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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Air Force

Section 213.3309 is amended to show that the Schedule C authorities for the following positions have been revoked: One Special Assistant to the Secretary, the Under Secretary, and each of the four Assistant Secretaries. In addition, one authority to appoint under Schedule C six Private Secretaries to key officials has been replaced by authorities covering seven positions of Private Secretaries to key officials. The section is further amended to show that the position of one Administrative Assistant and two Private Secretaries in the Office of the Military Aide to the Vice President and the positions of one Administrative Assistant and five additional Private Secretaries for interdepartmental activities are also excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (a) of § 213.3309 is revoked, subparagraph (2) is amended and subparagraphs (7) through (10) are added as set out below.

§ 213.3309 **Department of the Air Force.**

(a) *Office of the Secretary.* (1) [Revoked]

(2) One Private Secretary to the Secretary to the Under Secretary, and to each Assistant Secretary of the Air Force.

* * * * *

(7) One Private Secretary to the Special Assistant for Economic Utilization and Analysis.

(8) Six Private Secretaries engaged in the interdepartmental activities of the Department.

(9) One Administrative Assistant engaged in the interdepartmental activities of the Department.

(10) One Administrative Assistant and two Private Secretaries in the Office of the Military Aide to the Vice President.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-9542; Filed, Aug. 12, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that three positions of Special Assistant (interdepartmental activities) in the Office of the Deputy Postmaster General are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (h) of § 213.3311 as set out below.

§ 213.3311 **Post Office Department.**

* * * * *

(h) *Office of the Deputy Postmaster General.* * * *

(9) Three Special Assistants (interdepartmental activities).

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-9545; Filed, Aug. 12, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior; Correction

In F.R. Doc. 69-9100 appearing at page 12623 in the issue of Saturday, August 2, 1969, the new subparagraph added to paragraph (a) of § 213.3312 is shown as "(33)", it should be "(34)", as follows:

§ 213.3312 **Department of the Interior.**

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

(34) One Staff Assistant to the Assistant Secretary for Water Quality and Research.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-9544; Filed, Aug. 12, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Director, Land and Facilities Development Administration is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (13) of paragraph (d) of § 213.3384 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-9543; Filed, Aug. 12, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reseal Loan Regs., 1965 and Subsequent Storage Periods, Amdt. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Farm Storage Reseal Loan Program

EARLY DELIVERY

The regulations issued by Commodity Credit Corporation and published at 33 F.R. 5201, 9464 and 34 F.R. 1229, which contain the regulations governing farm storage reseal loan programs for 1965 and subsequent storage periods, are hereby amended as follows:

§ 1421.3482 [Amended]

1. Section 1421.3482 is amended to delete therefrom the reference to paragraph (d) of § 1421.69 of the General Regulations Governing Price Support for 1964 and Subsequent Crops (Rev. 1) (31 F.R. 5941), as amended.

2. Paragraph (b) of § 1421.3484 is amended to change the requirements for early delivery of commodities under reseal. The requirement that the commodity be under reseal for 4 months is deleted. The amended paragraph reads as follows:

§ 1421.3484 **Redemption and delivery of commodity and conversions to extended warehouse storage loans.**

* * * * *

(b) *Voluntary early delivery.* A county committee may authorize a producer to make delivery to CCC of a resealed commodity prior to the end of a storage period under the following conditions: (1) Storage space is available at either local or transit points which are normally used for storing the commodity; and (2) delivery of the commodity will not unduly interfere with the completion of other current program functions. The quantity eligible for storage payment and the length of the storage period shall be determined as provided in § 1421.3483(c). The rate of payment shall be as specified in the applicable annual supplement to this subpart.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b), (c); 7 U.S.C. 1441, 1447, 1421, 1425)

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.

[F.R. Doc. 69-9509; Filed, Aug. 12, 1969; 8:45 a.m.]

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

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Grain Sorghum Loan and Purchase Program

SUPPORT RATES AND DISCOUNTS

Correction

In F.R. Doc. 69-8477 appearing at page 12081 in the issue of Friday, July 18, 1969, § 1421.2579(b), certain of the counties are misstated with regard to the applicability of the footnote 1 found at the end of the table. The following counties should be shown without the footnote marking:

Wyandotte County, Kans.
Cameron County, Tex.
Falls County, Tex.
Galveston County, Tex.
Kerr County, Tex.
Terrell County, Tex.

and the following counties are to have the footnote indication inserted:

Callahan County, Tex.
Erath County, Tex.
Gaines County, Tex.
Kent County, Tex.
Ochiltree County, Tex.

PART 1479—CERTIFICATES OF INTEREST IN COMMODITY CREDIT CORPORATION PRICE-SUPPORT LOANS

Subpart B—Participation of Financial Institutions in a Pool of Price-Support Loans

FINAL DATE FOR APPLICATIONS

Notice is hereby given of the deactivation of the program to permit financial institutions to participate in the financing of CCC price-support loans by the purchase of an interest in a continuing pool of such loans evidenced by CCC Certificates of Interest under Subpart B of this Part 1479. August 29, 1969, will be the last day on which CCC will accept and approve applications for such participation pursuant to 7 CFR 1479.22 and will permit the purchase of Certificates under any unused approvals pursuant to 7 CFR 1479.23, unless and until further notice is published in the FEDERAL REGISTER that the program will be reactivated.

Certificates of Interest issued to financial institutions on or before August 29, 1969, may be held until maturity on August 1, 1970, unless called in by CCC for payment before that date in accordance with 7 CFR 1479.28(c).

Further information may be obtained by calling the Treasurer, CCC, at Washington, D.C., Code 202—388-3770.

(Secs. 4 and 5, 62 Stat. 1070-1072, as amended; 15 U.S.C. 714b, 714c)

Signed at Washington, D.C., on August 8, 1969.

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

[F.R. Doc. 69-9605; Filed, Aug. 12, 1969; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 8, Amdt. 5]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Concerns in Trucking, Warehousing, Packing and Crating and/or Freight Forwarding Industries for Purposes of Government Procurement and SBA Loans

On July 21, 1967, there was published in the FEDERAL REGISTER (32 F.R 10754), a notice that the Administrator of the Small Business Administration proposed to amend the Small Business Size Standards Regulation by establishing a new definition of a small business concern in trucking, warehousing, packing, and crating and/or freight forwarding for the purposes of Government procurement and SBA loans.

For the purpose of both Government procurement and SBA loans, the size standard presently applicable to trucking, warehousing, packing, and crating and/or freight forwarding is annual receipts of not more than $3 million for the concern's preceding fiscal year. A study conducted by the Small Business Administration indicates that there has been an upward trend in transportation costs and revenues. Further, the number of Interstate Commerce Commission regulated motor carriers of property increased by six percent (6%) during 1959 and 1964, while the relative number of such carriers with revenues within the $3 million annual receipts size standards remained virtually unchanged.

In view of the above, it was proposed for the purpose of Government procurement and SBA loans, to increase the annual receipts size standard applicable to trucking, warehousing, packing and crating and/or freight forwarding to $5 million.

SBA has updated its study and has found that there has been no significant changes with regard to trucking, warehousing, packing and crating and/or freight forwarding since the issuance of the aforementioned notice of proposal.

Interested persons were given 15 days in which to file with the Small Business Administration written statements of facts, opinions or arguments concerning the proposal. After consideration of all relevant matters regarding the proposal, the amendment set forth below is hereby adopted.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Revising subparagraph (3) of § 121.3-8(f) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

* * * * *

(3) As small if it is bidding on a contract for either trucking (local and long-distance), warehousing, packing, and crating and/or freight forwarding and its annual receipts do not exceed $5 million.

* * * * *

2. Revising subparagraph (4) of § 121.-3-10(f) to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

* * * * *

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

* * * * *

(4) As small if it is primarily engaged in trucking, warehousing, packing, and crating and/or freight forwarding and its annual receipts do not exceed $5 million.

* * * * *

Effective date. This amendment shall become effective 60 days after publication in the FEDERAL REGISTER.

Dated: August 1, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-9506; Filed, Aug. 12, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8083; Amdt. No. 23-7]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Small Airplane Type Certification Requirements

The purpose of these amendments is to improve the airworthiness requirements applicable to the type certification of small airplanes.

These amendments are based on, and reflect comments received in response to the notice of proposed rule making pub-

lished in the FEDERAL REGISTER (32 F.R. 5791) on April 11, 1967, and circulated as Notice 67-14.

Numerous comments were received in response to Notice 67-14. Based upon these comments and upon review within the FAA, a number of changes have been made to the proposed rules. These changes and the FAA's disposition of the public comments are discussed hereinafter. In addition, a number of the proposals have been withdrawn for further study. Editorial revisions have also been made to a number of the proposals for the purpose of clarification. Insofar as these changes are concerned, no substantive change to the proposals is intended. Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matters presented. Except as modified by the following discussions, the reasons for these amendments are those contained in the notice.

A number of comments requested clarification of the term "standard fuel capacity" as used in the proposed change to § 23.25(b)(4) concerning minimum weight for turbojet powered airplanes. By standard fuel capacity, the FAA means the total fuel capacity of the particular tank arrangement under investigation, and the proposal has been revised accordingly.

The notice proposed to amend the requirement in § 23.75(a) for determining landing distances by changing the calibrated airspeed for the steady gliding approach from "at least 1.5 V_{s_1}" to "at least 1.4 V_{s_1}." One commentator opposed the change on the grounds that so long as all manufacturers base landing performance on the same approach speed, the use of the present conservative landing distance will not create a problem. However, the present regulations do not require that the same approach speed be used by all applicants, and the proposal would only change the minimum value. Other comments supported the proposal, and several commentators suggested that an airspeed as low as 1.3 V_{s_1} should be permitted. Prior to September 1, 1959, the rule permitted approach speeds of 1.3 V_{s_1}. This was raised to the present 1.5 V_{s_1} by Amendment 3-5 in recognition of the corresponding increases in other requirements covering trim and controllability and the fact that power is used during the approach phase in the normal operation of airplanes. In view of the service experience since Amendment 3-5 and considering the comments received in response to Notice 67-14, the FAA has determined that any approach speed down to 1.3 V_{s_1} may be selected by the applicant, provided the requirement that the landing be safely demonstrated and duplicated is met, and the selected speed is great enough to allow a safe transition to the balked landing conditions from the conditions established for the 50-foot height. The proposed amendment has been revised accordingly. In addition, proposed new subparagraph (5) to § 23.75(a) has been deleted since that requirement is already covered in § 23.1501(c).

It was proposed to add a new § 23.149(a)(5) concerning the position of the propeller of the inoperative engine for the determination of the minimum control speed. In response to a comment received, the proposed amendment has been revised to remove any reference to reliability of the feathering function. Such a reference is unnecessary in view of the certification requirements applicable to propellers under Part 35.

The notice proposed to amend the longitudinal trim requirements of § 23.161(c). In response to comments received and to make this requirement consistent with the amendment to § 23.75(a), the provisions of proposed § 23.161(c) have been changed to allow some flexibility in the selection of the approach speed. Thus, the amendment will permit a speed between 1.3 V_{s_1} and 1.5 V_{s_1} rather than requiring the use of an approach speed of 1.4 V_{s_1} in all cases, and will require for airplanes of more than 6,000 pounds that longitudinal trim be demonstrated at the approach speed used in showing compliance with § 23.75(a). In addition, the controllability requirements of § 23.145 are amended to require compliance with that section at a speed determined in accordance with § 23.161(c). Sections 23.75(a), 23.145, and 23.161(c) are interrelated and in the present regulations the requirements of these sections are based on a speed of 1.5 V_{s_1}. Under the amendments to §§ 23.75(a) and 23.161(c), an applicant could elect to use approach and trim speeds lower than 1.5 V_{s_1}, but would be required to show compliance with § 23.145 (controllability) at 1.5 V_{s_1}. In such a case, the possibility of inadequate controllability at the lower approach and trim speeds would not be covered by the regulations. In view of this potential unsafe condition and since this amendment to § 23.145 will not increase the severety or burden of compliance because the selection of approach and trim speeds below 1.5 V_{s_1} is at the option of the applicant, further notice and public procedures are unnecessary. Therefore, § 23.145 is amended to make it consistent with the amendments to §§ 23.75(a) and 23.161(c).

One commentator noted a difference between Notices 67-11 and 67-14 regarding a 10-lb. residual stick force with respect to longitudinal trim in Notice 67-11. This proposal was based on a requirement to trim at speed of 1.4 V_{s_1}. However, the requirement concerning longitudinal trim has been changed from that proposed in Notice 67-14 so that it now permits trim at a speed as high as 1.5 V_{s_1}. Therefore, there is no need to provide for a residual stick force at 1.4 V_{s_1}.

The notice proposed to amend the static longitudinal stability requirement of § 23.175. Upon further consideration of the proposal and in the light of the comments received, a number of changes have been made. The trim requirement in proposed paragraph (a)(4) has been revised to require the airplane to be "trimmed at V_y, except that the speed need not be less than 1.4 V_{s_1}". This change provides a trim speed representative of typical operations in lieu of the present requirement that the trim speed must always be 1.4 V_{s_1}. For an airplane where V_y (best rate-of-climb speed) is greater than 1.4 V_{s_1}, it should be easier to meet the stability requirement at this higher speed. When V_y is less than 1.4 V_{s_1}, the applicant may elect to comply with the less severe condition. The proposed option which would have permitted trimming the airplane for the climb speed recommended by the applicant has not been adopted since it would have permitted selection of a speed which could be inconsistent with the speeds at which the airplane complies with the climb performance requirements. Several commentators stated that compliance with the proposed cruise requirements may not be possible at low cruise speed. The FAA agrees. The proposal inadvertently omitted the overall limits on the speed range over which stability must be demonstrated. The proposal has been revised, consistent with the present overall limits for cruise stability speed range, to provide that cruise stability need not be demonstrated below 1.3 V_{s_1}, or above the maximum allowable airspeed. The maximum allowable speed for the high speed conditions under the present rule is V_{NE} as established under § 23.1505(a) and explained in § 23.1545(b). In view of the alternative V_{mo}/M_{mo} concept in proposed new § 23.1505(c) which eliminates V_{NE}, the proposal has also been revised to make the high speed cruise stability condition appropriate for airplanes certificated in accordance with new § 23.1505(c). With respect to the proposed low speed cruise condition, several comments pointed out that determining the power setting for maximum range would unnecessarily complicate the stability requirements. Accordingly, the power setting for the low speed condition is now specified as that required for level flight at a speed midway between 1.3 V_{s_1} and the trim speed obtained in the high speed condition. In addition the landing gear extended condition has been limited to airplanes having retractable gear since the high and low speed cruise conditions for fixed gear airplanes are sufficient to cover the operational needs of fixed gear airplanes. The proposed approach and landing stability condition has also been revised, consistent with the revisions to the proposed trim requirements in § 23.161(c)(4) and (5), to only require trim capability at a speed between 1.3 V_{s_1} and 1.5 V_{s_1}, for airplanes of 6,000 pounds or less maximum weight, and at the speed used in the landing determination for heavier airplanes. One comment objected to the proposed cruise condition, stating that it would permit the use of less than 75 percent of maximum continuous power for turbine engine powered airplanes, and that marginal airplanes might be operated in an unstable flight regime. The FAA does not agree. The power or thrust is specified

as the maximum power or thrust selected by the applicant as an operating limitation for use during climb, and operations at this power or thrust should not result in an unstable flight regime. Another comment questioned the term "free return speed range" used in the proposal. The intent of the proposal is that the stability speed range extend beyond the friction range by the amount prescribed in the rule.

There was an objection to the speed margin restriction in the proposal to amend the stall warning requirements of § 23.207. It was stated that the proposal effectively nullifies the greater flexibility that would be permitted by expanding the magnitude of the allowable margin and would permit a return to a less safe stall speed warning range. The FAA agrees, and proposed new paragraph (c)(1) has not been adopted. In addition, the proposal to permit the stall warning to be activated at speeds up to 15 knots above stall speed has not been adopted since this change would increase the probability of warning activation during landing approaches. However, it has been determined that activation of the stall warning at speeds not greater than 10 knots or 15 percent above stall speed would reduce the probability of activation during landing approaches and at the same time provide more flexibility than the current requirement. The proposal has been changed accordingly.

The notice proposed to amend § 23.221 (a) and § 23.221(c) to add a 3-second minimum time for spin development for normal and acrobatic category airplanes. Comments were received recommending that the 3-second requirement be deleted. The FAA does not agree. The 3-second value corresponds to the 3-second delay established as a reasonable value in applying corrective action after recognition of an autopilot malfunction. The amendment is adopted as proposed.

The notice proposed to amend the current design airspeed requirements of §§ 23.253, 23.335, 23.1505, and 23.1545 to provide a more rational basis for selecting design speeds for high performance airplanes, and to include provisions for design speeds limited by compressibility. One comment asserted that the proposed new § 23.253(a) does not require demonstration of speed margin and maneuverability during trim system runaway, and suggested the addition of such a requirement. The proposed change to § 23.253 (a) is confined to inadvertent speed increases and examples of the conditions leading to such increases are set forth in the proposal. Malfunctions and runaways of pitch trimming systems come within the general statement of the conditions and examples set forth in the proposal and the FAA does not believe that it is necessary to specifically refer to these conditions. There were objections to the proposed design airspeed requirement insofar as it deleted the reference to $V_{C\,min}$ in present § 23.335(b). The notice proposed in part that V_D be not less than 1.4 V_C where V_C is the selected design cruise speed. The present requirement merely requires a V_D not less than 1.4 $V_{C\,min}$ where $V_{C\,min}$ is specified in a formula, and in many cases the applicant selects a higher V_C to accommodate the performance of the airplane without a restrictive operating limitation under § 23.1505. In view of comments received, the FAA has determined that the proposal is unnecessarily severe and the present factors based on $V_{C\,min}$ are being retained. However, to make the design speed provisions in § 23.335 consistent with the operating limitations in § 23.1505 (a) and (b), a provision has been added to § 23.335(b)(1) specifying that V^D/M^D may not be less than 1.25 V^C/M^C. However, as an alternative, the applicant may use the "rational" speed margin in paragraph (b)(4). In addition, the proposed lead-in sentence of § 23.335 has been editorially revised to reflect the fact that speed and Mach margins are not the same, and subdivision (b)(4)(ii) has been changed to make it clear that the cutoff is only intended for the Mach margin. Proposed new § 23.1505(c) has also been changed to exclude turbine airplanes from the requirements of present § 23.1505 (a) and (b) and thus to require those airplanes to comply with § 23.1505(c). This change is necessary in order to accommodate the changes to the proposal necessary because of the retention of $V_{C\,min}$ in § 23.335 (b). These changes to the proposal accomplish the intent set forth in the notice for high performance aircraft without affecting the current design airspeed requirements for applicants who wish to comply with them.

The notice proposed to amend §§ 23.333, 23.341, 23.345, 23.425, 23.443, and Appendix A23.3 to require investigation of gust loads based on airplane mass parameter concepts rather than the present wing loading concept. Comments were received objecting to the proposed alteration of the gust load criteria in current § 23.341 because the new gust formula raises the load factors, thereby placing an undue burden on design and the mass parameter method results in unnecessary increased loads and load factors. However, the FAA considers that the use of the proposed gust formulae is essential in order to more realistically reflect the effects of higher speeds and higher altitudes on gust loadings. Transport airplane data was used in deriving the new formulae since the gust intensities involved are equally applicable to any airplanes designed to operate in the same speed and altitude ranges as present transport category airplanes. At the same time, the new formulae do not impose an undue burden on the design of slow, low altitude airplanes because their designs are usually maneuver critical. For purposes of clarity the format of the proposal has been changed to follow the current format of Part 23, and the solid line representing the limit combined envelope in the gust envelope diagram in § 23.333(d) has been revised to correctly reflect the formulae for determining the gust envelope.

It was proposed to add a new § 23.367 to require substantiation of turbopropeller airplanes for the vertical tail loads resulting from unsymmetical power conditions due to engine failure in combination with windmilling propeller drag loads. In response to comments received, the introductory statement to paragraph (a) has been changed to make it clear that the requirement applies to turbopropeller airplanes rather than all airplanes. One comment stated that the rule should allow a conservative alternative load if time-history test data is not available. The Commentator suggested, as a conservative alternative to the proposed rational analysis of loads build-up after failure of the critical engine and subsequent to pilot corrective action, that the loads may be considered as a static yaw condition based on the maximum windmilling drag of the critical engine. The FAA does not agree that this is a conservative alternative. For example, there is no multiplying factor to account conservatively for likely dynamic airplane overswing yaw which can be expected after sudden engine failure. Further study of the suggested allowance of an alternative load is necessary and it will be considered in connection with future rule-making action.

The notice proposed to amend §§ 23.25, 23.473, and 23.1583 to permit a design landing weight equal to the design maximum weight less the weight of 25 percent of the total fuel capacity. In addition, the proposal would make it clear that the design maximum weight is the weight to be used in investigating ground loads unless the design landing weight option is chosen by the applicant, and that the design landing weight option applies only to the conditions actually representing landing loads. Comments were received suggesting that an applicant should be permitted to use a design landing weight determined either in accordance with the proposal or the current requirements. The FAA agrees. Experience with airplanes that have been type certificated under the current rule with a design landing weight as low as 95 percent of design maximum weight indicates that the present provisions can be retained as an alternative. In this connection, the amendment now permits the design landing weight to be as low as 95 percent of the maximum weight if the minimum fuel capacity is enough for at least one-half hour of operation at maximum continuous power plus a capacity equal to a fuel weight which is the difference between the design maximum weight and the design landing weight or as low as the design maximum weight less the weight of 25 percent of the total fuel capacity. In addition, the current reference to § 25.1001 in § 23.473 (c) has been changed to § 23.1001. Section 25.1001 was amended subsequent to the issuance of Notice 67–14 containing these proposals and does not now reflect the appropriate requirement for Part 23. Therefore, the appropriate provisions of § 25.1001 in effect on the date that Notice 67–14 was issued have been incorporated into a new § 23.1001.

The notice proposed to amend § 23.571 to require an effective fatigue evaluation of the wing and associated structures. Inasmuch as the title of current

§ 23.571 might be misleading insofar as these requirements are concerned, the proposal has been adopted as new § 23.572. Numerous comments were received objecting to this proposal. In this connection, it was stated that (1) the current strength requirements and design practices are conservative and adequate to prevent serious fatigue problems; (2) corrosion, prior abuse, and special purpose operations cause fatigue failure, rather than lack of design fatigue strength; (3) fatigue substantiation will not eliminate cracks, and a better maintenance program would be more effective; and (4) sufficient data is not available to establish load spectra for fatigue substantiation. The FAA does not agree. Service experience and discussions with industry of designs which have sustained fatigue failures indicate that present design practices do not adequately account for fatigue. Corrosion, prior abuse, and special purpose operations may contribute to fatigue failure, but the primary reason for such failures is lack of strength. Since fatigue failures are time-dependent, a higher failure rate among older airplanes is to be expected; however, fatigue problems have arisen in airplanes certificated in recent years. Neither fatigue substantiation nor better maintenance programs will eliminate all cracks. The purpose of the proposed rule is to prevent catastrophic failures. Furthermore, Part 23 airplanes are not designed on a redundant-structure, fail-safe basis, for which maintenance alone would be sufficient. Both fatigue substantiation and a good maintenance program are needed. Reasonable load spectra can and have been established from the extensive gust data which is available, and reasonable and acceptable methods of compliance have been established and widely publicized. However, while it has been determined that fatigue substantiation is necessary, the FAA does not agree with one comment which suggested that the proposed requirement should be expanded to a full limit load fail-safe requirement with a design objective of at least 10,000 hours and a test life of 30,000 flights. Such a requirement would be more severe than that required for transport category airplanes and cannot be justified on the basis of service experience. The amendment is adopted as proposed, except that it is adopted as new § 23.572.

The notice proposed to amend § 23.607 to permit the use of self-locking nuts on bolts subject to rotation in operation if additional locking means were provided. Subsequent to the issuance of the notice, Amendments 27-4 and 29-5 have been adopted which permit self-locking nuts to be used on rotorcraft only if the additional locking means is a nonfriction locking device. Those amendments also added requirements for removable bolts, screws, nuts, pins, and other fasteners whose loss could jeopardize the safe operation of the rotorcraft. Similar requirements have been proposed for transport category airplanes in Notice 68-18. In view of comments received in connection with Amendments 27-4 and 29-5 and the proposal in Notice 68-18, the proposed amendment to § 23.607 is withdrawn pending further study.

The notice proposed to amend § 23.611 to require that accessibility to parts be adequate for the repair and replacement aspects of necessary maintenance. Comments objecting to the proposal stated that the proposal is unnecessary, that documenting compliance is a superfluous burden, and that adequate access for maintenance, inspection, and lubrication will be provided during flight test program. The FAA does not agree. Service experience has shown that adequate access means are not always provided, and Airworthiness Directives have been issued in which modifications to provide access were required. The proposed amendment has been changed to more clearly state the intent of the proposal as explained in the notice, that accessibility must be provided for the purpose of making a repair or replacement found necessary by the inspections, as well as for servicing, lubrication, and adjustments.

It was proposed to amend § 23.619 to eliminate certain redundancies and to conform the section to the equivalent requirements in other airworthiness parts. One comment objected to the proposal and also suggested that present § 23.619 (a) and (b) be deleted on the grounds that the general and specific requirements covering Design and Construction in Subpart D completely cover the requirements of both the present and proposed sections. The FAA does not agree. Section 23.619 specifies a special factor of safety for use in particular cases, that are not covered in other sections. Except for editorial revisions, the amendment is adopted as proposed.

The notice proposed to amend §§ 23.625, 23.785, and 23.1413 to consolidate seat, berth, and belt attachment factors in one section, and to require the installation of effective upper body restraints (harnesses), or the airplane interior to be designed to either eliminate injurious objects within striking radius of the head or to provide energy absorbing support for the upper torso. The statements of commentators that shoulder harnesses are available as optional equipment and that they may not be used by some occupants does not negate the need for the rule. Shoulder harness generally will be used if available, and the FAA has an educational program, Advisory Circular 00-21 and Report AM 66-33, to encourage their use. One comment suggested that the term "injurious object" be defined. The FAA believes the term is clear, and its use in the corresponding requirement in Part 25 has not created a problem. It is applicable to any object within striking radius of the head. Such objects would be evaluated for their injury-producing potential, and an object which could produce an abrasion or laceration is an injurious object.

The notice proposed to amend § 23.629 (a) to eliminate redundancies and to insure an adequate speed margin for flutter when a more rational speed spread between V_C and V_D is selected in place of the current arbitrary speed spread of § 23.335(b)(1). One comment suggested that the flutter margin should be defined in terms of all of the flutter parameters rather than airspeed alone. However, since speed is the parameter which is used in establishing the operating limitations of the airplane, it is considered appropriate to express the required flutter margin in terms of speed. The FAA has determined that the proposed freedom from flutter speed for some designs could be unnecessarily severe. Therefore, the proposed amendment has been changed to provide for those cases where V_C is the minimum value specified in current § 23.335(a)(1) where V_C is related to V_D under § 23.335(b)(2). This change also provides an adequate margin between V_C and the flutter-proof speeds in those cases where intermediate values of V_C are selected by the applicant. In response to another comment, a new paragraph (b) has been added to provide for a smaller speed margin when adequate damping is shown at V_D. The notice also proposed to include in a new § 23.629(d) additional flutter requirements applicable to turbopropeller powered airplanes. One comment suggested that the amendment should also apply to reciprocating engine installations, and that the "pivot turn ground case" should be accounted for. The FAA does not agree. The service experience of reciprocating engine installations does not show a safety need for the suggested applicability. The consideration of gyroscopic couple under the ground taxi turn is not a critical design case and is not needed, since the load proposed in the notice combines the gyroscopic couple with propeller thrust and limit maneuver flight loads.

The notice proposed to amend § 23.677 to make it clear that operation of the trim system may not be dependent upon the primary control system and that failures of the primary control system may not prevent safe flight and landing. Comments were received objecting to the proposal on the ground that it exceeded the Part 25 requirements for transport category airplanes, and that it would improperly and undesirably change trim response and make compliance tests extremely hazardous. The FAA does not agree. The trim requirement is merely one of a number of control system requirements that must be considered as a total requirement. There is, therefore, no comparison between individual provisions in Parts 23 and 25. Service experience with existing airplanes does not indicate that the proposal will improperly and undesirably change trim response or that compliance testing will be hazardous. Furthermore, trim response equal to primary flight control response will not necessarily be needed to comply with the proposal. All that is required is that there be adequate control for safe flight and landing. The amendment is therefore adopted as proposed.

It was proposed to add a new § 23.726 to provide applicants who desire to use the dynamic methods of landing gear

strength substantiation allowed under § 23.305(b) with a safe alternative to the preparation of complex and expensive stress analysis and static test programs. One comment objected to landing gear substantiation by drop test alone. However, while stress analysis and static test programs are not precluded by the proposal, experience has shown that dynamic drop tests are a reliable method of showing compliance with the ground load requirements. Another comment questioned the value of the proposed 2.25 multiplying factor for the drop height prescribed in § 23.725(a)(1). This factor was determined by applying a factor of safety of 1.5 to the limit descent velocity, to achieve the ultimate descent velocity. This height factor also represents the drop height which would produce ultimate load for a fully linear spring gear. The use of the proposed factor results in an ultimate drop height energy absorption which is equivalent to that obtained at the corresponding height developed under proposal paragraph (a)(2) for the same airplane, and is particularly convenient for use with spring gears since it avoids the possibility of fuselage contact with the drop surface. Except for editorial changes, this amendment is, therefore, adopted as proposed.

The notice proposed to amend § 23.729 to specifically require yaw substantiation of retractable landing gear and an aural warning device that would function, regardless of throttle setting, when more than a determined amount of flap is used. One comment stated that emergency conditions should not be considered in this requirement and that the proposal should be changed to require only substantiation for all "normal" yawing maneuvers. The FAA does not agree. Contrary to this comment, the proposal does not refer to "emergency conditions" but covers the flightloads that are critical for retractable landing gear and includes all yawing maneuvers that are prescribed for the substantiation of the landing gear. These are prescribed for all speeds up to V_{LE} in § 23.351 and the proposal has been amended to make this clear. One comment interpreted the proposal as permitting the throttle switch circuits to be either in series or in parallel. The FAA agrees. Either method is acceptable if the warning device functions when one or more throttles are closed. Commentator also suggested that the word "closed" be changed to "retarded to or beyond the position for a normal landing approach." The FAA does not agree. The proposal on this point is the same as the current rule and no change is warranted. It is consistent in this respect with the corresponding Part 25 rule and no difficulty has been experienced in requiring warning actuation only at the point of throttle closure. Another comment suggested that the proposal to require the warning device to function continuously when the wing flaps are extended beyond the takeoff or the approach wing flap position could make the proposal meaningless in cases where the wing flaps are not extended beyond the approach position for landing. The FAA agrees and the proposal has been changed to require a continuous warning when the wing flaps are extended to or beyond the approach flap position. Furthermore, it was not intended that the proposed prohibition against a manual shutoff for the flap warning device in paragraph (f)(2) would apply to the throttle warning device and the proposed amendment has been changed to permit a manual shutoff if it is installed so that reopening the throttle will reset the warning device.

The notice proposed to add a new § 23.775(e) imposing a fail-safe requirement for windshields, window panels, and canopies of airplanes certificated for operation above 25,000 feet. One comment objected, stating that the proposed requirement is unnecessary and an arbitrary dictation of design; that windshields should not be singled out over control systems or other components, and that transport category airplane decompression experience does not apply to Part 23 airplanes because the differential pressures are not the same. Commentator also suggested that if the proposal is adopted, the prescribed load should be the ultimate load. The FAA does not agree. Windshield strength cannot be controlled to the same degree of precision as is achieved with other materials, consequently redundancy is particularly important. Part 23 airplanes operate at the same altitudes as transport airplanes, where windshields have been lost and where windshield failure can be extremely hazardous. There is no justification for Part 23 design standards for windshields to be lower than those required in Part 25. The prescribed loading cannot be considered the ultimate load because a partially failed windshield would have essentially no factor of safety. Another comment objected to the proposal because paragraph (e) would require a fail-safe determination for all canopies of pressurized airplanes operated above 25,000 feet in addition to the testing already required under present paragraph (c). The intent of the proposal is to require airplanes certificated for operations above 25,000 feet to comply with the requirements of proposed paragraph (e) instead of the requirements of current paragraph (c), and paragraph (c) is amended to limit its applicability to pressurized airplanes that do not comply with the fail-safe requirements of paragraph (e). Except for this change the amendment is adopted as proposed.

The proposed amendment to § 23.995 to add a new paragraph (c)(3) to insure accessibility of the fuel feed selector controls to the pilot has been adopted as new § 23.777(f). Section 23.777 contains the corresponding requirements concerning other cockpit controls.

Under current § 23.807, any airplane with a seating capacity of five or less occupants is exempt from emergency exit requirements of that section. The notice proposed to amend § 23.807(a)(1) to limit that exemption to airplanes with one or more engines mounted on the approximate centerline of the fuselage and with a seating capacity of five or less occupants. Comments were received, stating that the main exits on some multiengine powered airplanes are clear of engine installation fire paths, and that service experience has not shown that emergency evacuation has been impaired in airplanes with wing-mounted engines. The FAA does not agree. Fire paths cannot be predicted for airplanes with wing mounted engines and the purpose of the proposal is to ensure that an exit will be available in the event the main door is blocked by engine fire. This amendment is therefore adopted as proposed.

The notice proposed to amend § 23.841(f) to describe the pressure warning devices that are acceptable for use in pressurized cabins. One commentator stated that there was no need for an extra cabin warning device because of the presence of automatic cabin pressure dump valve for overpressure safety. Under the proposal an extra cabin warning device is not required. The proposed requirement permits the use of markings on the presently required pressure differential indicator as the warning indicator.

The notice proposed to add a new § 23.581 to require lightning protection of the airplane structures. The designation of that amendment has been changed to new § 23.867 since it is a design and construction requirement and should be included in Subpart D of Part 23. One comment objected to the proposal, citing a report regarding a particular airplane which indicated that the recorded lightning strikes on that airplane had not been catastrophic. The report does not, however, cover the numerous other small airplanes and does not establish that lightning strikes would not be catastrophic for small airplanes. Another commentator suggested that the requirement be applied only to all-weather airplanes. While the term "all-weather" is not defined, service experience has established that lightning strikes occur most frequently along frontal patterns and squall lines in VFR conditions. A third comment stated that the proposal was a satisfactory general statement but that it should be supported by guidance material. General information about lightning and its effect on aircraft is available (Advisory Circular No. AC 20-53). The FAA believes that the proposal is clear and that no change is warranted. Except for the change in section number, the amendment is adopted as proposed.

The notice proposed to add a new § 23.909 concerning design standards for turbosuperchargers installations. One comment suggested that the requirement for a showing that control system malfunctions, vibrations, and abnormal speeds expected in service will not damage the turbosupercharger compressor or turbine should apply only if the turbosupercharger is not approved under the engine type certificate. This comment assumes that there are certification requirements in Part 33 that are equivalent to the requirements of this proposal. This is not the case, however. There are no requirements currently in Part 33 that are the same as the requirements

of this proposal. Therefore, the turbosupercharger must be shown to meet the requirements of this proposal even though the turbosupercharger is an integral part of the engine and was approved under the engine type certificate. Upon further consideration of proposed paragraph (d) it appears that turbosupercharger installations present no special fire hazards, and that insofar as the proposal applies to the exhaust system, it is already covered by present § 23.1121(b). Proposed paragraph (d) is therefore withdrawn. Except for the withdrawal of proposed paragraph (d), the amendment is adopted as proposed.

The notice proposed to add a new § 23.933 covering reversing systems. The proposal would have required at paragraph (c) a showing of compliance with the section by failure analysis and testing. Upon further consideration, however, it has been determined that an applicant should be allowed to show compliance by any method he selects. Proposed paragraph (c) has therefore been withdrawn. The FAA does not agree with the statement of one commentator that testing should be required in every case. The proposal is the same as the corresponding requirements in Part 25 which have been applied successfully on the basis of analysis alone. The amendment is adopted as proposed except that proposed paragraph (d) has been redesignated as paragraph (c).

The notice proposed to add a new § 23.937 covering turbopropeller-drag limiting systems. The FAA does not agree with the suggestion of commentators that this requirement should be included in Part 33 rather than Part 23. The proposal is directed to the installation of the propeller on the airplane. Even though the engine may be involved in compliance with the requirement, the installation is not a direct function of basic engine design. One comment suggested that a provision should be added to require that the airplane be designed according to the effect of engine operation on propeller drag. However, such a requirement is inherent in the proposal. A properly functioning drag limiting system responds to drag whatever its source, and the proposal covers the consequence of a failure or malfunction of the system. The amendment is adopted as proposed.

The notice proposed to add a new § 23.939 covering turbine engine powerplant operating characteristics. Comments objected to the proposed negative acceleration loads requirement and one comment suggested that the requirement should refer to the acceleration loads established under Part 33. Part 33 does not require such loads to be established, however, upon further consideration of the proposal it appears that the requirement could be administered to require that the airplane be flown continuously to the negative limits of the maneuvering and gust envelopes for the airplane, whereas lesser negative acceleration loads may in fact be more critical from a fuel flow standpoint and unnecessarily extended periods of negative acceleration may result in deterioration in performance. These results were not intended and the proposal has been changed to refer to "negative acceleration * * * that is most critical from a fuel flow standpoint for the greatest duration expected for that acceleration." Comments also objected to the proposed requirement that compliance be shown by flight tests and stated that analysis should be permitted. The FAA does not agree. The proposal covers conditions that cannot be evaluated without confirming flight investigation, and compliance with the requirements of each of the proposed paragraphs requires flight investigation.

The notice proposed to add a new § 23.1003 to require fuel systems lightning protection. One comment objected, stating that the proposal is too general, that it is of no help as a specification and would require a special research and development program in each case, and suggested that a specific set of requirements be developed which could be uniformly applied in all cases. The FAA does not agree. As stated by another commentator, the proposal is a satisfactory general statement, and while the FAA recognizes that any general regulation requires that certain details be supplied by administration, it is believed that such flexibility is necessary and desirable in this case. The current state of knowledge concerning the protection of aircraft from lightning is expanding rapidly. Further, the need for lightning protection is too widely established to be treated only by special conditions in individual cases. The FAA therefore believes that the best course of action is to prescribe the basic design objectives contained in the notice and to administer these design objectives to reflect current progress in lightning protection techniques. The proposed amendment has been changed to make it clear that the lightning strike hazard with which the requirement is concerned is the ignition of fuel vapor within the fuel system and that, for direct lightning strikes, the areas of concern are those having a high probability of stroke attachment. The amendment is adopted as § 23.954 to correspond to the identical requirement in Part 25.

The notice proposed to amend § 23.955 to require measurement of excess fuel flow on the basis of percent of takeoff fuel consumption; to include the fuel flow requirements of § 23.959(e); and to include turbine engine fuel systems requirements in § 23.955. Commentators noted that the proposal does not make it clear that turbine engine fuel systems are not required to meet the 125 percent take off fuel flow requirements in proposed paragraph (c). The FAA agrees and the amendment to paragraph (c) has been changed to limit the 125 percent requirement to reciprocating engines.

The notice proposed to amend § 23.959 by deleting the minimum usable fuel requirements and by substituting a general requirement for establishing the unusable fuel supply in place of the present detailed requirement. One comment objected, stating the belief that the present detailed requirements serve a useful purpose and that any specific problem should be considered for additions to the list of conditions set forth in current § 23.959. The FAA does not agree. The proposed general requirement explicitly states the objective of the requirement and has been successfully applied in Parts 25, 27, and 29. The amendment is adopted as proposed.

The notice proposed to amend § 23.961 to add a requirement that freedom from vapor lock must be shown for reciprocating engines. Upon further consideration of the proposal and in view of the comments received, it appears that the proposal does not include the full range of factors that should be considered and that a substantive revision of the basic hot weather operation requirements is needed. The proposal is therefore withdrawn for further study.

