation.* This division is the Commission's representative in matters before the Federal courts and litigates or actively assists in the litigation of such matters. It also provides liaison with the Department of Justice and cooperates with that agency as required by the demands of the Commission.

(b) *Division of Legal Services.* The primary function of this division is to provide day-to-day legal services, both general and special, to the Commission. In so doing, the division prepares memoranda, opinions, and reports on questions of law and policy referred to the General Counsel; analyzes court and other agency decisions having relevant impact upon the Commission's policies and procedures; handles nonadjudicatory requests for Commission documents and information; and otherwise aids the Commission in coping with its overall legal responsibilities.

(c) *Division of Legislation and Federal-State Cooperation.* This division has the combined function of advising the Commission on national legislative matters and implementing the Commission's policy of fostering Federal-State cooperation. The division prepares for the Commission's consideration drafts of and reports on proposed legislation and maintains a close working relationship with State agencies in furtherance of a common goal to develop effective programs seeking the elimination of local and national trade restraints and deceptive practices.

* * * * *

SEC. 15. *Bureau of Deceptive Practices.* This bureau is responsible for the investigation and trial of all cases involving acts or practices alleged to be deceptive and for obtaining and maintaining compliance with orders to cease and desist issued in such cases. It is also responsible for the development of evidence as a basis for certain industrywide procedures. Additionally, the bureau has responsibility for proceedings for the cancellation of trademarks under the Trade-Mark Act of 1946. The bureau functions through the following divisions:

(a) *Division of Food and Drug Advertising.* This division handles all cases involving allegedly deceptive practices in connection with the offering for sale and sale of food, drugs, devices, cosmetics, and related matters affecting health. It also monitors radio, television, and other advertising.

(b) *Division of General Practices.* The responsibility of this division is the processing of cases involving allegedly deceptive practices in connection with the sale of all products subject to the jurisdiction of the Commission other than food, drugs, devices, cosmetics, and related products.

(c) *Division of Consumer Credit.* This division is responsible for the handling of all cases involving allegedly unfair or deceptive credit practices within the purview of the Federal Trade Commission Act and for the enforcement of the Truth in Lending Act and the implementing regulations promulgated thereunder.

(d) *Division of Special Projects.* This division makes studies and carries out other broad assignments in special consumer protection areas.

(e) *Division of Compliance.* Obtaining and maintaining, and the processing of requests for opinions respecting, compliance with orders to cease and desist issued in deceptive practice cases is the duty of this division.

(f) *Division of Scientific Opinions.* This division furnishes advice, information, and assistance to the various bureaus of the Commission with respect to the composition, nature, effectiveness, and safety of food, drugs, devices, cosmetics, and related commodities, and maintains liaison with other Federal agencies, private institutions, laboratories, and hospitals in connection with these matters.

* * * * *

SEC. 19. *Bureau of Restraint of Trade.* This bureau investigates, litigates, and secures compliance with orders to cease and desist in all cases arising under the Clayton Act and in all restraint of trade cases arising under section 5 of the Federal Trade Commission Act. It is also responsible for the administration of the Export Trade Act. The bureau functions through the following divisions:

(a) *Division of Mergers.* All cases involving corporate mergers or consolidations and interlocking corporate directorates are processed in this division.

(b) *Division of General Trade Restraints.* This division handles cases involving methods, acts, or practices which have a dangerous tendency unduly to hinder competition, such as price fixing, allocation of markets or customers, boycotts, tie-in selling, and full-line forcing.

(c) *Division of Discriminatory Practices.* Within the jurisdiction of this division are cases alleging unlawful price discrimination, brokerage payments, discrimination in the payment for and in the furnishing of promotional services and facilities, and other discriminatory practices prohibited by law.

(d) *Division of Compliance.* This division acts to obtain and maintain, and to process requests for advisory opinions respecting, compliance with orders to cease and desist in restraint of trade cases.

(e) *Division of Accounting.* This division performs accounting services in connection with the investigation and trial of cases and with general economic investigations.

Issued: August 7, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-9496; Filed, Aug. 11, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4310]

FEDERATED PURCHASER, INC.

Order Suspending Trading

AUGUST 6, 1969.

The common stock, 10 cents par value, of Federated Purchaser, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Federated Purchaser, Inc., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock

Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 6, 1969, 10:30 a.m., e.d.t., through August 15, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-9460; Filed, Aug. 11, 1969; 8:46 a.m.]

[70-4775]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Shares of Common Stock Pursuant to Rights Offering

AUGUST 6, 1969.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, 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(c) of the Act and Rules 42 and 50 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.

GPU proposes to offer up to 1,340,000 authorized but unissued shares of its common stock ("additional common stock") for subscription by the holders of its outstanding shares of common stock on the basis of one share of the additional common stock for each twenty (20) shares of common stock held on the record date. The record date will be September 10, 1969, or such later date as GPU's registration statement under the Securities Act of 1933 may become effective. The subscription price, to be determined by GPU's board of directors, will be not more than the closing price of GPU common stock on the New York Stock Exchange on the day prior to the record date and not less than 85 percent thereof. The subscription period will expire October 3, 1969, unless the record date should be later than September 10, 1969, in which event the expiration date will be specified by amendment.

Rights to subscribe to the additional common stock will be evidenced by transferable subscription warrants which will be issued to all record holders of GPU common stock as promptly as practicable after the record date. No fractional shares will be issued; however, any holder with more than 20 shares, but not in multiples thereof, may purchase, at the subscription price, one extra share of additional common stock. A stockholder with less than 20 shares of common stock will be entitled to purchase, at the subscription price, one full share of additional common stock. In this connection, upon the request of initial record holders of warrants, GPU will purchase such number of rights represented thereby as such holders do not desire to exercise, at a price per right equal to one-twentieth of the excess of the market price of GPU stock over the subscription price. GPU will utilize a commercial bank as subscription agent in connection with the rights offering.

No warrants will be mailed to stockholders with registered addresses outside the United States, Bermuda, Canada, and Mexico. Such stockholders will be informed in advance by GPU of their rights. Any rights as to which no instructions have been received before the close of business on the second business day preceding the expiration date of the rights will be purchased on that date by GPU for cash, and the pro rata portions of such purchase price will be delivered to, or held for 2 years for the account of, such stockholders, after which such proceeds will become the property of GPU.

The rights offering will not be underwritten, but GPU will utilize the services of securities dealers to solicit the exercise of rights by the initial holders thereof and will pay these dealers a soliciting fee of not less than 30¢ nor more than 40¢ per share for each successful solicitation, subject to a maximum payment of $250 for each subscription by an initial warrant holder.

During the rights subscription period and for not more than 30 business days thereafter, GPU may sell to participating dealers and others any shares of GPU stock not subscribed for or otherwise available to GPU under the terms of the rights offering ("released shares"). The price at which any released shares will be sold to the public will be determined by GPU, but no such price will be (a) less than (i) the subscription price or (ii) 90 percent of the last previous sale price for shares of GPU common stock on the New York Stock Exchange, nor (b) more than the sum of 25 cents plus the higher of (i) the last previous sale price or (ii) the current quoted asked price for shares of GPU common stock on the New York Stock Exchange. Dealers through whom released shares are sold will receive a sales commission to be specified by amendment by GPU, which will be within the range of 60 cents to 90 cents a share.

In connection with the rights offering, GPU may effect stabilization transactions in its common stock or rights up to a maximum net long position equivalent to 130,401 shares.

GPU proposed to use the net proceeds from the sale of the additional common stock to make additional investments in its subsidiary companies; provided, however, that GPU may use the proceeds temporarily to reduce its promissory notes then outstanding.

The fees and expenses (other than dealers' fees) to be incurred by GPU will be supplied by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

GPU requests that the Commission grant an exception from the competitive bidding requirements of Rule 50 promulgated under the Act to the extent such rule may be applicable to the proposed sale of released shares.