The notice proposed to add a new § 23.967(a)(6) to require the assumption that the filler will be left open in evaluating the tendency of the tank to collapse or lose fuel under all operating conditions. Comments stated that the proposal is unrealistic because it would not permit the loss of any fuel and this would present a very difficult design problem. Another comment questioned the need for the requirement. The objective of the proposal is the prevention of fuel loss, and associated fuel quantity measuring inaccuracies in collapsed bladder cells due to filler openings being left uncovered. It is realistic because fuel loss can be prevented either by proper location of the filler opening or use of a cap which is designed so that it may not be left off or improperly attached. Service experience discloses that syphoning of fuel and collapse of bladder cells do occur and forced landings have resulted. One of the problems which the proposal is intended to correct is the location of the filler at a low pressure area on the airplane (in flight) allowing a pressure differential to occur between the tank interior and the filler opening, if the cap is not installed properly. It was not intended that the proposal be interpreted to cover minor spillage, but drawing any fuel from the tank should not occur. It appears that the objective of the proposal becomes misdirected in the construction of the proposed rule and the proposed amendment has been changed to more clearly state the requirements.

One comment suggested the adoption of the fuel pump requirements proposed in Notice 67–11 in lieu of the proposed amendment to § 23.991. However, the proposed requirement in Notice 67–11 was limited to turbo-propeller powered airplanes. Insofar as the comment may be concerned with the reliability of the second power source rather than the fuel pump requirement, it goes beyond the scope of the notice. The amendment is adopted as proposed.

The notice proposed to add a new § 23.994 requiring protection of fuel system components from damage during wheels-up landings. The proposal was written in terms of "minimizing the

probability" of fuel being released during a wheels-up landing. There were comments indicating that this requirement was ambiguous and that the terms of the proposal could dictate design. This was not the FAR's intent, and the proposal has been redrafted, without substantive change, to clarify the requirement.

The notice proposed to add a new § 23.997(d), applicable to turbine engine fuel systems, to require means to automatically maintain the fuel flow if ice-clogging of the filter occurs, unless there are means in the fuel system to prevent the accumulation of ice on the filter. A commentator requested that the proposal be changed to specifically exclude systems with a filter bypass from the requirement. An automatic bypass is a recognized means of maintaining fuel flow if ice clogging of the filter occurs. The FAA does not consider that the regulation should specify filter bypass or any other particular means of compliance. The proposal is the same as the corresponding requirement in Part 25 and no difficulty has been experienced in its application. The amendment is adopted as proposed.

The notice proposed to amend §§ 23.1043, 23.1045, 23.1047, and 23.1583 to add cooling test requirements for turbine and turbo-supercharger engines. The FAA agrees with commentators that the wording of the proposed amendment to § 23.1043 would require the cooling test to be conducted at 100° F. This restriction was not intended and the amendment to § 23.1043 has been changed to permit the applicant to show compliance by using a corrected hot-day temperature of not less than 100° F.

The notice proposed to amend § 23.1093(a) to substitute a general induction system icing protection requirement for the present detailed temperature rise requirements. In view of comments received and upon further consideration, it has been determined that the objective of the proposal is misdirected, that the present rules covering impact icing are adequate, and that heat rise requirements for carburetor engines should be retained. The proposed amendment to § 23.1093(a) is therefore withdrawn. However, the present rule is being changed to limit its applicability to reciprocating engines in keeping with the proposal to add a new § 23.1093(b) covering icing protection for turbine engine induction systems. One comment objected to the proposed requirements for turbine engines on the basis that it penalizes small airplanes with fewer than 10 occupants, and suggested the alternative of placing warnings in the owner's or operator's manual. Such warnings published as information only is not a substitute for ice protection capability of the system. Such capability has always been required of all engines, appropriate to the characteristics involved, and is necessary because an engine might be quickly overcome by ice before action could be taken to evade an icing encounter and before the airplane was otherwise critically affected. Another comment recommended the addition of provisions which explicitly set forth the procedures for substantiating compliance. The proposal is based on the premise that the powerplant must be protected from ice at all times, whether or not the airplane is certificated for flight into known icing conditions. Compliance with the requirement is a matter of evaluation of the particular airplane. In the first analysis, thermodynamic exercises and dry air tests alone are not usually adequate, and actual icing encounters or ice tunnel testing are necessary. A proven system, when modified, or one having obviously large margins, may be confirmed by analysis and dry testing. The proposal is identical to the corresponding requirement in Part 25, and explicit procedures for substantiating compliance are neither necessary nor desirable. Present paragraph (a) is amended to limits its applicability to reciprocating engines; present paragraphs (b), (c), (d), and (e) are redesignated as paragraphs (a) (1), (2), (3), and (4), respectively; and proposed new paragraph (b) is adopted as proposed.

The notice proposed to add a new § 23.1103(c) concerning turbine engine bleed air systems. The proposal required, in part, that if bleed air systems are used for direct cabin pressurization, no failure of the engine lubrication system may result in contamination of cabin air systems. One comment objected to this part of the proposal, stating that the airplane manufacturer cannot control this design feature, and that it should be the responsibility of the engine manufacturer to ensure freedom from contamination. The FAA does not agree. The airplane manufacturer is not required to use the engine bleed air system for this cabin pressurization. However, if he elects to do so; he should be required to show that no failure of the engine lubrication system results in contamination of the cabin air system. A matter that is a design choice of the airplane manufacturer should not be a design requirement for the engine manufacturer. The amendment is adopted as proposed, except that it has been redesignated as new § 23.1111 in order to separate the turbine engine bleed air system requirement from the general induction system ducts requirement under § 23.1103.

The notice proposed to add a new § 23.1141(e) to require that the need for system redundancy, alternate devices and duplication of functions be determined in the design of turbine powerplant control systems. One comment objected, stating that the redundancy concept is not consistent with present Part 23, that the proposal emphasizes powerplant controls over primary flight controls, and that Part 25 requirements should not be applied to small airplanes. The FAA does not agree. Powerplant controls are not emphasized over primary controls. The proposed powerplant requirements are necessary since the detailed strength and test requirements specified for primary flight controls are not required for powerplant controls. The proposal is similar to the requirement for Part 25 airplanes since the problem is common to all turbine engine powered airplanes. Another comment objected, stating that reliability requirements for turbine engines should not be greater than that required for reciprocating engines, and that there is no history of engine control systems failures in small airplanes. The FAA does not agree. Turbine powerplant control systems are inherently more complex than those for reciprocating engines. The requirements have not been proposed for reciprocating engine powerplant control systems because of their historical simplicity and service experience. However, the proposed requirement that compliance be shown by fault analysis, component tests, and simulated environmental tests has been withdrawn. The present practice of showing compliance by fault analysis, unless tests are necessary to substantiate the validity of a particular analytical result, has proven satisfactory.

The notice proposed to amend § 23.1143 to extend the present requirement to all power controls (including power, thrust, and supercharger controls) and the term "power control" was used in the proposal. Upon further consideration, it appears that rather than using the term "power control" to cover all controls, it would be more appropriate to specifically refer to "engine power, thrust and supercharger" controls, and the proposed amendment has been revised accordingly.

The notice proposed to amend § 23.1157 to make it clear that carburetor air temperature controls must be protected against icing. Upon further consideration and in light of the comments received, the proposal has been withdrawn. It has been determined that the present rules adequately provides the icing protection with which the proposal was concerned.

The notice proposed to amend present § 23.1189 to clarify the present requirement, and to exclude turbine engine installations from the requirement for an engine oil system shutoff if specified conditions were met. One comment recommended that engine manufacturers be required to furnish a fireproof oil system which would eliminate the need for an engine oil system shutoff. The proposal already provides that if the engine-supplied oil system components are fireproof, a shutoff is not required. Since the provision of an engine oil system shutoff is equivalent to the fireproofing of the oil system, there is not sufficient justification for requiring the engine manufacturer to furnish a fireproof oil system. These amendments are adopted as proposed.

The notice proposed a new § 23.1203 to require fire-detectors in the engine compartment of any powerplant that cannot be readily observed from the cockpit in flight. Upon further consideration, the FAA has determined that the proposal does not provide an adequate fire detector system. This proposal and the related proposal for § 23.1305 are therefore withdrawn for further study.

It was proposed to amend § 23.1301(a) to remove the unnecessary distinction

between radio and other equipment that exists in the present rule insofar as function and installation requirements are concerned and to extend the requirements to all equipment. In response to a comment received, the proposal has been revised to make it clear that labeling of equipment is required only if labeling is appropriate for the particular item involved, and that it is not necessary to label every piece of equipment on the aircraft. Except for this change, the amendment is adopted as proposed.

The notice proposed to amend § 23.1305 to require specified powerplant instruments for turbine engine powered aircraft. One comment objected to the requirement for a propeller blade angle sensor. However, the FAA considers that the reliability of direct sensing is essential, considering the critical nature of an unwanted travel of the blade below the flight low pitch position. In response to another comment, the FAA has withdrawn the proposed requirement for a reverse-blade angle sensor. The FAA is aware that such a sensor is not currently practical. The proposed requirement for firewarning indicator is also withdrawn consistent with the withdrawal of proposed new § 23.1203. The notice also proposed to add a new § 23.1307(c) to require, for turbosupercharger installations, specific instruments to allow monitoring of these installations. In response to a comment received, the proposed amendment has been changed to require these instruments only if limitations are established for either carburetor air inlet temperature or exhaust gas temperature and those limitations can be exceeded in operation, and the amendment has been adopted as § 23.1305(p). In addition, the cylinder head temperature indicator requirements of present § 23.1337(e) are transferred to new § 23.1305(f) inasmuch as it is a required instrument and should properly be included with the other required powerplant instruments. No substantive change is intended. In addition, the proposal concerning thrust indicators has been changed to specify the equivalent means, and the reference to an equivalent to a torque indicator has been deleted since there is no equivalent, and the purpose of the tachometer for turbine engines has been specified. Finally, the format of present § 23.1305 has been changed to simply list the required instruments inasmuch as the requirement for each instrument is now set forth as to each instrument.

The notice proposed to add a new § 23.1322 to standardize the color of warning, caution, and advisory lights. In view of comments received, and the difference between the present standardization requirements in the corresponding provisions of Parts 27 and 29, and those proposed in Notice 68–18 for Part 25 airplanes, this proposal is withdrawn for further study.

The notice proposed to amend § 23.1351(b) to change the electrical system function requirements and to add requirements concerning alternators. One comment objected, stating that the proposal would permit the loss of a battery to result in the loss of all generator power. The premise of the proposal is that the advantages of a battery connection for field excitation or stabilization outweigh the effects of battery failure. The present rules require only one generator, and the consequence of a battery failure is no worse than the intrinsic failure of the generator. Another commentator interpreted the proposal to mean that a single generator-battery switch is permitted, and that while this might be acceptable for VFR operations it would not be acceptable for IFR operations. The proposal explicitly states that the alternator controls need not break the connection between the alternator and its battery. If failure to isolate the battery or alternator results in closing down sources of electrical supply, this condition is no worse than intrinsic failure of the one alternator that is required by the present rules. This amendment is therefore adopted as proposed.

The notice proposed to amend § 23.1501(c) and to add new §§ 23.1527 and 23.1583(k) to require the establishment of the highest substantiated altitude as an operating limitation for turbine engine and turbosupercharger engine powered airplanes. One comment objected on the basis that service experience does not justify the change or the need for additional design parameters; that operating rules cover special qualifications and equipment for operation above certain specified altitudes, and that an airplane can be flown to its service ceiling without special equipment by a pilot who is not instrument qualified. If an airplane can be operated safely at any altitude, without special equipment, then its maximum altitude limitation is its ultimate altitude capability. On the other hand, if a flight, structural, powerplane, functional, or equipment characteristic could cause an unsafe condition beyond a particular operating altitude, that altitude should be established as an operating limitation. The proposal does not require any additional design parameter, unless any applicant desires to raise the altitude operating limitation above that which would otherwise be established because of an unsafe condition. The proposal simply accounts for the probability that an unsafe condition could result from the significant increase in altitude capability made possible by engines presently being used on airplanes. These amendments, except for editorial changes, are therefore adopted as proposed.

The notice proposed to add a new § 23.1545(d) to provide a more rational basis for selecting design speeds for high performance aircraft and to provide for design speeds limited by compressibility. The proposal would require, for airplanes for which V_{MO}/M_{MO} is established under § 23.1505(c), that there must either be an indication showing the variation of V_{MO}/M_{MO} with altitude (e.g., a maximum allowable airspeed indicator with moving limit pointer), or a red radial line marking on the indicator at V_{MO}/M_{MO} with a green arc at lower speeds down to V_{S_1}. For consistency with §§ 23.1505(c) and 23.1527, the proposal has been changed to make it clear that if an applicant elects to use a fixed red radical mark and the value of V_{MO} varies with altitude, the red line on the airspeed indicator must be placed at the lowest value of V_{MO}/M_{MO} established within the maximum certificated altitude range of the airplane. Where there is a significant variation in V_{MO}/M_{MO} over the altitude range, and the applicant desires to exploit the higher indicated airspeeds available at the lower altitudes, the amendment will give him the alternative of providing an indicator showing the variation of V_{MO}/M_{MO} with altitude. In addition, the proposal to require a green arc for the normal operating range when V_{MO}/M_{MO} is marked by a red line has been deleted. The proposal does not require the green arc marking when an indicator is used that shows the variation of V_{MO}/M_{MO} with altitude, and no safety purpose is served by requiring such a marking when V_{MO}/M_{MO} is marked by a red line.

The notice proposed to add a new § 23.1569 to require a placard in clear view of the pilot that specifies all limitations established for the operation of turbosuperchargers. This proposal has been withdrawn, upon further consideration, since the requirements to which the proposal was directed are covered in present §§ 23.1501(b) and 23.1549, and the amendment to § 23.1305, supra.

A new § 23.1585(d) was proposed to cover inflight restart requirements for turbine engine powered airplanes. Upon further consideration of the proposal and in view of the comments received on this proposal, the FAA has determined that it should be withdrawn for further study.

The notice proposed to add a new § 23.1587(c)(3) requiring performance information concerning the effect on the steady rate of climb with one engine inoperative of variations in altitude and temperature. One comment suggested that the effects of temperature, wind, and runway surface effect on takeoff distances and landing distances, and, for single-engine airplanes, the engine failed glide performance should be included in the required information. While there are many aspects of performance that could be considered in addition to those in the notice, the proposal is concerned only with the rate of climb with one engine inoperative. The factors of altitude and temperature are specified merely to establish a defined baseline from which performance information may be calculated. However, the proposed amendment to subparagraph (c)(3) has been changed to require the calculation only at sea level and the maximum altitude of concern, i.e., 8,000 feet and in the cruise configuration. Another comment objected to the proposal on the grounds that it would add cost without benefit, that the owner's manual contains this information, and that the proposed information could be presented simply as service ceiling versus outside air temperature at various

weights. The FAA does not agree. The regulations are not written in terms of service ceilings, and the owner's manual is neither required or approved by the FAA. However, if it contains the information sought under the proposal, the cost of providing the information as proposed should not be significant.

The proposed new § 23.1591 has been withdrawn. It appears upon further consideration, that the present rules adequately cover the matters proposed.

The notice proposed to change all references to "miles" and "miles per hour" to "nautical miles" and "knots", respectively, wherever the former are used in Part 23. One comment recommended that the proposed change be deferred until the aviation community can adapt to the change, and another comment objected, stating that the change would result in increases in design parameters and would cause confusion. The FAA does not agree with these comments. Changing the references from statute to nautical units has been accomplished in all aircraft airworthiness parts except Part 23, and more confusion could result from not changing the relatively few references in Part 23. Any changes in design parameters are of no practical significance. If a manufacturer chooses to design his airplane using statute units, he would only be required to make a few verifications to determine that the airplane, designed in statute miles, complies with the rules expressed in nautical miles. The amendments are therefore adopted as proposed, using the following criteria: (1) Conversions from miles per hour to knots are rounded off to whole units to avoid fractions of a knot unless a more accurate measurement is necessary under the present rule, and (2) current requirements expressing extremely low airspeeds such as 5 or 10 miles per hour, are not changed numerically (such as to 4 or 9 knots, respectively) since the substantive difference in these cases is approximately 1 mile per hour and is not practically significant. In addition to the conversion of the equations in Appendix A, Figure A3, from miles per hour to knots, the graph has been removed since it is merely a chart solution to the listed equations and is superfluous to the rule.

In consideration of the foregoing, Part 23 of the Federal Aviation Regulations is amended, effective September 14, 1969, as hereinafter set forth.

1. Section 23.25 is amended as follows:

The introductory text and subparagraph (1) of paragraph (a) and subparagraph (4) of paragraph (b) are amended to read as follows:

§ 23.25 Weight limits.

(a) *Maximum weight.* The maximum weight is the highest weight at which compliance with each applicable requirement of this part (other than those complied with at the design landing weight) is shown. The maximum weight must be established so that it is—

(1) Not more than—

(i) The highest weight selected by the applicant;

(ii) The design maximum weight, which is the highest weight at which compliance with each applicable structural loading condition of this part (other than those complied with at the design landing weight) is shown; or

(iii) The highest weight at which compliance with each applicable flight requirement is shown, except for airplanes equipped with standby power rocket engines, in which case it is the highest weight established in accordance with Appendix E of this part; or

* * * * *

(b) *Minimum weight.* * * *

(4) The weight of—

(i) For turbojet powered airplanes, 5 percent of the total fuel capacity of that particular fuel tank arrangement under investigation, and

(ii) For other airplanes, the fuel necessary for one-half hour of operation at maximum continuous power.

§ 23.49 [Amended]

2. Section 23.49 is amended by—

(a) Striking out the words "miles per hour" in paragraphs (a) and (c) and inserting the word "knots" in place thereof; and

(b) Striking out the words "70 miles per hour" in paragraph (b) and inserting the words "61 knots" in place thereof.

§ 23.51 [Amended]

3. Section 23.51 is amended by—

(a) Striking out the words "5 miles per hour" in subparagraph (a)(2)(ii) and inserting the words "4 knots" in place thereof; and

(b) Striking out the words "miles per hour" in subparagraph (a)(3) and inserting the word "knots" in place thereof.

§ 23.65 [Amended]

4. Section 23.65(b) is amended by—

(a) Striking out the figure "10 V_{s1}" and inserting the figure "11.5 V_{s1}" in place thereof; and

(b) Striking out the words "miles per hour by 10" and inserting the words "knots by 11.5" in place thereof.

§ 23.67 [Amended]

5. Section 23.67 is amended as follows:

(a) Paragraph (a) is amended by—

(1) Striking out the figure "0.02 V_{s0}^2" and inserting the figure "0.027 V_{s0}^2" in place thereof; and

(2) Striking out the words "miles per hour by 0.02" and inserting the words "knots by 0.027" in place thereof.

(b) Amending paragraph (b)(1) is amended by—

(1) Striking out the words "70 miles per hour" and inserting the words "61 knots" in place thereof;

(2) Striking out the figure 0.02 V_{s0}^2 and inserting the figure "0.027 V_{s0}^2" in place thereof; and

(3) Striking out the words "miles per hour by 0.02" and inserting the words "knots by 0.027" in place thereof.

(c) Paragraph (b)(2) is amended by striking out the words "70 miles per hour" and inserting the words "61 knots" in place thereof.

6. Section 23.75(a) is amended by—

(a) Striking out the words "three miles per hour" and inserting the words "3 knots" in place thereof;

(b) Striking out the figure "1.5" in subparagraph (1) and inserting the figure "1.3" in place thereof; and

(c) Adding a new subparagraph (4) to read as follows:

§ 23.75 Landing.

(a) * * *

(4) It must be shown that a safe transition to the balked landing conditions of § 23.77 can be made from the conditions that exist at the 50-foot height.

* * * * *

§ 23.77 [Amended]

7. Section 23.77(b) is amended by—

(a) Striking out the figure "5 V_{s_0}" and inserting the figure "5.75 V_{s_0}" in place thereof; and

(b) Striking out the words "miles per hour by five" and inserting the words "knots by 5.75" in place thereof.

8. Section 23.141 is amended to read as follows:

§ 23.141 General.

The airplane must meet the requirements of §§ 23.143 through 23.221 at the normally expected operating altitudes.

§ 23.145 [Amended]

8a. Section 23.145 is amended by amending paragraphs (a)(2), (b)(1), (4), (6), and the lead-in sentence of paragraph (d) by striking out the figure "1.5 V_{s_1}" and inserting the words "a speed determined in accordance with § 23.161(c) (3), (4), or (5), as appropriate," in place thereof.

9. Section 23.149(a) is amended by adding a new subparagraph (5) to read as follows:

§ 23.149 Minimum control speed.

(a) * * *

(5) The propeller of the inoperative engine—

(i) Windmilling, with the propeller speed or pitch control in the takeoff position; or

(ii) Feathered, if the airplane has an automatic feathering device.

* * * * *

10. Section 23.161(c) is amended by amending subparagraphs (3), (4), and (5) to read as follows:

§ 23.161 Trim.

* * * * *

(c) *Longitudinal trim.* * * *

(3) A power approach with a 3° angle of descent, the landing gear extended, flaps retracted and—

(i) A speed between 1.3 V_{s_1} and 1.5 V_{s_1}, for airplanes of 6,000 pounds or less maximum weight; or

(ii) The speed used under § 23.75(a), for airplanes of more than 6,000 pounds maximum weight;

(4) A power approach with a 3° angle of descent, the landing gear extended, the most forward center of gravity approved for the maximum weight, and—

(i) A speed between 1.3 V_{S_1} and 1.5 V_{S_1}, with flaps extended, for airplanes of 6,000 pounds or less maximum weight; or

(ii) The speed and flap position used under § 23.75(a), for airplanes of more than 6,000 pounds maximum weight; and

(5) A power approach with a 3° angle of descent, the landing gear extended, the most forward center of gravity approved for any weight, and—

(i) A speed between 1.3 V_{S_1} and 1.5 V_{S_1}, with flaps extended, for airplanes of 6,000 pounds or less maximum weight; or

(ii) The speed and flap position used under § 23.75(a) for airplanes of more than 6,000 pounds maximum weight.

* * * * *

11. Section 23.175 is amended to read as follows:

§ 23.175 Demonstration of static longitudinal stability.

Static longitudinal stability must be shown as follows:

(a) *Climb.* The stick force curve must have a stable slope, at speeds between 85 and 115 percent of the trim speed, with—

(1) Flaps in the climb position;

(2) Landing gear retracted;

(3) 75 percent of maximum continuous power for reciprocating engines or the maximum power or thrust selected by the applicant as an operating limitation for use during a climb for turbine engines; and

(4) The airplane trimmed for V_y, except that the speed need not be less than 1.4 V_{S_1}.

(b) *Cruise—Landing gear retracted (or fixed gear).* (1) For the cruise conditions specified in subparagraphs (2) and (3) of this paragraph, the following apply:

(i) The speed need not be less than 1.3 V_{S_1}.

(ii) For airplanes with V_{NE} established under § 23.1505(a), the speed need not be greater than V_{NE}.

(iii) For airplanes with V_{MO}/M_{MO} established under § 23.1505(c), the speed need not be greater than a speed midway between V_{MO}/M_{MO} and the lesser of V_D/M_D or the speed demonstrated under § 23.251, except that for altitudes where Mach number in the limiting factor, the speed need not exceed that corresponding to the Mach number at which effective speed warning occurs.

(2) *High speed cruise.* The stick force curve must have a stable slope at all speeds within a range that is the greater of 15 percent of the trim speed plus the resulting free return speed range, or 40 knots plus the resulting free return speed range, above and below the trim speed (except that the speed range need not include speeds that require a stick force of more than 40 pounds), with—

(i) Flaps retracted.

(ii) Seventy-five percent of maximum continuous power for reciprocating engines or, for turbine engines, the maximum cruising power or thrust selected by the applicant as an operating limitation, except that the power need not exceed that required at V_{NE} for airplanes with V_{NE} established under § 23.1505(a), or that required at V_{MO}/M_{MO} for airplanes with V_{MO}/M_{MO} established under § 23.1505(c).

(iii) The airplane trimmed for level flight.

(3) *Low speed cruise.* The stick force curve must have a stable slope under all the conditions prescribed in subparagraph (2) of this paragraph, except that the power is that required for level flight at a speed midway between 1.3 V_{S_1} and the trim speed obtained in the high speed cruise condition under subparagraph (2) of this paragraph.

(c) *Landing gear extended (airplanes with retractable gear).* The stick force curve must have a stable slope at all speeds within a range from 15 percent of the trim speed plus the resulting free return speed range below the trim speed, to the trim speed (except that the speed range need not include speeds less than 1.4 V_{S_1} nor speeds greater than V_{LE}, nor speeds that require a stick force of more than 40 pounds), with—

(1) Landing gear extended;

(2) Flaps retracted;

(3) Power required for level flight at the trim speed; and

(4) The airplane trimmed for level flight.

(d) *Approach and landing.* The stick force curve must have a stable slope and the stick force may not exceed 40 pounds at speeds between 1.1 V_{S_1} and 1.8 V_{S_1} with—

(1) Wing flaps in the landing position;

(2) Landing gear extended;

(3) The airplane trimmed at a speed in compliance with § 23.161(c) (4) and (5).

(4) Enough power to maintain a 3° angle of descent.

§ 23.201 [Amended]

12. Section 23.201 is amended by striking out the words "mile per hour" and inserting the word "knot" in place thereof.

13. Section 23.207 is amended to read as follows:

§ 23.207 Stall warning.

(a) There must be a clear and distinctive stall warning, with the flaps and landing gear in any normal position, in straight and turning flight.

(b) The stall warning may be furnished either through the inherent aerodynamic qualities of the airplane or by a device that will give clearly distinguishable indications under expected conditions of flight. However, a visual stall warning device that requires the attention of the crew within the cockpit is not acceptable by itself.

(c) The stall warning must begin at a speed exceeding the stalling speed by a margin of not less than 5 knots, but not more than the greater of 10 knots or 15 percent of the stalling speed, and must continue until the stall occurs.

14. Section 23.221(a) is amended by inserting the words "or a 3-second spin, whichever takes longer" between the words "one-turn spin" and the words "in not more than".

15. Section 23.221(c) is amended by amending the introductory text and subparagraph (1) to read as follows:

§ 23.221 Spinning.

* * * * *

(c) *Acrobatic category.* An acrobatic category airplane must meet the following requirements:

(1) The airplane must recover from any point in a spin, in not more than one and one-half additional turns after normal recovery application of the controls. Prior to normal recovery application of the controls, the spin test must proceed for six turns or 3 seconds, whichever takes longer, with flaps retracted, and one turn or 3 seconds, whichever takes longer, with flaps extended. However, beyond 3 seconds, the spin may be discontinued when spiral characteristics appear with flaps retracted.

* * * * *

16. A new § 23.253 is added to read as follows:

§ 23.253 High speed characteristics.

If a maximum operating speed V_{MO}/M_{MO} is established under § 23.1505(c), the following speed increase and recovery characteristics must be met:

(a) Operating conditions and characteristics likely to cause inadvertent speed increases (including upsets in pitch and roll) must be simulated with the airplane trimmed at any likely cruise speed up to V_{MO}/M_{MO}. These conditions and characteristics include gust upsets, inadvertent control movements, low stick force gradient in relation to control friction, passenger movement, leveling off from climb, and descent from Mach to airspeed limit altitude.

(b) Allowing for pilot reaction time after effective inherent or artificial speed warning occurs, it must be shown that the airplane can be recovered to a normal attitude and its speed reduced to V_{MO}/M_{MO}, without—

(1) Exceptional piloting strength or skill;

(2) Exceeding V_D/M_D, the maximum speed shown under § 23.251, or the structural limitations; or

(3) Buffeting that would cause structural damage.

(c) There may be no control reversal about any axis at any speed up to the maximum speed shown under § 23.251. Any reversal of elevator control force or tendency of the airplane to pitch, roll, or yaw must be mild and readily controllable, using normal piloting techniques.

17. Section 23.333 is amended by amending paragraphs (c) and (d) to read as follows:

§ 23.333 Flight envelope.

* * * * *

(c) *Gust envelope.* (1) The airplane is assumed to be subjected to symmetrical vertical gusts in level flight. The resulting limit load factors must correspond to the conditions determined as follows:

(i) Positive (up) and negative (down) gusts of 50 f.p.s. at V_C must be considered

at altitudes between sea level and 20,000 feet. The gust velocity may be reduced linearly from 50 f.p.s. at 20,000 feet to 25 f.p.s. at 50,000 feet.

(ii) Positive and negative gusts of 25 f.p.s. at V_D must be considered at altitudes between sea level and 20,000 feet. The gust velocity may be reduced linearly from 25 f.p.s. at 20,000 feet to 12.5 f.p.s. at 50,000 feet.

(2) The following assumptions must be made:

(i) The shape of the gust is—

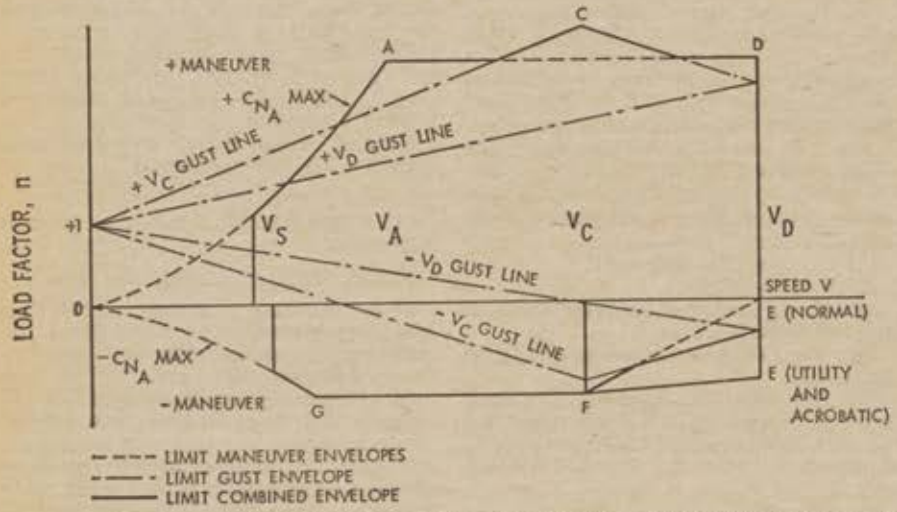
$$U=\frac{U_{de}}{2}\left(1-\cos\frac{2\pi s}{25\,\bar{C}}\right)$$

where—

s = Distance penetrated into gust (ft.);
$\bar{C}$ = Mean geometric chord of wing (ft.); and
U_{de} = Derived gust velocity referred to in subparagraph (1) of this section.

(ii) Gust load factors vary linearly with speed between V_C and V_D.

(d) *Flight envelope.*



NOTE: Point G need not be investigated when the supplementary condition specified in § 23.369 is investigated.

18. Section 23.335 is amended by amending the lead-in sentence and paragraphs (a) and (b) to read as follows:

§ 23.335 Design airspeeds.

Except as provided in paragraph (a) (4) of this section, the selected design airspeeds are equivalent airspeeds (EAS).

(a) *Design cruising speed, V_C.* For V_C the following apply:

(1) V_C (in knots) may not be less than—

(i) $33\sqrt{W/S}$ (for normal and utility category airplanes); and

(ii) $36\sqrt{W/S}$ (for acrobatic category airplanes).

(2) For values of W/S more than 20, the multiplying factors may be decreased linearly with W/S to a value of 28.6 where $W/S=100$.

(3) V_C need not be more than 0.9 V_H at sea level.

(4) At altitudes where an M_D is established, a cruising speed M_C limited by compressibility may be selected.

(b) *Design dive speed V_D.* For V_D, the following apply:

(1) V_D/M_D may not be less than 1.25 V_C/M_C; and

(2) With $V_{C\ min}$, the required minimum design cruising speed, V_D (in knots) may not be less than—

(i) 1.40 $V_{C\ min}$ (for normal category airplanes);

(ii) 1.50 $V_{C\ min}$ (for utility category airplanes); and

(iii) 1.55 $V_{C\ min}$ (for acrobatic category airplanes).

(3) For values of W/S more than 20, the multiplying factors in subparagraph (2) of this paragraph may be decreased linearly with W/S to a value of 1.35 where $W/S=100$.

(4) Compliance with subparagraphs (1) and (2) of this paragraph need not be shown if V_D/M_D is selected so that the minimum speed margin between V_C/M_C and V_D/M_D is the greater of the following:

(i) The speed increase resulting when, from the initial condition of stabilized flight at V_C/M_C, the airplane is assumed to be upset, flown for 20 seconds along a flight path 7.5° below the initial path, and then pulled up with a load factor of 1.5 (0.5 *g.* acceleration increment). At least 75 percent maximum continuous power for reciprocating engines, and maximum cruising power for turbines, or, if less, the power required for V_C/M_C for both kinds of engines, must be assumed until the pullup is initiated, at which point power reduction and pilot-controlled drag devices may be used.

(ii) Mach 0.05 (at altitudes where an M_D is established).

* * * * *

§ 23.337 [Amended]

19. Section 23.337 is amended by amending paragraph (a) by striking out the words "nor may it be less than 2.5" following the number "3.8" in subparagraph (1).

20. Section 23.341 is amended to read as follows:

§ 23.341 Gust loads factors.

In the absence of a more rational analysis, the gust load factors must be computed as follows:

$$n=1+\frac{K_g U_{de} V a}{498\,(W/S)}$$

where—

$K_g=\frac{0.88\mu_g}{5.3+\mu_g}$ = gust alleviation factor;

$\mu_g=\frac{2(W/S)}{\rho \bar{C} a g}$ = airplane mass ratio;

U_{de} = Derived gust velocities referred to in § 23.333(c) (f.p.s.);

ρ = Density of air (slugs/cu. ft.);

W/S = Wing loading (p.s.f.);

$\bar{C}$ = Mean geometric chord (ft.);

g = Acceleration due to gravity (ft./sec.^{2})

V = Airplane equivalent speed (knots); and

a = Slope of the airplane normal force coefficient curve C_{N_A} per radian if the gust loads are applied to the wings and horizontal tail surfaces simultaneously by a rational method. The wing lift curve slope C_L per radian may be used when the gust load is applied to the wings only and the horizontal tail gust loads are treated as a separate condition.

21. Section 23.345 is amended by amending paragraphs (a) (2) and (e) to read as follows:

§ 23.345 High lift devices.

(a) * * *

(2) Positive and negative gust of 25 feet per second acting normal to the flight path in level flight.

* * * * *

(e) The requirements of § 23.457, and this section may be complied with separately or in combination.

§ 23.349 [Amended]

22. Section 23.349 is amended by amending paragraph (a) by striking out the words "wing airload" in subparagraphs (1) and (2) and by inserting the words "semispan wing airload" in place thereof.

23. Section 23.361 is amended by amending paragraphs (a) and (b) to read as follows:

§ 23.361 Engine torque.

(a) Each engine mount and its supporting structure must be designed for the effects of—

(1) The limit torque corresponding to takeoff power and propeller speed acting simultaneously with 75 percent of the limit loads from flight condition A of § 23.333(d);

(2) The limit torque corresponding to the maximum continuous power and propeller speed, acting simultaneously with the limit loads from flight condition A of § 23.333(d); and

(3) For turbopropeller installations, in addition to the condition specified in subparagraphs (1) and (2) of this paragraph, the limit engine torque corresponding to takeoff power and propeller speed, multiplied by a factor accounting for propeller control system malfunction, including quick feathering, acting simultaneously with 1*g.* level flight loads. In

the absence of a rational analysis, a factor of 1.6 must be used.

(b) The limit torque is obtained by multiplying the mean torque by a factor of—

(1) 1.25 for turbopropeller installations;

(2) 1.33 for engines with five or more cylinders; and

(3) Two, three, or four, for engines with four, three, or two cylinders, respectively.

* * * * *

24. A new § 23.367 is added to read as follows:

§ 23.367 Unsymmetrical loads due to engine failure.

(a) Tubopropeller airplanes must be designed for the unsymmetrical loads resulting from the failure of the critical engine including the following conditions in combination with a single malfunction of the propeller drag limiting system, considering the probable pilot corrective action on the flight controls:

(1) At speeds between V_{MC} and V_D, the loads resulting from power failure because of fuel flow interruption are considered to be limit loads.

(2) At speeds between V_{MC} and V_C, the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

(3) The time history of the thrust decay and drag buildup occurring as a result of the prescribed engine failures must be substantiated by test or other data applicable to the particular engine-propeller combination.

(4) The timing and magnitude of the probable pilot corrective action must be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

(b) Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than 2 seconds after the engine failure. The magnitude of the corrective action may be based on the limit pilot forces specified in § 23.397 except that lower forces may be assumed where it is shown by analysis or test that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

§ 23.369 [Amended]

25. Section 23.369(a) is amended by striking out the formula

"$V=10\sqrt{W/S+10}$ (m.p.h.)"

and inserting in place thereof the formula "$V=8.7\sqrt{W/S}=8.7$ knots".

26. A new § 23.371 is added to read as follows:

§ 23.371 Gyroscopic loads.

For turbopropeller powered airplanes, each engine mount and its supporting structure must be designed for the gyroscopic loads that result, with the engines at maximum continuous r.p.m., under either of the following conditions:

(a) The conditions prescribed in §§ 23.351 and 23.423.

(b) All possible combinations of the following:

(1) A yaw velocity of 2.5 radians per second.

(2) A pitch velocity of 1 radian per second.

(3) A normal load factor of 2.5.

(4) Maximum continuous thrust.

27. A new § 23.373 is added to read as follows:

§ 23.373 Speed control devices.

If speed control devices (such as spoilers and drag flaps) are incorporated for use in enroute conditions—

(a) The airplane must be designed for the symmetrical maneuvers and gusts prescribed in §§ 23.333, 23.337, and 23.341, and the yawing maneuvers and lateral gusts in §§ 23.441 and 23.443, with the device extended at speeds up to the placard device extended speed; and

(b) If the device has automatic operating or load limiting features, the airplane must be designed for the maneuver and gust conditions prescribed in paragraph (a) of this section at the speeds and corresponding device positions that the mechanism allows.

28. Section 23.395 is amended by amending the title and adding a new sentence at the end of subparagraphs (1) and (2) of paragraph (a), and amending paragraph (c), to read as follows:

§ 23.395 Control system loads.

(a) * * *

(1) * * *. Pilot forces used for design need not exceed the maximum forces prescribed in § 23.397(b).

(2) * * *. Compliance with this subparagraph may be shown by designing for loads resulting from application of the minimum forces prescribed in § 23.397(b).

* * * * *

(c) Pilot forces used for design are assumed to act at the appropriate control grips or pads as they would in flight, and to react at the attachments of the control system to the control surface horns.

§ 23.397 [Amended]

29. Section 23.397 is amended by changing the title to read "Limit pilot forces", by deleting the title of paragraph (a), and by amending paragraph (b) as follows:

(1) The title "Limit pilot forces" is deleted.

(2) The table is amended by striking out the words "53 D in-pounds" in the second column and the words "40 D in-pounds" in the third columr and inserting in place thereof the words "50 pounds" and the words "40 pounds", respectively.

(3) Footnote 4 is amended to read as follows:

[4] The force must be applied simultaneously to opposite sides of the wheel and in opposite directions.

30. Section 23.415(a)(2) is amended by amending the definition of "q" to read as follows:

§ 23.415 Ground gust conditions.

(a) * * *

(2) * * *

q = Dynamic pressure (p.s.f.) based on a design speed not less than $14.6\sqrt{W/S}+14.6$ (f.p.s.) except that the design speed need not exceed 88 (f.p.s.); and

* * * * *

§ 23.421 [Amended]

31. Section 23.421 is amended by amending paragraph (b) by striking out the number "6" in the reference to figure 6 and inserting in place thereof the number "B6".

§ 23.423 [Amended]

32. Section 23.423 is amended as follows:

(a) Paragraph (a) is amended by striking out the number "7" in the reference to figure 7 and inserting in place thereof the number "B7".

(b) Paragraph (b) is amended by—

(1) Striking out the numbers "2", "7", and "8" in the reference to figures 2, 7, and 8 and inserting in place thereof the numbers "B2", "B7", and "B8", respectively; and

(2) Striking out the number "45" wherever it appears in the table and inserting in place thereof the number "39".

(3) Striking out the words "miles per hour" in the definition of V and inserting in place thereof the word "knots".

33. Section 23.425 is amended by amending subparagraphs (1) and (2) of paragraph (a) and paragraphs (b) and (d) to read as follows:

§ 23.425 Gust loads.

(a) * * *

(1) Gust velocities specified in § 23.333 (c) with flaps retracted; and

(2) Positive and negative gusts of 25 f.p.s. nominal intensity at V_F corresponding to the flight conditions specified in § 23.345(a)(2).

* * * * *

(b) The average loadings in figures B3 and B4 of Appendix B and the distribution in figure B8 of Appendix B may be used instead of the requirements of paragraph (a)(1) of this section.

* * * * *

(d) In the absence of a more rational analysis, the incremental tail load due to the gust must be computed as follows:

$$\Delta L_{ht}=\frac{K_g\,U_{de}\,V a_{ht}\,S_{ht}}{498}\left(1-\frac{d\epsilon}{d\alpha}\right)$$

where—

ΔL_{ht} = Incremental horizontal tail load (lbs.);

K_g = Gust alleviation factor defined in section 23.341;

U_{de} = Derived gust velocity (f.p.s.);

V = Airplane equivalent speed (knots);

a_{ht} = Slope of horizontal tail lift curve (per radian);

S_{ht} = Area of horizontal tail ($ft.^2$); and

$\left(1-\frac{d\epsilon}{d\alpha}\right)$ = Downwash factor.

§ 23.441 [Amended]

34. Section 23.441 is amended by amending paragraph (b) by striking out the numbers "1", "6", "7", and "8" in the references to figures 1, 6, 7, and 8, and inserting in place thereof the numbers "B1", "B6", "B7", and "B8", respectively.

35. Section 23.443 is amended to read as follows:

§ 23.443 Gust loads.

(a) Vertical tail surfaces must be designed to withstand, in unaccelerated flight at speed V_C, lateral gusts of the values prescribed for V_C in § 23.333(c).

(b) In the absence of a more rational analysis, the gust load must be computed as follows:

$$L_{vt} = \frac{K_{gt} U_{de} V a_{vt} S_{vt}}{498}$$

where—

L_{vt} = Vertical tail load (lbs.);

$K_{gt} = \frac{0.88 \mu_{gt}}{5.3 + \mu_{gt}}$ = gust alleviation factor;

$\mu_{gt} = \frac{2W}{\rho \bar{C}_t g a_{vt} S_{vt}} \left(\frac{K}{l_t}\right)^2$ = lateral mass ratio;

U_{de} = Derived gust velocity (f.p.s.);

ρ = Air density (slugs/cu. ft.);

W = Airplane weight (lbs.);

S_{vt} = Area of vertical tail (ft.²);

$\bar{C}_t$ = Mean geometric chord of vertical surface (ft.);

a_{vt} = Lift curve slope of vertical tail (per radian);

K = Radius of gyration in yaw (ft.);

l_t = Distance from airplane c.g. to lift center of vertical surface (ft.);

g = Acceleration due to gravity (ft./sec.²); and

V = Airplane equivalent speed (knots).

(c) The average loading in figure B5 and the distribution in figure B8 of Appendix B may be used.

36. Section 23.455 is amended by amending paragraph (b) to read as follows:

§ 23.455 Ailerons.

* * * * *

(b) The average loading in § B23.11 and figure B1 of Appendix B and the distribution in figure B9 of Appendix B may be used.

37. Section 23.473 is amended by amending paragraphs (a), (b), (c), and (g) to read as follows:

§ 23.473 Ground load conditions and assumptions.

(a) The ground load requirements of this subpart must be complied with at the design maximum weight except that §§ 23.479, 23.481, and 23.483 may be complied with at a design landing weight (the highest weight for landing conditions at the maximum descent velocity) allowed under paragraphs (b) and (c) of this section.

(b) The design landing weight may be as low as—

(1) 95 percent of the maximum weight if the minimum fuel capacity is enough for at least one-half hour of operation at maximum continuous power plus a capacity equal to a fuel weight which is the difference between the design maximum weight and the design landing weight; or

(2) The design maximum weight less the weight of 25 percent of the total fuel capacity.

(c) The design landing weight of a multiengine airplane may be less than that allowed under paragraph (b) of this section if—

(1) The airplane meets the one-engine-inoperative climb requirements of § 23.67 (a) or (b)(1); and

(2) Compliance is shown with the fuel jettisoning system requirements of § 23.1001.

* * * * *

(g) No inertia load factor used for design purposes may be less than 2.67, nor may the limit ground reaction load factor be less than 2.0 at design maximum weight, unless these lower values will not be exceeded in taxiing at speeds up to takeoff speed over terrain as rough as that expected in service.

38. Section 23.505 is amended to read as follows:

§ 23.505 Supplementary conditions for skiplanes.

In determining ground loads for skiplanes, and assuming that the airplane is resting on the ground with one main ski frozen at rest and the other skis free to slide, a limit side force equal to 0.036 times the design maximum weight must be applied near the tail assembly, with a factor of safety of 1.

39. A new § 23.511 is added to read as follows:

§ 23.511 Ground load; unsymmetrical loads on multiple-wheel units.

(a) *Pivoting loads.* The airplane is assumed to pivot about on side of the main gear with—

(1) The brakes on the pivoting unit locked; and

(2) Loads corresponding to a limit vertical load factor of 1, and coefficient of friction of 0.8, applied to the main gear and its supporting structure.

(b) *Unequal tire loads.* The loads established under §§ 23.471 through 23.483 must be applied in turn, in a 60/40 percent distribution, to the dual wheels and tires in each dual wheel landing gear unit.

(c) *Deflated tire loads.* For the deflated tire condition—

(1) 60 percent of the loads established under §§ 23.471 through 23.483 must be applied in turn to each wheel in a landing gear unit; and

(2) 60 percent of the limit drag and side loads, and 100 percent of the limit vertical load established under §§ 23.485 and 23.493 or lesser vertical load obtained under subparagraph (1) of this paragraph, must be applied in turn to each wheel in the dual wheel landing gear unit.

40. Section 23.561 is amended by amending paragraph (c)(3) and the introductory text of paragraph (d) to read as follows:

§ 23.561 General.

* * * * *

(c) * * *

(3) Assuming, in the absence of a more rational analysis—

(i) A downward ultimate inertia force of $3g$; and

(ii) A coefficient of friction of 0.5 at the ground.

(d) If a turnover is reasonably probable, the structure must be designed to protect the occupants in a complete turnover, assuming, in the absence of a more rational analysis—

* * * * *

41. A new § 23.572 is added to read as follows:

§ 23.572 Wing and associated structure.

(a) The strength, detail design, and fabrication of those parts of the wing, wing carrythrough, and attaching structure whose failure would be catastrophic must be evaluated under either of the following unless it is shown that the structure, operating stress level, materials, and expected use are comparable, from a fatigue standpoint, to a similar design that has had extensive satisfactory service experience:

(1) A fatigue strength investigation, in which the structure is shown by analysis, tests, or both, to be able to withstand the repeated loads of variable magnitude expected in service.

(2) A fail safe strength investigation in which it is shown by analysis, tests, or both, that catastrophic failure of the structure is not probable after fatigue failure, or obvious partial failure, of a principal structural element, and that the remaining structure is able to withstand a static ultimate load factor of 75 percent of the critical limit load factor at V_C. These loads must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered.

* * * * *

42. Section 23.611 is amended to read as follows:

§ 23.611 Accessibility.

Means must be provided to allow inspection (including inspection of principal structural elements and control systems), close examination, repair, and replacement of each part requiring maintenance, adjustments for proper alignment and function, lubrication or servicing.

43. Section 23.615 is amended by amending subparagraphs (1) and (2) of paragraph (a) to read as follows:

§ 23.615 Design properties.

(a) * * *

(1) Where applied loads are eventually distributed through a single member within an assembly, the failure of which would result in the loss of the structural integrity of the component involved, the guaranteed minimum design mechanical properties ("A" values) when listed in MIL-HDBK-5 must be met.

(2) Redundant structures in which the partial failure of individual elements would result in applied loads being safely distributed to other load carrying members may be designed on the basis of the "90 percent probability" ("B" values) when listed in MIL-HDBK-5. Examples

of these items are sheet-stiffener combinations and multirivet or multiple-bolt connections.

* * * * *

44. Section 23.617 is deleted.

45. Section 23.619 is amended to read as follows:

§ 23.619 Special factors.

The factor of safety prescribed in § 23.303 must be multiplied by the highest pertinent special factors of safety prescribed in §§ 23.621 through 23.625 for each part of the structure whose strength is—

(1) Uncertain;

(2) Likely to deteriorate in service before normal replacement; or

(3) Subject to appreciable variability because of uncertainties in manufacturing processes or inspection methods.

46. Section 23.623 is amended to read as follows:

§ 23.623 Bearing factors.

(a) Each part that has clearance (free fit), and that is subject to pounding or vibration, must have a bearing factor large enough to provide for the effects of normal relative motion.

(b) For control surface hinges and control system joints, compliance with the factors prescribed in §§ 23.657 and 23.693, respectively, meets paragraph (a) of this section.

47. Section 23.625 is amended by adding a new paragraph (d) to read as follows:

§ 23.625 Fitting factors.

* * * * *

(d) For each seat, berth, safety belt, and harness, its attachment to the structure must be shown, by analysis, tests, or both, to be able to withstand the inertia forces prescribed in § 23.561 multiplied by a fitting factor of 1.33.

48. Section 23.629 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) and by amending paragraph (a) and by adding new paragraphs (b) and (e) to read as follows:

§ 23.629 Flutter.

(a) The wings, tail, and control surfaces must be free from flutter, airfoil divergence, and control reversal from lack of rigidity for any condition of operation within the limit V-n envelope, including all speeds up to the lesser of 1.4 V_c and 1.2 V_D, but not less than V_D, except as provided in paragraph (b). In addition—

(1) Adequate wing torsional rigidity must be shown by tests or other approved methods;

(2) The mass balance of surfaces must be designed to prevent flutter; and

(3) The natural frequencies of main structural components must be determined by vibration tests or other approved methods.

(b) A smaller margin above V_D than that permitted in paragraph (a) of this section may be used if flight flutter tests demonstrate that—

(1) A proper margin of damping exists at V_D; and

(2) There is no large and rapid reduction in damping as V_D is approached.

* * * * *

(e) For multiengine turbopropeller powered airplanes, the dynamic evaluation must include—

(1) The significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of the propeller; and

(2) Engine-propeller-nacelle stiffness and damping variations appropriate to the particular configuration.

§ 23.643 [Deleted]

49. Section 23.643 is deleted.

50. Section 23.677 is amended by amending the introductory text of paragraph (b) to read as follows:

§ 23.677 Trim systems.

* * * * *

(b) Trimming devices must be designed so that, when any one connecting or transmitting element in the primary flight control system fails, adequate control for safe flight and landing is available with—

* * * * *

51. Section 23.683 is amended by amending paragraph (b)(1) to read as follows:

§ 23.683 Operation tests.

* * * * *

(b) * * *

(1) For the entire system, loads corresponding to the limit airloads on the appropriate surface, or the limit pilot forces in § 23.397(b), whichever are less; and

* * * * *

52. Section 23.689 is amended by amending paragraph (b) to reads as follows:

§ 23.689 Cable systems.

* * * * *

(b) Each kind and size of pulley must correspond to the cable with which it is used. Each pulley must have closely fitted guards to prevent the cables from being misplaced or fouled, even when slack. Each pulley must lie in the plane passing through the cable so that the cable does not rub against the pulley flange.

* * * * *

§ 23.721 [Deleted]

53. Section 23.721 is deleted.

54. Section 23.725 is amended by amending the introductory text in paragraph (b) and by amending paragraph (c) to read as follows:

§ 23.725 Limit drop tests.

* * * * *

(b) If the effect of wing lift is provided for in free drop tests, the landing gear must be dropped with an effective weight equal to * * *

(c) The limit inertia load factor must be determined in a rational or conservative manner, during the drop test, using a landing gear unit attitude, and applied drag loads, that represent the landing conditions.

* * * * *

55. A new § 23.726 is added to read as follows:

§ 23.726 Ground load dynamic tests.

(a) If compliance with the ground load requirements of §§ 23.479 through 23.483 is shown dynamically by drop test, one drop test must be conducted that meets § 23.725 except that the drop height must be—

(1) 2.25 times the drop height prescribed in § 23.725(a); or

(2) Sufficient to develop 1.5 times the limit load factor.

(b) The critical landing condition for each of the design conditions specified in §§ 23.479 through 23.483 must be used for proof of strength.

56. Section 23.727 is amended by amending paragraph (b) to read as follows:

§ 23.727 Reserve energy absorption drop tests.

* * * * *

(b) If the effect of wing lift is provided for, the units must be dropped with an effective mass equal to $W_e = W\left(\frac{h}{h+d}\right)$, when the symbols and other details are the same as in § 23.725.

57. Section 23.729 is amended by amending paragraphs (a)(2) and (e) and by adding a new paragraph (f) to read as follows:

§ 23.729 Retracting mechanism.

(a) * * *

(2) The landing gear and retracting mechanism, including the wheel well doors, must withstand flight loads, including loads resulting from all yawing conditions specified in § 23.351, with the landing gear extended at any speed up to at least 1.6 V_{S_1} with the flaps retracted.

* * * * *

(e) *Landing gear position.* There must be means to indicate to the pilot when the wheels are secured in the extreme positions.

(f) *Landing gear warning.* For landplanes, the following aural or equally effective landing gear warning devices must be provided:

(1) A device that functions continuously when one or more throttles are closed if the landing gear is not fully extended and locked. A throttle stop may not be used in place of an aural device. If there is a manual shutoff for the warning device, it must be installed so that reopening the throttle will reset the warning device.

(2) A device that functions continuously when the wing flaps are extended to or beyond the approach flap position, using a normal landing procedure, if the landing gear is not fully extended and locked. There may not be a manual shutoff for this warning device. The flap position sensing unit may be installed at any suitable location. The system for this

device may use any part of the system (including the aural warning device) for the device required in subparagraph (1) of this paragraph.

58. Section 23.733(a) is amended to read as follows:

§ 23.733 Tires.

(a) Each landing gear wheel must have a tire whose tire rating (assigned by the Tire and Rim Association or the Administrator) is not exceeded—

(1) By a load on each main wheel tire equal to the corresponding static ground reaction under the design maximum weight and critical center of gravity; and

(2) By a load on nose wheel tires (to be compared with the dynamic rating established for such tires) equal to the reaction obtained at the nose wheel, assuming the mass of the airplane to be concentrated at the most critical center of gravity and exerting a force of $1.0W$ downward and $0.31W$ forward (where W is the design maximum weight), with the reactions distributed to the nose and main wheels by the principles of statics, and with the drag reaction at the ground applied only at wheels with brakes.

* * * * *

59. Section 23.735 is amended to read as follows:

§ 23.735 Brakes.

(a) Brakes must be provided so that the brake kinetic energy capacity rating of each main wheel brake assembly is not less than the kinetic energy absorption requirements determined under either of the following methods:

(1) The brake kinetic energy absorption requirements must be based on a conservative rational analysis of the sequence of events expected during landing at the design landing weight.

(2) Instead of a rational analysis, the kinetic energy absorption requirements for each main wheel brake assembly may be derived from the following formula:

$$KE = \frac{0.0444 W V_{s_0}^{\ 2}}{N}$$

where—

KE = Kinetic energy per wheel (ft.-lb.);
W = Design landing weight (lb.);
V_{s_0} = Poweroff stalling speed in knots, of the airplane at sea level, at the design landing weight, and in the landing configuration; and
N = Number of main wheels.

(b) Brakes must be able to prevent the wheels from rolling on a paved runway with takeoff power on the critical engine, but need not prevent movement of the airplane with wheels locked.

60. Section 23.775 is amended by amending paragraph (c), and by adding a new paragraph (e), to read as follows:

§ 23.775 Windshields and windows.

* * * * *

(c) On pressurized airplanes that do not comply with the fail-safe requirements of paragraph (e) of this section, an enclosure canopy including a representative part of the installation must be subjected to special tests to account for the combined effects of continuous and cyclic pressurization loadings and flight loads.

* * * * *

(e) If certification for operation above 25,000 feet is requested, the windshields, window panels, and canopies must be strong enough to withstand the maximum cabin pressure differential loads combined with critical aerodynamic pressure and temperature effects, after failure of any load-carrying element of the windshield, window panel, or canopy.

61. Section 23.777 is amended by adding a new paragraph (f) to read as follows:

§ 23.777 Cockpit controls.

* * * * *

(f) Each fuel feed selector control must be located and arranged so that the pilot can see and reach it without moving any seat or primary flight control when his seat is at any position in which it can be placed.

62. Section 23.785 is amended by deleting the flush paragraph following paragraph (f)(3) and by adding a new paragraph (g) to read as follows:

§ 23.785 Seats and berths.

* * * * *

(g) Each occupant must be protected from head injury by—

(1) A safety belt and shoulder harness that will prevent the head from contacting any injurious object;

(2) A safety belt plus the elimination of any injurious object within striking radius of the head; or

(3) A safety belt plus an energy absorbing rest that will support the arms, shoulders, head and spine.

63. Section 23.807 is amended by amending paragraph (a)(1) to read as follows:

§ 23.807 Emergency exits.

(a) *Number and location.* * * *

(1) For an airplane with engines mounted on the wings or on the side of the fuselage and that has a seating capacity of less than 16, and for an airplane with one or more engines mounted on the approximate centerline of the fuselage and that has a seating capacity of more than five, but less than 16, at least one emergency exit on the opposite side of the cabin from the main door specified in § 23.783.

* * * * *

64. Section 23.841 is amended by amending paragraph (f) to read as follows:

§ 23.841 Pressurized cabins.

* * * * *

(f) Warning indicators at the pilot station to indicate when the safe or preset pressure differential and absolute cabin pressure limits are exceeded. Appropriate warning markings on the cabin pressure differential indicator meet the warning requirement for pressure differential limits and an aural or visual signal (in addition to cabin altitude indicating means) meets the warning requirement for absolute cabin pressure limits.

* * * * *

65. A new center heading entitled "Lightning Evaluation" is added following § 23.859 and a new § 23.867 is added following that heading to read as follows:

§ 23.867 Lightning protection of structure.

(a) The airplane must be protected against catastrophic effects from lightning.

(b) For metallic components, compliance with paragraph (a) of this section may be shown by—

(1) Bonding the components properly to the airframe; or

(2) Designing the components so that a strike will not endanger the airplane.

(c) For nonmetallic components, compliance with paragraph (a) of this section may be shown by—

(1) Designing the components to minimize the effect of a strike; or

(2) Incorporating acceptable means of diverting the resulting electrical current so as not to endanger the airplane.

66. Section 23.871 is amended to read as follows:

§ 23.871 Leveling means.

There must be means for determining when the airplane is in a level position on the ground.

67. Section 23.901 is amended by amending paragraph (b)(1) to read as follows:

§ 23.901 Installation.

* * * * *

(b) Each powerplant must be constructed, arranged, and installed to—

(1) Insure safe operation to the maximum altitude for which approval is requested.

* * * * *

68. A new § 23.909 is added to read as follows:

§ 23.909 Turbosuperchargers.

(a) Each turbosupercharger must be approved under the engine type certificate or it must be shown that the turbosupercharger system—

(1) Can withstand, without defect, an endurance test of 150 hours that meets the applicable requirements of § 33.49 of this subchapter; and

(2) Will have no adverse effect upon the engine.

(b) Control system malfunctions, vibrations, and abnormal speeds and temperatures expected in service may not damage the turbosupercharger compressor or turbine.

(c) Each turbosupercharger case must be able to contain fragments of a compressor or turbine that fails at the highest speed that is obtainable with normal speed control devices inoperative.

69. A new § 23.933 is added to read as follows:

§ 23.933 Reversing systems.

(a) Reversing systems intended for ground operation only must be designed

so that no single failure or malfunction of the system will result in unwanted reverse thrust under any expected operating condition. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(b) Turbojet reversing systems intended for inflight use must be designed so that no unsafe condition will result during normal operation of the system, or from any failure (or reasonably likely combination of failures) of the reversing system, under any anticipated condition of operation of the airplane. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(c) Each turbojet reversing system must have means to prevent the engine from producing more than idle forward thrust when the reversing system malfunctions, except that it may produce any greater forward thrust that is shown to allow directional control to be maintained, with aerodynamic means alone, under the most critical reversing condition expected in operation.

70. A new § 23.937 is added to read as follows:

§ 23.937 Turbopropeller-drag limiting systems.

Turbopropeller-powered airplane propeller-drag limiting systems must be designed so that no single failure or malfunction of any of the systems during normal or emergency operation results in propeller drag in excess of that for which the airplane was designed under the structural requirements of this part. Failure of structural elements of the drag limiting systems need not be considered if the probability of this kind of failure is extremely remote.

71. A new § 23.939 is added to read as follows:

§ 23.939 Turbine engine powerplant operating characteristics.

(a) Turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present, to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

(b) No hazardous malfunction of the turbine engine may occur when the airplane is flown at the negative acceleration, within the flight envelope prescribed in § 23.333, that is most critical from a fuel flow standpoint. This must be shown for the greatest duration expected for that acceleration.

(c) The vibration characteristics of turbine engine components whose failure could be catastrophic may not be adversely affected during normal operation.

72. Section 23.953 is amended by amending paragraph (c)(1) to read as follows:

§ 23.953 Fuel system independence.

* * * * * *

(b) * * *

(1) Independent tank outlets for each engine, each incorporating a shutoff valve at the tank. This shutoff valve may also serve as the fire wall shutoff valve required if the line between the valve and the engine compartment does not contain more than one quart of fuel (or any greater amount shown to be safe) that can drain into the engine compartment.

* * * * *

73. A new § 23.954 is added to read as follows:

§ 23.954 Fuel system lightning protection.

The fuel system must be designed and arranged to prevent the ignition of fuel vapor within the system by—

(a) Direct lightning strikes to areas having a high probability of stroke attachment;

(b) Swept lightning strokes on areas where swept strokes are highly probable; and

(c) Corona or streamering at fuel vent outlets.

74. Section 23.955 is amended by amending paragraph (c), the lead-in sentence of paragraph (d), and adding new paragraphs (e) and (f) to read as follows:

§ 23.955 Fuel flow.

* * * * *

(c) *Pump systems.* The fuel flow rate for each pump system (main and reserve supply) for each reciprocating engine, must be 125 percent of the takeoff fuel flow of the engine at the maximum power approved for takeoff under Part 33 of this chapter or lesser power selected and approved for takeoff under this part.

* * * * *

(d) *Auxiliary fuel systems and fuel transfer systems.* Paragraphs (b), (c), and (f) of this section apply to each auxiliary and transfer system, except that—

* * * * *

(e) *Multiple fuel tanks.* If a reciprocating engine can be supplied with fuel from more than one tank, it must be possible, in level flight, to regain full power and fuel pressure to that engine in not more than 10 seconds (for single-engine airplanes) or 20 seconds (for multiengine airplanes) after switching to any full tank after engine malfunctioning due to fuel depletion becomes apparent while the engine is being supplied from any other tank.

(f) *Turbine engine fuel systems.* Each turbine engine fuel system must provide at least 100 percent of the fuel flow required by the engine under each intended operation condition and maneuver. This conditions may be simulated in a suitable mockup. This flow must—

(1) Be shown with the airplane in the most adverse fuel feed condition (with respect to altitudes, attitudes, and other conditions) that is expected in operation; and

(2) Be automatically uninterrupted with respect to any engine until all fuel scheduled for use by the engine has been consumed.

75. Section 23.959 is amended to read as follows:

§ 23.959 Unusable fuel supply.

The unusable fuel supply for each tank must be established as not less than that quantity at which the first evidence of malfunctioning occurs under the most adverse fuel feed condition occurring under each intended operation and flight maneuver involving that tank.

76. Section 23.967 is amended by adding a new paragraph (a)(6) to read as follows:

§ 23.967 Fuel tank installation.

(a) * * *

(6) Syphoning of fuel (other than minor spillage) or collapse of bladder fuel cells may not result from improper securing or loss of the fuel filler cap.

* * * * *

77. Section 23.991 is amended by amending paragraphs (a) and (b) to read as follows:

§ 23.991 Fuel pumps.

(a) *Main pumps.* For main pumps, the following apply:

(1) For reciprocating engine installations having fuel pumps to supply fuel to the engine, at least one pump for each engine must be directly driven by the engine and must meet § 23.955. This pump is a main pump.

(2) For turbine engine installations, each fuel pump required for proper engine operation, or required to meet the fuel system requirements of this subpart (other than those in paragraph (b) of this section), is a main pump. In addition—

(i) There must be at least one main pump for each turbine engine;

(ii) The power supply for the main pump for each engine must be independent of the power supply for each main pump for any other engine; and

(iii) For each main pump, provision must be made to allow the bypass of each positive displacement fuel pump other than a fuel injection pump approved as part of the engine.

(b) *Emergency pumps.* There must be an emergency pump immediately available to supply fuel to the engine if any main pump (other than a fuel injection pump approved as part of an engine) fails. The power supply for each emergency pump must be independent of the power supply for each corresponding main pump.

* * * * *

78. A new § 23.994 is added to read as follows:

§ 23.994 Fuel system components.

Fuel system components in an engine nacelle or in the fuselage must be protected from damage which could cause the release of fuel as a result of a wheels-up landing.

79. Section 23.997 is amended by adding a new paragraph (d) to read as follows:

§ 23.997 Fuel strainer or filter.

* * * * *

(d) For turbine engine fuel systems, unless there are means in the fuel system to prevent the accumulation of ice on the

filter, there must be means to automatically maintain the fuel flow if iceclogging of the filter occurs.

80. A new § 23.1001 is added to read as follows:

§ 23.1001 Fuel jettisoning system.

(a) If the design landing weight is less than that permitted under the requirements of § 23.473(b), the airplane must have a fuel jettisoning system installed that is able to jettison enough fuel to bring the maximum weight down to the design landing weight. The average rate of fuel jettisoning must be at least 1 percent of the maximum weight per minute, except that the time required to jettison the fuel need not be less than 10 minutes.

(b) Fuel jettisoning must be demonstrated at maximum weight with flaps and landing gear up and in—

(1) A power-off glide at 1.4 V_{s1};

(2) A climb at the one-engine-inoperative best rate-of-climb speed, with the critical engine inoperative and the remaining engines at maximum continuous power; and

(3) Level flight at 1.4 V_{s1}, if the results of the tests in the conditions specified in subparagraphs (1) and (2) of this paragraph show that this condition could be critical.

(c) During the flight tests prescribed in paragraph (b) of this section, it must be shown that—

(1) The fuel jettisoning system and its operation are free from fire hazard;

(2) The fuel discharges clear of any part of the airplane;

(3) Fuel or fumes do not enter any parts of the airplane; and

(4) The jettisoning operation does not adversely affect the controllability of the airplane.

(d) For reciprocating engine powered airplanes, the jettisoning system must be designed so that it is not possible to jettison the fuel in the tanks used for takeoff and landing below the level allowing 45 minutes flight at 75 percent maximum continuous power. However, if there is an auxiliary control independent of the main jettisoning control, the system may be designed to jettison all the fuel.

(e) For turbine engine powered airplanes, the jettisoning system must be designed so that it is not possible to jettison fuel in the tanks used for takeoff and landing below the level allowing climb from sea level to 10,000 feet and thereafter allowing 45 minutes cruise at a speed for maximum range.

(f) The fuel jettisoning valve must be designed to allow flight personnel to close the valve during any part of the jettisoning operation.

(g) Unless it is shown that using any means (including flaps, slots, and slats) for changing the airflow across or around the wings does not adversely affect fuel jettisoning, there must be a placard, adjacent to the jettisoning control, to warn flight crewmembers against jettisoning fuel while the means that change the airflow are being used.

(h) The fuel jettisoning system must be designed so that any reasonably probable single malfunction in the system will not result in a hazardous condition due to unsymmetrical jettisoning of, or inability to jettison, fuel.

81. Section 23.1017 is amended by amending paragraph (a) to read as follows:

§ 23.1017 Oil lines and fittings.

(a) *Oil lines.* Oil lines must meet § 23.993 and must accommodate a flow of oil at a rate and pressure adequate for proper engine functioning under any normal operating condition.

* * * * *

82. Section 23.1041 is amended to read as follows:

§ 23.1041 General.

The powerplant cooling provisions must be able to maintain the temperatures of powerplant components and engine fluids, within the temperature limit established during ground and flight operation to the maximum altitude for which approval is requested.

83. Section 23.1043 is amended by deleting paragraph (a)(4) and by amending the lead-in sentence of paragraph (a) and paragraphs (b) and (c) to read as follows:

§ 23.1043 Cooling tests.

(a) *General.* Compliance with § 23.1041 must be shown under critical ground, water, and flight operating conditions to the maximum altitude for which approval is requested. For turbosupercharged engines, each turbosupercharger must be operated through that part of the climb profile for which operation with the turbosupercharger is requested and in a manner consistent with its intended operation. For these tests, the following apply:

* * * * *

(b) *Maximum anticipated air temperature.*

(1) For cooling tests of reciprocating engines the maximum anticipated temperature (hot-day condition) is 100° F. at sea level, decreasing from this value at the rate of 3.6° F. per thousand feet of altitude above sea level up to the altitude at which a temperature of −69.7° F. is reached, above which altitude the temperature is constant at −69.7° F. However, cooling test results for winterization installations may be corrected to any desired temperature.

(2) For cooling tests of turbine engine installations, the applicant must show that the airplane has the cooling capability prescribed in § 23.1041, at a corrected hot-day temperature of not less than 100° F. at sea level, decreasing with altitude as prescribed in subparagraph (1) of this paragraph.

(c) *Correction factor (except cylinder barrels).* Unless a more rational correction applies, temperatures of engine fluids and powerplant components (except cylinder barrels) for which temperature limits are established, must be corrected by adding to them the difference between the maximum ambient atmospheric temperature and the temperature of the ambient air at the time of the first occurrence of the maximum component or fluid temperature recorded during the cooling test.

84. Section 23.1045 is amended to read as follows:

§ 23.1045 Cooling test procedures for turbine engine powered airplanes.

(a) Compliance with § 23.1041 must be shown for the takeoff, climb, en route, and landing stages of flight that correspond to the applicable performance requirements. The cooling tests must be conducted with the airplane in the configuration, and operating under the conditions, that are critical relative to cooling during each stage of flight. For the cooling tests, a temperature is "stabilized" when its rate of change is less than 2° F. per minute.

(b) Temperatures must be stabilized under the conditions from which entry is made into each stage of flight being investigated, unless the entry condition normally is not one during which component and engine fluid temperatures would stabilize (in which case, operation through the full entry condition must be conducted before entry into the stage of flight being investigated in order to allow temperatures to reach their natural levels at the time of entry). The takeoff cooling test must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engines at ground idle.

(c) Cooling tests for each stage of flight must be continued until—

(1) The component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

85. Section 23.1047 is amended to read as follows:

§ 23.1047 Cooling test procedures for reciprocating engine powered airplanes.

(a) For each single-engine airplane powered with a reciprocating engine, engine cooling tests must be conducted as follows:

(1) Engine temperatures must be stabilized in flight with the engines at not less than 75 percent of maximum continuous power.

(2) After temperatures have stabilized, a climb must be begun at the lowest practicable altitude and continued for 1 minute with the engine at takeoff power.

(3) At the end of 1 minute, the climb must be continued at maximum continuous power for at least 5 minutes after the occurrence of the highest temperature recorded.

(b) The climb required in paragraph (a) of this section must be conducted at a speed not more than the best rate-of-climb speed with maximum continuous power unless—

(1) The slope of the flight path at the speed chosen for the cooling test is equal to or greater than the minimum required

angle of climb determined under § 23.65(a)(1); and

(2) The airplane has a cylinder head temperature indicator as specified in § 23.1337(e).

(c) The stabilizing and climb parts of the test must be conducted with cowl flap settings selected by the applicant.

(d) For each multiengine airplane powered with reciprocating engines, that meets the minimum one-engine-inoperative climb performance specified in § 23.67(a) or § 23.67(b)(1), engine cooling tests must be conducted as follows:

(1) The airplane must be in the configuration specified in § 23.67(a) or § 23.67(b)(1), except that, when above the critical altitude, the operating engines must be at maximum continuous power or at full throttle.

(2) The stabilizing and climb parts of the tests must be conducted with cowl flap settings selected by the applicant.

(3) The temperatures of the operating engines must be stabilized in flight, with the engines at not less than 75 percent of the maximum continuous power.

(4) After engine temperatures have stabilized, a climb must be—

(i) Begun from 1,000 feet below the critical altitude (or, if this is impracticable, at the lowest altitude that the terrain will allow) or 1,000 feet below the altitude at which the single-engine-inoperative rate of climb is 0.02 V_{so}^2 whichever is lower; and

(ii) Continued for at least 5 minutes after the highest temperature has been recorded.

(5) The climb must be conducted at a speed not more than the highest speed at which compliance with the climb requirement of § 23.67(a) or § 23.67(b)(1) can be shown. If the speed used exceeds the speed for best rate of climb with one engine inoperative, the airplane must have a cylinder head temperature indicator as specified in § 23.1337(e).

(e) For each multiengine airplane powered with reciprocating engines that cannot meet the minimum one-engine-inoperative climb performance specified in § 23.67(a) or § 23.67(b)(1), engine cooling tests must be conducted as prescribed in paragraph (d) of this section, except that, after stabilizing temperatures in flight, the climb (or descent, for airplanes with zero or negative one-engine-inoperative rates of climb) must be—

(1) Begun as close to sea level as is practicable; and

(2) Conducted at the best rate-of-climb speed (or the speed of minimum rate of descent, for airplanes with zero or negative one-engine-inoperative rates of climb).

86. Section 23.1091 is amended by deleting paragraphs (d) and (e), and by amending paragraphs (b) and (c) to read as follows:

§ 23.1091 Air induction.

* * * * *

(b) Each reciprocating engine installation must have at least two separate air intake sources and must meet the following:

(1) Primary air intakes may open within the cowling if that part of the cowling is isolated from the engine accessory section by a fire-resistant diaphragm or if there are means to prevent the emergence of backfire flames.

(2) Each alternate air intake must be located in a sheltered position and may not open within the cowling if the emergence of backfire flames will result in a hazard.

(3) The supplying of air to the engine through the alternate air intake system may not result in a loss of excessive power in addition to the power loss due to the rise in air temperature.

(c) For turbine engine powered airplanes—

(1) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine intake system; and

(2) The air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

87. Section 23.1093 is amended to read as follows:

§ 23.1093 Induction system icing protection.

(a) Each reciprocating engine air induction system must have means to prevent and eliminate icing. Unless this is done by other means, it must be shown that, in air free of visible moisture at a temperature of 30° F.—

(1) Each airplane with sea level engines using conventional venturi carburetors has a preheater that can provide a heat rise of 90° F. with the engines at 75 percent of maximum continuous power;

(2) Each airplane with altitude engines using conventional venturi carburetors has a preheater that can provide a heat rise of 120° F. with the engines at 75 percent of maximum continuous power;

(3) Each airplane with altitude engines using carburetors tending to prevent icing has a preheater that, with the engines at 60 percent of maximum continuous power, can provide a heat rise of—

(i) 100° F.; or

(ii) 40° F., if a fluid deicing system meeting the requirements of §§ 23.1095 through 23.1099 is installed;

(4) Each single-engine airplane with a sea level engine using a carburetor tending to prevent icing has a sheltered alternate source of air with a preheat of not less than that provided by the engine cooling air down-stream of the cylinders; and

(5) Each multiengine airplane with sea level engines using a carburetor tending to prevent icing has a perheater that can provide a heat rise of 90° F. with the engines at 75 percent of maximum continuous power.

(b) Each turbine engine must be able to operate throughout its flight power range without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of Part 25 of this chapter. In addition, there must be means to indicate to appropriate flight crewmembers the functioning of the powerplant ice protection system.

88. Section 23.1103 is amended by amending paragraph (a) to read as follows:

§ 23.1103 Induction system ducts.

(a) Each induction system duct must have a drain to prevent the accumulation of fuel or moisture in the normal ground and flight attitudes. No drain may discharge where it will cause a fire hazard.

* * * * *

89. A new § 23.1111 is added to read as follows:

§ 23.1111 Turbine engine bleed air system.

For turbine engine bleed air systems, the following apply:

(a) No hazard may result if duct rupture or failure occurs anywhere between the engine port and the airplane unit served by the bleed air.

(b) The effect on airplane and engine performance of using maximum bleed air must be established.

(c) For bleed air systems used for direct cabin pressurization, no failure of the engine lubrication system may result in contamination of cabin air systems.

90. Section 23.1121 is amended by adding a new paragraph (g) to read as follows:

§ 23.1121 General.

* * * * *

(g) If significant traps exists, each turbine engine exhaust system must have drains discharging clear of the airplane, in any normal ground and flight attitude, to prevent fuel accumulation after the failure of an attempted engine start.

91. Section 23.1141 is amended by adding a new paragraph (e) to read as follows:

§ 23.1141 Powerplant controls: general.

* * * * *

(e) For turbine engine powered airplanes, no single failure or malfunction, or probable combination thereof, in any powerplant control system may cause the failure of any powerplant function necessary for safety.

92. Section 23.1143 is amended to read as follows:

§ 23.1143 Engine power and thrust, and supercharger controls.

(a) There must be a separate power or thrust control for each engine and a separate control for each supercharger that requires a control.

(b) Power, thrust, and supercharger controls must be arranged to allow—

(1) Separate control of each engine and each supercharger; and

(2) Simultaneous control of all engines and all superchargers.

(c) Each power, thrust, or supercharger control must give a positive and immediate responsive means of controlling its engine or supercharger.

(d) The power, thrust, or supercharger controls for each engine or supercharger must be independent of those for every other engine or supercharger.

93. The introductory text of § 23.1147 is amended to read as follows:

§ 23.1147 Mixture controls.

If there are mixture controls, each engine must have a separate control, and each mixture control must have guards or must be shaped or arranged to prevent confusion by feel with other controls. The controls must be grouped and arranged to allow—

* * * * *

94. A new § 23.1155 is added to read as follows:

§ 23.1155 Turbine engine reverse thrust and propeller pitch settings below the flight regime.

For turbine engine installations, each control for reverse thrust and for propeller pitch settings below the flight regime must have means to prevent its inadvertent operation. The means must have a positive lock or stop at the flight idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime (forward thrust regime for turbojet powered airplanes).

95. Section 23.1189 is amended by designating the introductory text as paragraph (a), by redesignating present paragraphs (a) through (f) as subparagraphs (1) through (6) of paragraph (a), by amending redesignated paragraph (a)(2), and by adding a new paragraph (b), to read as follows:

§ 23.1189 Shutoff means.

* * * * *

(a) * * *

(2) The closing of the fuel shutoff valve for any engine may not make any fuel unavailable to the remaining engines that would be available to those engines with that valve open.

* * * * *

(b) Turbine engine installations need not have an engine oil system shutoff if—

(1) The oil tank is integral with, or mounted on, the engine; and

(2) All oil system components external to the engine are fireproof.

96. Section 23.1301 is amended by amending paragraph (a) to read as follows:

§ 23.1301 Function and installation.

(a) Each item of installed equipment essential for safe operation must—

(1) Be of a kind and design appropriate to its intended function;

(2) If appropriate, be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors;

(3) Be installed according to limitations prescribed for that equipment and in compliance with § 23.1431; and

(4) Function properly when installed.

* * * * *

97. Section 23.1305 is amended to read as follows:

§ 23.1305 Powerplant instruments.

The following are required powerplant instruments:

(a) A fuel quantity indicator for each fuel tank.

(b) An oil pressure indicator for each engine and for each turbosupercharger oil system that is separate from other oil systems.

(c) An oil temperature indicator for each engine and for each turbosupercharger oil system that is separate from other oil systems.

(d) A tachometer for each reciprocating engine.

(e) A tachometer (to indicate the speed of the rotors with established limiting speeds) for each turbine engine.

(f) A cylinder head temperature indicator for each air cooled engine with cowl flaps, and for each airplane for which compliance with § 23.1041 is shown at a speed higher than V_F.

(g) A fuel pressure indicator for pump-fed engines.