Notice is further given that any interested person may, not later than August 29, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said 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.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-9459; Filed, Aug. 11, 1969; 8:46 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

AUGUST 6, 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. (a District of Columbia corporation), 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 August 7, 1969, through August 16, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-9461; Filed, Aug. 11, 1969; 8:46 a.m.]

[812-2574]

OCCIDENTAL LIFE INSURANCE COMPANY OF CALIFORNIA AND OCCIDENTAL'S SEPARATE ACCOUNT FUND B

Notice of Application for Exemptions

AUGUST 6, 1969.

Notice is hereby given that Occidental Life Insurance Company of California ("Occidental"), and Occidental's Separate Account Fund B (the "Fund") Hill and Olive Streets at 12th Street, Los Angeles, Calif. (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of sections 17(f), 22(d), and 27(c)(2) of the Act, and Rule 17f-2 thereunder. Occidental established the Fund pursuant to California law on June 26, 1968, as a separate account to offer individual or group variable annuity contracts in connection with pension or profit-sharing plans meeting the requirements of section 401(a) of the Internal Revenue Code of 1954, as amended (the "Code"), including plans established by persons entitled to the benefits of the Self-Employed Individuals Tax Retirement Act of 1962, as amended, and annuity purchase plans adopted by public school systems and certain tax-exempt organizations pursuant to section 403(b) of the Code. The Fund is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 17(f) provides, in pertinent part, that a registered management investment company may maintain its securities and investments in its own custody in accordance with the rules, regulations, and orders adopted by the Commission in the interest of investors. Rule 17f-2 requires, in pertinent part, that such assets be placed in a bank subject to the other requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specified individuals. Applicants request an exemption to permit Occidental to be the custodian of the securities and other similar investments of the Fund instead of a bank and, to the extent necessary, to permit representatives of the California Commission of Insurance and authorized representatives of other authorized State insurance authorities to have access to the vault and securities therein.

Occidental is a substantial insurance company subject to extensive and detailed supervision and regulation by the California Commissioner of Insurance, as well as the insurance authorities of all other States of the United States (except New York). The application states that the vault maintained by Occidental is comparable to the vaults in most banks and that Occidental keeps therein securities and other investments of a value in excess of $1 billion. Access to the securities of the Fund may be had only by two or more officers or responsible employees of Occidental acting jointly, one from a group of 10 officers and employees and the other from another group of seven officers and employees. Occidental's financial records and affairs are audited annually by independent certified public accountants, and the assets of the Fund will be physically checked and verified at least annually by independent certified public accountants representing the Fund. Access to such securities and investments by authorized representatives of the California Commissioner of Insurance and authorized representatives of other State insurance authorities will facilitate the regulatory functions of such authorities and will provide an additional protection for variable annuity contract owners.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price prescribed in the prospectus.

Applicants propose initially to offer individual tax deferred retirement plans based on the Fund. These contracts provide that the proceeds from (1) other variable annuity contracts registered under the Act, (2) proceeds from variable and fixed annuity contracts of Occidental not registered under the Act, and (3) maturity and cash surrender values of Occidental insurance policies can be invested in the Fund without sales load.

Applicants request exemption from section 22(d) so as to permit, (1) the transfer of funds as provided in the contract from all variable and fixed accumulation accounts of Occidental, whether or not they are registered under the Act, to the Fund without the imposition of an additional sales charge, and (2) the transfer of funds received on the maturity of Occidental insurance policies to the Fund without the imposition of any additional sales charge.

Applicants assert that from the point of view of equitable treatment of contract owners, no unfair discrimination would exist under the proposed elimination of such charges. In all cases a sales charge on the premiums under Occidental insurance contracts and on the contributions to annuity contracts of Occidental not registered under the Act will have been paid. The purpose of eliminating the sales charges on such transactions is to avoid cumulating such sales charges.

Applicants also assert that such elimination of charges is in the interest of investors and the public; that no unfair discrimination between contract owners participating in the Fund would result therefrom; and that such elimination of charges would be consistent with the policies of the Act.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

The equity investment fund contracts which provide for deferred variable annuities may be deemed to be periodic payment plan certificates under the Act.