(h) A manifold pressure indicator for each altitude engine.

(i) An oil quantity indicator for each oil tank.

(j) A gas temperature indicator for each turbine engine.

(k) A fuel flowmeter for each turbine engine or fuel tank, if pilot action is required to maintain fuel flow within limits.

(l) An indicator to indicate engine thrust or to indicate a gas stream pressure that can be related to thrust, for each turbojet engine, including a free air temperature indicator if needed for this purpose.

(m) A torque indicator for each turbopropeller engine.

(n) A position indicating means to indicate to the flight crew when the propeller blade angle is below the flight low pitch position, for each turbopropeller engine propeller. The source of indication must directly sense the blade position.

(o) A position indicating means to indicate to the flight crew when the thrust reverser is in the reverse thrust position for each turbojet engine.

(p) For turbosupercharger installations, if limitations are established for either carburetor air inlet temperature or exhaust gas temperature, indicators must be furnished for each temperature for which the limitation is established unless it is shown that the limitation will not be exceeded in all intended operations.

§ 23.1323 [Amended]

98. Section 23.1323(a) is amended by striking out the words "miles per hour" and inserting in place thereof the word "knots".

§ 23.1337 [Amended]

99. Section 23.1337(e) is deleted.

100. Section 23.1351 is amended by amending paragraph (b) to read as follows:

§ 23.1351 General.

* * * * *

(b) *Functions.* * * *

(2) Electric power sources must function properly when connected in combination or independently, except that alternators may depend on a battery for initial excitation or for stabilization.

(3) No failure or malfunction of any electric power source may impair the ability of any remaining source to supply load circuits essential for safe operation, except that the operation of an alternator that depends on a battery for initial excitation or for stabilization may be stopped by failure of that battery.

(4) Each electric power source control must allow the independent operation of each source, except that controls associated with alternators that depend on a battery for initial excitation or for stabilization need not break the connection between the alternator and its battery.

101. Section 23.1413 is amended by deleting paragraph (b), by redesignating paragraph (c) as paragraph (b), and by amending the title and paragraph (a) to read as follows:

§ 23.1413 Safety belts and harnesses.

(a) The rated strength of safety belts and harnesses may not be less than that corresponding with the ultimate load factors specified in § 23.561(b), considering the dimensional characteristics of the belt and harness installation for the specific seat or berth arrangement.

* * * * *

102. Section 23.1435 is amended by amending paragraph (c) to read as follows:

§ 23.1435 Hydraulic systems.

* * * * *

(c) *Accumulators.* No hydraulic accumulator or pressurized reservoir may be installed on the engine side of any firewall, unless it is an integral part of an engine or propeller.

§ 23.1501 [Amended]

103. Section 23.1501 is amended by amending paragraph (c) by striking out the reference "§ 23.1525" and inserting the reference "§ 23.1527" in place thereof.

104. Section 23.1505 is amended by adding a new paragraph (c) to read as follows:

§ 23.1505 Airspeed limitations.

* * * * *

(c) Paragraphs (a) and (b) of this section do not apply to turbine airplanes or to airplanes for which a design diving speed V_D/M_D is established under § 23.335(b)(4). For those airplanes, a maximum operating limit speed (V_{MO}/M_{MO} airspeed or Mach number, whichever is critical at a particular altitude) must be established as a speed that may not be deliberately exceeded in any regime of flight (climb, cruise, or descent) unless a higher speed is authorized for flight test or pilot training operations. V_{MO}/M_{MO} must be established so that it is not greater than the design cruising speed V_C/M_C and so that it is sufficiently below V_D/M_D and the maximum speed shown under § 23.251 to make it highly improbable that the latter speeds will be

inadvertently exceeded in operations. The speed margin between V_{MO}/M_{MO} and V_D/M_D or the maximum speed shown under § 23.251 may not be less than the speed margin established between V_C/M_C and V_D/M_D under § 23.335(b), or the speed margin found necessary in the flight tests conducted under § 23.253.

105. A new § 23.1527 is added to read as follows:

§ 23.1527 Maximum operating altitude.

(a) A maximum operating altitude limitation of not more than 25,000 feet must be established for pressurized airplanes, unless compliance with § 23.775 (e) is shown.

(b) For turbine engine powered airplanes and turbosupercharged airplanes, the maximum altitude up to which operation is allowed, as limited by flight, structural, powerplant, functional, or equipment characteristics must be established.

106. Section 23.1545 is amended by adding a new paragraph (d) to read as follows:

§ 23.1545 Airspeed indicator.

* * * * *

(d) Subparagraphs (1) through (3) of paragraph (b) and paragraph (c) of this section do not apply to aircraft for which a maximum operating speed V_{MO}/M_{MO} is established under § 23.1505(c). For those aircraft there must either be a maximum allowable airspeed indication showing the variation of V_{MO}/M_{MO} with altitude or compressibility limitations (as appropriate), or a radial red line marking for V_{MO}/M_{MO} must be made at lowest value of V_{MO}/M_{MO} established for any altitude up to the maximum operating altitude for the airplane.

107. Section 23.1557 is amended by amending paragraph (c)(1) to read as follows:

§ 23.1557 Miscellaneous markings and placards.

* * * * *

(c) *Fuel and oil filler openings.* * * *

(1) The word "fuel" and the minimum fuel grade or designation for the engines.

* * * * *

108. Section 23.1563 is amended to read as follows:

§ 23.1563 Airspeed placards.

There must be an airspeed placard in clear view of the pilot and as close as practicable to the airspeed indicator. This placard must list—

(a) The design maneuvering speed V_A; and

(b) The maximum landing gear operating speed V_{LO}.

109. Section 23.1583 (a), (c), and (d) are amended and new paragraphs (j) and (k) are added, to read as follows:

§ 23.1583 Operating limitations.

(a) *Airspeed limitations.* The following information must be furnished:

(1) Information necessary for the marking of the airspeed limits on the indicator as required in § 23.1545, and the significance of each of those limits and of the color coding used on the indicator.

(2) The speeds V_A, V_{LE}, and V_{LO} and their significance.

* * * * *

(c) *Weight.* The airplane flight manual must include—

(1) The maximum weight; and

(2) The maximum landing weight, if the design landing weight selected by the applicant is less than the maximum weight.

(d) *Center of gravity.* The established center of gravity limits must be furnished.

* * * * *

(j) *Climb conditions.* For turbine engines, the temperatures and corresponding altitudes used in the climb test prescribed in § 23.1043(b)(2) must be furnished.

(k) *Maximum operating altitude.* The maximum altitude established under § 23.1527 must be furnished.

110. Section 23.1585 is amended by adding the words "including the demonstrated crosswind velocity and procedures and information pertinent to operation of the airplane in crosswinds" at the end of paragraph (a), and by amending paragraph (b), to read as follows:

§ 23.1585 Operating procedures.

* * * * *

(b) For airplanes of more than 6,000 pounds maximum weight, the airspeeds, procedures, and information pertinent to the use of the following airspeeds must be furnished:

(1) The recommended climb speed;

(2) V_X; and

(3) The approach speeds, including speeds for transition to the balked landing condition.

* * * * *

111. Section 23.1587 is amended by adding a new subparagraph (3) to paragraph (c) to read as follows:

§ 23.1587 Performance information.

* * * * *

(c) *Multiengine airplanes.* * * *

(3) The calculated approximate effect, on the steady rate of climb determined under § 23.67(b), of variations in—

(i) Altitude at sea level and at 8,000 feet in a standard atmosphere and cruise configuration; and

(ii) Temperature, at those altiutudes, from 60° F. below standard to 40° F. above standard.

112. Appendix A of Part 23 is amended as follows:

(a) Section A23.1(a) is amended to read as follows:

A23.1 *General.*

(a) The design load criteria in this appendix are an approved equivalent of those in §§ 23.321 through 23.459 of this subchapter for the certification of conventional, single-engine airplanes of 6,000 pounds or less maximum weight.

* * * * *

(b) Section A23.3 is amended by striking out the term "30 fps" in the definitions of "n_3" and "n_4".

(c) Table 2 is amended by striking out the reference "$\bar{w}$" wherever it appears in the column headed "Chordwise Distribution", and by inserting the reference "W" in place thereof, and by adding a footnote to read as follows:

TABLE 2—AVERAGE LIMIT LOAD SURFACE LOADING

* * * * *

NOTE: The surface loadings I, II, III, and V above, are based on speeds $V_{A\,min}$ and $V_{C\,min}$. The loading of IV is based on $V_{F\,min}$. If values of speeds *greater than* these minimums are selected for design, the appropriate surface loadings must be multiplied by the ratio $\left[\frac{V_{selected}}{V_{minimum}}\right]^2$. For conditions I, II, III and V the multiplying factor used must be the higher of

$$\left[\frac{V_{A\,sel.}}{V_{A\,min.}}\right] \text{ or } \left[\frac{V_{C\,sel.}}{V_{C\,min.}}\right]$$

(d) Figures 1, 2, 4, 5, and 6 redesignated as figures A1, A2, A4, A5, and A6, respectively.

(e) Figure 3 is deleted and the following new Figure A3 is inserted in place thereof:

FIGURE A3—DETERMINATION OF MINIMUM DESIGN SPEEDS—EQUATIONS

$$V_{D\,min} = 24.0\sqrt{\frac{n_1 W}{S}} \text{ but need not exceed } 1.4\sqrt{\frac{n_1}{3.8}}\,V_{C\,min};$$

$$V_{C\,min} = 17.0\sqrt{\frac{n_1 W}{S}} \text{ but need not exceed } 0.9\,V_H;$$

$$V_{A\,min} = 15.0\sqrt{\frac{n_1 W}{S}} \text{ but need not exceed } V_C \text{ used in design.}$$

$$V_{F\,min} = 11.0\sqrt{\frac{n_1 W}{S}}$$

113. Appendix B of Part 23 is amended as follows:

(a) Section B23.1 is amended by changing the references to "figure 1" to read "figure B1".

(b) Section B23.1(b) is redesignated as § B23.1(c), and a new § B23.1(b) is added to read as follows:

§ B23.1 *General.*

* * * * *

(b) In the control surface loading conditions of § B23.11, the airloads on the movable surfaces need not exceed those that could be obtained in flight by using the maximum limit pilot forces prescribed in § 23.397(b). If the surface loads are limited by these maximum limit pilot forces, the tabs must be deflected—

(1) To their maximum travel in the direction that would assist the pilot; or

(2) In an amount corresponding to the greatest degree of out-of-trim expected at the speed for the condition being considered.

* * * * *

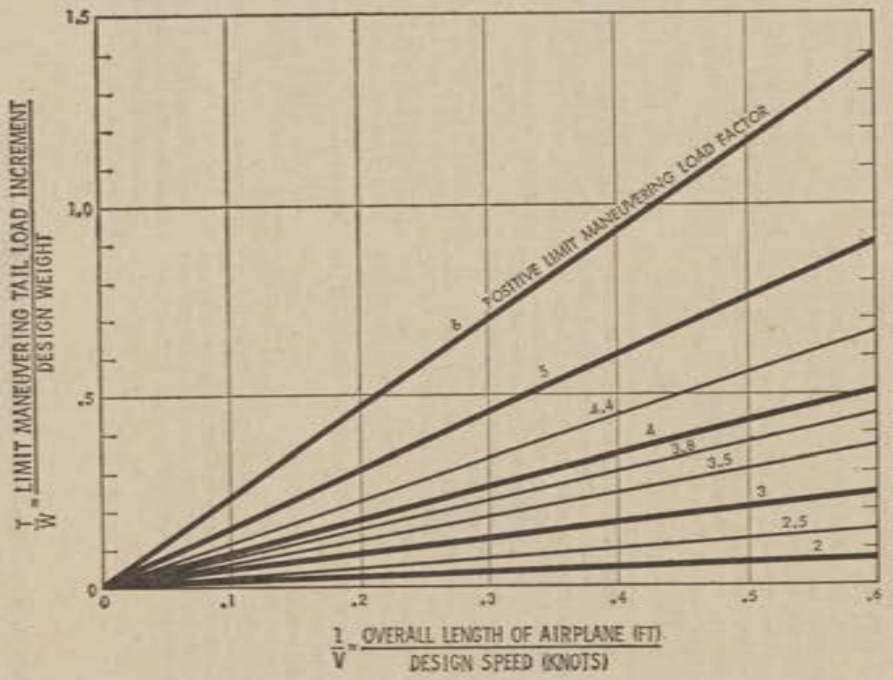
(c) Paragraph (a) of § B23.11 is amended by changing the references to "figure 1" and "figure 7" to read "figure

B1" and "figure B7", respectively, and by changing the reference to "§ 23.423(a)" to read "§ 23.423(a)(1)", and by changing the reference to "§ 23.423(b)" to read "23.423(a)(2)".

(d) Paragraph (b) of § B23.11 is amended by changing the references to "figure 6", "figure 8", and "figure 9" to read "figure B6", "figure B8", and "figure B9", respectively.

(e) The figures 1, 6, 7, 8, and 9 are redesignated as figures B1, B6, B7, B8, and B9, respectively.

(f) Figures 2, 3, 4, and 5 are deleted and the following new figures B2, B3, B4, and B5 are inserted in place thereof.



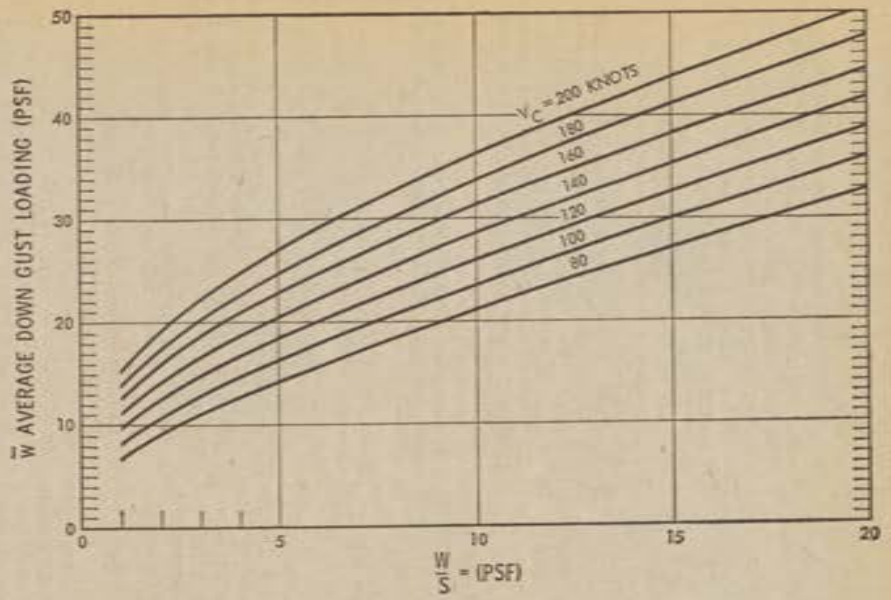


FIGURE B3—DOWN GUST LOADING ON HORIZONTAL TAIL SURFACE.

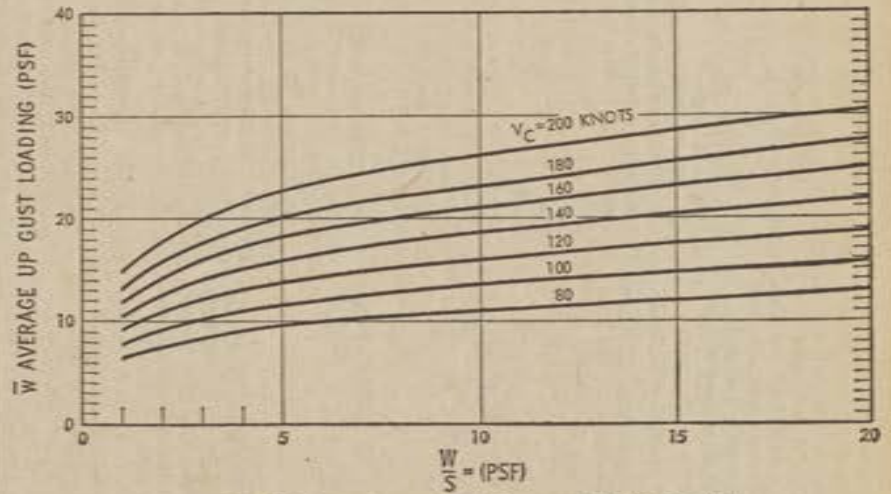


FIGURE B4—UP GUST LOADING ON HORIZONTAL TAIL SURFACE.

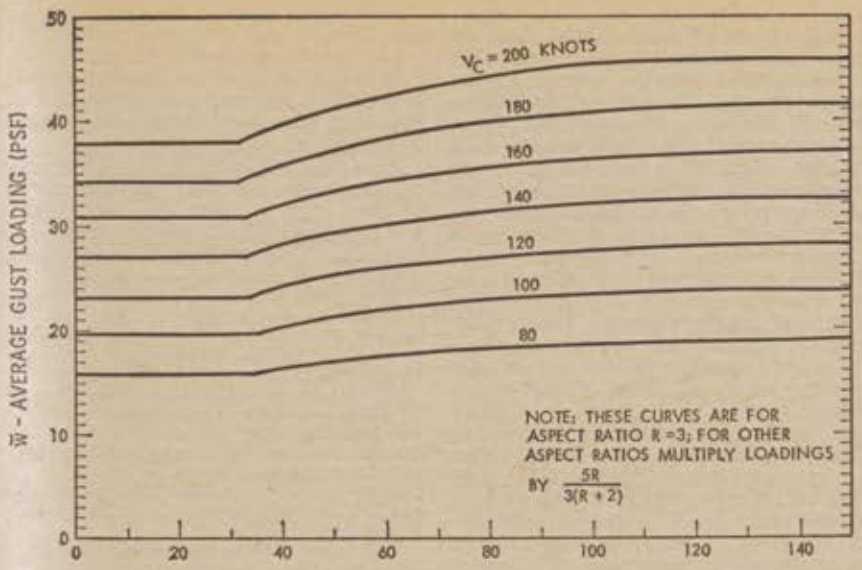


FIGURE B5—GUST LOADING ON VERTICAL TAIL SURFACE.

(g) A new note (c) is added to figure B6 to read as follows:

FIGURE B6—TAIL SURFACE LOAD DISTRIBUTION.

* * * * *

NOTES: * * *

(c) The load on the fixed surface must be:

(1) 140 percent of the net balancing load for the flaps retracted case of note (a);

(2) 100 percent of the net balancing load for the flaps deflected case of note (a); and

(3) 120 percent of the net balancing load for the case in note (b).

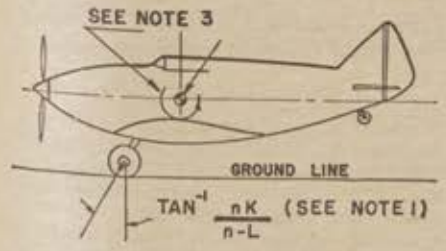
114. Section C23.1 of appendix C is amended by adding a new note (5), and by amending the figure "Tail Wheel Type" to indicate that the resultant ground load acts through the wheel axle, as follows:

C23.1 *Basic landing conditions.*

* * * * *

NOTE (5). n is the limit inertia load factor, at the c.g. of the airplane, selected under § 23.473 (d), (f), and (g).

TAIL WHEEL TYPE



LEVEL LANDING

* * * * *

This Amendment No. 23-7 is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 1, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-9417; Filed, Aug. 12, 1969; 8:45 a.m.]

[Docket No. 69-CE-16-AD; Amdt. 39-816]

PART 39—AIRWORTHINESS DIRECTIVES

Allison Model 250-C18 Engines

An airworthiness directive was adopted on August 1, 1969, and made effective as to all known owners of Bell Model 206A helicopters in which are installed Allison Model 250-C18 engines. This airworthiness directive was issued because there have been failures of the main engine bearings on these model engines which have resulted in complete loss of power during flight. This airworthiness directive requires inspections of the lower gear box and the oil outlet magnetic plugs on a daily basis as described in Allison Commercial Service Letter 250 CSL No. 6, dated January 12, 1967. The inspections shall be performed at time intervals not to exceed 5 hours' time in service. The airworthiness directive also requires on or before November 3, 1969, unless already accomplished, the installation of a visual indicator which will indicate to the pilot metal particle accumulation on the magnetic drain plugs having a resistance of 20,000 ohms or less. Upon installation of the visual indicator, the inspections required by the airworthiness directive may be discontinued.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to the owners of Bell Model 206A helicopters in which are installed Allison Model 250-C18 engines by individual air mail letters dated August 1, 1969. This condition still exists and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

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

ALLISON. Applies to Model 250-C18 engines installed in Bell Model 206A Helicopters. Compliance: Required as indicated.

To detect incipient engine failure, accomplish the following:

(A) Effective immediately upon receipt of this airworthiness directive, inspect the lower gear box and the oil outlet magnetic plugs on a daily basis as described in Allison Commercial Service Letter 250 CSL No. 6, dated January 12, 1967. This inspection shall be performed at time intervals not to exceed five (5) hours' time in service.

(B) On or before November 3, 1969, install a visual indicator which will indicate to the pilot metal particle accumulation on the magnetic drain plugs having a resistance of 20,000 ohms or less.

(C) When the installation described in paragraph B of this airworthiness directive has been accomplished, the inspections required by paragraph A of this airworthiness directive will no longer be required.

This amendment becomes effective August 13, 1969, for all persons except those to whom it was made effective by air mail letter dated August 1, 1969.

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

Issued in Kansas City, Mo., on August 5, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9523; Filed, Aug. 12, 1969; 8:47 a.m.]

[Docket No. 69-CE-17-AD; Amdt. 39-818]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and 99A Airplanes

There has been a failure of the elevator hinge fitting assembly on the horizontal stabilizer of a Beech Model 99 airplane which can result in loss of elevator control.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring within 10 hours' time-in-service after the effective date of this airworthiness directive, a one-time visual inspection of the elevator hinge fitting assemblies on Beech Models 99 and 99A airplanes for evidence of nicks either under or through the paint. If nicks are discovered, the airworthiness directive will require, prior to further

flight, repair or replacement of the elevator hinge fitting assemblies in accordance with Beechcraft Service Instruction No. 0247–132 or any other method approved as an equivalent by the Chief, Engineering & Manufacturing Branch, Federal Aviation Administration, Central Region.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provision of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

BEECH. Applies to Models 99 and 99A (Serial Nos. U–3 through U–10, U–12 through U–35, U–37 through U–60, U–62 through U–77, U–79 through U–95, U–97 through U–103, U–106 through U–111, U–114 through U–118, U–124, and U–125) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent possible loss of elevator control, accomplish the following:

Within 10 hours' time-in-service after the effective date of this airworthiness directive, visually inspect both P/N 115–620021–1 (outboard) and both P/N 115–620021–3 (middle) hinge fitting assemblies located on the horizontal stabilizer for nicks either under or through the paint. Move the elevator up and down and with the aid of a light examine all visible surfaces of the fittings from above and below. If nicks are found, repair or replace affected fittings prior to further flight in accordance with either Beechcraft Service Instruction No. 0247–132 or any other method approved as an equivalent by the Chief, Engineering & Manufacturing Branch, Federal Aviation Administration, Central Region.

This amendment becomes effective August 13, 1969.

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

Issued in Kansas City, Mo., on August 5, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69–9524; Filed, Aug. 12, 1969; 8:47 a.m.]

[Airworthiness Docket No. 69–SW–22; Amdt. 39–815]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

Amendment 39–795 (34 F.R. 12026), AD 69–15–2, which becomes effective on August 16, 1969, requires inspection of magnesium cyclic bellcrank support assemblies until replaced with aluminum assemblies on Bell Model 206A helicopters. After issuing Amendment 39–795, the agency determined that an improper installation of the aluminum support assemblies could occur due to normal variation of cabin roof thickness.

Bell Helicopter Co. Service Bulletin No. 206A–11 dated May 9, 1969, was revised to provide for the reinspection of the attachment bolts for proper torque and to permit the use of additional washers or shorter length bolts for a proper installation of the aluminum support assemblies. Therefore, the AD is being amended to require the installation of the aluminum support assemblies in accordance with Revision A of the Service Bulletin.

Since this amendment is clarifying in nature and provides revised procedures for installing the aluminum support assemblies, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–795 (34 F.R. 12026), AD 69–15–2 is amended by striking out the words "dated May 9, 1969," from paragraphs (a)(2) and (c) and inserting the words "Revision A, dated July 23, 1969," in place thereof.

This amendment becomes effective August 16, 1969.

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

Issued in Fort Worth, Tex., on August 1, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69–9525; Filed, Aug. 12, 1969; 8:47 a.m.]

[Airworthiness Docket No. 69–WE–19–AD; Amdt. 39–817]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–8–62, DC–8–62F, DC–8–63, and DC–8–63F Airplanes

There have been three inflight fatigue failures of the engine pod access door latch eyebolts with the resultant loss of the access doors on McDonnell Douglas Model DC–8–63 airplanes. In one case, the access door struck and pierced the fuselage which permitted some loss of cabin pressure. A contributing factor to the fatigue failure of the engine pod access door latch eyebolt appears to be excessive engine vibration.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of eyebolts, Hartwell P/N 105666–1, and a modification of the engine pod access door forward and center latch eyebolt assemblies, Douglas P/N 3757548–1, to minimize the probability of future loss of doors in flight.

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

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

MCDONNELL DOUGLAS. Applies to Models DC–8–62, DC–8–62F, DC–8–63, and DC–8–63F airplanes with Serial No. 46088 and below.

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

To prevent unlocking and loss of the engine pod accessory doors in the event of a fatigue failure of the engine pod access door forward or center latch eyebolt, Hartwell P/N 105666–1, accomplish the following:

(a) Inspect eyebolt, Hartwell P/N 105666–1, in engine pod access door forward and center eyebolt latch assembly, Douglas P/N 3757548–1, for cracks by means of a dye penetrant or magnetic particle inspection process. Replace any eyebolts found cracked with uncracked eyebolts of the same part number before further flight.

(b) Modify the forward and center engine accessory door eyebolt latch assemblies, Douglas P/N 3757548–1, in accordance with McDonnell Douglas Service Bulletin No. 71–51, dated May 7, 1969, or later FAA-approved revisions, or by an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective August 14, 1969.

(Secs. 313(a), 601, 303, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Los Angeles, Calif., on August 5, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

[F.R. Doc. 69–9526; Filed, Aug. 12, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2422) filed by CPC International Inc., International Plaza Englewood Cliffs, N.J. 07632, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of calcium disodium EDTA in pickled cabbage to promote color, flavor, and texture retention. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1017(b)(1) is amended by alphabetically inserting in the table a new item, as follows:

§ 121.1017 Calcium disodium EDTA.

* * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
Cabbage, pickled...	220	Promote color, flavor, and texture retention.
* * *	* * *	* * *

* * * * *

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

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

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

Dated: August 6, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc 69-9512; Filed, Aug. 12, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

Peat Materials Production Industry, Northern Branch

On June 11, 1969, a notice was published in the FEDERAL REGISTER (34 F.R. 9213) proposing to supplement the finding that the production of peat materials in the northern parts of the United States and in higher altitudes as defined in 5 F.R. 4816, December 3, 1940, is of a seasonal nature within the meaning and under authority of section 7(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(c)) as amended by the Fair Labor Standards Amendments of 1966 Public Law 89-601). In this notice it was proposed to expand the definition of the industry to include the production of peat materials in Modoc County, Calif.

Interested persons were given 30 days in which to present written data, views, and argument. No comments were received. Pursuant to section 7(c) of the Fair Labor Standards Act of 1938, 29 U.S.C. 207(c), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), Secretary's Order No. 19–67 (32 F.R. 12980), and the procedures set forth in 29 CFR Part, 526, the supplementary finding is hereby made.

As this amendment grants an exception, no delay in its effective date is required by 5 U.S.C. 553(d), nor would such delay serve any useful purpose. This amendment shall be effective immediately.

Accordingly, 29 CFR 526.10 is amended by adding to footnote 2 of the table contained therein, "Modoc County, Calif." As amended footnote 2 of the table in § 526.10 reads as follows:

§ 526.10 Industries of a seasonal nature.

* * * * *

[2] The northern branch includes Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Michigan, Wisconsin, Minnesota, Illinois, Iowa, Indiana, North Dakota, South Dakota, Colorado, Utah, Nevada, Montana, Idaho, Oregon, Washington, and Modoc County, Calif.

Signed at Washington, D.C., this 7th day of August 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-9560; Filed, Aug. 12, 1969; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 155—CITY DELIVERY

Apartment House Mailboxes

In the daily issue of Wednesday, December 18, 1968 (33 F.R. 18704) the Department published a notice of proposed rule making consisting of proposed revisions to § 155.6 of Title 39, Code of Federal Regulations. The proposed revisions were designed to implement security requirements and engineering tests for apartment house mail receptacles.

Interested persons were given 30 days within which to submit comments on the proposed regulations. After consideration of all comments received it has been determined to adopt the regulations proposed in the notice of proposed rule making, with modifications. For the most part the modifications relate to effective dates.

Section 155.6(f)(2)(iii) requires that, effective July 1, 1970, individual doors will resist a force of not less than 35 pounds per inch necessary to deflect the unsupported corner outward by 1 inch. The door must withstand 0.4 inch of deflection at that point without serious permanent deformation of more than 0.015 inch.

Section 155.6(f)(2)(iv) requires that, effective July 1, 1970, a minimum of 8 foot-pounds of force shall be necessary to punch out the lock. If the lock is slowly pushed inward, a minimum of 70 pounds of force shall be required.

Section 155.6(f)(2)(v) requires that, effective July 1, 1970, the minimum stiffness for the master door when pulled outward at the unsupported corner shall be 50 pounds per inch. The master door frame and assembly must withstand 0.4 inch of deflection at the corner without permanent deformation of more than 0.015 inch.

Accordingly, the following amendments to Title 39, Code of Federal Regulations, are hereby made, to be effective unless otherwise stated on the 30th day after the date of this publication in the FEDERAL REGISTER.

Part 155—City Delivery

§ 155.6 [Amended]

In § 155.6 *Apartment house receptacles*, make the following changes:

1. Amend paragraph (b) to read as follows:

* * * * *

(b) *Scope and classification*—(1) *Scope.* This standard establishes the procedures for testing and accepting apartment house mail receptacles. The use of this standard is mandatory and boxes submitted which do not conform in all respects to this standard will not be considered for approval by the Postmaster General.

(2) *Classification.* This standard covers apartment house mail receptacles of the following types, as specified:

(i) *Type I. Vertical.* A minimum three-gang unit complete with individual door locks and provisions for an Arrow lock in the master door. The maximum number of boxes which may be installed under one Arrow lock is 10; the minimum number is three.

(ii) *Type II. Horizontal.* A front or rear loading, four-gang unit (two over two) with individual door locks. The front loading units shall have provisions for an Arrow lock in the master door.

2. Paragraphs (c), (d), (e), and (f) are redesignated as paragraphs (h), (i), (j), and (k), respectively, and new paragraphs (c), (d), (e), (f), and (g) are inserted, reading as follows:

* * * * *

(c) *Applicable documents*—(1) *Specifications and standards.* The following documents of the latest issue form a part of this standard:

(i) *Specifications.*

Military:

MIL-T-704—Treatment and Painting of Material.

(ii) *Standards.*

Federal:

Federal Test Method Standard 141, Method 6191.

Federal Test Method Standard 406, Method 2021.

(Activities outside the Federal Government may obtain copies of Federal Specifications, Standards, and Handbooks as outlined under General Information in the Index of Federal Specification, Standards, and Handbooks and

at the prices indicated in the Index. The Index which includes cumulative monthly supplements as issued, is for sale on a subscription basis by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Single copies are available without charge at the General Services Administration regional offices in Boston, New York, Atlanta, Chicago, Kansas City, Mo., Dallas, Denver, San Francisco, Los Angeles, Seattle, and Washington, D.C.)

(2) *Other publications.* The following publications of the latest issue form a part of this standard:

AMERICAN WELDING SOCIETY

Recommended Practice C1.1.
Recommended Practice for Resistance Welding.

(Copies of American Welding Society publications may be obtained from the Society at 345 East 47th Street, New York, N.Y. 10118.)

(d) *Requirements*—(1) *Materials.* Latitude will be allowed in the material used. Materials must be compatible with each other; nontoxic and nonirritating to humans. Dissimilar metals shall be protected against galvanic corrosion. The material used in the fabrication of this equipment shall be new, suitable for the purpose used, free of all defects and the best commercial quality for this type of equipment.

(2) *Receptacle doors.* (i) The doors shall be designed to operate freely without binding or excessive play. The doors shall, once opened, remain in the opened position until the patron pushes it in the closed position. The doors of vertical type receptacles shall have a 90° flanged edge of a minimum one-quarter inch on the side, slightly less on top and bottom. If extruded aluminum doors are used, they shall provide strength and stiffness on the edge opposite the hinge side equivalent to the sectional modules of a quarter-inch bar. The fitting of the door into its frame shall be of such tolerances to preclude prying with thin instruments. The surface of the doors shall be unbroken with the exceptions as described in subparagraph (5) of this paragraph.

(ii) The dimensions of the clear opening of the door frame of each horizontal type receptacle shall be identical to the cross-section measurements of the receptacle itself.

(3) *Master door.* (i) The master door and frame shall be designed to operate freely without binding or excessive play. When the master door is in a minimum 90° open position, all individual boxes of front loading receptacles shall be accessible for deposit of mail by the carrier. All horizontal-type front loading receptacles shall have solid backs. The master door for both vertical-type and front loading horizontal-type receptacles shall remain in the open position while the carrier is depositing mail. The master door shall be formed to accommodate an inside Arrow lock furnished by the local postmaster for use by letter carriers. The key shall be in custody of postal employees. The master door shall be accurately assembled using jigs or fixtures to assure flatness and proper alignment for operation. The door shall be rigid, square, and true.

(ii) The master door frame for vertical-type receptacles shall be attached to the cabinet with either permanently affixed and side-mounted pivots, a suitable bottom-mounted full-length hinge or any other means which will preclude either cabinet from being easily removed from the master frame and which will pass the tests to be conducted by the Postal Engineering Test Laboratory.

(iii) The master door frame for horizontal-type receptacles shall be attached to the cabinet with full-length side-mounted hinge or any other device which offers equal or better security. The master door shall not be wider than 30 inches.

(4) *Locking provisions.* (i) Each receptacle door shall be secured by a five-pin tumbler cylinder lock with a minimum of 250 key changes. The locks must be securely fastened to the door. If locks are mounted on a backing plate, the plates shall be constructed of hardened steel of proper design and thickness to preclude punching out of locks. If the lock extends more than five-eighths inch on the inside of a vertical type box, a deflector shall be provided over the lock barrel for the easy deposit of mail.

(ii) Each lock shall be clearly numbered on the back. The lock number shall also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(iii) The master lock shall be attached to the master door by the postmaster's representative.

(5) *Numbers and name cards.* (i) Vertical-type receptacles shall be numbered or lettered in numerical or alphabetical sequence from left to right. Horizontal-type receptacles shall be numbered or lettered in sequence from top to bottom.

(ii) Each receptacle shall be equipped with a clasp or holder to accommodate a name card for identifying the patron or patrons using that box. The holder or clasp shall be located on the frame above each receptacle or inside at the rear of the box where the patron's name will be easily visible to the carrier when the master door is open. The holder shall be of sufficient size to hold a name card of a minimum ¾ x 2½ inches in vertical-type installation and in horizontal-type installation, as large as space permits. The use of permanent type pressure sensitive labels is permissible.

(6) *Capacity.* Both horizontal- and vertical-type receptacles must be of sufficient capacity to receive long-letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14½ inches in length and 3½ inches in diameter, if rolled, may be deposited and removed with facility.

(7) *Color.* Color of the receptacles is, in general, optional with the manufacturer. Colors and color schemes shall, however, be aesthetically pleasing, dignified and shall reflect good taste.

(8) *Finish.* (i) Treatment and Painting of Material shall comply with MIL-T-704. Choice of materials for coating the interior and exterior of the receptacles is optional, provided all requirements of this standard are met. Finishes shall be compatible with the box materials. All metal parts not inherently corrosion resistant or otherwise treated to be corrosion resistant shall be cleaned, treated, and painted.

(ii) All parts to be painted shall be first buffed or sanded, if rust and other encrustation are present. The parts to be painted shall be thoroughly cleaned. Primer and enamel used shall be applied in such a manner as to provide a surface of high quality appearance free from runs, sags, cracks, flaking, peeling, blushing, orange peel effects, or other defects which may affect the drying characteristics, durability, and appearance of the painted surfaces.

(iii) Unless otherwise specified, primer and enamel may be applied by brushing, spraying, or dipping. Each application of primer and enamel shall be permitted to dry thoroughly before applying the succeeding coat.

(9) *Marking.* Marking of the boxes is optional. Manufacturers are authorized to place on each installation of apartment house mail receptacles the words "U.S. Mail" and a warning notice of the U.S. Penal Code's provisions of law. When the items submitted for approval have been approved by the Post Office Department, manufacturers are authorized to place inconspicuously on each installation their name and words "Approved by the Postmaster General".

(e) *Installation provisions.* All apartment house mail receptacle units shall be provided with the means for convenient installation.

(1) *Instructions.* A complete set of instructions for assembling and mounting the receptacles shall be provided with each unit of receptacles. The instruction sheet shall carry a notice that the receptacles meet all requirements of the Post Office Department.

(2) *Workmanship.* Workmanship shall be of the highest quality throughout in accordance with the best commercial practice for this type of equipment.

(i) *Metal fabrications.* The metal used in the fabrication of the equipment shall be free from kinks and sharp bends. The straightening of metal shall be done by methods that will not cause injury to the material. Shearing or cutting shall be done neatly and accurately. Corners shall be square and true. All bends of a major character shall be made with metal dies or fixtures, in order to assure uniformity of size and shape. Precautions shall be taken to avoid overheating and heated metal shall be allowed to cool slowly. Burrs, sharp corners and sharp edges shall be removed. All joints shall be smoothly made and all exposed corners and edges shall be rounded.

(ii) *Bolted connections.* Bolted connections shall be accurately punched or drilled and shall have the burrs removed. Washers, lockwashers, self-locking nuts shall be used as specified on the applicable drawings. All bolts, nuts, and screws shall be tight. Sheet metal screws shall not be used. Machine bolts may be used

where access to nuts would not be possible and where unbolting may be required in which case a sufficient thickness of metal shall be utilized to assure that several bolt threads are engaged. Machine bolts shall be securely held in place by proper lock washers.

(iii) *Riveted connections.* Rivet holes shall be accurately punched or drilled and shall have the burrs removed. Rivets shall be driven with pressure tools and shall completely fill the holes. Rivet heads shall be full, neatly made, concentric with the rivet holes, and in full contact with the surface of the member. Hollow-type rivets are not acceptable.

(iv) *Welding.* Welding shall be performed in accordance with applicable American Welding Society recommended practices and by a welder qualified under the referenced welding code. The surfaces of parts to be welded shall be free from rust, scale, paint, grease, and other foreign matter. Welds shall develop full strength in the parts connected. Welds shall be free from skips, blow-through holes, burred areas, excess metal, slag, incomplete fusion, cracks, gas pockets, residual stresses, incomplete penetration, undercutting, flash and spatter metal, electrode skids, excessive indentation, melted base metal, and undersized nuggets. Spotwelding shall be done in close-centers to ensure maximum strength and rigidity and to prevent buckling.

(v) *Fabrication and assembly.* All components and parts shall be fabricated and assembled to be permanently square, true, and rigid to preclude binding, warping, or misalignment which may reduce or prevent proper equipment operation or maintenance or may result in premature failure of any part or component.

(f) *Quality assurance provisions*—(1) *Requirements for approval.* (i) Manufacturers of vertical-type receptacles shall submit two ten-gang units. Manufacturers of horizontal-type receptacles shall submit two four-gang units of each type: front loading and rear loading. Each unit shall be made of the exact materials, construction, coatings, paint, etc., to be identical in every way with the boxes intended to be marketed. One of the boxes will be subjected to destructive testing. All parts of the boxes shall be identified by material, alloy, heat treatment, and (for nonmetallic parts) physical properties. The complete composition, formula, trade name, and designation of all paints and nonmetallics shall be specified.

(ii) The manufacturer shall also submit a copy of the instructions required by paragraph (e)(1) of this section and color samples showing all color schemes expected to be used. Receptacles must be submitted in the packaging proposed for shipping them.

(iii) Written notification of approval or disapproval, including reasons for disapproval, will be issued. All boxes submitted will be returned, including those damaged during testing.

(2) *Test methods.* The units shall be tested as specified herein. All units which fail to pass all tests shall be rejected.

(i) *Capacity requirements.* Conformance to paragraph (d)(6) of this section shall be tested by inserting a metal cylinder, 3½ inch diameter by 14½ inches long. The cylinder must be easily inserted and removed. The individual receptacle which has provisions for an Arrow lock shall be taken as an exception.

(ii) *Operational requirements.* Receptacle doors and master doors shall be capable of operating 10,000 normal operating cycles without breakage of parts and without failure to operate correctly and positively.

(iii) *Doors.* The doors shall be tested with a Tinius-Olsen tensile/compression testing machine. Resistance to prying shall be such that a force of not less than 35 pounds is required to deflect the unsupported corner of the door outward by 1 inch. The door shall be capable of withstanding 0.4 inch of deflection at that point without serious permanent deformation of more than 0.015 inch. (Effective July 1, 1970.)

(iv) *Locks.* A minimum of 8 foot-pounds of force shall be required to punch out the lock. (Two pound weight dropped 4 feet.) If the lock is slowly pushed inward, a minimum of 70 pounds of force shall be required. (Effective July 1, 1970.)

(v) *Master door.* Master doors shall be tested with a Tinius-Olsen tensile/compression testing machine. A minimum stiffness for the master door when pulled outward to simulate the effects of prying at an unsupported corner shall be 50 pounds per inch. The master door frame and assembly shall be able to withstand 0.4 inch of deflection at the corner without permanent deformation of more than 0.015 inch. (Effective July 1, 1970.)

(vi) *Impact requirements.* The boxes and any coatings applied to them shall not be cracked, chipped, broken, dented (more than one-sixteenth inch in depth), or visibly permanently deformed by a hard steel 2-pound ball with a ½-inch spherical radius dropped 2 feet onto any part of the top and sides of the door.

(vii) *Coating abrasion resistance.* The coating of all boxes formed from ferrous metal or other material subject to corrosion[1] shall meet the abrasive sand test specified herein. Boxes formed from corrosion-resistant alloys of aluminum, stainless steel, and other corrosion-resistant materials which are not painted or otherwise coated with a material subject to corrosion are exempt from this test. The test shall be conducted in accordance with Federal Test Method Standard 141, Method 6191.

(viii) *Flammability.* All boxes shall conform to local building codes. A flammability test shall be conducted on all plastic parts of all boxes. The test shall be conducted in accordance with Method 2021 of Federal Test Method Standard 406. The boxes shall be nonburning or self-extinguishing by this test.

(ix) *Ambient conditions.* The boxes shall operate properly under the following ambient conditions: Temperatures of 32° to 110° F.

(g) *Preparation for delivery*—(1) *Packaging.* The packaged unit and accessories shall be adequately packaged to withstand normal commercial shipping without damage to the unit. Sufficient wrapping, padding, blocking, and bracing shall be used to prevent damage to the box during shipment. The packaged unit and accessories must be capable of being dropped from a height of 3 feet six times (striking once on each of the six faces of the carton) without damage to the box or accessories.

NOTE: The corresponding Postal Manual sections are 155.62–155.67.

(5 U.S.C. 301, 39 U.S.C. 501)

August 7, 1969.

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-9521; Filed, Aug. 12, 1969; 8:47 a.m.]

[1] "Corrosion," as used in this Standard, means any form of property change due to ambient conditions which seriously detracts from the appearance of the boxes, such as rust, obvious color changes, perforation, accelerated erosion, and disintegration.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–3—PROCUREMENT BY NEGOTIATION

Subpart 9–3.8—Price Negotiation Policies and Techniques

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

MISCELLANEOUS AMENDMENTS

The purpose of these amendments to the AEC Procurement Regulations is to make them consistent with amendments to FPR 1–3.8 published in the FEDERAL REGISTER on February 27, 1969, and effective April 15, 1969.

1. In § 9–3.807–3, *Requirements for cost or pricing data*, paragraph (c) is deleted.

2. Sections 9–3.807–3(g), *Initial awards below $100,000*, and 9–3.807–50, *Justification and documentation of procurement actions, are deleted.*

3. Section 9–3.807–53, *Development of special items*, is revised to read as follows:

§ 9–3.807–53 Development of special items.

If a negotiated fixed-price or cost-type contract or subcontract involves the development of special items and may reasonably be expected to lead to subsequent production orders, the initial contract or subcontract shall include a provision whereby the vendor agrees to accept, when requested, subsequent

production orders under either a cost-plus-a-fixed-fee contract or subcontract with AEC cost-reimbursement principles and fee limitations or a fixed-price contract providing for price redetermination. In addition, the initial contract or subcontract shall include a provision whereby the Commission or its authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records related to the contract or subcontract for the purpose of determining actual cost experience under the initial contract or subcontract.

4. Section 9–3.809, *Audit as a pricing aid*, is revised to read as follows:

§ 9–3.809 Contract audit as a pricing aid.

The waiver of preaward audit review provided for in FPR 1–3.809 may be made only by the Manager of the Field Office.

5. Section 9–3.814–2, *Audit and records*, is revised to read as follows:

§ 9–3.814–2 Audit and records.

The clause in § 9–7.5006–1 shall be used for the types of contracts listed in FPR 1–3.814–2(c).

6. Section 9–3.814–50, *Subcontractor cost or pricing data clause*, is revised to read as follows:

§ 9–3.814–50 Subcontractor cost or pricing data clause.

(a) The following clause shall be inserted in all subcontracts under the prime contracts referred to in § 9–3.807–3(b), where such subcontracts are over $100,000, and in all modifications over $100,000 to such subcontracts even though the original amount of the subcontract is $100,000 or less:

CERTIFIED COST OR PRICING DATA

(a) (1) The subcontractor shall require under the situations described in (2) below, unless exempted under the exceptions set forth in (3) below, each sub-subcontractor under this subcontract to submit cost or pricing data and to certify that, to the best of his knowledge and belief, such cost or pricing data are accurate, complete, and current.

(2) Except as provided in (3) below, certified cost or pricing data shall be submitted prior to (i) the award of each sub-subcontract, the price of which is expected to exceed $100,000, and (ii) the negotiation of the price of each change or modification to a sub-subcontract under this subcontract for which the price adjustment is expected to exceed $100,000.

(3) Certified cost or pricing data need not be furnished pursuant to this paragraph (a) where (i) the subcontractor has not been required to furnish cost or pricing data; or (ii) the price or price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or the prices are set by law or regulation; and the subcontractor states in writing the basis for applying this exception.

(4) In submitting the cost or pricing data, the sub-subcontractor shall use the form of certificate set forth in paragraph (b) below and shall certify that the data are accurate, complete, and current. Such certificate and data (actual or identified, as provided in the certificate prescribed below) shall be submitted by sub-subcontractors to the next higher-tier sub-subcontractor, or the subcontractor, as applicable, for retention.

(b) The certificates required by this clause shall be in the form set forth below.

SUBCONTRACTOR'S CERTIFICATE OF CURRENT COST OR PRICING DATA

This is to certify that, to the best of my knowledge and belief, cost or pricing data [1] submitted in writing, or specifically identified in writing if actual submission of the data is impracticable (see FPR 1–3.807–3(h)(2), to the prime contractor in support of _____ [2] are accurate, complete, and current as of _____ [3]

(date)

Firm_____

Name_____

Title_____

_____ [4]

(Date of execution)

[1] For definition of "cost or pricing data," see FPR 1–3.807–3.

[2] Describe the proposal, quotation, request for price adjustments, or other submission involved, giving appropriate identifying number (e.g., RFP No. _____).

[3] This date shall be the date when the price negotiations were concluded and the subcontract price was agreed to. The responsibility of the subcontractor is not limited by the personal knowledge of the subcontractor's negotiator if the subcontractor had information reasonably available (see FPR 1–3.807–5(a)) at the time of agreement, showing that the negotiated price is not based on accurate, complete, and current data.

[4] This date should be as close as practicable to the date when the price negotiations were concluded and the subcontract price was agreed upon.

(c) For purposes of verifying that certified cost or pricing data submitted in conjunction with the negotiation of this subcontract or any subcontract change or other modification involving an amount in excess of $100,000 were accurate, complete, and current, the Commission or any of its authorized representatives shall, until the expiration of three years from the date of final payment under this subcontract, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this subcontract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(d) Whenever the price of any change or other modification to this subcontract is expected to exceed $100,000, the subcontractor agrees to furnish the Contractor certified cost or pricing data, using the certificate set forth in paragraph (b) above, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(e) The requirement for submission of certified cost or pricing data with respect to any change or other modification does not apply to any sub-subcontract change or other modification, at any tier, where the subcontract is firm fixed-price or fixed-price with escalation unless such change or other modification results from a change or other modification to the subcontract, nor does it apply to a sub-subcontract change or modification, at any tier, where the subcontract is not firm fixed-price or fixed-price with escalation, unless the price of such change or other modification becomes reimbursable under the subcontract.

(f) The subcontractor agrees to insert paragraph (c) without change [5] and the substance of paragraphs (a), (b), (d), (e), and (f) of this clause in each sub-subcontract hereunder in excess of $100,000 and in each sub-subcontract of $100,000 or less at the time of making a change or other modification thereto in excess of $100,000.

(g) If the prime contractor determines that any price, including profit or fee, negotiated in connection with this subcontractor any cost reimbursable under this subcontract was increased by any significant sums because the subcontractor, or any sub-subcontractor pursuant to this clause or any sub-subcontract clause herein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in the subcontractor's Certificate of Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(h) Failure of the contractor and the subcontractor to agree on any of the matters in paragraph (g) above shall be a dispute concerning a question of fact within the meaning of the Disputes clause of this subcontract.

NOTE: Since the subcontract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain sub-subcontracts, it is expected that the subcontractor may wish to include a clause in each such sub-subcontract requiring the sub-subcontractor to appropriately indemnify the subcontractor. It is also expected that any sub-subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower-tier sub-subcontractors.

(b) This clause may also be used for subcontracts of $100,000 or less for which a certificate of cost or pricing data is obtained in accordance with FPR 1–3.807–3(g); and, if so used, the $100,000 amount stated in the clause should be appropriately modified.

7. § 9–7.5005–19, *Audit and records—fixed-price supply and fixed-price construction contracts*, is revised to read as follows:

§ 9–7.5005–19 Audit and records—fixed-price supply and fixed-price construction contracts.

See FPR 1–3.814–2 (a) and (b).

8. In § 9–7.5006–1, *Accounts, records and inspection (CPFF)*, the Note under paragraph (g) is revised to read as follows:

§ 9–7.5006–1 Accounts, records and inspection (CPFF).

* * * * *

(g) *Subcontracts.* * * *

NOTE: If the prime contract contains a "defective cost or pricing data" clause, this paragraph (g) shall be modified by adding the following:

[The contractor further agrees to include:

[(1) In each firm fixed-price subcontract in excess of $100,000 (except firm fixed-price subcontracts under the circumstances prescribed in (2) below) an audit clause, the substance of which is the audit clause under paragraph (d)(2) of FPR 1–3.814–2(c).

[(2) In each firm fixed-price subcontract in excess of $100,000, where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation, an audit clause, the substance of which is the "Audit-Price Adjustments" clause under paragraph (d)(3) of FPR 1–3.814–2(c).]

* * * * *

[5] The words "subcontractor" and "sub-subcontractor" may, however, be changed to describe the contractual relationship in lower-tier subcontracts.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

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

Dated at Germantown, Md., this 6th day of August 1969.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts,

[F.R. Doc. 69-9497; Filed, Aug. 12, 1969; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 92, Rev.]

PART 375—EXCHANGE OF VESSELS

The text of Part 375 of this title and chapter, exclusive of the Statement of Policy appended thereto (33 F.R. 14545), is hereby revised to read as follows:

Sec.
375.1 Purpose.
375.2 Definitions.
375.3 General provisions.
375.4 Application for exchange.

AUTHORITY: The provisions of this Part 375 issued under sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114; Public Law 86-575, 74 Stat. 312, as amended by Public Law 89-254, 79 Stat. 980.

§ 375.1 Purpose.

This part prescribes the procedures to be followed with respect to the exchange of vessels pursuant to section 510(i) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160(i)), herein referred to as the "Act."

§ 375.2 Definitions.

(a) "Exchange Ship" means an acceptable vessel of 1,500 gross tons or over, constructed or contracted for by the U.S. shipyards before September 3, 1945, owned by a citizen or citizens of the United States, documented under the laws of the United States, and which has not been operated with operating-differential subsidy under title VI of the Act, by the applicant or any affiliate of the applicant, for at least 3 years immediately prior to the date of the exchange.

(b) "Transfer Ship" means an oceangoing, war-built vessel of 1,500 gross tons or over which was constructed or contracted for by the U.S. shipyards during the period beginning September 3, 1939, and ending September 2, 1945, and owned by the United States.

§ 375.3 General provisions.

(a) Authority to exchange vessels pursuant to the Act expires July 5, 1970.

(b) An applicant acquiring a Transfer Ship shall enter into a contract in form prescribed by the Maritime Administration.

(c) No payments shall be made by the United States to the owner of an Exchange Ship in connection with any exchange under the Act.

(d) Except where traded-out for use exclusively in trade and commerce on the Great Lakes, including the St. Lawrence River and Gulf, tanker vessels may be traded-out only for major conversions into dry cargo carriers or liquid bulk carriers, including natural gas carriers, but excluding bulk petroleum carriers.

(e) Neither section 510(e) of the Act, nor the nontaxable exchange provisions of the Internal Revenue Code, shall apply to the exchange of ships under the Act.

(f) Any repairs or reconversion necessary at the time of the exchange to place the transfer ship in class and prepare it for commercial operation shall be performed in a shipyard within the continental United States.

(g) Title to the transfer and exchange ships shall pass simultaneously on the date specified in the contract.

(h) The applicant may with the consent of the Maritime Administration use the Exchange Ship until completion of preparation of the Transfer Ship for normal operation in commercial service under terms and conditions of a Use Agreement in form prescribed by the Maritime Administration.

(i) The Secretary of Commerce shall consult with and obtain the approval of the Defense Department before any vessel of a military type is exchanged under the provisions of the Act.

§ 375.4 Application for exchange.

(a) Applications for exchange of ships pursuant to the Act shall be filed with the Chief, Office of Ship Operations, Maritime Administration, Department of Commerce, Washington, D.C. 20235, on forms obtained from that office.

(b) Applications are considered as officially filed when a qualified applicant:

(1) Submits fifteen (15) completely filled in copies of Form MA-182 (Application for Exchange of Ships);

(2) Executes and files in triplicate an Affidavit of U.S. Citizenship in the form prescribed by the Maritime Administration (32A CFR AGE-2);

(3) Submits financial data as required by the Maritime Administration;

(4) Furnishes, if a corporation, a statement in duplicate showing the names, residence addresses, dates and places of birth, and citizenship of the officers, directors, and stockholders of record owning five percent (5%) or more of the issued and outstanding stock of the applicant, as well as other ship owning companies in which any such officer, director, or stockholder has a financial interest.

(c) When alternate Transfer Ships are included in one application, consideration will be given to the first listed Transfer Ship which is available. To the extent feasible, as determined by the Maritime Administration, priority will be established based upon the date of filing of the application and such priority shall be maintained as long as the applicant proceeds promptly to effect the exchange of ships. Applications for a Transfer Ship previously applied for by another applicant will not be processed until such Transfer Ship has been rejected by the first applicant or otherwise becomes available for reassignment.

(d) Each applicant will be notified of actions taken on his application.

(e) The Office of Ship Operations coordinates ship exchange activities of the Maritime Administration and approves and administers the provisions of the ship exchange contracts.

Dated: April 22, 1969.

By Order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-9562; Filed, Aug. 12, 1969; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[RM-1211; FCC 69-852]

PART 87—AVIATION SERVICES

Frequencies Available

In the matter of amendment of Part 87 of the rules to provide additional frequencies to the Civil Air Patrol (CAP) for single sideband (SSB) operations in presently allocated CAP frequency space.

1. The Civil Air Patrol (CAP), a civilian auxiliary of the U.S. Air Force, has requested rule changes which would, in effect, double the number of SSB frequencies available for CAP use below 25 MHz.

2. The CAP asserts that the requested changes will result in numerous operational advantages to them and alleviate interference now present due to frequency congestion and other conditions.

3. The requested rule changes constitute, in effect, "channel splitting" and will double the number of their SSB frequencies. This will be done without using any more of the radio spectrum than is now available for CAP exclusive use. The method of achieving this in SSB operations, by transmitting the sideband on the higher frequency side of the carrier frequency, will be the same as used elsewhere generally in the radio community and, for the Aviation Services, is provided for in § 87.73(e) of our rules. By providing an additional SSB frequency 3 kc/s below each presently assigned CAP carrier frequency as contained in the attached appendix, the number of available SSB channels is doubled within the frequency space now allocated for CAP use. At present the CAP is authorized to use either a 3 kc/s SSB emission above the carrier frequency or a double sideband (DSB) emission in the 6 kc/s CAP channels. As the CAP converts primarily to SSB operations, the use of the lower half of the channels steadily diminishes and in time will be mostly, or completely, unused. The rule changes will permit the CAP

to more fully utilize their assigned frequency space.

4. The requested amendments pertain to the use of frequencies used only by the CAP and its parent agency the U.S. Air Force, and do not affect users of other frequencies hence, compliance with the prior notice, procedure, and effective date provisions of 5 U.S.C. 553 would serve no useful purpose and therefore is unnecessary.

5. In addition to the use of A3A and A3J emissions, the CAP requested in their petition, permission to use an A3H, full carrier emission on the SSB frequency 3 kc/s below each presently assigned CAP carrier frequency. We have not concurred in this request and have not provided for the use of a A3H emission in the lower half channel. The use of a SSB full carrier on the lower-half channel would appreciably increase interference potential to the next lower channel as well as to CAP stations using a carrier on the upper half of the channel. Additionally, the practice would conflict with the concept being implemented elsewhere in the radio community such as the maritime services. Resolution MAR 4 of the World Administrative Radio Conference (WARC), Geneva, 1967, expressly provides (page 242) that "* * * class A3H emissions shall not be used on single sideband channels in the lower part of previous double sideband channels."

6. In view of the foregoing, we find that the rule changes requested by CAP are reasonable and desirable and would serve the public interest and should be granted.

7. *According, it is ordered*, That pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 87 of the Commission's rules is amended, effective August 15, 1969, as set for below.

8. *It is further ordered*, That this proceeding is terminated.

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

Adopted: August 6, 1969.

Released: August 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

In § 87.513, the introductory text and paragraphs (a), (b), (c), (d), (e), and (f) are amended to read:

§ 87.513 Frequencies available.

The following frequencies are available for assignment to Civil Air Patrol land and mobile stations within the United States, its territories and possessions, except as otherwise provided in this section:

(a) (1) 2374 kc/s, A1, A2, A3 emission, 400 watts maximum power.

(2) 2375.5 kc/s (2374.0 kc/s carrier frequency), A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 2372.5 kc/s (2371 kc/s carrier frequency), A3A, A3J emission, 1,600 watts maximum power.

(b) (1) 4467.5 kc/s, A1, A2, A3 emission, 400 watts maximum power.

(2) 4469 kc/s (4467.5 kc/s carrier frequency), A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 4466 kc/s (4464.5 kc/s carrier frequency), A3A, A3J emission, 1,600 watts maximum power.

(4) Assignment of the frequencies 4467.5 kc/s, 4469 kc/s, and 4466 kc/s is limited to stations in the District of Columbia and the following States:

Alabama.	New Jersey.
Connecticut.	New York.
Delaware.	North Carolina.
Florida.	Pennsylvania.
Georgia.	Rhode Island.
Maine.	South Carolina.
Maryland.	Tennessee.
Massachusetts.	Vermont.
Mississippi.	Virginia.
New Hampshire.	West Virginia.

(c) (1) 4507.5 kc/s, A1, A2, A3 emission, 400 watts maximum power.

(2) 4509 kc/s (4507.5 kc/s carrier frequency), A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 4506 kc/s (4504.5 kc/s carrier frequency), A3A, A3J emission, 1,600 watts maximum power.

(4) Assignment of the frequencies 4507.5 kc/s, 4509 kc/s, and 4506 kc/s is limited to stations in the following States:

Arizona.	Montana.
Arkansas.	Nebraska.
California.	Nevada.
Colorado.	New Mexico.
Idaho.	North Dakota.
Illinois.	Ohio.
Indiana.	Oklahoma.
Iowa.	Oregon.
Kansas.	South Dakota.
Kentucky.	Texas.
Louisiana.	Utah.
Michigan.	Washington.
Minnesota.	Wisconsin.
Missouri.	Wyoming.

(d) (1) 4585 kc/s, A1, A2, A3 emission, 400 watts maximum power.

(2) 4586.5 kc/s (4585 kc/s carrier frequency), A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 4583.5 kc/s (4582 kc/s carrier frequency), A3A, A3J emission, 1,600 watts maximum power.

(e) (1) 4602.5 kc/s, A1, F1, A3 emission, 400 watts maximum power.

(2) 4604 kc/s (4602.5 kc/s carrier frequency), A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 4601 kc/s (4599.5 kc/s carrier frequency), A3A, A3J emission, 1,600 watts maximum power.

(4) Assignment of the frequencies 4602.5 kc/s, 4604.0 kc/s, and 4601.0 kc/s is limited to stations in the following States:

Colorado.	Montana.
Idaho.	Ohio.
Illinois.	Utah.
Indiana.	Wisconsin.
Kentucky.	Wyoming.
Michigan.	

(f) (1) 4630 kc/s, A1, F1, A3 emission, 400 watts maximum power.

(2) 4631.5 kc/s (4630 kc/s carrier frequency) A3A, A3H, A3J emission, 1,600 watts maximum power.

(3) 4628.5 kc/s (4627 kc/s carrier frequency) A3A, A3J emission, 1,600 watts maximum power.

(4) Assignment of the frequencies 4630 kc/s, 4631.5 kc/s, and 4628.5 kc/s is limited to stations in the following states:

Arizona.	New Mexico.
Arkansas.	Oklahoma.
Louisiana.	Texas.

* * * * *

[F.R. Doc. 69-9547; Filed, Aug. 12, 1969; 8:49 a.m.]

[1] Commissioners Hyde, chairman, Wadsworth and Johnson absent.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 23; Amdt. No. 71-4]

PART 71—STANDARD TIME ZONE BOUNDARIES

Boundary Line Between Mountain and Pacific Zones

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to change the existing boundary line between the mountain time zone and the Pacific time zone as it applies to the State of Oregon.

On May 13, 1969, the Department of Transportation published in the FEDERAL REGISTER a notice of proposed rule making (34 F.R. 7616) requesting comments on a proposal based, for the most part, on a petition received from the Governor of Oregon. The petition requested that the Department place the northern three-fourths of Malheur County, Oreg., in the mountain time zone. The petition stated that the area concerned had historically followed mountain time and that the general public, business, and social activities of the area were oriented to those of the Idaho communities in the mountain time zone, immediately to the east.

It was pointed out in the notice that the existing time zone boundary, set by a decision of the Interstate Commerce Commission in 1923, was based primarily on the lines of the Oregon Short Line Railroad (now part of the Union Pacific system) and that a portion of the railroad line in Baker County, Oreg., had been abandoned. The Department therefore supplemented the Governor's proposed change in Malheur County with a proposal to "substitute a geographic description that encompasses the territory covered by the abandoned railroad line" with respect to Baker County.

Interested persons were given a 48-day period within which to comment on the proposed changes. No adverse comment on the proposed changes was received. With respect to the Malheur County part of the proposal, the Governor, the county judge of Malheur County, and the mayors of the three principal communities in Malheur County (Ontario, Vale, and Nyssa) have each indicated their support for the change. The county judge

of Malheur County has also indicated that, based on public hearings held by him in Ontario and Jordan Valley, Oreg., the proposed Malheur County change "has been approved by citizens of Malheur County and appears to be in the interest of Malheur County." The southern one-fourth of Malheur County which, under the proposal, would remain in the Pacific time zone, encompasses the school district served by the community of McDermitt located on the Nevada-Oregon State border. This southern portion of Malheur County is as oriented to Nevada communities, and Pacific time, as the northern portion of the county is to Idaho and mountain time.

Investigation by the Department during the period allowed for public comment has revealed that the abandoned line of railroad in Baker County, Oreg., upon which a portion of the mountain-Pacific time zone boundary is now based, followed the west bank of the Snake River (the Idaho-Oregon State border) from Huntington, Oreg., to Homestead, Oreg. The 1923 decision of the Interstate Commerce Commission used the railroad line rather than the Snake River as the basis for the time zone boundary in order to permit that line of railroad to operate on mountain time within an area that was otherwise on Pacific time. Obviously the need for gerrymandering the time zone boundary in Baker County lapsed with the abandonment of the line of railroad.

All information available to the Department indicates that Pacific time is being observed throughout Baker County. The Baker County Commissioners have orally advised the Department that it would be appropriate and desirable that the mountain-Pacific time zone boundary be located so as to place all of Baker County in the Pacific time zone.

It is therefore the opinion of the Department that the clear preference of those concerned is for mountain time in the northern three-fourths of Malheur County and for Pacific time in the southern one-fourth of Malheur County and all of Baker County.

The Department also stated in the notice its intention to make a technical language change in the Idaho-Oregon portion of the mountain-Pacific time zone boundary description so as to make it conform to the description of that boundary as it affects Nevada and Utah. This technical change does not affect the territory covered by the description to be changed.

The Union Pacific Railroad has requested, contingent upon the relocation of the time zone boundary, that the Department modify the operating exceptions granted for the Union Pacific now contained in § 71.8(d)(2) of Title 49 of the Code of Federal Regulations by deleting the exception "from Vale, Oreg., to Jamieson, Oreg.," and by amending the exception "from Ontario, Oreg., to Burns, Oreg." to read "from western boundary of Malheur County, Oreg., to Burns, Oreg."

In consideration of the foregoing, paragraphs (a), (d)(2), and (e) of § 71.8 of Title 49 of the Code of Federal Regulations are amended, effective at 2 a.m. on Sunday, September 7, 1969, to read as follows:

§ 71.8 Boundary line between mountain and Pacific zones.

(a) *Montana-Idaho-Oregon.* Beginning at the intersection of the boundary between the United States and Canada with the boundary between the States of Idaho and Montana; thence southerly along the boundary between the States of Idaho and Montana to its intersection with the boundary between Idaho County, Idaho, and Lemhi County, Idaho; thence southwesterly along the boundary between those two counties to the main channel of the Salmon River; thence westerly along the main channel of the Salmon River to the western boundary of Idaho; thence southerly along the western boundary of Idaho to its intersection with the boundary between Baker County, Oreg., and Malheur County, Oreg.; thence westerly along the northern boundary of Malheur County to the northwest corner of Malheur County; thence southerly along the western boundary of Malheur County to the southwest corner of T. 35 S., R. 37 E.; thence east to the boundary between the States of Oregon and Idaho; thence south along the boundary between Oregon and Idaho to the southwest corner of the State of Idaho; thence easterly along the southern boundary of the State of Idaho to its intersection with the western boundary of the State of Utah.

* * * * *

(d) *Operating exceptions.*

(1) * * *

(2) *Lines west of boundary included in mountain zone:* Those portions of the following lines of railroad located west of the zone boundary line described in this section, are, for operating purposes only, excepted from the U.S. standard Pacific time zone and shall be included in the U.S. standard mountain time zone:

Railroad	From—	To—
Atchison, Topeka, & Santa Fe.	Colorado River.	Southern limits of Needles, Calif.
Chicago, Milwaukee, St. Paul, & Pacific.	Montana-Idaho State line.	Avery, Idaho.
Union Pacific.....	Idaho-Nevada State line, near Idavada, Idaho.	Wells, Nev.
Do.....	West line of Malheur County, Oreg.	Burns, Oreg.

(e) *Points on boundary line.* All municipalities located upon the zone boundary line described in this section shall be considered as within the U.S. standard mountain time zone.

This amendment does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from the last Sunday in April to the last Sunday in October, but permits any State to exempt itself, by law, from observing advanced time within that State. The Department has no administrative authority with respect to this requirement.

(15 U.S.C. 260–267, sec. 6(c)(5), Department of Transportation Act; 49 U.S.C. 1655(c)(5))

Issued in Washington, D.C., on August 7, 1969.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 69-9528; Filed, Aug. 12, 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

Mingo National Wildlife Refuge, Mo.

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

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

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Mingo National Wildlife Refuge, Puxico, Mo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,000 acres, is delineated on maps available at refuge headquarters, Puxico, Mo., and from the office of 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 hunting of deer subject to the following special conditions.

(1) Hunting with bows and arrows only is permitted.

(2) The open season for hunting deer on refuge is from October 1 through December 15, 1969, inclusive.

(3) A Federal permit is required to enter the public hunting area. It may be obtained by mail by writing the Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo., or by applying in person at refuge headquarters, Puxico, Mo., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday between August 25 through September 25, inclusive. No permits will be issued after September 25. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1969.

JOHN E. TOLL,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.

AUGUST 1, 1969.

[F.R. Doc. 69-9498; Filed, Aug. 12, 1969; 8:45 a.m.]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. 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.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from August 29 through November 2 and November 17 through December 14, 1969, only on the area designated by signs as open to hunting. This open area, comprising 31,542 acres, is delineated on a map available at the refuge headquarters, Upham, N. Dak., 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 hunting of deer with bow and arrow, subject to the following conditions:

Hunters are requested to obtain a registration card which will be issued by asking for them, either in person or by mail, from the Refuge Headquarters, Upham, N. Dak. 58789.

Hunting is by foot only. Vehicles are to remain on established refuge roads only.

All hunters must exhibit their hunting licenses, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1969.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

AUGUST 5, 1969.

[F.R. Doc. 69-9499; Filed, Aug. 12, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141, 146]

ANTIBIOTIC DRUGS

Proposal Regarding Sterility as Certification Requirement

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the antibiotic drug regulations be amended as follows to establish sterility as a certification requirement for all diluents and droppers packaged in combination with sterile antibiotic drugs. Accordingly, it is proposed that Parts 141 and 146 be amended:

1. By adding two new paragraphs to § 141.1, as follows:

§ 141.1 Definitions and interpretations applicable to Part 141.

* * * * *

(c) *Sterility tests; diluents packaged in combination with sterile antibiotic drugs.* If a sterile antibiotic drug is packaged in combination with an immediate container of a diluent, the immediate container of diluent shall be sterile when tested by the method prescribed in § 141.2(e)(1).

(d) *Sterility tests; droppers packaged in combination with sterile antibiotic drugs.* If a sterile antibiotic drug is packaged in combination with a dropper, such dropper shall be sterile when tested by the method prescribed in § 141.2(e)(1).

2. By revising § 141.2(e)(1) to read as follows:

§ 141.2 Sterility test methods and procedures.

* * * * *

(e) *Conduct of test*—(1) *Bacterial membrane filter method*—(i) *Sample preparation*—(*a*) *Antibiotic drug.* From each of 20 immediate containers, aseptically transfer approximately 300 milligrams of solids if it is not a liquid drug, or 1 milliliter by volume if it is a liquid drug, or the entire contents if the container contains less than these amounts; except that if it is a liquid drug containing penicillin in a concentration greater than 300,000 units per milliliter, use the volume that contains 300,000 units, into a sterile 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. (If it is a composite sample packaged in one immediate container in accordance with the requirements of § 141.1(b), transfer the entire contents, or approximately 6 grams, into the Erlenmeyer flask.) Stopper the flask and swirl to dissolve the drug. As soon as the sample has completely dissolved, proceed as directed in subdivision (ii) of this subparagraph. If the pooled portions from 20 containers will not dissolve completely in 200 milliliters of diluting fluid or will not filter rapidly, 400 milliliters of diluting fluid may be used or two separate tests may be performed using a pool of 10 containers for each test.

(*b*) *Diluent packaged in combination with a sterile drug.* From each of 20 immediate containers, aseptically transfer approximately 1 milliliter by volume into a sterile 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. Stopper the flask and proceed as directed in subdivision (ii) of this subparagraph.

(*c*) *Sterile droppers packaged in combination with a sterile drug.* Prepare 20 clean, empty containers of approximately the same size as those in which the sterile antibiotic drug is packaged. To each container add diluting fluid A in a volume approximately the same as that of the sterile drug when it is prepared for dispensing. Cap the containers, sterilize by autoclaving at 121° C. for 20 minutes, and then allow to cool to room temperature. Aseptically open each dropper package and remove each dropper in turn. Use each aseptically to remove 1 milliliter of the fluid from a separate sterile container prepared as described above. Aseptically transfer the fluid to a 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. Stopper the flask and proceed as directed in subdivision (ii) of this subparagraph.

(ii) *Test procedure.* Aseptically filter the solution through a bacteriological membrane filter. All air entering the filtering system is filtered through air filters capable of removing micro-organisms. Filter three 100-milliliter quantities of diluting fluid A through the membrane. By means of a sterile circular blade, paper punch, or any other suitable sterile device, cut a circular portion (approximately 17.5 millimeters in diameter) from the center of the filtering area. Transfer the cut center area to a sterile 38 millimeter by 200 millimeter (outside dimensions) test tube containing 90 ±10 milliliters of sterile medium A. Incubate the tube for 7 days at 30° C.–32° C. Using sterile forceps, transfer the remaining outer portion of the membrane into a second similar tube containing 90 ±10 milliliters of medium E. Incubate the second tube for 7 days at 22° C.–25° C.

By adding to § 146.2(c), new subparagraphs (8)(iv) and (11), as follows:

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

* * * * *

(c) * * *

(8) * * *

(iv) In the case of a sterile drug packaged in combination with containers of a sterile diluent, the sample shall be collected by taking 20 immediate containers of the diluent collected at regular intervals throughout each filling operation, except that if the diluent is sterilized after filling into containers, the representative sample shall consist of 20 immediate containers collected from each sterilizer load and each container shall be taken from a different part of each such sterilizer load. In the case of sterile drugs packaged in combination with sterile droppers, the sample shall be collected by taking 20 droppers from each sterilizer load and each dropper shall be taken from a different part of such sterilizer load.

* * * * *

(11) If such batch or any part thereof is to be packaged with a sterile diluent or sterile dropper, such request shall also be accompanied by a statement that such diluent or dropper is sterile and conforms to the requirements prescribed therefor by specific regulations.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 4, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9513; Filed, Aug. 12, 1969; 8:46 a.m.]

Public Health Service

[42 CFR Part 81]

STEUBENVILLE-WEIRTON-WHEELING INTERSTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Steubenville-Weirton-Wheeling Interstate Air Quality Control Region (Ohio—West Virginia) as set forth in the following new § 81.33 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is pro-

posed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Ohio and West Virginia and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Federal Courtroom, U.S. Post Office and Courthouse, Washington and North Fourth Streets, Steubenville, Ohio, beginning at 10 a.m., August 27, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.33 is proposed to be added to read as follows:

§ 81.33 Steubenville-Weirton-Wheeling Interstate Air Quality Control Region.

The Steubenville-Weirton-Wheeling Interstate Air Quality Control Region (Ohio-West Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municiplalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:	
Belmont County.	Jefferson County.
In the State of West Virginia:	
Brooke County.	Marshall County.
Hancock County.	Ohio County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: August 4, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-9465; Filed, Aug. 12, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 101]

COTTON WAREHOUSES

Proposed Amendment of Warehouse Charges

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268) is considering amending warehouse regulations appearing in Part 101 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations as follows:

Section 101.29 would be amended to read:

§ 101.29 Warehouse charges.

A licensed warehouseman shall not make any unreasonable, exorbitant, or discriminatory charge for services rendered. Before a license to conduct a warehouse is granted under the act, the warehouseman shall file with the Department a copy of his rules, if any, and a schedule of the charges to be made by him if licensed. Effective at the beginning of any cotton season, a licensed warehouseman may change his rate of charges for storage and other services, and the new rates may apply to all cotton then in storage as well as cotton received thereafter. At or before the beginning of each season every licensed warehouseman shall file with the Department a copy of his rules, if any, and of his schedule of charges for the ensuing season. Should a licensed warehouseman wish to make changes in his rates to become effective at any time other than at the beginning of a season, he shall file with the Department an amended schedule showing the contemplated changes, accompanied by a statement setting forth the reasons therefor. No increase in the storage rate shown in such an amended schedule shall apply to cotton in storage at the time the changes become effective. Each schedule of charges filed under this section shall specify the terms and conditions under which charges for storage shall cease after the owner of the cotton makes demand for delivery in accordance with section 21 of the act. A licensed warehouseman may demand payment of all accrued charges at the close of each cotton season. If, upon demand, the owner of the cotton refuses to pay such charges at the end of a season, the warehouseman may take such action to enforce collection of his charges as is permitted by the laws of the State in which the warehouse is located. Each licensed warehouseman shall keep a copy of his current rules and schedule of charges exposed conspicuously in the place prescribed by § 101.6 and at such other place accessible to the public as the Secretary or his designated representative may from time to time designate. For the purposes of this section the cotton season shall commence, with respect to each warehouse, at such time not later than September 15 of each year, as the operator of the warehouse shall select, and he shall notify the Department in writing not less than 5 days next preceding the date selected.

Warehouse receipts issued for cotton are normally negotiable and of the type referred to by the trade as Bearer. Much cotton is bought and sold on the basis of transfer of these warehouse receipts. For receipts to serve this purpose, the purchaser must be in a position at time of purchase, first to know what warehouse charges have accrued against the cotton represented by the receipt and second, to be able to determine the additional cost to him to effect delivery of the cotton. The first is now provided for in the Act and regulations. In order to adequately provide for the second, it is proposed to amend the regulations to require that each licensed warehouseman specify in his schedule of charges the terms and conditions under which charges for storage shall cease after the owner of the cotton makes demand for delivery in accordance with section 21 of the United States Warehouse Act. This is accomplished by adding a new sentence after the sixth sentence of § 101.29. The section is otherwise unchanged.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Transportation and Warehouse Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 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 such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., August 8, 1969.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-9555; Filed, Aug. 12, 1969; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 1665]

GUARANTY OF MORTGAGE-BACKED SECURITIES (PASS-THROUGH)

Government National Mortgage Association

Notice is hereby given that the Government National Mortgage Association, under the authority contained in section 309 of the National Housing Act (12

U.S.C. 1723a), is considering the addition of a new Part 1665 to Title 24 of the Code of Federal Regulations. The proposed new Part 1665 would describe the implementation of the Association's authority to guarantee certain securities under section 306(g) of the National Housing Act.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Association at its office at 451 Seventh Street SW., Washington, D.C. 20414, within 30 days of the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

Part 1665—Guaranty of Mortgage-Backed Securities (Pass-Through)

Sec.
1665.1 General.
1665.3 Eligible issuers of securities.
1665.5 Securities.
1665.7 Mortgages.
1665.9 Pool administration.
1665.11 Excess collateral.
1665.13 Guaranty.
1665.15 Fees.
1665.17 Audits and reports.
1665.19 Applications.

AUTHORITY: The provisions of this Part 1665 issued under sec. 309, National Housing Act; 12 U.S.C. 1723a.

§ 1665.1 General.

The Association is authorized by section 306(g) of the National Housing Act to guarantee the timely payment of principal and interest on securities which are based on or backed by a trust or pool composed of mortgages or loans insured by the Federal Housing Administration or the Farmers' Home Administration, or insured or guaranteed by the Veterans' Administration. The Association's guaranty of mortgage-backed securities is backed by the full faith and credit of the United States. This part is limited to securities of the "pass-through" type.

§ 1665.3 Eligible issuers of securities.

Any mortgagee which has been approved by the Federal Housing Administration and which has adequate experience and facilities to issue mortgage-backed securities may be approved for a guaranty by the Association, except that a State or local governmental instrumentality shall not become an approved issuer. No issue of securities will be approved for guaranty unless the issuer has a net worth in assets, acceptable to the Association, of not less than 3 percent of the amount of guaranteed securities to be outstanding after such issue.