Applicants request an exemption from these requirements on the grounds that Occidental's status as a regulated insurance company, and its obligations as an insurance company to its equity investment fund contract owners provide substantially the protection contemplated by these requirements.

Applicants have consented to the requested exemption being subject to the conditions that the charges under the contracts for administrative services referred to in section 26(a) shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose and that the payment of sums and charges out of the assets of the Fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the consent of Applicants to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services. Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than August 29, 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 shall 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 Applicants 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. 69-9462; Filed, Aug. 11, 1969; 8:46 a.m.]

[File No. 24 SF-3412]

OMEGA COMPUTER CORP.

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

AUGUST 6, 1969.

I. Omega Computer Corp. (issuer), 2140 West Olympic Boulevard, Los Angeles, Calif., incorporated in Nevada on January 10, 1969, filed in the San Francisco regional office on January 31, 1969 a notification and offering circular under Regulation A, the conditional exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3(b) thereof, covering a proposed offering of 30,000 shares of its 10-cent par value common stock at $10 per share for an aggregate offering price of $300,000. Dollan & Co., Inc. of Seattle, Wash., was named as underwriter on a best-efforts basis. The offering circular states that the company proposes to design, develop, and market "systems" for high speed digital computers, with initial orientation to computer systems designed to serve the mutual fund industry.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular are materially false and misleading by omitting to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in that:

1. The offering circular fails to disclose a plan or scheme, involving Charles A. Cordial, president and principal security holder of the issuer, Delta Corp. and its controlling persons, David E. Meeks, Leo Paul Murphy, Willis S. Johnson, and James A. Westbrook, and Dollan & Co., Inc. and its president, Robert Goughnour, whereby the issuer will be acquired by Delta Corp.

2. The offering circular fails to disclose that the issuer is in fact controlled by Delta Corp. and David E. Meeks, Leo Paul Murphy and Willis S. Johnson.

3. The notification fails to disclose that Delta Corp. and its affiliated corporations including Data Management Systems, and the control persons of Delta Corp., including David E. Meeks, Leo Paul Murphy, Willis S. Johnson, and James A. Westbrook are affiliates of the issuer.

4. The notification fails to disclose the securities to be issued to the issuer's security holders in connection with the issuer's acquisition by Delta Corp.

5. The notification fails to disclose the sale of unregistered securities issued during the past year by Data Management Systems, an affiliate issuer.

B. The offering, if made, would operate as a fraud and deceit upon purchasers in violation of section 17 of the Securities Act of 1933, as amended.

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

It is ordered, Pursuant to Rule 261(a), subparagraphs (1) and (2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption 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 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; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

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

[F.R. Doc. 69-9463; Filed, Aug. 11, 1969; 8:46 a.m.]

[File No. 24SF-3434]

WESTERN TIN MINING EXPLORATION CORP.

Order Permanently Suspending Exemption

AUGUST 6, 1969.

I. Western Tin Mining Exploration Corp. ("Western"), 108 West Telegraph Street, Carson City, Nev., incorporated in Nevada on February 17, 1969, filed a notification and offering circular on March 24, 1969, covering a proposed offering of 300,000 of its 10-cent par value common stock at $1 per share for an aggregate offering price of $300,000, for an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3(b) and Regulation A promulgated thereunder. E. M. C. Securities, Inc., was named as the underwriter on an all-or-nothing, best-efforts basis. The offering circular states that the company intends to explore six unpatented lode mining claims in Death Valley Monument, Calif.

II. The Commission, on April 9, 1969, temporarily suspended the Regulation A exemption of Western, stating it had reason to believe on the basis of information reported to it by the staff, that:

A. The terms and conditions of Regulation A were not complied with in that:

1. The issuer failed to disclose in the notification and offering circular that Lewis A. Ray, its president, director, promoter, and controlling security holder, was subject to a judgement entered on March 24, 1964, in the U.S. District Court for the Southern District of California, permanently enjoining him from engaging in acts and practices in connection with the purchase or sale of securities and had been found by the Commission to be a cause of an order entered on February 28, 1964, pursuant to section 15(b) of the Securities Exchange Act of 1934, which is still in effect.

2. The Regulation A exemption was not available for the issuer under the provisions of Rule 252(d) (2) and (3) in that Lewis A. Ray, president, director, promoter, and controlling stockholder of Western, was subject to a judgment permanenty enjoining him from engaging in acts and practices in connection with the purchase or sale of any security and had been found by the Commission to be a cause of an order entered pursuant to section 15(b) of the Securities Exchange Act of 1934, which was still in effect.

B. The notification and offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The notification was materially false and misleading in failing to disclose the facts with respect to Lewis A. Ray as to the injunction and Commission order referred to above.

2. The offering circular failed to disclose accurately and adequately the background of Lewis A. Ray, Western's president, director, promoter, and controlling stockholder.

C. The offering, if made, would violate the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(b) 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, permanently suspended.

By the Commission.

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

[F.R. Doc. 69-9464; Filed, Aug. 11, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 725]

NEW YORK

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 Sullivan County, N.Y.;

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 area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting 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, suffered damage or destruction resulting from floods occurring on July 28 and July 29, 1969.

OFFICE

Small Business Administration Regional Office, 26 Federal Plaza, Room 3108, New York, N.Y. 10007.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 1, 1969.

RICHARD B. BLANKENSHIP, *Acting Administrator.*

[F.R. Doc. 69-9467; Filed, Aug. 11, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 883]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 7, 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 40978 (Sub-No. 15 TA), filed July 30, 1969. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Highway 141 South, Sheboygan, Wis. 53081. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Sheboygan, Wis., to points in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, Kentucky, Ohio, Michigan, Missouri, Oklahoma, Texas, Kansas, Nebraska, Colorado, and West Virginia; Restricted to shipments originating at the plantsite of Nemschoff Chairs, Inc., located in the city of Sheboygan, Sheboygan County, Wis., for 180 days. Supporting shipper: Nemschoff Chairs, Inc., 2218 West Water Street, Sheboygan, Wis. 53081 (Leonard Nemschoff). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 108207 (Sub-No. 267 TA), filed July 30, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz, Post Office Box 5888, Dallas, Tex. 75222. Applicant's represetative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin impregnated broadgoods, rovings, adhesive films, adhesive liquids, synthetic resins, activators, and/or compounds*, from Chatworth, Costa Mesa, Culver City, Downey, Huntington Park, Los Angeles, and San Diego, Calif., and Minneapolis, Minn., to Albuquerque, N. Mex., for 150 days. NOTE: Carrier does not intend to tack its authority. Supporting shipper: General Electric Co., Post Office Box 2068, Albuquerque, N. Mex. 87103. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 113678 (Sub-No. 359 TA), filed July 30, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). 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 Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Kentucky, Nebraska, and Wisconsin, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 117815 (Sub-No. 149 TA), filed July 28, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except Commodities in bulk, in tank vehicles and except hides), from the plantsite and facilities of Hygrade Food Products Corp. at Postville, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 150 days. Supporting shipper: Hygrade Food Products Corp., 1801 Mack Avenue, Detroit, Mich. 48214, S. H. Lloyd, A. T. M. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 119598 (Sub-No. 1 TA), filed July 30, 1969. Applicant: LANDIS, INC., Building 26007, Greater Wilmington Airport, New Castle, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 28005. Authority sought to operate