§ 1665.5 Securities.

(a) *Instrument.* Pass-through securities provide for the payment by the issuer to the holders of a proportionate share of the proceeds of principal, interest and other receipts as collected on account of a pool of mortgages, less servicing fees and other specified costs approved by the Association. The securities must specify the accounting period for the collection of such proceeds and the date on which these proceeds are payable to the holders of the securities. The securities must also specify a date on which the entire principal to be collected will have been paid or will be payable.

(b) *Issue amount.* Each issue of guaranteed securities must be in a minimum face amount of $5 million. The total face amount of any issue of securities cannot exceed the lesser of the aggregate unpaid principal balances of the mortgages in the pool or the total purchase price to the issuer of the mortgages in the pool.

(c) *Face amount of securities.* The initial face amount of any security cannot be less than $100,000.

(d) *Transferability.* Securities are transferable, but the proportionate share of the proceeds collected on account of the pool of mortgages may not be payable to more than one holder with respect to any security.

(e) *Disclosure.* The issuer must disclose the average price and total cost to the issuer of the mortgages in the pool and the average price at which the mortgages were originated.

§ 1665.7 Mortgages.

Each issue of guaranteed securities must be backed by a separate pool of mortgages which:

(a) Are insured under the National Housing Act or title V of the Housing Act of 1949, or insured or guaranteed under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code;

(b) Cover residential property;

(c) Have been insured or guaranteed no longer than 6 months prior to the date on which the Association enters into a commitment to guarantee the securities;

(d) Will be replaced by the issuer if found defective by the Association at any time prior to 4 months after the date on which the Association enters into a commitment to guarantee the securities; and

(e) Meet such other standards of acceptability as may be prescribed by the Association.

§ 1665.9 Pool administration.

The Association will not guarantee securities if the pool arrangement proposed by the issuer does not satisfactorily provide for:

(a) Servicing of the mortgages in the pool;

(b) Segregation of the cash flow from mortgages in the pool from the other assets of the issuer;

(c) Timely payment of the proceeds of principal, interest, and other receipts in accordance with the terms of the guaranteed securities;

(d) Notification to the Association of an impending default in adequate time for the Association to make timely payments on the securities; and

(e) Delivery to a designated custodial agent satisfactory to the Association of the mortgage notes or other evidences of indebtedness secured by the mortgages in the pool and protection of the Association's interest in all assets in the pool as collateral for its guaranty.

§ 1665.11 Excess collateral.

The issuer shall maintain, for the benefit of the Association, excess collateral in assets acceptable to the Association of 3 percent of the amount of guaranteed securities outstanding. In lieu of such excess collateral the Association may accept a fidelity bond covering the faithful performance of fiduciary responsibilities of the issuer.

§ 1665.13 Guaranty.

The Association guarantees the timely payment of the proceeds of principal, interest, and other receipts from mortgages which are due on mortgage-backed securities and its guaranty appears on the face of the security. Any failure or inability of the issuer to make payment as due of proceeds from a pool of mortgages which have been collected or which should have been collected under reasonable and accepted standards of mortgage servicing shall be deemed a default. Upon any default by the issuer and payment by the Association, or failure of the issuer to comply with the conditions of the guaranty, the Association may institute a claim against the assets of the issuer, or foreclose on the pool of assets, or both.

§ 1665.15 Fees.

The Association imposes an application, commitment, and annual guaranty fee.

§ 1665.17 Audits and reports.

The Association may at any time audit the books and examine the records of any issuer, mortgage servicer, trustee or agent or other person bearing on its guaranty of mortgage-backed securities, and may require periodic reports from such persons.

§ 1665.19 Applications.

Applications for guaranty should be submitted to the Association's office located at 451 Seventh Street SW., Washington, D.C. 20414.

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

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-9532; Filed, Aug. 12, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[RM-1420 only]

FM BROADCAST STATIONS, LINEVILLE AND ROANOKE, ALA. ET AL

Table of Assignments, Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.-202, Docket No. 18574, Table of Assignments, FM Broadcast Stations (Lineville

and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia, or West Virginia); RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. In a notice of proposed rule making released June 20, 1969, in this proceeding (FCC 69-669), the Commission invited comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 285A to Watkins Glen-Montour Falls, N.Y. The time for filing comments has expired and the date designated for the filing of reply comments is August 8, 1969.

2. On August 4, 1969, Watkins Glen-Montour Falls Broadcasting Corp. filed a request for an extension of time to and including September 8, 1969, in which to file reply comments. It states that an error was made in its engineering data which was submitted on July 12, 1969. It further states that inasmuch as this error was just discovered the additional time is necessary in order for it to reply to the Commission's notice of proposed rule making (RM-1420), with respect to the selection of a site that would provide FM coverage to Montour Falls, N.Y., and meet both the mileage separations from Channel 286, De Ruyter, N.Y., and Channel 287, Hornell, N.Y. We believe the requested additional time is warranted and would serve the public interest.

3. In view of the foregoing: *It is ordered*, That the time for filing reply comments in this proceeding in the matter of RM-1420 only is extended to September 8, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: August 6, 1969.

Released: August 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-9548; Filed, Aug. 12, 1969; 8:49 a.m.]

[Docket No. 18628; RM-1406; FCC 69-859]

[47 CFR Part 73]

TELEVISION BROADCAST STATIONS, COLUMBUS, MISS.

Table of Assignments

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Columbus, Miss.).

1. Notice is hereby given of proposed rule making to assign UHF Channel 27 to Columbus, Miss.

2. The assignment of Channel 27 to Columbus is proposed by Messrs. Charles K. Irby and Sam H. Sanders, a partnership, doing business as Irby and Sanders, Columbus, in a petition for rule making filed February 7, 1969.

3. Columbus (1960 population 27,771), the county seat of Lowndes County (1960 population, 46,639), is located near the eastern Mississippi-Alabama border, approximately 57 miles south of Tupelo, Miss., 70 miles north of Meridian, Miss., and 90 miles west of Birmingham, Ala. At present, only Channel 4, occupied by Station WCBI-TV since 1956, is assigned to Columbus. The nearest other television stations are at Tupelo, Meridian, and Birmingham, none of which place a signal of Grade B intensity over Columbus.

4. Petitioners state that they seek a UHF assignment at Columbus to implement their plans to establish a new local station and that they intend to apply for Channel 27 if it is assigned. They contemplate operating from a transmitter site about 30 miles northwest of Columbus, between Houston and West Point, Miss., since, as they explain in a supplementary statement, filed July 22, 1969, they consider this the optimum location for Federal Aviation Administration clearance and for serving the maximum number of cities in this area of Mississippi. An accompanying engineering statement is submitted to show that Channel 27 at Columbus would meet all mileage separation requirements, would require no changes in other assignments, and would be the most efficient from the standpoint of impact upon remaining available but unassigned channels in the area affected by a Columbus assignment. This has been verified with the Commission's electronic computer. The computer also shows that this is an area where an ample supply of UHF channels is available to supply any foreseeable needs. It appears therefore that the choice of Channel 27 for assignment to Columbus would serve the public interest. And, in view of the interest and demand evidenced by the instant petition in a first UHF assignment for a station at Columbus, we believe that the institution of rule making looking toward such action is warranted.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the television Table of Assignments, § 73.606(b) of the Commission's rules, by assigning Channel 27 to Columbus, Miss.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 15, 1969, and reply comments on or before September 25, 1969. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: August 6, 1969.

Released: August 8, 1969.

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

[F.R. Doc. 69-9549; Filed, Aug. 12, 1969; 8:49 a.m.]

[47 CFR Part 89]

[Docket No. 18627; FCC 69-853]

PUBLIC SAFETY RADIO SERVICES

Radio Call Box Operations

In the matter of amendment of Part 89 of the Commission's rules relating to radio call box operations in the Public Safety Radio Services.

1. The Commission has under consideration the matter of radio call box operations in the Public Safety Radio Services on frequencies in the 72-76 MHz band. A number of factors, as described below, have resulted in increased demand for radio call box systems for use in emergencies involving the safety of life and property. It now appears to the Commission that the adoption of specific rule standards to govern applications and operating requirements for these systems is warranted.

2. By way of background, tone signalling methods and devices have been highly refined in the last few years and the relatively low cost of installation of new or renovated call box systems for municipalities has increased interest in radio devices to perform the call box function. Additionally, the need to rapidly alert and dispatch police and fire vehicles to trouble spots has resulted in the development of nonvoice devices that may be activated by the general public to summon such assistance. These devices operate in the same manner as a conventional alarm box except that one or more push buttons are provided for separate police, fire, or medical help, as required, in lieu of the conventional lever activation. Radio call boxes utilize tone signals or frequency shift keying, occupy rather narrow channels, and are usually designed to transmit for a very short period (on the order of 1 to 2 seconds) with automatic cutoff to prevent prolonged transmissions.

3. The intermittent nature of transmissions from emergency call box alarm transmitters virtually eliminates the likelihood of extended interference to TV operations which has been the primary concern in this area. Further, the low power used has been found to essentially restrict the area of potential interference to TV reception to distances less than 200 feet from call box locations. Therefore, some departure may be justified from the assignment standards in § 89.101(c) of the Commission's rules, which are intended to afford protection to TV reception on Channels 4 and 5 from fixed station operation in the 72-76 MHz band.

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[1] Commissioners Hyde, chairman, Wadsworth and Johnson absent.

4. The 72–76 MHz band is primarily used at distances 10 miles or more from Channel 4 or 5 TV transmitters for the purpose of point-to-point operations. All uses in that band may not cause interference to television reception, and applicants must agree to correct any interference to TV reception on Channels 4 and 5 within 90 days or discontinue the use of the station.

5. In 1962, California obtained the first radio call box authorization in the 72–76 MHz band within 80 miles of a Channel 4 TV transmitter location in order to operate a highway emergency radio call box system for the Los Angeles Freeway. Since that date and largely in the last 2 years, a number of similar applications for these call box systems have been granted, some for highway road service but most for fire emergencies. There is no official record of any complaints of interference to television operations emanating from these authorized devices. This band is the only available source of frequencies below the microwave region in which a number of channels could be made available for call box use. Thus, this band offers the combination of economical advantage, reliable propagation and multichannel use, where required.

6. In consideration of the foregoing, the Commission believes that it may be in the public interest to permit State and municipal governments and agencies to install radio call boxes that employ low power transmitters operating on frequencies within the frequency bands 72–73 and 75.4–76 MHz adjacent to TV Channels 4 and 5. Accordingly, notice is hereby given of a proposal to add a new rule § 89.102 to provide for licensing radio call box systems in the Public Safety Radio Services, as follows:

§ 89.102 Radio call boxes—Use of frequencies between 72 and 76 MHz for coded signalling of fire, police or other emergency assistance requirements.

a. The sixty-eight 20 kc/s Channels, 72.02 through 75.98 MHz (see § 89.101), may be authorized, without regard to the restrictions of § 89.101(c) for use in radio call box systems in the Public Safety Radio Services, as follows:

(1) Total radiated power not to exceed one watt;

(2) Antenna gain not to exceed unity (zero db) in any direction;

(3) Polarization, vertical only;

(4) Antenna height above ground (or roadway) not to exceed 20 feet;

(5) Emission A1, A2, F1, or F2 only;

(6) Each transmission to be limited to a maximum of 2 seconds with a repetitive rate limited to 1 minute intervals when reactivated.

b. Choice of frequency(s) in any system shall be made with due regard for TV Channels 4 (66 to 72 MHz) and 5 (76 to 82 MHz) assignments in the area and shall maintain the greatest possible frequency separation from either or both of these channels if they are assigned in the area (Grade B contours overlap call box area).

7. Authority for this proposed amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 15, 1969, and reply comments on or before September 25, 1969. In accordance with § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other pertinent information before it in addition to specific comments invited by this Notice.

Adopted: August 6, 1969.

Released: August 8, 1969.

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

[F.R. Doc. 69-9550; Filed, Aug. 12, 1969; 8:49 a.m.]

[Docket No. 18626; RM-1299; FCC 69-851]

[47 CFR Part 91]

BASE STATION SIGNAL BOOSTERS ON FREQUENCIES ALLOCATED FOR AIR TERMINAL USE

Notice of Proposed Rule Making

In the matter of amendment of § 91.554(b)(16) of the Commission's rules to permit base station signal boosters on frequencies allocated for air terminal use.

1. The Commission has before it for consideration the petition for rule making filed on April 11, 1968, by United Air Lines, Inc. (United), requesting amendment of the Commission's rules to permit restricted use of base station signal boosters at airports on frequencies allocated in the Business Radio Service for land mobile operations at air terminals. In support of its petition, United shows that for a number of years it has used two-way radio systems, operating on frequencies in the 460–470 Mc/s band, in the servicing of its aircraft. Moderate power for base stations, 20 watts or less output, has been employed, with correspondingly low power for the associated mobile and portable equipment. Because of the low power and due to severe shielding and shadowing experienced at airports, difficulties in reception of base station signals have been encountered, with coverage, in many instances, being marginal to nonexistent, particularly in hangar areas and when personnel are within the aircraft itself or in such enclosures as wash hangars and air freight terminals.

2. Rather than increase power, undesirable in United's view for a number of technical reasons, it has devised and has tested, under an authorization issued by the Commission, a system employing low power, same frequency, signal boosters. In this system, the signals of the base station are received, amplified, and repeated at points within the airdrome where reception of base station signals has been found to be difficult or impossible for the reasons mentioned.

3. The referenced Commission authorization required that all test transmissions "be conducted in such a manner that signal strength in any direction at a distance of 1,500 feet from the amplifier antenna does not exceed that which would be produced by the originating base station at the same point using free space attenuation only." United now reports that the tests were conducted as authorized, and that they verify the performance of the system within the limitation prescribed with no effective increase in the total coverage area of the base station. At the same time, United relates, the system provides a satisfactory signal in those specific areas where amplification is required, such as, inside aircraft, buildings, and in other shadowed or shielded places within the bounds of the airport, and, in this way, rectifies unsatisfactory reception of base station transmissions.

4. On the basis of this showing, United asks the Commission to institute this rule making to amend Subpart L of Part 91 of the rules to permit the use of the devices described by persons eligible for frequencies allocated for air terminal use in the Business Radio Service. Section 91.554(b) (16), (35), (36), (37), (38), and (40). United also requests that such authorizations be issued under the limitation specified by the Commission for the test, quoted above; and that there be no requirement for separate licensing to cover the signal boosters when so employed.

5. Although we are in agreement with the method advanced by United for amplifying base station signals, we believe that limiting the output power of the signal booster rather than the field strength would provide a more concrete and less complicated method of restricting the coverage area of the booster. Accordingly, we are not adopting United's suggestion that authorizations for the use of signal boosters be issued under the referenced field strength limitation; and, in lieu, the proposed rule provides that the maximum permissible output power be 200 milliwatts. In addition, we agree with United's request that a separate station license not be required to permit use of signal boosters; however, it is important that the areas in which these devices are used be known, and we would require that their use be authorized on the license of the associated base station.

6. The Commission also believes that technical standards must be established for signal boosters and, accordingly, proposes, as set forth in the appendix, to place a limit on the level of spurious emissions falling outside the band of frequencies designated for assignment to base stations for use at air terminals. The proposed spurious emission requirement will protect Business Radio Service users on adjacent frequencies and still

[1] Commissioners Hyde, Chairman; Wadsworth and Johnson absent.

allow an airport licensee to amplify more than one signal in a common area, thus simplifying the problem for multiple-frequency licensees. Additionally, it would permit the construction of a common installation to serve the needs for signal intensification for several users, and, absent interference considerations, this would appear to be more desirable than limiting the booster device to operation on a single air terminal channel. However, operation and use of signal boosters in this manner could result in harmful interference to other licensees, if such devices are "triggered" or activated by undesired signals on the same or adjacent frequencies. In view of this, we are inviting comments concerning the feasibility of requiring boosters to be activated only by coded tone signals. Comments are also invited as to standards that would insure against self-oscillation.

7. Although the technical parameters proposed herein are somewhat different from those imposed in United's tests, we believe the signal booster can still provide the same benefits indicated by those tests. Under the proposed rule amendments, the booster can be employed to fill in those areas on airports where the base station signals are attenuated below usable values without extending the range of the base station beyond the area it would normally cover.

8. The proposed amendment to the rules, as set forth below is issued pursuant to the authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules interested persons may file comments on or before September 15, 1969, and reply comments on or before September 25, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: August 6, 1969.

Released: August 8, 1969.

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

Part 91 of the Commission's rules is amended as follows:

1. In § 91.3, the following new definition is added in appropriate alphabetical sequence:

§ 91.3 **Definitions.**

* * * * *

Signal booster. In the Business Radio Service, a device operated for the sole purpose of retransmitting the signals of one or more base stations by amplifying and reradiating such signals which have been received directly through space, without significantly altering any characteristic of the incoming signal other than its amplitude.

* * * * *

2. In § 91.554(b), subparagraph (16) is amended to read as follows:

§ 91.554 **Frequencies available.**

(b) * * *

(16) Maximum permissible power for stations operating on this frequency at airports is 20 watts output. Persons authorized to operate a base station at such air terminals may also be authorized to employ signal boosters on this frequency for amplification of the base station signals in areas where such signals are attenuated below usable values: *Provided,* That,

(i) The amplified signal is retransmitted only on the exact frequency of the originating base station;

(ii) The booster is designed and operated so as to prevent the retransmission of signals other than those intended to be retransmitted;

(iii) The booster is equipped with automatic gain control circuitry which will limit the total power output of the booster to 200 milliwatts under all conditions.

(iv) The power of emissions on a frequency outside the band 460.6375–460.8875 Mc/s does not exceed 50 microwatts, and the gain between input and output terminals outside this band does not exceed 0 decibels;

(v) All such devices are installed with sufficient isolation between receiving and retransmitting circuits to prevent oscillation.

* * * * *

[F.R. Doc. 69-9551; Filed, Aug. 12, 1969; 8:49 a.m.]

[Docket No. 18625; RM-1388; FCC 69-850]

[47 CFR Part 95]

COMMUNICATIONS RELATING TO STREET AND HIGHWAY TRAFFIC CONDITIONS

Notice of Proposed Rule Making

In the matter of amendment of § 95.83 (a)(14) of the Citizens Radio Service rules to permit transmission of communications relating to street and highway traffic conditions.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The National Capital REACT, Inc. (Radio Emergency Associated Citizens Teams) has filed a petition for rule making to amend § 95.83(a)(14) of the Commission's rules to permit Class D stations in the Citizens Radio Service to transmit communications reporting local traffic conditions which would be relayed to the motoring public over licensed broadcast facilities. Specifically, the Petitioner proposes that members of the National Capital REACT, Inc., who commute within the greater Washington, D.C., metropolitan area, provide traffic condition information to the American Automobile Association or a unit licensed to National Capital REACT, Inc., under the call sign of the REACT organization. The information may then be relayed for reporting over licensed broadcast facilities.

3. The Commission has denied many requests to operate radio facilities in the Citizens Radio Service in a manner similar to the Petitioner's proposal because under § 95.83(a)(14) of the rules a Class D citizens radio station licensee is prohibited from relaying messages or transmitting communications for persons other than the licensee or members of his immediate family. However, we believe an amendment similar to that proposed by the Petitioner would promote highway safety and be in the public interest.

4. Accordingly, we are proposing to provide an exception in our rules to permit citizens radio station licensees to transmit information of highway conditions to broadcast licensees or organizations (such as American Automobile Association or a REACT organization) who furnish such information to broadcast facilities. It is made clear that the communications involved contemplates the transmission of road condition information only. Attention is directed to the provisions of § 95.83(a)(7) of the rules which prohibits the carriage of program material by a citizens radio station for live or delayed retransmission by a broadcast station. Road information furnished by a citizens radio station licensee may be compiled and edited by the broadcaster and then announced over the broadcast facility. The text of the proposed amendment is set forth below.

5. Authority for the rule amendments as proposed in the attached appendix, is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before September 15, 1969, and reply comments on or before September 25, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the rules, an original and fourteen (14) copies of all comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: August 6, 1969.

Released: August 8, 1969.

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

I. Section 95.83(a)(14) is amended to read as follows:

§ 95.83 **Prohibited uses.**

(a) * * *

[1] Commissioners Hyde, Chairman; Wadsworth and Johnson absent.

[1] Commissioners Hyde, chairman; Wadsworth and Johnson absent.

(14) For relaying messages or transmitting communications for a person other than the licensee or members of his immediate family except: (i) Communications transmitted pursuant to §§ 95.85(b), 95.87(b)(7), and 95.121; (ii) Upon specific prior Commission approval, communications between citizens radio stations at fixed locations where public telephone service is not provided; and (iii) Communications reporting locally observed traffic conditions directed to persons engaged directly or indirectly in furnishing traffic condition information to the motoring public via radio broadcast facilities.

* * * * *

[F.R. Doc. 69-9552; Filed, Aug. 12, 1969; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 23,087]

[12 CFR Part 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendment Relating To Purchase Money Financing of Mobile Homes

JULY 31, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of implementing an amendment to section 5(c) of the Home Owners' Loan Act of 1933, as amended, contained in Public Law 90-448, 82 Stat. 476, approved August 1, 1968, to authorize Federal savings and loan associations to invest in loans made for the purpose of mobile home financing. Accordingly, it is proposed to amend said Part 545 by the addition of a new § 545.7-1 to read as follows:

§ 545.7-1 Mobile home financing.

A Federal association which has a Charter K (rev.) or Charter N, upon adoption of a mobile home financing plan by its board of directors, may invest not more than 5 percent of the association's assets in mobile home chattel paper evidencing purchase money financing of mobile homes subject to the following limitations:

(a) *Definitions.* (1) A "mobile home" is a movable dwelling constructed to be towed on its own chassis and undercarriage, having minimum dimensions of 29 feet in length by 10 feet in width and containing living facilities suitable for year-round occupancy by one family, including permanent provisions for eating, sleeping, cooking, and sanitation.

(2) "Mobile home chattel paper" is a writing or writings, which evidence both a monetary obligation and a security interest of first priority in one or more mobile homes and any attached optional equipment.

(b) *Inventory financing.* (1) No investment in mobile home chattel paper which, by its terms, permits the collateral to be held for sale in the ordinary course of business shall be made unless the obligor is a mobile home dealer and the collateral is held for sale by the obligor within the association's regular lending area.

(2) No investment made in mobile home chattel paper evidencing inventory financing shall exceed 100 percent of the manufacturer's invoice price of the collateral, excluding freight.

(c) *Retail purchase money financing.* Except for investments allowed by paragraph (b) of this section, no investment shall be made in mobile home chattel paper which does not meet the following requirements:

(1) The monetary obligation shall be paid within 10 years of the date of the sale in substantially equal monthly installments.

(2) The mobile home shall be occupied by the owner at a mobile home park or other semipermanent site within the association's regular lending area within 90 days subsequent to the financing.

(3) The investment proceeds shall not exceed the following amounts:

(i) New mobile homes and installed equipment:

(a) 100 percent of manufacturer's invoice price plus freight to the dealer's place of business on mobile homes;

(b) 100 percent of manufacturer's invoice price on optional equipment and accessories.

(ii) Used mobile homes and installed equipment: 100 percent of the wholesale value of the mobile home as established in the dealer's market.

(d) *Sound investment practices.* Investments by a Federal association in mobile home chattel paper shall be made in conformity with sound practices for such investments. Such paper shall include provisions for protection to the association and shall provide specifically for protection with respect to insurance, taxes, other governmental levies, maintenance, and repairs, and for other protection as may be lawful or appropriate. The association may pay taxes or other governmental levies, insurance premiums, or other similar charges for the protection of its security interest, and all such payments may, when lawful, be added to the monetary obligation of the obligor. The association shall in a timely manner take all steps necessary to perfect its security interest under applicable law.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by September 15, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 69-9559; Filed, Aug. 12, 1969; 8:50 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

A.I.D. CONTROLLER

Redelegation of Authority Relating to the Waiver of Claims Arising From Erroneous Payment of Pay

Pursuant to the authority delegated to me by the Administrator of the Agency for International Development in Delegation of Authority No. 85 dated July 2, 1969 (34 F.R. 11502), I hereby redelegate to the Controller, Agency for International Development, the following function and authority:

The waiver in whole or in part of a claim by the United States, not in excess of $500, arising from an erroneous payment of pay to a person while in the employ of the Agency for International Development, or a predecessor agency.

The authority redelegated herein shall be exercised in accordance with title 5, United States Code section 5584, the standards prescribed by the Comptroller General of the United States, and regulations, procedures, and policies now or hereafter established or modified and promulgated with the Agency for International Development.

This authority may be redelegated further to officers and employees within the Office of the Controller who are responsible for the conduct of the A.I.D. claims function, and may be exercised by persons performing the functions of those officers or employees in an acting capacity.

This redelegation of authority shall be effective immediately.

Dated: July 23, 1969.

LANE DWINELL,
Assistant Administrator for Administration.

[F.R. Doc. 69-9522; Filed, Aug. 12, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ELMER GEORGE HINES

Notice of Granting of Relief

Notice is hereby given that Elmer George Hines, Route No. 1, Grain Valley, Mo., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 16, 1939, in the District Court of Allen County, Kans., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for Elmer George Hines, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Hines to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Elmer George Hines' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Elmer George Hines from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Elmer George Hines be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of August 1969.

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

[F.R. Doc. 69-9553; Filed, Aug. 12, 1969; 8:49 a.m.]

JAMES DANIEL WOODRUFF

Notice of Granting of Relief

Notice is hereby given that James Daniel Woodruff, 1215 East Glen Avenue, Peoria Heights, Ill., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 25, 1944, in the U.S. District Court for the Southern District of Illinois, of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for James Daniel Woodruff, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Woodruff to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered James Daniel Woodruff's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to James Daniel Woodruff from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that James Daniel Woodruff be, and he hereby is granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of August 1969.

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

[F.R. Doc. 69-9554; Filed, Aug. 12, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

AUGUST 5, 1969.

1. The Plat of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev.,

effective 10 a.m., on September 12, 1969 (Group 458).

2. The area surveyed and resurveyed within T. 16 N., R. 27 E., aggregates 7,591.97 acres. The plat was accepted June 25, 1969. The area varies from mountainous in the west portion to nearly level in the central portion with the remaining terrain being gently rolling. The elevation ranges from about 4,700 to 5,600 feet above sea level. The soil varies from sandy clay loam and rocky on the higher elevations to black loam on the bottom land. The vegetation consists of shadscale, blackbrush, budsage, sagebrush, meadow grass, and other sparse native grasses. There are scattered stands of buckthorn, willow, and cottonwood along the East Walker River which crosses the township in a northerly course.

The Rafter Seven ranch house is situated on the south boundary of section 33 and there are numerous buildings belonging to the Santa Margarita Ranch, in sections 16 and 21. No mineral formations of consequence were noted during the survey.

Access into the area is provided by numerous trail roads. Principal users of the area are cattlemen.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. September 12, 1969, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-9501; Filed, Aug. 12, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-500]

FRANK M. WISE

Notice of Loan Application

AUGUST 6, 1969.

Frank M. Wise, Box 1323, Homer, Alaska 99603, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 34-foot length overall wood vessel to engage in the fishery for halibut, salmon, and 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.

C. E. PETERSON,
Chief, Division of Financial Assistance.

F.R. Doc. 69-9500; Filed, Aug. 12, 1969; 8:45 a.m.]

[Docket No. A-501]

MILLARD L. BREWSTER AND RUTH Y. BREWSTER

Notice of Loan Application

AUGUST 6, 1969.

Millard L. Brewster and Ruth Y. Brewster, Box 503, Homer, Alaska 99603, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 64.3-foot registered length wood vessel to engage in the fishery for king crab, Dungeness crab, Tanner crab, halibut, and 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.

C. E. PETERSON,
Chief, Division of Financial Assistance.

[F.R. Doc. 69-9557; Filed, Aug. 12, 1969; 8:49 a.m.]

National Park Service

GRAND CANYON (NORTH RIM) NATIONAL PARK ET AL.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Jack H. Church authorizing him to provide saddle and pack animal services for the public at Grand Canyon (North Rim), Zion, and Bryce Canyon National Parks for a period of 10 years from January 1, 1970 through December 31, 1979.

The foregoing concessioner has performed his obligations under expiring contracts to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contracts and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: August 5, 1969.

EDWARD A. HUMMEL,
Associate Director, National Park Service.

[F.R. Doc. 69-9558; Filed, Aug. 12, 1969; 8:49 a.m.]

Office of the Secretary

NEWLANDS RECLAMATION PROJECT, NEV.

Operating Criteria and Procedures; Truckee and Carson Rivers

Regulations governing the operation, management, and control of the Truckee and Carson Rivers were published in the FEDERAL REGISTER of February 21, 1967 (32 F.R. 3098). Section 418.3 of these regulations required the issuance of operating criteria and procedures by October 1, 1967.

Accordingly, notice is hereby given that the following operating criteria, approved by the Secretary of the Interior on August 6, 1969, for coordinated operation and control of the Truckee and Carson Rivers for service to the Newlands Reclamation Project, Nev., will be in effect for the calendar year beginning January 1, 1969. These regulations shall be considered effective as of October 1, 1968.

WALTER J. HICKEL,
Secretary of the Interior.

AUGUST 6, 1969.

OPERATING CRITERIA AND PROCEDURES FOR COORDINATED OPERATION AND CONTROL OF THE TRUCKEE AND CARSON RIVERS FOR SERVICE TO NEWLANDS PROJECT DURING THE 15-MONTH PERIOD BEGINNING OCTOBER 1, 1968

During the period beginning October 1, 1968, and ending December 31, 1968, the water supply diversion to the Truckee-Carson Irrigation District from both the Truckee and Carson Rivers for irrigation will be limited to 47,500 acre-feet, if available. During the calendar year beginning January 1, 1969, and ending December 31, 1969, the water supply diversion to the Truckee-Carson Irrigation District from both the Truckee and Carson Rivers will be limited to the amount necessary for irrigation, not exceeding 406,000 acre-feet, if available. These supplies shall be measured at the gaging station below Lahontan Dam and at diversion points along the Truckee Canal.

There shall be no use of water for single-purpose power generation.

In satisfying the diversion for irrigation, maximum use will be made of Carson River water and diversions through the Truckee Canal will be minimized.

In achieving the diversion, the operation of Derby Diversion Dam, Truckee Canal, and Lahontan Reservoir will be coordinated and diversions of water from the Truckee River into and through the Truckee Canal will be controlled in accordance with the following operating criteria:

(1) If available, sufficient water will be diverted into Truckee Canal to meet direct irrigation requirements along the Truckee Canal.

(2) During the months November through March, diversions through the Truckee Canal into Lahontan Reservoir will be made in accordance with the following tabulation:

Operating month [1]	If accumulated precipitation from October 1 to date at Tahoe City, Calif.		Continue Truckee Canal diversion to Lahontan Reservoir if water surface elevation is less than upper limit	
	Inches		Feet m.s.l.[2]	
			Lower limit [1]	Upper limit
November	Equals or less than	6	4151.8	4152.2
	Greater than	6	4145.4	4145.8
December	Less than	6	4154.8	4155.2
	Is or between	6 and 8	4148.8	4149.2
	Greater than	8	4132.9	4133.3
January	Less than	8	4157.5	4157.9
	Is or between	8 and 14	4152.5	4152.9
	Greater than	14	4139.5	4139.9
February	Less than	14	4160.0	4160.4
	Is or between	14 and 18	4155.7	4156.1
	Between	18 and 24	4145.4	4145.8
	Is or greater than	24	4135.2	4135.6
March	Less than	18	4161.6	4162.0
	Is or between	18 and 24	4159.1	4159.5
	Between	24 and 30	4151.8	4152.2
	Is or greater than	30	4135.2	4135.6

[1] Truckee Canal Diversion to Lahontan Reservior should be started only when water surface elevation falls below lower limit.
[2] USBR 1917 datum.

These operating criteria will permit diversion through the Truckee Canal for Lahontan Reservoir storage on the basis of water surface elevation of Lahontan Reservoir and accumulated precipitation recorded at the official U.S. Weather Bureau station, Tahoe City, Calif. The water surface elevation will be measured at the existing measuring device in the outlet control house on the upstream side of Lahontan Dam. Corrections will be made for effects of surges on water level elevations. During the months November through March, the accumulated precipitation subsequent to the previous October 1 as recorded at Tahoe City, Calif., in conjunction with current water surface elevation of Lahontan Reservoir, will be the basis for allowing or not allowing Truckee Canal diversion.

(3) During the months of April and May, Truckee Canal operation will be based on forecasts of April through July runoff made by the Soil Conservation Service for Carson River at Fort Churchill (Lahontan Reservoir inflow) based on snow surveys by the Soil Conservation Service, in cooperation with other agencies, as follows:

(a) If the forecast of April through July runoff for Carson River at Fort Churchill exceeds 250,000 acre-feet, Truckee Canal diversions from Truckee River will be restricted only to irrigation diversions from the Truckee Canal plus minimum operational spills.

(b) If the April through July forecast of runoff is less than 200,000 acre-feet, available Truckee River water may be diverted to Lahontan Reservoir, with the objective of filling the reservoir but without causing spill to occur from the reservoir.

(c) For forecasts between these extremes, Truckee Canal Diversion to Lahontan Reservior will be permitted if, and only if, Lahontan Reservoir storage during April or May is less than the index storage levels defined as follows. The index storage levels in Lahontan Reservoir, for the April through May period, will be adjusted daily on a straight line interpolation, beginning with an index water surface elevation in Lahontan Reservoir of 4,152.2 feet m.s.l. on April 1 and allowing a constant daily increase of index water surface elevation to a May 1 elevation of 4,157.3 feet m.s.l. During May, the index elevation will increase at a constant daily rate to a June 1 amount of 4,161.1 feet m.s.l. To avoid undue fluctuations in Truckee Canal diversions, the diversion to Lahontan Reservoir may continue until the reservoir water surface elevation is 0.1 foot above the index storage level. The diversion to Lahontan Reservoir through the Truckee Canal may be restarted if the reservoir water surface elevation falls 0.2 foot below the index storage level.

(4) During the month of June, diversion of Truckee Canal water into Lahontan Reservoir and Carson River will be made to fill Lahontan Reservoir insofar as possible without spilling.

(5) During July through October, the Truckee Canal diversions to Lahontan Reservoir or Carson River will be restricted on the basis of water surface elevation of Lahontan Reservoir as shown on the following tabulation:

Operating month	Continue Truckee Canal diversion to Lahontan Reservoir if water surface elevation is less than upper limit	
	Feet m.s.l.[2]	
	Lower limit [1]	Upper limit
July	4159.1	4159.5
August	4154.4	4154.8
September	4148.8	4149.2
October	4140.6	4139.0

[1] Truckee Canal Diversion to Lahontan Reservoir should be started only when water surface elevation falls below lower limit.
[2] USBR 1917 datum.

In all of the operations, Truckee Canal will be operated to the maximum extent practical with the objective of maintaining minimum terminal spill to Lahontan Reservoir or Carson River during Lahontan Reservoir precautionary drawdown or spill periods. During periods of spill or precautionary drawdown of Lahontan Reservoir, the District will be charged only with the predetermined schedule of irrigation releases to be passed at the gaging station below Lahontan Reservoir plus

measured diversions from the Truckee Canal and Rock Dam Ditch.

AUGUST 6, 1969.

[F.R. Doc. 69-9519; Filed, Aug. 12, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FOOD AND NUTRITION SERVICE

Establishment

In accordance with Reorganization Plan No. 2 of 1953, the Department of Agriculture gave advance notice in the FEDERAL REGISTER of July 18, 1969 (Vol. 34, page 12112), concerning the proposed establishment of the Food and Nutrition Service. Comments of interested persons and groups have been favorable.

Effective August 8, 1969:

1. There is established a Food and Nutrition Service under the direction of an administrator who will report to the Secretary through the Assistant Secretary for Marketing and Consumer Service.

2. There is transferred to the Food and Nutrition Service from the Consumer and Marketing Service all of the functions administered by the Office of the Deputy Administrator for Consumer Food Programs, Commodity Distribution Division, Food Stamp Division, School Lunch Division, Consumer Food Programs Services Staff, and the Consumer Food Program District Offices (except Food Trades Staff functions).

3. All previously effective rules, regulations, licenses, approvals, orders, forms, certificates, delegations, and other official documents relating to functions transferred shall continue to be effective until further notice, except that any delegations or authorizations inconsistent with the assignments made herein shall be construed to conform to the assignments made herein.

Done at Washington, D.C., this 8th day of August 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-9561; Filed, Aug. 12, 1969; 8:50 a.m.]

Packers and Stockyards Administration

A & J LIVESTOCK AUCTION, ET AL.

Designation as Posted Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

A & J Livestock Auction, Orlando, Fla.
Wigwam Hog and Feeder Pig Market, Inc., Horse Cave, Ky.
Carlisle Livestock Market, Inc., Carlisle, Pa.
Central Wisconsin Livestock, Inc., Augusta, Wis.
South Central Livestock Exchange, Inc., Portage, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 5th day of August 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-9510; Filed, Aug. 12, 1969; 8:46 a.m.]

SOUTHERN INDIANA LIVESTOCK EXCHANGE, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
INDIANA	
Southern Indiana Livestock Exchange, Scottsburg, Nov. 19, 1965.	Southern Indiana Livestock Exchange, Inc., June 13, 1969.
IOWA	
LeMars Sales Co., LeMars, May 29, 1959	LeMars Sales Company, May 28, 1969.
Sweetland Auction Sales, Muscatine, June 26, 1958.	Sweetland Livestock Auction, Inc., Apr. 8, 1969.
KANSAS	
Stockyards Commission Company, Great Bend, Apr. 18, 1950.	Great Bend Livestock Commission, Inc., July 1, 1969.
Holton Livestock Exchange, Holton, May 26, 1959	Holton Livestock Exchange, Inc., Sept. 3, 1968.
KENTUCKY	
Olive Hill Livestock Co., Olive Hill, May 12, 1960	Olive Hill Stockyards, Jan. 1, 1969.
MINNESOTA	
Benson Livestock Market, Benson, Sept. 24, 1959	Benson Sales Pavilion, Inc., June 13, 1969.
MISSISSIPPI	
Natchez Stockyards, Natchez, Aug. 3, 1962	Allen Brothers Natchez Stockyards, Apr. 20, 1959.

Done at Washington, D.C., this 31st day of July 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-9511; Filed, Aug. 12, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MINNESOTA MINING & MANUFACTURING CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OB2434) has been filed by Minnesota Mining & Manufacturing Co., Inc., 3M Center, St. Paul, Minn. 55101, proposing that the limitations for the item "Ammonium bis(*N*-ethyl-2-perfluoroalkylsulfonamido ethyl) phosphates * * *" in § 121.2526(a)(5) of the food additive regulations (21 CFR 121.2526) be revised to expand the permitted conditions of food-contact use to include conditions of use B, C, and H as described in table 2 of paragraph (c) of that section.

Dated: August 4, 1969.

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

[F.R. Doc. 69-9514; Filed, Aug. 12, 1969; 8:46 a.m.]

ONYX CHEMICAL 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 9H2359) has been filed by Onyx Chemical Co., 190 Warren Street, Jersey City, N.J. 07302, proposing an amendment to § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) to provide for the safe use of a sanitizing solution containing equal amounts of *n*-alkyl dimethyl benzyl ammonium chloride and *n*-alkyl dimethyl ethylbenzyl ammonium chloride on dairy equipment and in bars and restaurants.

Dated: August 4, 1969.

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

[F.R. Doc. 69-9515; Filed, Aug. 12, 1969; 8:46 a.m.]

RATH PACKING CO.

Notice of Filing of Petition Regarding Dried Beef Blood

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 93) has been filed by the Rath Packing Co., Post Office Box 330, Waterloo, Iowa 50704, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and exemption from certification of dried beef blood as a color for pet foods at a level not to exceed 1 percent by weight of the pet food. The dried beef blood will be processed with sodium nitrite ($NaNO_2$) and sodium hydrosulfite ($Na_2S_2O_4$) at such levels that the residual sodium nitrite does not exceed 500 parts per million and there is no residual sodium hydrosulfite.

Dated: August 5, 1969.