as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts*, from Wilmington, Del., to points in Maryland, Pennsylvania, Delaware, New Jersey, New York, Massachusetts, District of Columbia, Connecticut, Ohio, Virginia, and West Virginia, for account of West Indies Fruit Co., for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101, Samuel Gordon, Vice President. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 128375 (Sub-No. 32 TA), filed July 22, 1969. Applicant: CRETE CARRIER CORPORATION, Crete, Nebr. 68333. Applicant's representative: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Exhaust pipe, exhaust pots, mufflers, tail pipes, suspension parts, steering gear, fifth wheel and plates, cam shaft, axle parts, wheel clamps, rim attachments, brake linings, brake shoes, brake equipment, shock absorbers, and related fittings, parts, tools, materials, accessories, and advertising matter and display*, from (a) Paulding, Ohio, Loudon, Tenn., and Pulaski, Tenn., and their commercial zones to Nashville, Tenn., and its commercial zone; (b) from Pulaski, Loudon, Knoxville, and Nashville, Tenn., to points in the United States on and west of the Mississippi River, and points in Wisconsin, Illinois, Indiana, Michigan, and Mississippi; (c) from Haleyville, Ala., and 10 miles thereof to Loudon, Tenn., and its commercial zone, and Harvey, Ill.; (d) between Harvey, Ill., Loudon, Knoxville, and Nashville, Tenn., and their commercial zones; (e) Montgomery, Ala., and its commercial zones, to Paulding, Ohio, and Nashville, Tenn., and their commercial zones; Restricted to traffic either originating at or destined to plantsites, storage warehouse, or distribution facilities used by the Maremont Corp. (B) *Used brake shoe cores*, from Detroit, Mich., and Buffalo, N.Y., and their commercial zones to Paulding, Ohio, and its commercial zone, for 180 days. Supporting shipper: Maremont Corp., 168 North Michigan, Chicago, Ill. Send protests to: District Supervisor Johnston, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133787 (Sub-No. 1 TA) (Correction), filed June 19, 1969, published FEDERAL REGISTER, issue of July 1, 1969, and republished as corrected this issue. Applicant: D & O FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. NOTE: The purpose of this republication is to reassign Docket No. MC 133787 (Sub-No. 1 TA) in lieu of MC 123766 (Sub-No. 9 TA).

No. MC 133796 (Sub-No. 1 TA), filed July 30, 1969. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Skis and paraphernalia* used in connection with skiing, from Schaghticoke, N.Y., to Toledo, Ohio, Oconomowoc, Wis., and Tacoma, Wash.; (2) from Tacoma, Wash., to Oconomowoc, Wis., Toledo, Ohio, and Schaghticoke, N.Y., for 180 days. Supporting shipper: Krystal Skis, Inc., Post Office Box 908, Tacoma, Wash. 98401. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133921 TA, filed July 29, 1969. Applicant: FREDERICK COMMUTER, AIR FREIGHT, INC., Route No. 6, Frederick, Md. 21701. Applicant's representative: Herschel F. Gibbs, Route 6, Frederick, Md. 21701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Frederick County, Md., and Washington National Airport, and Dulles International Airport, Va.; Friendship International Airport, Md., restricted to transportation having a prior or subsequent movement by air, for 180 days. Supporting shipper: There are approximately (10) 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 Robert Caldwell, Interstate Commerce Commission, Bureau of Operations, Room 2210, Washington, D.C. 20423.

No. MC 133922 TA, filed July 29, 1969. Applicant: WILLIAM H. NAGEL, doing business as JENKINS AND NAGEL TRUCKING CO., Post Office Box 98, Wolcott, Ind. 47995. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, 11 South Meridan Street, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soya flour*, from the plant and warehouse sites of Griffith Food Products (subsidiary, Griffith Laboratories, Inc.) at or near Remington, Ind., to points in Alabama, Illinois, Iowa, Michigan, New Jersey, Ohio, and Pennsylvania; (2) *Foodstuffs, and materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs, from the plant and warehouse sites of Griffith Laboratories, Inc., at Chicago, Ill., to Birmingham, Ala.; Remington, Ind.; Detroit, Mich.; Union, N.J.; Columbus, Ohio; Philadelphia and Shiremanstown, Pa., for 180 days. Supporting shipper: Griffith Laboratories, Inc., 1415 West 37th Street, Chicago, Ill. 60609. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

By the Commission.

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

[F.R. Doc. 69-9476; Filed, Aug. 11, 1969; 8:47 a.m.]

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