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

[F.R. Doc. 69-9516; Filed, Aug. 12, 1969; 8:46 a.m.]

SUN CHEMICAL CORP.

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 9B2420) has been filed by Sun Chemical Corp., Wood River Junction, R.I. 02894, proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) to provide for the safe use of melamine-formaldehyde, modified with methyl alcohol and stearyl alcohol, as a component of paper and paperboard intended for food-contact use.

Dated: August 4, 1969.

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

[F.R. Doc. 69-9517; Filed, Aug. 12, 1969; 8:46 a.m.]

GOODYEAR TIRE & RUBBER 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 9B2429) has been filed by the Goodyear Tire & Rubber Co., 142 Goodyear Boulevard, Akron, Ohio 44316, proposing an amendment to § 121.2509 *Release agents* (21 CFR 121.2509) to provide for the safe use of *N,N*-dioleoylethylenediamine as a release agent in polyvinyl chloride film for use in contact with food.

Dated: August 4, 1969.

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

[F.R. Doc. 69-9518; Filed, Aug. 12, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

PLANNING PROCEDURES AND ANNUAL PLANNING REVIEW CONFERENCE

Submission of Proposed Changes

John H. Shaffer, Administrator of the Federal Aviation Administration announced that recommended changes to the FAA policies and plans for the National Aviation System received subsequent to the 1969 Planning Review Conference are being circulated. Also, that the Summary of the Planning Review Conference is now available.

Comments by interested parties are invited and copies of this material may be obtained upon request to the Associate Administrator for Plans, Federal Aviation Administration, Washington, D.C. 20590.

In accordance with the planning procedures announced in 34 F.R. 7667, fully documented proposals for additions to or changes in the current policies, requirements, and National Aviation System plans should be submitted to the Federal Aviation Administration by September 1, 1969.

Issued in Washington, D.C., on August 6, 1969.

OSCAR BAKKE,
Associate Administrator for Plans.

[F.R. Doc. 69-9527; Filed, Aug. 12, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 21078]

AMERICAN COURIER CORPORATION AND SKY COURIER, INC.

Common Control Relationship

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., August 7, 1969.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of American Courier Corp. and Sky Courier, Inc., Docket 21078, for approval of a common control relationship under section 408 of the Federal Aviation Act.

By application filed June 13, 1969, American Courier Corp. (ACC), a motor common carrier, and its wholly owned domestic air freight forwarder, Sky Courier, Inc. (Sky), request approval of an agreement whereby ACC will acquire control of Armored Motor Service, Inc. (Armored), a motor common carrier, as well as that company's motor carrier subsidiary, Mail Messengers, Inc. (Mail), while retaining control of Sky in addition to a number of other motor common carriers.[1]

Armored holds a common carrier certificate from the Railroad Commission of Texas which authorizes it to transport money payrolls and other valuables in armored cars and trucks between all points in Texas. In addition it performs similar armored car operations wholly within the commercial zone of Memphis, Tenn., as defined by the Interstate Commerce Commission (ICC). Armored also holds an ICC contract carrier permit to transport currency, coin, bonds, and other valuables customarily transferred between banks in armored vehicles between Dallas, Tex., on the one hand, and points within certain counties of States of Oklahoma and Louisiana, on the other. These operations are limited to those performed under a continuing contract or contracts with the Federal Reserve Bank of Dallas, Tex. Finally, Armored under the same permit is authorized to transfer coins between Little Rock, Ark., Denver, Colo., New Orleans, La., Oklahoma City, Okla., Nashville and Memphis, Tenn., and Dallas, El Paso, Houston, and San Antonio, Tex.

Mail operates as a common carrier transporting mail and audit media between banks, other commercial establishments, and the

[1] Sky is controlled by ACC which is in turn controlled by Purolator Products, Inc., a manufacturing enterprise. These control relationships were granted Board approval by Order 69-3-31. ACC at that time controlled five motor common carriers, viz, Pony Express, Inc., American Courier Corp. of Va., Trans Canadian Couriers, Ltd., and Protective Motor Service Co., Inc., as well as its wholly owned subsidiary Protective Service Co.

Post Office. It also transports such items between its own offices located at various points in Texas and in Memphis, Tenn. Its operations are limited to the commercial zones of these cities. It holds neither State nor Federal operating authorization.

The applicants contend, inter alia, that since the nature of the services performed by Armored and Mail are substantially the same as ACC's, and the geographic operations of the two companies are very limited except for the interstate authority held by Armored for its contract service, the proposed acquisition will not result in any significant change in the nature or type of specialized service currently conducted by ACC and its affiliates. Thus, the applicants contend that there would be no possible conflict of interest as a result of the proposed acquisition.

No objections to the application have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the relationships are subject to section 408 of the Act. However, it is further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues.[2] On the other hand, should the general character of Armored or Mail alter in any significant respect through expansion of their operations, new issues may be raised. Therefore, consistent with our decision in Docket 19505,[3] we shall make our approval herein subject to the condition that Armored and Mail upon receiving from the Interstate Commerce Commission a grant of authority to transport a commodity or serve a geographic area which they were not authorized to transport or serve on June 13, 1969, shall promptly advise the Board of the nature and extent of such new authority.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered:

1. That the acquisition of control by American Courier Corp. of Armored Motor Service, Inc., and its motor carrier subsidiary, Mail Messengers, Inc., be and hereby is approved;

2. Approval of the acquisition of control herein shall be effective only so long as (a) Armored Motor Service, Inc., conducts the specialized types of transportation services described in ICC Docket MC-114896 and sub 1, thereunder, as in effect on June 13, 1969; and (b) Mail Messengers, Inc., conducts the specialized types of intrastate transportation described herein; and upon receipt of permanent authority by either Armored Motor Service, Inc., or its subsidiary from the ICC to transport any commodity not included within the authority designated above, American Courier Corp. shall promptly advise the Board of such new authority; and

3. The Board shall have continuing jurisdiction over the parties and matters involved in Docket 21078.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9529; Filed, Aug. 12, 1969; 8:47 a.m.]

[Docket No. 18650; Order 69-8-42]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Specific Commodity Rates

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates; Docket 18650, Agreement CAB 20745, R-82 and R-83.

Issued under delegated authority August 7, 1969.

By Order 69-7-93, dated July 18, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-7-93 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-82 and R-83, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9530; Filed, Aug. 12, 1969; 8:47 a.m.]

[Docket No. 18650; Order 69-8-44]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Specific Commodity Rates

Issued under delegated authority August 7, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 18650, Agreement CAB 20806, R-32.

By Order 69-7-94, dated July 18, 1969, action was deferred, with a view toward eventual approval, on a resolution adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons might file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-7-94 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-32, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-9531; Filed, Aug. 12, 1969; 8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

MINNESOTA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on August 5, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Minnesota adversely affected by heavy rains and flooding beginning on or about June 25, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Minnesota.

I do hereby determine the following areas in the State of Minnesota to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 5, 1969:

The counties of:

Jackson.	Nobles.
Murray.	Rock.

Dated: August 7, 1969.

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

[F.R. Doc. 69-9520; Filed, Aug. 12, 1969; 8:46 a.m.]

[2] See Sky Courier—Cross Armored Carrier Corporation, et al., Order E-17376, Aug. 29, 1961; and Bankers Dispatch Corporation, et al., Order E-24824, dated Mar. 6, 1967. Also see footnote 1, supra.

[3] See footnote 1, supra.

FEDERAL MARITIME COMMISSION

EVANGELINE STEAMSHIP CO., S.A.

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P–21 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on Voyages No. C–1,048.

Whereas, Evangeline Steamship Co., S.A., c/o Suwannee Steamship Co., 1010 East Adams Street, Post Office Box 4069, Jacksonville, Fla. 32201, has ceased to operate the passenger vessels "Bahama Star" and "Ariadne" subject to sections 2 and 3 of Public Law 89–777; and

Whereas, Evangeline Steamship Co., S.A. has returned Certificates (Performance) No. P–21 and (Casualty) No. C–1,048 for revocation.

It is ordered, That Certificate (Performance) No. P–21 and Certificate (Casualty) No. C–1,048 be and are hereby revoked effective August 8, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on Evangeline Steamship Co., S.A.

By the Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69–9533; Filed, Aug. 12, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

ENGINEERS; CERTAIN PHYSICAL SCIENTISTS; MEDICAL OFFICERS, ACCOUNTANTS ET AL.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for certain occupations for which special rates are currently authorized on a worldwide basis (or in a few cases on a nationwide basis), will be adjusted as set forth in the attachment to this notice. The new rate ranges, either special or regular as appropriate, will be effective the first day of the first pay period on or after July 1, 1969.

If there is no special rate range shown for a grade or grades which previously had a special range, the regular rates apply.

The pay of employees on the rolls will be converted to the new special or regular rate ranges in accordance with § 530.307 (b) of the Commission's regulations. The applicable part of the section reads as follows:

(b) When an employee was receiving a special rate immediately before the effective date of a statutory pay increase, he shall receive on that effective date the rate of basic pay for: (1) The numerical rank in the new special rate range for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date; or (2) if there is no new special rate range, the numerical rank in the new statutory pay schedule for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date.

To illustrate the effect of § 530.307(b)(1), the rate adjustment for Electronic Engineer, GS–9, is used: An employee in the third step rate of the GS–9 special rate range immediately before the effective date, will remain in the third step rate of the new special rate range on the effective date, and his salary will be increased from $10,718 to $11,808.

To illustrate the effect of § 530.307(b)(2), the rate adjustment for Chemist, GS–12, is used: An employee in the first step of the superseded GS–12 special rate range immediately before the effective date, will be placed in the first step rate of the new regular rate range on the effective date, and his salary will be increased from $12,580 to $13,389.

GS–800 ALL PROFESSIONAL SERIES IN THE ENGINEER GROUP

Professional series in the GS–800 Group are:

GS–801	General	GS–855	Electronic
GS–803	Safety	GS–861	Aerospace
GS–804	Fire Prevention	GS–870	Marine
GS–806	Materials	GS–871	Naval Architecture
GS–807	Landscape Architecture	GS–880	Mining
GS–808	Architecture	GS–881	Petroleum
GS–810	Civil	GS–890	Agriculture
GS–819	Sanitary	GS–892	Ceramic
GS–830	Mechanical	GS–893	Chemical
GS–840	Nuclear	GS–894	Welding
GS–850	Electrical	GS–896	Industrial

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS–6	8,943	9,172	9,401	9,630	9,859	10,088	10,317	10,546	10,775	11,004
GS–7	9,934	10,189	10,444	10,699	10,954	11,209	11,464	11,719	11,974	12,229
GS–8	10,423	10,705	10,987	11,269	11,551	11,833	12,115	12,397	12,679	12,961
GS–9	11,186	11,497	11,808	12,119	12,430	12,741	13,052	13,363	13,674	13,985
GS–10	11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698	15,040
GS–11	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721	16,095
GS–12	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403	17,849

[1] Corresponding statutory rates: GS–5—tenth; GS–6—tenth; GS–7—tenth; GS–8—eighth; GS–9—seventh; GS–10—sixth; GS–11—fifth; GS–12—second.

PFS–800 GROUP

Professional series in the PFS–800 Group are:

PFS–801	General Engineer	PFS–830	Mechanical Engineer
PFS–803	Safety Engineer	PFS–850	Electrical Engineer
PFS–806	Materials Engineer	PFS–855	Electronic Engineer
PFS–808	Architect	PFS–896	Industrial Engineer

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10
PFS–12	$12,729	$13,103	$13,477	$13,851	$14,225	$14,599	$14,973	$15,347	$15,721	$16,095
PFS–13	13,726	14,142	14,558	14,974	15,390	15,806	16,222	16,638	17,054	17,470
PFS–14	14,826	14,788	15,250	15,712	16,174	16,636	17,098	17,560	18,022	18,484

[1] Corresponding statutory rates: PFS–12—fifth; PFS–13—fourth; PFS–14—second.

GS–1221 PATENT ADVISER, GS–1223 PATENT CLASSIFYING
GS–1224 PATENT EXAMINING

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS–6	8,943	9,172	9,401	9,630	9,859	10,088	10,317	10,546	10,775	11,004
GS–7	9,934	10,189	10,444	10,699	10,954	11,209	11,464	11,719	11,974	12,229
GS–8	10,423	10,705	10,987	11,269	11,551	11,833	12,115	12,397	12,679	12,961
GS–9	11,186	11,497	11,808	12,119	12,430	12,741	13,052	13,363	13,674	13,985
GS–10	11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698	15,040
GS–11	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721	16,095
GS–12	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403	17,849

[1] Corresponding statutory rates: GS–5—tenth; GS–6—tenth; GS–7—tenth; GS–8—eighth; GS–9—seventh; GS–10—sixth; GS–11—fifth; GS–12—second.

GS-690 INDUSTRIAL HYGIENE SERIES

GS-1301, 1 Physical Science Subseries
GS-1306 Health Physics
GS-1310 Physics
GS-1313 Geophysics
GS-1315 Hydrology
GS-1320 Chemistry
GS-1321 Metallurgy
GS-1330 Astronomy and Space Science
GS-1340 Meteorology
GS-1360 Oceanography
GS-1372 Geodesy
GS-1380 Forest Products Technology
GS-1386 Photographic Technology

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,826	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678
GS-6	8,714	8,943	9,172	9,401	9,630	9,859	10,088	10,317	10,546	10,775
GS-7	9,679	9,934	10,189	10,444	10,699	10,954	11,209	11,464	11,719	11,974
GS-8	10,141	10,423	10,705	10,987	11,269	11,551	11,833	12,115	12,397	12,679
GS-9	10,875	11,186	11,497	11,808	12,119	12,430	12,741	13,052	13,363	13,674
GS-10	11,629	11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698
GS-11	12,355	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721

[1] Corresponding statutory rates: GS-5—ninth; GS-6—ninth; GS-7—ninth; GS-8—seventh; GS-9—sixth; GS-10—fifth; GS-11—fourth.

GS-1350 GEOLOGY SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS-7	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954	11,209
GS-9	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741

[1] Corresponding statutory rates: GS-5—tenth; GS-7—sixth; GS-9—third.

GS-403 MICROBIOLOGY

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,000	$7,206	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-5—fifth; GS-7—second.

GS-510 ACCOUNTING SERIES

GS-512 INTERNAL REVENUE AGENT SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266
GS-6	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS-7	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954
GS-8	9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551
GS-9	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741

[1] Corresponding statutory rates: GS-5—seventh; GS-6—sixth; GS-7—fifth; GS-8—third; GS-9—third.

PFS-510 POSTAL FIELD SERVICE ACCOUNTANTS AND AUDITORS

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,597	$7,790	$8,013	$8,236	$8,459	$8,682	$8,905	$9,128	$9,351	$9,574	$9,797	$10,020
PFS-8	8,842	9,102	9,362	9,622	9,882	10,142	10,402	10,662	10,922	11,182	11,442	
PFS-10	10,019	10,315	10,616	10,919	11,222	11,525	11,828	12,131	12,434	12,737		

[1] Corresponding statutory rates: PFS-6—fifth; PFS-8—fifth; PFS-10—fourth.

GS-602 MEDICAL OFFICER SERIES

Geographical coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-11	$14,599	$14,973	$15,347	$15,721	$16,095	$16,469	$16,843	$17,217	$17,591	$17,965
GS-12	17,403	17,849	18,295	18,741	19,187	19,633	20,079	20,525	20,971	21,417
GS-13	20,628	20,555	21,082	21,609	22,136	22,663	23,190	23,717	24,244	24,771
GS-14	21,621	22,239	22,857	23,475	24,093	24,711	25,329	25,947	26,565	27,183
GS-15	22,629	23,749	24,469	25,189	25,909	26,629	27,349	28,069	28,789	29,509

[1] Corresponding statutory rates: GS-11—tenth; GS-12—tenth; GS-13—ninth; GS-14—sixth; GS-15—third.

PFS-602 POSTAL FIELD SERVICE MEDICAL OFFICER

Geographical coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10
PFS-13	$16,222	$16,638	$17,054	$17,470	$17,886	$18,302	$18,718	$19,134	$19,550	$19,966
PFS-14	18,022	18,484	18,946	19,408	19,870	20,332	20,794	21,256	21,718	22,180
PFS-15	20,021	20,534	21,047	21,560	22,073	22,586	23,099	23,612	24,125	24,638
PFS-16	21,674	22,244	22,814	23,384	23,954	24,524	25,094	25,664	26,234	26,804
PFS-17	23,449	24,083	24,717	25,351	25,985	26,619	27,253	27,887	28,521	29,155

[1] Corresponding statutory rates: PFS-13—tenth; PFS-14—tenth; PFS-15—tenth; PFS-16—ninth; PFS-17—eighth.

GS-1510 ACTUARY

GS-1515 OPERATIONS RESEARCH

GS-1520 MATHEMATICAL STATISTICS

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472
GS-6	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088	10,317
GS-7	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954	11,209	11,464
GS-8	9,859	10,141	10,423	10,705	10,987	11,269	11,551	11,833	12,115	12,397
GS-9	10,875	11,186	11,497	11,808	12,119	12,430	12,741	13,052	13,363	13,674
GS-10	11,629	11,962	12,304	12,646	12,988	13,330	13,672	14,014	14,356	14,698
GS-11	12,355	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721

[1] Corresponding statutory rates: GS-5—eighth; GS-6—seventh; GS-7—seventh; GS-8—sixth; GS-9—sixth; GS-10—fifth; GS-11—fourth.

GS-1520 MATHEMATICS

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266
GS-6	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088	10,317
GS-7	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954	11,209	11,464
GS-8	9,859	10,141	10,423	10,705	10,987	11,269	11,551	11,833	12,115	12,397
GS-9	10,875	11,186	11,497	11,808	12,119	12,430	12,741	13,052	13,363	13,674
GS-10	11,630	11,962	12,294	12,626	12,958	13,290	13,622	14,014	14,356	14,698
GS-11	12,355	12,729	13,103	13,477	13,851	14,225	14,599	14,973	15,347	15,721

[1] Corresponding statutory rates: GS-5—seventh; GS-6—seventh; GS-7—seventh; GS-8—sixth; GS-9—sixth; GS-10—fifth; GS-11—fourth.

GS-180 PSYCHOLOGY SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-11	$12,729	$13,103	$13,477	$13,851	$14,225	$14,599	$14,973	$15,347	$15,721	$16,095
GS-12	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403	17,849

[1] Corresponding statutory rates: GS-11—fifth; GS-12—second.

GS-665 SPEECH PATHOLOGY AND AUDIOLOGY SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-11	$12,729	$13,103	$13,477	$13,851	$14,225	$14,599	$14,973	$15,347	$15,721	$16,095
GS-12	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403	17,849

[1] Corresponding statutory rates: GS-11—fifth; GS-12—second.

GS-701 VETERINARIAN SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-9	$9,942	$10,253	$10,564	$10,875	$11,186	$11,497	$11,808	$12,119	$12,430	$12,741

[1] Corresponding statutory rates: GS-9—third.

[SEAL]

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

[F.R. Doc. 69-9403; Filed, Aug. 12, 1969; 8:45 a.m.]

MANAGEMENT AUDITORS ET AL.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for various occupations which are either confined to one agency or covered on a locality basis will be adjusted as set forth in the attachment to this notice. The new rate ranges, either special or regular as appropriate, will be effective the first day of the first pay period on or after July 1, 1969.

If there is no special rate range shown for a grade or grades which previously had a special range, the regular rates apply.

The pay of employees on the rolls will be converted to the new special or regular rate ranges in accordance with section 530.307(b) of the Commission's regulations. The applicable part of the section reads as follows:

(b) When an employee was receiving a special rate immediately before the effective date of a statutory pay increase, he shall receive on that effective date the rate of basic pay for: (1) The numerical rank in the new special rate range for this grade or level that corresponds with the numerical rank of the special rate if there is no new special rate range, the numerical rank in the new statutory pay schedule for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date.

To illustrate the effect of § 530.307 (b)(1), the rate adjustment for GAO Management Auditor, GS-9, is used: An employee in the third step of the GS-9 special rate range immediately before the effective date, will remain in the third step rate of the new special rate range on the effective date, and his salary will be increased from $9,590 to $10,564.

To illustrate the effect of § 530.307 (b)(2), the rate adjustment for Cartographer, GS-11, is used: An employee in the second step of the superseded GS-11 special rate range immediately before the effective date, will be placed in the second step rate of the new regular rate range on the effective date, and his salary will be increased from $10,883 to $11,607.

GS-343 GAO MANAGEMENT AUDITOR

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-7	$8,659	$8,914	$9,169	$9,424	$9,679	$9,934	$10,189	$10,444	$10,699	$10,954
GS-9	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741

[1] Corresponding statutory rates: GS-7—fifth; GS-9—third.

GS-1811 CRIMINAL INVESTIGATOR*

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.
*(NOTE: Positions are otherwise identified as Special Agents (Intelligence), Internal Revenue Service.)

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266
GS-6	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS-7	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954
GS-8	9,653	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551
GS-9	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741

[1] Corresponding statutory rates: GS-5—seventh; GS-6—sixth; GS-7—fifth; GS-8—third; GS-9—third.

GS-2654 PRINTING MANAGEMENT SERIES

(NOTE: Eligibility for these special rates is limited to employees who have at least a Baccalaureate Degree with a major in printing management.)
Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS-7	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954

[1] Corresponding statutory rates: GS-5—tenth; GS-7—fifth.

GS-1825 CERTAIN AIR CARRIER OPERATIONS INSPECTORS AND SPECIALISTS*

Geographic coverage: Worldwide.

GS-1825 AVIATION OPERATIONS SPECIALIST, GRADE 15 ONLY*

Geographic coverage: Washington, D.C.
Effective date: First day of the first pay period beginning on or after July 1, 1969.
*(NOTE: Eligibility for these special rates is limited to incumbents of positions cited whose duties require them to be type rated on one or more turbojet aircraft used by commercial airlines, and to maintain their proficiency by recurrent training).

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-13	$17,303	$17,920	$18,447	$18,974	$19,501	$20,028	$20,555	$21,082	$21,609	$22,136
GS-14	20,385	21,003	21,621	22,239	22,857	23,475	24,093	24,711	25,329	25,947
GS-15	22,309	23,029	23,749	24,469	25,189	25,909	26,629	27,349	28,069	28,789

[1] Corresponding statutory rates: GS-13—fourth; GS-14—fourth; GS-15—second.

GS-1370 CARTOGRAPHER SERIES

GS-1301 PHYSICAL SCIENTIST SERIES

Geographic coverage: Cartographer, GS-1370, in grades GS-5 through 10, in the St. Louis, Mo., Standard Metropolitan Statistical Area, and the Washington, D.C. SMSA. Physical Scientists, GS-1301, in grades GS-7 through 10 at the Air Force Aeronautical Chart and Information Center in the St. Louis, Mo., SMSA. (Incumbents of these positions perform professional work in cartography in combination with professional work in at least one other recognized scientific occupation, such as geodesy. Such positions are normally filled by reassignment or promotion from positions of cartographer.)
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,206	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060
GS-6	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS-7	8,954	9,169	9,424	9,679	9,934	10,189	10,444	10,699	10,954	11,209
GS-8	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269	11,551	11,833
GS-9	9,962	10,253	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741
GS-10	10,594	10,936	11,278	11,620	11,962	12,304	12,646	12,988	13,330	13,672

[1] Corresponding statutory rates: GS-5—sixth; GS-6—sixth; GS-7—sixth; GS-8—fourth; GS-9—third; GS-10—second.

GS-1169 REVENUE OFFICER

Geographic coverage: State of California.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,000	$7,206	$7,412	$7,618	$7,824	$8,030	$8,236	$8,442	$8,648	$8,854
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

Corresponding statutory rates: GS-5—fifth; GS-7—second.

GS-081 FIREFIGHTER (GENERAL)
FIREFIGHTER (STRUCTURAL)
FIREFIGHTER (AIRFIELD)

Geographic coverage: Naval Training Center, Great Lakes, Ill., and Federal installations within a 22-mile radius of the center.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-3	$5,737	$5,901	$6,065	$6,229	$6,393	$6,557	$6,721	$6,885	$7,049	$7,213
GS-4	6,258	6,442	6,626	6,810	6,994	7,178	7,362	7,546	7,730	7,914
GS-5	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648
GS-6	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-3—sixth; GS-4—fifth; GS-5—fourth; GS-6—third; GS-7—second.

GS-301 POLICE CADET

Geographic coverage: District of Columbia, Metropolitan Police Department.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-2	$5,230	$5,375	$5,520	$5,665	$5,810	$5,955	$6,100	$6,245	$6,390	$6,535
GS-3	5,737	5,901	6,065	6,229	6,393	6,557	6,721	6,885	7,049	7,213

[1] Corresponding statutory rates: GS-2—seventh; GS-3—sixth.

GS-356 CARD PUNCH OPERATION SERIES

Geographic coverage: City of Sacramento and 15-mile radius.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-3	$5,245	$5,409	$5,573	$5,737	$5,901	$6,065	$6,229	$6,393	$6,557	$6,721
GS-4	5,706	5,890	6,074	6,258	6,442	6,626	6,810	6,994	7,178	7,362

[1] Corresponding statutory rates: GS-3—third; GS-4—second.

GS-356 CARD PUNCH OPERATION SERIES

Geographic coverage: San Francisco-Oakland Standard Metropolitan Statistical Area (Includes Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties); Santa Clara County; Solano County; Los Angeles County; Orange County; and Government activities at Edwards AFB in Kern County.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-3	$5,409	$5,573	$5,737	$5,901	$6,065	$6,229	$6,393	$6,557	$6,721	$6,885
GS-4	5,890	6,074	6,258	6,442	6,626	6,810	6,994	7,178	7,362	7,546
GS-5	6,382	6,588	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236

[1] Corresponding statutory rates: GS-3—fourth; GS-4—third; GS-5—second.

GS-356 CARD PUNCH OPERATION SERIES, GRADE 3 ONLY

GS-359 ELECTRIC ACCOUNTING MACHINE OPERATING SERIES, GRADES 3 AND 4

GS-362 ELECTRIC ACCOUNTING MACHINE PROJECT PLANNING SERIES, GRADE 7 ONLY

Geographic coverage: Juneau Election District, Alaska.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-3	$5,081	$5,245	$5,409	$5,573	$5,737	$5,901	$6,065	$6,229	$6,393	$6,557
GS-4	6,074	6,258	6,442	6,626	6,810	6,994	7,178	7,362	7,546	7,730
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-3—second; GS-4—fourth; GS-7—second.

GS-312-9 SHORTHAND REPORTER

Geographic coverage: New York, N.Y.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATE

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-9	$9,631	$9,942	$10,253	$10,564	$10,875	$11,186	$11,497	$11,808	$12,119	$12,430

[1] Corresponding statutory rate: GS-9—second.

GS-818 ENGINEERING DRAFTSMAN

Geographic coverage: Point Mugu and Port Hueneme in Ventura County, Calif.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-3	$5,573	$5,737	$5,901	$6,065	$6,229	$6,393	$6,557	$6,721	$6,885	$7,049
GS-4	6,258	6,442	6,626	6,810	6,994	7,178	7,362	7,546	7,730	7,914
GS-5	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236	8,442	8,648
GS-6	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401
GS-7	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189

[1] Corresponding statutory rates: GS-3—fifth; GS-4—fifth; GS-5—fourth; GS-6—third; GS-7—second.

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

[F.R. Doc. 69-9404; Filed, Aug. 12, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Community Resources Development Administration, Office of the Assistant Secretary for Metropolitan Development.

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

[F.R. Doc. 69-9546; Filed, Aug. 12, 1969; 8:49 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

METROPOLITAN CORPORATION OF GREATER WINNIPEG

Application for Diversion of Additional Waters From Shoal Lake and Lake of the Woods; Public Hearing

Notice is hereby given that the International Joint Commission will conduct a public hearing on the above matter at 9:30 a.m., local time, in the Holiday Inn, Kenora, Ontario, on September 17, 1969. The Applicant proposes to divert an additional 200 million gallons of water per day, over and above the 100 million gallons already authorized by the Commission, for domestic and sanitary purposes from intake structures at Indian Bay, Manitoba, in Shoal Lake, an arm of Lake of the Woods.

At the hearing all interested parties will be given opportunity to express their views orally or by written statements. Where possible, fifteen (15) copies of written statements should be filed with each Secretary ten (10) days in advance of the hearing with thirty (30) additional copies deposited with either of them at the hearing.

Notice is also given that, in response to the public notice announcing receipt of the Application, the Commission has received Statements in Response from Ontario Hydro, Manitoba Hydro, the city of Winnipeg, the town of Kenora, Ontario, the Ontario-Minnesota Paper Co., and the State of Minnesota. These statements in response indicate that, at the hearing, the Application will be opposed in whole or in part by various interests.

Copies of the application, the statements in response, and the statement in reply may be obtained upon request to the Secretaries.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission.

AUGUST 8, 1969.

[F.R. Doc. 69-9580; Filed Aug. 12, 1969; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

FEDERAL OIL CO.

Order Suspending Trading

AUGUST 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co., a Nevada 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 8, 1969, through August 17, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9502; Filed, Aug. 12, 1969; 8:45 a.m.]

[812-2562]

FIDELITY TREND FUND, INC.

Sale by Open-End Company of Its Shares at Other Than the Public Offering Price

AUGUST 7, 1969.

Notice is hereby given that Fidelity Trend Fund, Inc. ("applicant"), 35 Congress Street, Boston, Mass. 02109, organized under the laws of Massachusetts and registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for substantially all of the assets of Stanley Securities Co. ("Stanley").

All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Stanley, a Connecticut corporation, is an investment company, all of the outstanding stock of which is held by 34 individuals, eight estates or trusts, and 12 custodians or guardians, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and Stanley, substantially all of the cash and securities owned by Stanley, with a value of approximately $4,790,395 as of September 30, 1968, will be transferred to applicant in exchange for shares of its capital stock. The shares of applicant are to be sold at net asset value. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Stanley to be transferred to applicant by the net asset value per share of applicant both to be determined as of a valuation date, as defined in the agreement. If the valuation under the agreement had taken place on Septem-

ber 30, 1968, Stanley would have received 148,153 shares.

When received by Stanley, the shares of applicant, which are registered under the Securities Act of 1933, are to be distributed to the Stanley stockholders on the liquidation of Stanley. Applicant has been advised by the management of Stanley that the stockholders of Stanley have no present intention of redeeming any of applicant's shares following the proposed transaction.

There is no connection between the applicant and Stanley and no officer or shareholder of Stanley is an affiliated person of the applicant. The management of the applicant considers the proposed acquisition by Stanley of substantially all the assets of Stanley in exchange solely for shares of the applicant to be at a fair price, arrived at by arms-length bargaining, and believes that the issuance of an exemption in connection with this transaction is 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 and that the proposed acquisition will be beneficial to the shareholders of the applicant because, among other things, applicant will be able to acquire at one time substantial additions to its portfolio securities without affecting the market in those securities and without incurring brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The current public offering price of the shares (redeemable) of applicant as described in applicant's prospectus is net asset value plus a sales charge. Thus, section 22(d) prohibits the proposed sale of applicant's shares at net asset value without a sales charge.

Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an 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.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act other than section 22(d) and submits that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 22, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the 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. 69-9503; Filed, Aug. 12, 1969; 8:45 a.m.]

[812-2565]

PURITAN FUND, INC.

Sale by Open-End Company of Its Shares at Other Than the Public Offering Price

AUGUST 5, 1969.

Notice is hereby given that Puritan Fund, Inc. ("applicant"), 35 Congress Street, Boston, Mass. 02109, a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for the assets of Blaisdell Associates, Inc. ("Blaisdell").

All interested persons are referred to the application on file with the Commission for a statement of the applicant's representations which are summarized below.

Blaisdell, incorporated in Rhode Island, is an investment company all of the outstanding stock of which is owned by eight persons, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and Blaisdell, substantially all the cash and securities owned by Blaisdell, with a value of approximately $566,420 as of January 31, 1969, will be transferred to applicant in exchange for shares of its capital stock. The shares of applicant are to be sold at net asset value. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Blaisdell to be transferred to applicant by the net asset value per share of the applicant, both to be determined as of valuation time, as defined in the agreement. If the valuation under the agreement had taken place on January 31, 1969, Blaisdell would have received 46,163 shares of applicant's stock.

When received by Blaisdell the shares of the applicant, which are registered under the Securities Act of 1933, are to be distributed to the Blaisdell stockholders on the liquidation of Blaisdell.

No affiliation exists between Blaisdell or its officers, directors, or stockholders and applicant, its officers or directors, and the agreement was negotiated at arms-length by the two companies. Applicant's board of directors approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among other things, the fact that the Fund will be able to acquire for its own portfolio at one time substantial additions to its existing portfolio without affecting the market in said securities and such acquisition will not be subject to brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an 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.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 22, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule

0–5 of the rules and regulations promulgated under the Act, an order disposing of the 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. 69-9504; Filed, Aug. 12, 1969; 8:45 a.m.]

[811-1185]

VALLEY INVESTORS, INC.

Notice of Declaring Company Has Ceased To Be an Investment Company

AUGUST 7, 1969.

Notice is hereby given that Valley Investors, Inc., c/o Jones, Olsen and Christensen, Suite 410, Petroleum Building, Billings, Mont. 59101, an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that the company has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Valley Investors, Inc., has ceased doing business and was dissolved on October 23, 1968, as provided under the General Corporation Law of Montana. Its registration statement under the Securities Act of 1933 was withdrawn July 30, 1969.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the 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. 69-9505; Filed, Aug. 12, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 8, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41713—*Liquid caustic soda to points in Alabama.* Filed by Southwestern Freight Bureau, agent (No. B–56), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from specified points in Arkansas, Louisiana and Texas, to Opelika, Pepperell, Lanett, and Fairfax, Ala.

Grounds for relief—Market competition.

Tariffs—Supplements 239, 169 and 71 to Southwestern Freight Bureau, agent, tariffs ICC 4529, 4668 and 4773, respectively.

By the Commission.

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

[F.R. Doc. 69-9534; Filed, Aug. 12, 1969; 8:48 a.m.]

[Notice 563]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 8, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 30899 (Deviation No. 3), JOHNSON MOTOR LINES CORPORATION, 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C. 28201, filed July 30, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Waterloo, N.Y., over New York Highway 96 to junction New York Highway 14, thence over New York Highway 14 to junction Interstate Highway 90, thence over Interstate Highway 90 to Buffalo, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Scranton, Pa., over U.S. Highway 11 to Binghamton, N.Y., thence over New York Highway 12 to junction New York Highway 79, at Chenango Forks, N.Y., thence over New York Highway 79 via Itaska, N.Y., to Whitney Point, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 57 to Oswego, N.Y., and (2) from Scranton, Pa., to Binghamton, N.Y., over route specified in (1) above, thence over New York Highway 17 to Owego, N.Y., thence over New York Highway 96 to Candor, N.Y., thence over New York Highway 96–B (formerly New York Highway 96) via Willseyville and Danby, N.Y., to Ithaca, N.Y., thence over New York Highway 96 to Waterloo, N.Y., thence over New York Highway 5 to Buffalo, N.Y., and return over the same routes.

No. MC 58738 (Sub-No. 1) (Deviation No. 1), MONK'S EXPRESS, INC., Phelps Street, Port Dickinson, Binghamton, N.Y. 13901, filed July 29, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cortland, N.Y., and Binghamton, N.Y., over Interstate Highway 81 for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Endicott, N.Y., over New York Highway 17C to Binghamton,

N.Y., thence over U.S. Highway 11 to Homer, N.Y., and return over the same route.

No. MC 106943 (Deviation No. 34), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed July 28, 1969. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Wayne, Ind., over U.S. Highway 33 to Columbus, Ohio, thence over Interstate Highway 70 to junction Pennsylvania Turnpike at or near New Stanton, Pa., thence over the Pennsylvania Turnpike to junction Interstate Highway 81 (U.S. Highway 11), thence over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Fort Wayne, Ind., over U.S. Highway 30 to junction U.S. Highway 30N east of Delphos, Ohio, thence over U.S. Highway 30N to Mansfield, Ohio, thence over U.S. Highway 30 via Pittsburgh, Pa., to Irwin, Pa., thence over the Pennsylvania Turnpike (to the Middlesex Toll Gate), thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to New York, N.Y. and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 528), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 29, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 13 and Alternate U.S. Highway 13, 2 miles south of Dover, Del., over U.S. Highway 13 bypassing Camden and Woodside, Del., to junction Alternate U.S. Highway 13; (2) from junction U.S. Highway 13 and Alternate U.S. Highway 13, 1 mile north of Bridgeville, Del., over U.S. Highway 13 bypassing Bridgeville, Del., to junction Alternate U.S. Highway 13; (3) from junction U.S. Highway 13 and Alternate U.S. Highway 13, approximately 3 miles north of Seaford, Del., over U.S. Highway 13 bypassing Seaford, Blades, Laurel, and Delmar, Del., to junction Alternate U.S. Highway 13 approximately 2 miles south of Delmar, Del.; and (4) from Blades, Del., over Delaware Highway 20 to junction U.S. Highway 13, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Darby, Pa., over U.S. Highway 13 via Dover, Del., to junction Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 via Camden, Del., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 via Bridgeville, Del., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Alternate U.S. Highway 13 (formerly U.S. Highway 13), thence over Alternate U.S. Highway 13 via Seaford, Blades, Laurel, and Delmar, Del., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Maryland Highway 675 (formerly U.S. Highway 13), thence over Maryland Highway 675 via Princess Anne, Md., to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Maryland Highway 366 (formerly U.S. Highway 13) thence over Maryland Highway 366 via Pocomoke City, Md., to junction U.S. Highway 13, thence over U.S. Highway 13 to the Maryland-Virginia State line, and return over the same route.

By the Commission.

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

[F.R. Doc. 69-9535; Filed, Aug. 12, 1969; 8:48 a.m.]

[Notice 1320]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 8, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 20802 (Sub-No. 5) (Republication), filed September 30, 1968, published in FEDERAL REGISTER issues of October 17, 1968, and November 21, 1968, and republished this issue. Applicant: WHEELER MOTOR EXPRESS, INCORPORATED, 279 Lake Drive West, Dunkirk, N.Y. 14048. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. By application filed September 30, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, transporting of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (A) between Jamestown, N.Y., and Salamanca, N.Y., over New York Highway 17, serving Randolph as an intermediate point, and serving Asheville, Blockville, Panama, and Sherman, N.Y., as off-route points; (B) between Gowanda, N.Y., and the junction of U.S. Highway 20, and New York Highway 62, over New York Highway 62, serving all intermediate points; (C) between Forestville, N.Y., and Balcom, N.Y., from Forestville over New York Highway 428 to junction New York Highway 83, thence over New York Highway 83 to Balcom, and return over the same route; (D) between East Leon, N.Y., and Little Valley, N.Y., from East Leon over unnumbered highway to junction New York Highway 353, thence over New York Highway 353 to Little Valley, and return over the same route, serving all intermediate points, and serving Ellicottville and West Valley, N.Y., as off-route points in connection with applicant's existing regular-route operations; and (E) serving Mayville, Chatauqua, Lakewood, Dewittville, and Stow, N.Y., as intermediate points on applicant's existing regular routes between Barcelona and Jamestown, N.Y.;

A supplemental order of the Commission, Operating Rights Board, dated June 27, 1969, and served July 24, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a *common carrier* by motor vehicles, over regular routes, transporting: Of *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (A) between Jamestown, N.Y., and Salamanca, N.Y., over New York Highway 17, serving Randolph as an intermediate point, and serving Asheville, Blockville, Panama, and Sherman, N.Y., as off-route points; (B) between Gowanda, N.Y., and the junction of U.S. Highway 20, and U.S. Highway 62, over U.S. Highway 62, serving all intermediate points; (C) between Forestville, N.Y., and Balcom, N.Y., from Forestville, over New York Highway 428 to junction New York Highway 83, thence over New York Highway 83 to Balcom, and return over the same route; (D) between East Leon, N.Y., and Little Valley, N.Y., from East Leon over unnumbered highway to junction New York Highway 353, thence over New York Highway 353 to Little Valley, and return over the same route, serving all intermediate points, and serving Ellicottville and West Valley, N.Y., as off-route points in connection with applicant's existing regular-route operations; and (E) serving Mayville, Chautauqua, Lakewood, Dewittville, and Stow, N.Y., as intermediate points on applicant's existing regular routes between Barcelona and Jamestown, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper

notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 44053 (Sub-No. 5) (republication), filed May 31, 1967, published in the FEDERAL REGISTER issue of June 22, 1967, and republished this issue. Applicant: BONDED WAREHOUSE CO. (now re-entitled), TOWNE SERVICES HOUSEHOLD GOODS TRANSPORTATION CO., INC., 1324 East Lancaster, Post Office Box 1657, Forth Worth, Tex. 76101. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Box 17007, Forth Worth, Tex. 76102. By application filed May 31, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of household goods as defined by the Commission, (1) between points in Texas; and (2) between points in Texas, on the one hand, and, on the other, points in Alabama, Arkansas, Mississippi, Florida, and Georgia. Upon consideration of the application and the record in the above-entitled proceeding, including the report and recommended order of the examiner, served April 24, 1969, a decision and order of the Commission, Review Board No. 2, dated July 22, 1969, and served July 28, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of household goods, as defined by the Commission, between points in Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that such persons who have relied upon the notice of the application as published may have an interest in, and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period, any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 103993 (Sub-No. 351) (Republication), filed November 14, 1968, published in the FEDERAL REGISTER issue of December 19, 1968, and republished this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. By application filed November 14, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of undercarriages and frames designed to be equipped with hitchball or pintle hook connectors and component parts thereof, from points in Hillsborough County, Fla.; St. Joseph County, Mich.; Angelina County, Tex.; Lancaster County, Pa.; Colquitt and Lowndes Counties, Ga.; Gogebic County, Mich.; Laurens County, S.C.; Cabarrus County, N.C.; Bossier County, La.; and Cecil County, Md.; to points in the United States including Alaska but excluding Hawaii; and (2) of undercarriages and frames designed to be equipped with hitchball or pintle hook connectors and component parts thereof, from points in Harvey County, Kans., to points in the United States including Alaska, but excluding Hawaii and points in Los Angeles and Orange Counties, Calif. By order dated February 14, 1969, and served February 19, 1969, it was ordered that this proceeding be handled under modified procedure.

A report and order of the Commission, Review Board No. 2, decided July 30, 1969, and served August 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *undercarriages, chassis, frames, and roof sections* for trailers designed to be drawn by passenger automobiles (a) from points in Gogebic County, Mich., to points in Wisconsin; (b) from points in Bossier Parish, La., to points in Arkansas and Texas; (c) from points in Cabarrus County, N.C., to points in South Carolina; (d) from points in Laurens County, S.C., to points in Georgia; (e) from points in Cecil County, Md., to points in Pennsylvania; (f) from points in Lowndes County, Ga., to points in Florida; and (g) from points in Harvey County, Kans., to points in Colorado, Missouri, Nebraska, and Oklahoma; and (2) of *undercarriages, chassis, and frames* for trailers designed to be drawn by passenger automobiles (a) from points in Lancaster County, Pa., to points in Maryland, New Jersey, New York, Virginia, and West Virginia; (b) from points in Angelina County, Tex., to points in Arkansas, Louisiana, Mississippi, and Oklahoma; (c) from points in Colquitt County, Ga., to points in Alabama, Florida, and South Carolina; (d) from points in Hillsborough County, Fla., to points in Georgia; and (e) from points in St. Joseph County, Mich., to points in Indiana, Illinois, Ohio, and Pennsylvania; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, inasmuch as it is possible that other persons may have relied upon the notice of the application as published and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and the issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication. During such period any proper party in interest may file a petition to reopen the proceeding, or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107515 (Sub-No. 619) (Republication) filed July 10, 1968, published in the FEDERAL REGISTER issue of July 25, 1968, and republished this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (address same as applicant). In the above-entitled proceeding, the examiner recommended the granting to applicant of a certificate of public convenience and necessity authorizing the operation substantially as described below. A decision and order of the Commission, Review Board No. 3, dated June 23, 1969, and served July 1, 1969, as modified, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *confectioneries* (1) from Salem, Va., to points in New York, Pennsylvania, New Jersey, Delaware, Connecticut, Massachusetts, Maryland, and the District of Columbia; restricted to the transportation of shipments originating at Salem, Va.; and (2) from Elizabeth, N.J., Fulton, N.Y., and New York, N.Y., including points in the portion of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203 (b)(8) of the Interstate Commerce Act (the exempt zone), to Salem, Va.; restricted to the transportation of shipments destined to Salem, Va. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this decision and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109612 (Sub-No. 22) (Republication), filed February 14, 1969, published in FEDERAL REGISTER issue of March 6, 1969, and republished this issue. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. By application filed February 14, 1969, as amended, applicant seeks a certificate of public convenience and

necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting materials and supplies used in the manufacture and distribution of meat and meat products, from Chicago, Ill., to Muncie, Ind. An order of the Commission, Operating Rights Board, dated July 25, 1969, and served August 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting *tin cans*, from Chicago, Ill., to Muncie, Ind., restricted to the transportation of traffic destined to the plantsites and storage facilities of Marhoefer Packing Co., Inc., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113678 (Sub-No. 327) (Republication), filed September 23, 1968, published in the FEDERAL REGISTER issue of October 10, 1968, and republished this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68505. By application filed September 23, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of foodstuffs (nonfrozen) from the plantsite and/or warehouse facilities utilized by Silver Fleece, Inc., herein called Silver Fleece, at or near Port Clinton, Ohio, to points in New York and Pennsylvania, restricted to traffic originating at the described plantsite and/or warehouse facilities. The application was referred to Joint Board No. 330 for hearing and the recommendation of an appropriate order theron. Hearing was held on May 8, 1969, at Columbus, Ohio. A report and order of the Commission, recommended by Joint Board No. 330, effective July 28, 1969, and served August 4, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *foodstuffs* (nonfrozen) from the plantsite and warehouse facilities used by Silver Fleece, Inc., at or near Port Clinton, Ohio, to points in New York and Pennsylvania, restricted to traffic originating at the origins specified; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123544 (Sub-No. 3) (Republication), filed April 24, 1968, published in FEDERAL REGISTER issues of May 9, 1969, and June 17, 1968, and republished this issue. Applicant: BERTSCH TRUCKING, INC., Box 15, Hillsboro, N. Dak. 58045. Applicant's representative: William S. Rosen, 639 Osborn Building, St. Paul, Minn. 55102. In the above-entitled proceeding, the examiner recommended the granting to applicant a permit, authorizing operations, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, of the commodities, to, and from points substantially as indicated below. A decision and order of the Commission, Review Board No. 5, dated July 17, 1969, served August 5, 1969, finds that operation by applicant in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *farm machinery and implements and farm machinery and implements parts*, from ports of entry on the international boundary line between the United States and Canada at Neche and Pembina, N. Dak., and Noyes, Minn., to points in Arkansas, California, Idaho, Illinois, Indiana, Iowa, Louisiana, Missouri, Ohio, Texas, and Wisconsin, under a continuing contract with Versatile Manufacturing, Ltd., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129675 (Sub-No. 1) (Republication), filed April 10, 1968, published in the FEDERAL REGISTER issue of May 2, 1968, and republished this issue. Applicant: CHEESE EXPRESS, INC., 6815 West 98 Street, Shawnee Mission, Kans. 66212. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. By report and order in the above-entitled proceeding, the examiner recommended the granting to applicant a permit authorizing operation, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes of, the commodities, to and from points substantially as indicated below. An order of the Commission, Division 1, served June 19, 1969, and effective July 22, 1969, fines that operation, in interstate or foreign commerce by applicant as a *contract carrier*, by motor vehicle, over irregular routes, of (1) *dairy products*, as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) *dairy products*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time, from Alma, Bogue, Tescott, Atwood, and Horton, Kans., Milan and Trenton, Mo., to points in Nebraska, Colorado, Wyoming, New Mexico, Missouri (except Springfield and Neosho), Oklahoma, Texas, Iowa, Illinois, Arizona, California, Kansas, and Provo, Utah, except that no service is authorized within Kansas and within Missouri; and (3) *materials, supplies, and equipment* used in the manufacture of (1) above on return; under continuing contracts with Dwight-Alma Dairy Products, Inc., Tescott Cheese Co., Inc., Bogue Cheese Co., Inc., Trenton Milk Co., Inc., Atwood Cheese Co., Inc., Sullivan County Cheese Co., Inc., and Whiting Foods Co., Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133102 (Sub-No. 2) (Republication), filed January 31, 1969, published in the FEDERAL REGISTER issue of February 20, 1969, and republished this issue.

Applicant: ALLEN TRUCKING COMPANY, INC., Route 2, Box 51, Keithville, La. 71047. Applicant's representative: Paul L. Caplinger, Post Office Box 7295, Shreveport, La. 71107. By application filed January 31, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of sawdust, wood flour, shavings, chips, bark, and waste wood blocks, between points in Arkansas, Louisiana, Oklahoma, and Texas. An order of the Commission, Operating Rights Board, dated July 16, 1969, and served July 25, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *wood residuals* between points in Arkansas, Louisiana, Oklahoma, and Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 127093 (Sub-Nos. 2, 3, 5, 9, and 10), (Notice of Filing of Petition for Conversion of Contract Carrier Authority to Common Carrier Authority), filed July 24, 1969. Petitioner: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROS. TRUCKING CO., Iron Mountain, Mich. Petitioner's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Petitioners state they now hold Permits in MC 127093 Subs 2, 3, 5, 9, and 10, to conduct contract carrier operations, transporting: (1) *Malt beverages*, from South Bend, Ind., Chicago, Ill., and Milwaukee and Oshkosh, Wis., to Iron Mountain, Mich., and Aurora, Wis., with no transportation for compensation on return except as otherwise authorized. (2) *Boards*, building wall, and/or insulating, and parts, *materials, and accessories incidental thereto, manufactured and/or composition boards, and parts and accessories incidental thereto, and roofing and/or insulating materials, and parts and accessories incidental* thereto, between the plantsite of the Celotex Corp. at L'Anse, Mich., and warehouses owned or leased by Celotex Corp. in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois (except points in the Chicago, Ill., commercial zone, as defined by the Commission, and points in Illinois within 50 miles of Chicago and except points in Cook, Du Page, Kane, Kendall, Lake, McHenry, and Will Counties, Ill.), Indiana (except points in Lake and Porter Counties), Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin (except points in Florence, Marinette, Oconto, Brown, Manitowoc, Calumet, Sheboygan, Ozaukee, Milwaukee, Racine, and Kenosha Counties, Wis.), and the District of Columbia; and

Restriction: The operations authorized above are restricted against the transportation of finished lumber and commodities in bulk. *Materials and supplies* used in the manufacture of the above-specified commodities, from points in the above-named destination States to the above-described plantsite and warehouses. (3) *Building materials* (except lumber and bulk commodities), from the plantsite of Celotex Corp., at or near Fort Dodge, Iowa, to points in Kansas and Missouri (except St. Louis, Mo.), with no transportation for compensation on return except as otherwise authorized. (4) *Gypsum building materials* (except in bulk) and materials and accessories used in the installation thereof, from Port Clinton, Ohio, South Carolina, Tennessee. (5) *Composition boards and materials and accessories* used in the installation of composition boards, from points in Henry County, Tenn., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Ohio, Indiana, Iowa, Michigan, Minnesota, Wisconsin, Montana, Wyoming, Colorado, and Tennessee; and *materials*, except in bulk, used in the manufacture and distribution of composition boards, from points in the above-specified destination States to points in Henry County, Tenn. By the instant petition, petitioners seek to convert such authority from contract to common carrier authority. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127951 (Sub-Nos. 2 and 7) (Notice of Filing of Petition To Amend Permits and Add Additional Shipper), filed July 16, 1969. Petitioner: SOUTHEASTERN CARRIERS, INC., Miami, Fla. Petitioner states that it holds authority in MC 127951 (Sub-No. 2) as a contract carrier by motor vehicle to transport: Composition floor covering and adhesives, from Brooklyn, N.Y., and Plainfield, N.J., to points in that part of Florida located in Brevard, Broward, Charlotte, Collier, Dade, De Soto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, St. Lucie, and Sarasota Counties, and carpet underlay and adhesives, from Shelton, Conn., to points in that part of Florida located in the same counties named above, under contract with Northern Distributors, Inc., of Miami, Fla. Sub No. 7 authorizes the transportation of carpet underlay and adhesives, from Barrington and Saylesville, R.I., and Falls River, Mass., to points in Florida, and carpeting, from Edgemore, Del., Calhoun, Ga., and Highstown, N.J., to points in Florida. By the instant petition, petitioner desires to add two additional shippers, Knight & Wall Co., a Florida corporation in the business of distributing Kentile Products to the aforestated counties in Florida, and Flamingo Wholesale Distributors, Inc., a corporation authorized to do business in Florida; said additional shippers to be added to its existing authority pursuant to MC 127951 Sub-Nos. 2 and 7. Any person or persons desiring to participate, may file an original and six copies of his written representations, views, or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 4963 (Sub-No. 32), filed July 17, 1969. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representatives: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, Harry A. Hershey (same address as applicant), and John Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Sharon and Erie, Pa., from Sharon over U.S. Highway 62 to Mercer, Pa., thence over U.S. Highway 19 to its intersection with Pennsylvania Highway 98, thence over Pennsylvania Highway 98 to its intersection with Pennsylvania Highway 832, thence over Pennsylvania Highway 832 to its intersection with Interstate Highway 90, thence over Interstate Highway 90 to its intersection with U.S. Highway 19, thence over U.S. Highway 19 to Erie, and return over the same route serving all intermediate points; and (2) between Kane and Erie, Pa., from Kane over U.S. Highway 6 to its intersection with Pennsylvania Highway 89 at or near Elgin, Pa., thence over Pennsylvania Highway 89 to Lowville, Pa., thence over Pennsylvania Highway 8 to Erie, and return over the same route, serving within 80 miles of Erie, all offroute points in New York and in Pennsylvania (except Bradford and Custer City, Pa.). Restriction: Service is limited

to the transportation of shipment moving to, from, or through either Erie or Kane, Pa. Note: This application is a matter directly related to MC–F–10553 published in FEDERAL REGISTER issue of July 30, 1969. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 66512 (Sub-No. 7), filed July 22, 1969. Applicant: P & G MOTOR FREIGHT, INCORPORATED, 450 Burnham Street, South Windsor, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, other than household goods and office furniture and equipment other than commodities which necessitate the use of dump trucks, tank trucks or special equipment, between points in Connecticut. NOTE: Applicant states it would tack with points in Connecticut authorized to be served by applicant under Docket No. MC 66512 to provide single line services between Connecticut points on the one hand, and on the other, authorized points in New York and New Jersey. Applicant states that the purpose of this application is to convert the certificate of registration MC–98616 Sub 1, to a certificate of public convenience and necessity. This application is a matter directly related to Docket No: MC–F–10557, published FEDERAL REGISTER issue of July 30, 1969. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 127608 (Sub-No. 2), filed July 14, 1969. Applicant: B-BROTHERS CARTAGE, INC., Post Office Box 21, Blue Island, Ill. 60406. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machinery parts and iron and steel angles and beams, shelving and strapping, and pallet racks, and electrical flexible conduit*, between the plantsite of Interlake Steel Corp. at or near Pontiac and Chicago, Ill. NOTE: This is a matter directly related to MC–F–10549, published in the FEDERAL REGISTER issue of July 24, 1969. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR Part 240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–10397 (Amendment) (ARROW FREIGHTWAYS, INC.—Purchase (Portion)—SPRINGER CORP.), published in the February 26, 1969, and March 12, 1969 (Correction), issues of the FEDERAL REGISTER, on pages 2637 and 5138. By amendment filed August 5, 1969, authority sought to be transferred in lieu of the prior notices should read: *General commodities*, except articles of unusual value, commodities in bulk and except household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, as a *common carrier*, over irregular routes, between points in that part of New Mexico, Colorado, and Arizona, within 200 miles of Albuquerque, N. Mex., restriction: Service is not authorized to or from points on Federal or State Highways other than the city of Albuquerque, N. Mex., except in instances where such service requires the use of special equipment.

No. MC–F–10569. Authority sought for purchase by SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, Pa. 15301, of the operating rights and certain property of MORRIS MOTOR EXPRESS, INC., 5800 Grand Avenue, Pittsburgh, Pa. 15225. Applicants' attorneys: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219, and Leo Daniels, 514 Grant Building, Pittsburgh, Pa. 15219. Operating rights and certain property sought to be transferred: *General commodities*, excepting among others household goods and commodities in bulk, as a *common carrier* over regular routes, between Cumberland, Md., and Petersburg, W. Va., serving all intermediate points, from Cumberland over city streets to the Maryland-West Virginia State line, thence over West Virginia Highway 28 to junction U.S. Highway 220, thence over U.S. Highway 220 to Petersburg, and return over the same route, between Cumberland, Md., and Meyersdale, Pa., serving all intermediate points between Cumberland and junction U.S. Highway 40 and Maryland Highway 35; *household goods* as defined by the Commission, and *general commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Bedford, Pa., and Cumberland, Md., serving all intermediate points, and the off-route points of Lavale, Md., Ridgely, W. Va., New Baltimore, Pa., and those in Bedford County, Pa., without restriction; and the off-route points within 2 miles of that portion of U.S. Highway 220 between Cumberland, Md., and the Maryland-Pennsylvania State line, for milk, cream, cheese, ice cream mix, and empty milk cans only, from Bedford over U.S. Highway 220 to Cumberland, and return over the same route; *general commodities*, excepting among others, household goods and commodities in bulk, over irregular routes, between Bedford, Pa., on the one hand, and, on the other, points in Maryland, between Cumberland, Md., and points within 10 miles thereof, on the one hand, and, on the other, points in Maryland, and those in Pennsylvania and West Virginia within 35 miles of Cumberland, Md., between Bedford, Pa., and Cumberland, Md., on the one hand, and, on the other, points within 50 miles of Bedford, Pa., with restriction; fruits and produce, between certain specified points in Maryland, and West Virginia, on the one hand, and, on the other, points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, and the District of Columbia; *fertilizer and insecticides*, from Baltimore, and Hagerstown, Md., and Winchester, Va., to certain specified points in Maryland, and West Virginia; *petroleum products*, from Oil City, Pa., to Cumberland, Md. Vendee is authorized to operate as a common carrier in Pennsylvania, Ohio, West Virginia, New Jersey, New York, Delaware, Maryland, Massachusetts, Connecticut, Illinois, Rhode Island, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10570. Authority sought for purchase by FOX TRANSPORT SYSTEM, Bourse Building, 21 South Fifth Street, Philadelphia, Pa. 19106, of a portion of the operating rights of H. P. WESLEY, INC., Post Office Box 146, Phillipsburg, N.J. 08865, and for acquisition by FREDERICK W. FOX, also of Philadelphia, Pa., of control of such rights through the purchase. Applicants' attorney: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over irregular routes, between Phillipsburg, N.J., on the one hand, and, on the other, Easton, Pa., including the boroughs of Wilson and Glendon, and points within one-half mile of the corporate limits of Easton, with restriction; *new furniture and household goods*, from Easton, Pa., to points in New Jersey within 40 miles of Easton; *refrigerators and stoves*, from Philadelphia, Pa., to Phillipsburg, N.J., from Phillipsburg, N.J., to points in Pennsylvania within 35 miles of Phillipsburg; *soap, oils, antifreeze, rosin, and alcohol*, from Easton, Pa., to points in New Jersey within 40 miles of Easton; and *such commodities* as are dealt in by retail grocery stores, between points in New Jersey and Pennsylvania within 30 miles of Phillipsburg, N.J., and Easton, Pa., including Phillipsburg and Easton. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, Delaware, New York, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10571. Authority sought for control and merger by MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802, of the operating rights and property of A.A.A. TRUCKING, INC., 935 East Broad Street, Columbus, Ohio 43215, and for acquisition by THE B. F. GOODRICH CO., 500 South Main Street, Akron, Ohio 44318, of control of such rights and property through the transaction. Applicants' attorneys: John P. McMahon and A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled and merged: Under a certificate of registration, in

Docket No. MC–123825 Sub 2, covering the transportation of property, as a common carrier, in intrastate commerce within the State of Ohio. MOTOR FREIGHT CORPORATION is authorized to operate as a *common carrier* in Ohio, Indiana, Kentucky, Tennessee, Illinois, Michigan, Missouri, Iowa, and Nebraska. Application has been filed for temporary authority under section 210a (b). NOTE: No. MC–2401 Sub 47 is a matter directly related.

No. MC–F–10572. Authority sought for purchase by KENDRICK CARTAGE CO., Box 63, Salem, Ill. 62881, of a portion of the operating rights of ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643, and for acquisition by W. C. KENDRICK, and J. B. KENDRICK, both also of Salem, Ill., of control of such rights through the purchase. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and W. C. Kendrick, Box 63, Salem, Ill. 62881. Operating rights sought to be transferred: *Petroleum and petroleum products*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Lawrenceville, Ill., to St. Louis, Mo., and points in Indiana on and north of U.S. Highway 24; and *petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the site of the Sinclair Refining Co. pipeline terminal and storage plant, located about 2.5 miles from New Goshen, Ind., to points in that part of Illinois bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 50 to East St. Louis, Ill., thence along the western boundary of Illinois to Alton, Ill., thence along U.S. Highway 67 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 24, thence along Highway 24 to the Illinois-Indiana State line, and thence along the Illinois-Indiana State line to point of beginning, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in Missouri, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Wisconsin, Iowa, South Dakota, Louisiana, Texas, Alabama, Florida, Georgia, Mississippi, Pennsylvania, Massachusetts, New York, New Jersey, Maryland, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10573. Authority sought for control by BESTWAY FREIGHT LINES, INC., 500 South Western, Oklahoma City, Okla., of REPUBLIC TRUCK LINES, INC., 207 West Avery St., Dallas, Tex. 75208, and for acquisition by J. W. BOYLES, also of Oklahoma City, Okla., of control of REPUBLIC TRUCK LINES, INC., through the acquisition by BESTWAY FREIGHT LINES, INC. Applicants' attorneys: Philip Robinson and Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Dallas, Tex., and Fort Worth, Tex., serving no intermediate points; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Wichita Falls, Tex., and Stephensville, Tex., serving the intermediate points south of Jacksboro, Tex., and the off-route points of Lipan and Lone Camp, Tex.; *general commodities*, excepting, among others, household goods and commodities in bulk, over regular and irregular routes, from Houston, Tex., to certain specified points in Texas, serving no intermediate points; and *cotton*, from certain specified points in Texas, to Galveston, Tex., serving the intermediate point of Houston, Tex., restricted to delivery only; and under a certificate of registration, in Docket No. MC–48963 Sub-5, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Texas. BESTWAY FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Oklahoma and Texas. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–48963 Sub-6 is a matter directly related.

No. MC–F–10574. Authority sought for purchase by ATLAS TRANSIT, INC., Post Office Box 707, Little Rock, Ark., of a portion of the operating rights and property of ARKANSAS TRAVELER, INC., Post Office Box 2494, Memphis, Tenn. 38102, and for acquisition by LAWRENCE A. MEGEL, and EMMETT R. GILMORE, both also of Little Rock, Ark., of control of such rights and property through the purchase. Applicants' attorney: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Memphis, Tenn., and Marked Tree, Ark., serving all intermediate points; and the off-route points of Crawfordsville, Blytheville, Wilson, Osceola, and Driver, Ark., and those within 10 miles of Arkansas Highway 77 (formerly unnumbered highway) and U.S. Highway 61 between Turrell and Blytheville, Ark.; and *general commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment, between Marked Tree, Ark., and Manila, Ark., serving the intermediate points on Arkansas Highway 77. Vendee is authorized to operate under certificates of registration, in intrastate commerce, within the State of Arkansas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10575. Authority sought for purchase by JIM TIONA, JR., 805 West Ohio Street, Butler, Mo., of the operating rights of McCUE TRANSFER, INC., 3524 East Fourth Street, Post Office Box 445, Hutchinson, Kans. Applicants' attorney: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Operating rights sought to be transferred: *Agricultural commodities*, as a *common carrier*, over irregular routes, between Grand Island, Nebr., and points in Nebraska within 50 miles of Grand Island, on the one hand, and, on the other, points in Kansas; *grain*, from points in Minnesota, North Dakota, South Dakota, and Wyoming, to points in Kansas; *lubricating oil and grease* in containers, from Topeka, Kans., to Grand Island, Nebr.; *salt*, from Hutchinson and Lyons, Kans., to points in Nebraska, from Hutchinson and South Hutchinson, Kans., and points within 1 mile of each, to points in Minnesota, North Dakota, South Dakota, and Wyoming, from Lyons, Kans., to points in Minnesota, North Dakota, and South Dakota, from Hutchinson and Lyons, Kans., to points in Arkansas, certain specified points in Texas and New Mexico, from Hutchinson and Lyons, Kans., to certain specified points in New Mexico; *salt*, in bulk, from Kanopolis, Kans., to North Platte, Nebr.; *salt and salt products, and materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with salt and salt products, from Kanopolis, Kans., to points within 5 miles thereof, to points in Minnesota, Missouri (except St. Louis), Nebraska, North Dakota, South Dakota, Wyoming, and Arkansas, from Hutchinson, Kans., to points in Nebraska, Minnesota, North Dakota, South Dakota, Wyoming, Arkansas, New Mexico, and certain specified points in Texas; *canned goods*, from La Junta, Colo., to points in North Dakota, South Dakota, Iowa, Minnesota, and Nebraska, from Hutchinson, Kans., to points in North Dakota, South Dakota, Iowa, Minnesota, and Nebraska, with restriction; and *materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with salt, from Lyons, Kans., to points in Nebraska, Minnesota, North Dakota, South Dakota, Wyoming, and Arkansas, certain specified points in Texas and New Mexico. Vendee is authorized to operate as a *common carrier* in Oklahoma, Kansas, Nebraska, Colorado, Iowa, Minnesota, New Mexico, Wisconsin, Illinois, Missouri, Tennessee, Mississippi, Arkansas, Texas, Indiana, Kentucky, Michigan, North Dakota, Ohio, West Virginia, Virginia, South Dakota, Louisiana, and Alabama. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10576. Authority sought for purchase by WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, Ohio 45223, of the operating rights of SHAW MOTOR FREIGHT, INC., Post Office Box 84, Salisbury, N.C. 28144, and for acquisition by DAVID M. GANTZ, JOHN E. SHORE, TRUSTEE, S. DAVID SHOR, and JOSEPH M. GANTZ, all also

of Cincinnati, Ohio, of control of such rights through the purchase. Applicants' attorneys: Harry C. Ames, 666 11th Street NW., Washington, D.C. 20001, and Milton H. Bortz, 3636 Follett Avenue, Cincinnati, Ohio 45223. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-99552 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce within the State of North Carolina. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, Pennsylvania, Maryland, Ohio, Massachusetts, West Virginia, North Carolina, Kentucky, Tennessee, Rhode Island, Indiana, Virginia, Oklahoma, Minnesota, Wisconsin, Illinois, Iowa, Maine, New Hampshire, Delaware, Vermont, Kansas, Missouri, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-13123 Sub-57 is a matter directly related.

No. MC-F-10577. Authority sought for merger into NORTH PENN TRANSFER, INC., Routes 202 and 63, Box 230, Lansdale, Pa. 19446, of the operating rights and property of FILLIUS X-PRESS SERVICE, Post Office Box 407, Mount Holly, N.J. 08060, and for acquisition by ARTHUR N. ANDERS, also of Lansdale, Pa., of control of such rights and property through the transaction. Applicants' representative: John W. Frame, Post Office Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Philadelphia, Pa., and Bordentown, N.Y., serving all intermediate points; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquor, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Wrightstown, N.J., and Philadelphia, Pa., serving all intermediate points, and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, certain specified points in New Jersey; and *household goods*, between Mount Holly, N.J., on the one hand, and, on the other, points in Delaware, Maryland, and certain specified points in Pennsylvania. NORTH PENN TRANSFER, INC. is authorized to operate as a *common carrier* in Pennsylvania, Delaware, Maryland, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Virginia, Ohio, Alabama, Georgia, Florida, North Carolina, South Carolina, Kentucky, Tennessee, West Virginia, Maine, New Hampshire, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: NORTH PENN TRANSFER, INC., controls FILLIUS X-PRESS SERVICE, through ownership of capital stock pursuant to authority granted July 12, 1968, in Docket No. MC-F-10098, by Review Board No. 5, and consummated August 12, 1968.

No. MC-F-10578. Authority sought for purchase by HALL'S MOTOR TRANSIT COMPANY, Fifth and Vine Streets, Sunbury, Pa. 17801, of a portion of the operating rights of STANDARD MOTOR FREIGHT, INC., 2700 Smallman Street, Pittsburgh, Pa. 15222, and for acquisition by JOHN N. HALL, 1151 South 21st Street, Harrisburg, Pa., and W. LEROY HALL, 300 West Willow Street, Carlisle, Pa., of control of such rights through the purchase. Applicants' attorneys and representative, respectively: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101, Russell R. Sage, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314, John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15209, and M. E. Brunner, Fifth and Vine Streets, Sunbury, Pa. 17801. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Wheeling, W. Va., and certain specified points in Pennsylvania, serving all intermediate points, between Pittsburgh, Pa., and certain specified points in Ohio and West Virginia, serving all intermediate points, and the off-route points of Yukon and Herminie, Pa.; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between certain specified points in Pennsylvania and West Virginia, on the one hand, and, on the other, points in that part of Ohio south of U.S. Highway 30 and east of Ohio Highway 13, certain specified points in Pennsylvania, and that part of West Virginia north of U.S. Highway 60 and west of U.S. Highway 219, including points on the portions of the highways herein. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Virginia, Connecticut, New Jersey, Ohio, Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 69-9536; Filed, Aug. 12, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 8, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-643, Supp. 1, filed date (not given). Applicant: WEBER TRANSFER, INC., Cozad, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except those requiring special equipment, over irregular routes, from within a 100-mile radius of Cozad to and from Omaha and Grand Island, and occasionally to and from Lincoln, McCook, North Platte, Seward, York, Beatrice, Scottsbluff, Sidney, Kimball, Arnold, Stapleton, Broken Bow and intermediate towns; and *contractors' and construction equipment and machinery, materials and supplies and commodities* which, by reason of their weight, size, or length require special equipment or handling, between points within a 100-mile radius of Cozad, Nebr. Both intrastate and interstate authority sought.

HEARING: Not assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln, Nebr. 68508, and should not be directed to the Interstate Commerce Commission.

State Docket No. 4427 (Sub-No. 2) (Republication), filed January 9, 1969, published FEDERAL REGISTER, issue of February 5, 1969, and republished as amended at the hearing, this issue. Applicant: COVINGTON TRUCKING COMPANY, INC., Covington, Tenn. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of registration sought to operate a freight service as follows: Transporting general commodities, except household goods, commodities in bulk, and those requiring special equipment as follows: (1) Between Memphis and Brownsville, Tenn., via U.S. Highway 70, serving all intermediate points, except those in Shelby County, (2) Between Memphis and Brownsville, Tenn., via Interstate Highway 40, serving the intermediate junction point of said Interstate Highway 40 and Tennessee Highway 59, and (3) Between Braden, Tenn., and junction of Tennessee Highway 59 and Interstate Highway 40, over Tennessee Highway 59, serving all intermediate points. All of the above authority to be used in conjunction with applicant's presently held authority. Restriction: The authority granted herein shall not be deemed to confer more than one operating right between Memphis and Brownsville in the handling of traffic

which originates at, is destined to, or interlined at Nashville, Tenn., and points in its commercial zone. NOTE: A BOR–100 application has been filed under section 206(a)(6) of the Interstate Commerce Act in No. MC–108016 (Sub-No. 6). Applicant seeks a certificate of registration corresponding in scope to the above-described intrastate rights granted in certificate of convenience and necessity No. 350–G embraced in order of the Tennessee Public Service Commission dated June 27, 1969. Processing of the application will be withheld for a period of 30 days from the date of publication during which period any proper party who may be affected by the broadened authority may file an appropriate pleading with this Commission.

By the Commission.

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

[F.R. Doc. 69-9537; Filed, Aug. 12, 1969; 8:48 a.m.]

[Notice 884]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 8, 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 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 35807 (Sub-No. 9 TA), filed August 1, 1969. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, Delaware corporation, 210 Baker Street NW., Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordon, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Money orders and travelers' cheques*, from Rochester, N.Y., to Trenton, N.J.; Atlanta, Ga.; Chicago, Ill.; San Francisco, Calif.; Denver, Colo.; and New York, N.Y., for 180 days. Supporting shipper: American Express, 65 Broadway, New York, N.Y. 10006. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 77092 (Sub-No. 1 TA), filed August 1, 1969. Applicant: PERONTI TRUCKING CO., INC., 126 Columbia Street, Brooklyn, N.Y. 11231. Applicant's representative: Leonard F. Charla, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knitwear*, between points in the New York City commercial zone and Carlstadt, N.J., having a prior or subsequent movement by water, for 180 days. Supporting shipper: Newport Knitwear, Division of Monte Vardi Sportswear Co., Inc., 112 West 34th Street, New York, N.Y. 10001. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 106943 (Sub.-No. 101 TA), filed July 30, 1969. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47801. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious of contaminating to other lading); between Philadelphia, Pa., and Trenton, N.J., on the one hand, and, on the other, points in that part of New Jersey on and north and on and east of a line beginning at Trenton and extending through Jullustown and Port Republic, N.J., to Atlantic City, N.J., for operating convenience only. Restriction: No service to be performed between any two points both of which are located east of the Ohio-Pennsylvania State line, for 180 days. NOTE: Applicant does intend to tack with its present authority in MC 106943. Supporting shipper: No supporting shipper's information submitted with this application. Applicant's attorney stated that the application was being submitted because of a misunderstanding in its operating authority. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 107515 (Sub. No. 671 TA), filed August 1, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach, 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and woodpulp* (except in bulk), from points in McMinn County, Tenn., to points in Oklahoma and Texas, for 180 days. Supporting shipper: Bowaters Southern Paper Corp., Calhoun, Tenn. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 113855 (Sub-No. 206 TA), filed August 1, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines, and parts, attachments, and accessories* for street sweeping machines, from points in the Minneapolis-St. Paul, Minn., commercial zone to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: American Hoist & Derrick Co., 63 South Robert Street, St. Paul, Minn. 55107. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 127943 (Sub-No. 4 TA), filed August 1, 1969. Applicant: FRED U. ROGERS, doing business as FRED ROGERS LUMBER CO., Route 2, Box 249A, Everett, Wash. 98201. Applicant's representative: George Kargianis, 609–11 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Washington west of the summit of the Cascade Mountain Range and points in Oregon west of the summit of the Cascade Mountain Range and points in Wasco and Hood River Counties, Oreg., for 180 days. NOTE: Applicant intends to tack or interline at ports of entry between the U.S. and Canada located at Blaine and Sumas, Wash., on foreign commerce originating or destined to British Columbia, Canada. Supporting shippers: Alexander Lumber Co., 721 Securities Building, Seattle, Wash. 98101; McKerlich Lumber, Ltd., 19283 98th Avenue, Port Kells, British Columbia, Canada; Simpson Building Supply Co., 3326 Paine Avenue, Everett, Wash. 98201. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128343 (Sub-No. 8 TA), filed August 1, 1969. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronold Cobert, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic products, and supplies* used in the manufacture and production thereof from, (1) North Smithfield, R.I., to Memphis, Tenn., and (2) between Halls, Tenn., and Memphis, Tenn., for 180 days. Supporting shipper: Tupperware Co., Great Road, North Smithfield, R.I. 02895. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 133470 (Sub-No. 2 TA), filed August 1, 1969. Applicant: S. J. DURRANCE COMPANY, INC., Room 207, Administration Building, State Farmers Market, Forest Park, Ga. 30050. Applicant's representatives: Guy H. Postell and Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen hushpuppies, frozen onion rings, frozen fish and chip dinners, and frozen shrimp creole dinners*, when moving with commodities exempt from regulation under the provisions of section 203(b)(6) of the Interstate Commerce Act, Part II and Administrative Ruling 110, between points in Glynn and Chatham Counties, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: Sea Pak, Division of W. R. Grace & Co., Box 667, St. Simons Island, Ga. 31522; Golden Shore Seafoods, Inc., Brunswick, Ga.; King Shrimp Co., Brunswick, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133924 TA, filed August 1, 1969. Applicant: RADAGAUGH BROS. TRUCKING CO., INC., 2105 Freeman, Fort Wayne, Ind. Applicant's representative: Warren Co. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed stone*, from points in Cass County, Mich., to points in St. Joseph, Elkhart, Marshall, La Porte, and La Grange Counties, Ind., from points in Elkhart County, Ind., to points in Berrien, Cass, and St. Joseph Counties, Mich.; (2) *Asphalt*, from Elkhart and Mishawaka, Ind., to points in Berrien, Cass, and St. Joseph Counties, Mich., for 180 days. Supporting shipper: Arco Engineering Construction Corp., 901 North Nappannee Street, Elkhart, Ind. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 133928 TA, filed August 1, 1969. Applicant: ANTHONY H. OSTERKAMP, JR., doing business as OSTERKAMP TRUCKING, 764 North Cypress Street, Orange, Calif. 92666. Applicant's representative: Donald Murchison, Suite 211 Paris Building, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plaster, gypsum or gypsum products, and plasterboard joint treatment products* from Plaster City, Calif., to points in Arizona, for 150 days. Supporting shipper: United States Gypsum Co., 525 South Virgil Avenue, Los Angeles, Calif. 90054. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

MOTOR CARRIER OF PASSENGERS

No. MC 116270 (Sub-No. 1 TA), filed August 1, 1969. Applicant: NEW YORK BUS TOURS, INC., 3320 Hutchinson Avenue, Bronx, N.Y. Applicant's representative: Samuel Zinder, Station Plaza East, Great Neck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from Bronx, N.Y., to Green Mountain Race Track, Pownall, Vt., and return, for 150 days. Supported by: 72 Patrons signed a petition statement, which statement may be examined here at the offices of the Interstate Commerce Commission or at the field office named below. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 1007.

By the Commission.

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

[F.R. Doc. 69-9538; Filed, Aug. 12, 1969; 8:48 a.m.]

[Notice 394]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 8, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132, appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71148. By order of July 29, 1969, the Motor Carrier Board approved the transfer to A & A Limousine Renting, Inc., doing business as A & A Limousine Renting, Robie Cadillac Renting Co., Somerville, Mass., of the certificate in No. MC-96573, issued April 19, 1955, to Robie Cadillac Renting Co., a corporation, Somerville, Mass., authorizing the transportation of passengers and their baggage, in round trip charter operations beginning and ending at Boston, Mass., and points in Massachusetts within 50 miles of Boston, and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York. Peter Sorgi, 18 Tremont Street, Boston, Mass., attorney for applicants.

No. MC-FC-71444. By order of July 29, 1969, the Motor Carrier Board approved the transfer to Freres Lumber Co., Inc., Lyons, Oreg. 97358, of certificate in No. MC-128431 (Sub-No. 2), issued March 22, 1968, to Marion F. Alderman, doing business as Mar-Vel Trucking, Idanha, Oreg. 97350, authorizing the transportation of: Wood chips, from points in Marion, Benton, and Linn Counties, Oreg.; to Vancouver, Wash.; and points within 5 miles thereof, except Camas, Wash. Walter H. Bell, Stayton, Oreg. 97383, attorney for applicants.

No. MC-FC-71520. By order of July 31, 1969, the Motor Carrier Board approved the transfer to Bernard Bus Lines, Inc., Westboro, Mass., of certificates in Nos. MC-113770 and MC-113770 (Sub-No. 2), issued February 2, 1953, and August 22, 1961, respectively, to Carlstrom Bus Lines, Inc., Westboro, Mass., authorizing the transportation of: Passengers and their baggage, and where appurtenant, express, mail, and newspapers in the same vehicle with passengers, between specified points in Massachusetts, New Hampshire, and Rhode Island. William D. Barry, 11 Riverside Avenue, Medford, Mass. 02155, attorney for applicants.

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

[F.R. Doc. 69-9539; Filed, Aug. 12, 1969; 8:48 a.m.]

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