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FEDERAL REGISTER

VOLUME 34 • NUMBER 167

Saturday, August 30, 1969 • Washington, D.C.

Pages 13899–13962

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1949–1963

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Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

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Title 3—THE PRESIDENT

Proclamation 3925

LADY BIRD JOHNSON GROVE
REDWOOD NATIONAL PARK

By The President of the United States of America

A Proclamation

It is fitting that a magnificent redwood grove in Redwood National Park be dedicated in honor of Lady Bird Johnson, who has done so much to stir in the American conscience a deepened sense of unity with our national environment. Mrs. Johnson has given generously of her time and talents on behalf of the natural beauty of the land she loves so well. That beauty is uniquely expressed in the Redwood National Park established by the Act of Congress of October 2, 1968, while Mrs. Johnson was First Lady of the land.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do proclaim that the following described land within the boundaries of the Redwood National Park is hereby designated as the Lady Bird Johnson Grove:

HUMBOLDT MERIDIAN

That parcel of land situated in sec. 26, T. 11 N., R. 1 E., more particularly described as follows:

Beginning at the northeast corner of sec. 26, T. 11 N., R. 1 E.;

thence southerly along the east line of said sec. 26 to the southeast corner thereof;

thence westerly along the south line of said sec. 26 to the south quarter corner thereof;

thence northerly along the north-south centerline approximately 2,200 feet through forest types $\frac{004}{R}$, $\frac{002}{R}$, $\frac{01}{R}$, $\frac{002}{R}$ as depicted on National Park Service Map, NPS–RED–7114–B of Redwood National Park as referred to in Section 2 of Public Law 90–545, October 2, 1968, to its intersection with the northerly line of forest type $\frac{002}{R}$;

thence easterly and northerly along the northerly line of forest type $\frac{002}{R}$ and northerly along the westerly line of forest types $\frac{03}{RD}$, $\frac{002}{RD}$ and $\frac{R3}{R}$ to its intersection with the north-south centerline of said sec. 26;

thence northerly along the north-south centerline to its intersection with the north line of said sec. 26;

thence easterly along the north line of said sec. 26 to the northeast corner, the Point of Beginning.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of August, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69–10500; Filed, Aug. 29, 1969; 12:30 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Grapefruit (Texas and States Other Than Florida, California, and Arizona) [1]

On page 11306 of the FEDERAL REGISTER of July 8, 1969, there was published a notice of proposed rule making to revise these grade standards by making greater use of statistical principles and procedures in determining compliance with the standards. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Interested persons were given until July 30, 1969, to submit written data, views, or arguments regarding the proposal. No comments have been received and the proposed revised standards are hereby adopted without change and are set forth below.

These standards shall become effective on October 1, 1969, and will thereupon supersede the U.S. Standards for Grapefruit (Texas and States Other Than Florida, California, and Arizona) which have been in effect since November 3, 1955 (7 CFR 51.620–51.658).

Dated: August 26, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

GRADES

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

TOLERANCES

SAMPLE FOR GRADE OR SIZE DETERMINATION

STANDARD PACK

DEFINITIONS

METRIC CONVERSION TABLE

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.620 U.S. Fancy.

"U.S. Fancy" consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)

(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Smooth texture;
(6) Well formed; and,
(7) Well colored.

(b) Free from:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Cuts not healed;
(5) Skin breakdown;
(6) Decay;
(7) Growth cracks;
(8) Scab;
(9) Sprayburn; and,
(10) Wormy fruit.

(c) Not injured by:
(1) Green spots;
(2) Oil spots;
(3) Scale;
(4) Scars; and,
(5) Thorn scratches.

(d) Not damaged by any other cause.
(e) For tolerances see § 51.628.

§ 51.621 U.S. No. 1.

"U.S. No. 1" consists of grapefruit which meet the following requirements:

(a) Basic requirement:

(1) Discoloration:

(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)

(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Fairly well colored;
(6) Fairly smooth texture; and,
(7) Fairly well formed.

(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Caked melanose;
(4) Growth cracks;
(5) Sprayburn;
(6) Decay; and,
(7) Wormy fruit.

(c) Not damaged by any other cause.
(d) For tolerances see § 51.628.

§ 51.622 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 51.628.

§ 51.623 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.628, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.

(a) For tolerances see § 51.628.

§ 51.624 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 grapefruit: *Provided*, That the number of U.S. No. 2 fruits specified in § 51.628, Tables I and II, are not exceeded.

§ 51.625 U.S. No. 2.

"U.S. No. 2" consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than two-thirds of the surface, in the aggregate, may be affected by discoloration. (See § 51.638.)

(2) Fairly firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) May be slightly colored;
(6) Not more than slightly misshapen; and,
(7) Not more than slightly rough texture.

(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Growth cracks;
(4) Decay; and,
(5) Wormy fruit.
(c) Not seriously damaged by any other cause.
(d) For tolerances see § 51.628.

§ 51.626 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.628, Tables I and II, shall have more than two-thirds of their surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 51.628.

§ 51.627 U.S. No. 3.

"U.S. No. 3" consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) Similar varietal characteristics;
(3) May be misshapen;
(4) May be slightly spongy;
(5) May have rough texture;
(6) Not seriously lumpy or cracked; and,
(7) May be poorly colored.
(i) Not more than 25 percent of the surface may be of a solid dark green color.
(b) Free from:
(1) Cuts not healed;
(2) Decay; and,
(3) Wormy fruit.
(c) Not very seriously damaged by any other cause.
(d) For tolerances see § 51.628.

Tolerances

§ 51.628 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(A) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	1	0	0	0	1	[5]1	2	2	2	2	[5]2	2	2	3	3	3	[5]3	3	4	4	4
	U.S. No. 3	1	0	1	[5]1	1	2	[5]2	2	3	3	[5]3	3	4	4	4	[5]4	5	5	5	[5]5	5
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. Combination (U.S. No. 2's permitted).	21	18	33	47	62	76	90	104	119	133	147	161	174	188	202	216	230	244	257	271	285
Off-size		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
			Acceptance numbers (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

(B) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	1	4	4	[5]4	4	4	5	5	5	5	5	[5]5	5	5	6	6	6	6	5	[5]6	6
	U.S. No. 3	1	5	6	6	6	[5]6	6	7	7	7	[5]7	7	8	8	8	[5]8	8	9	9	9	9
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. Combination, U.S. No. 2	4	32	34	35	36	38	39	40	42	43	44	45	47	48	49	51	52	53	54	56	57
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	5	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
	U.S. Combination (U.S. No. 2's permitted).	21	298	312	326	339	353	367	380	394	408	421	435	449	462	476	489	503	517	530	544	557
Off-size		7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
			Acceptance numbers (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	0	72	76	80	84	88	92	96	99	103	107	110	114	118	122	126	130	134	137	141	145

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.
[2] AL—Absolute limit permitted in individual 33-count sample.
[3] Same size 33-count.
[4] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.
[5] Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 33-count samples [2]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers (maximum permitted) [3]																		
Decay	All		3	2	3	4	5	6	7	8	9	10	11	12	13 [4]	14	15	16	17	18	18 [4]	19
Very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. Combination		4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
Total defects including very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. No. 3		5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. Combination (U.S. No. 2's permitted).		21	18	33	47	62	76	90	104	119	133	147	161	174	188	202	216	230	244	257	271	285
Off-Size			7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1 U.S. No. 1 Bright U.S. No. 2 U.S. Combination		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
			Acceptance numbers (minimum required) [3]																		
	U.S. No. 1 Bronze U.S. No. 2 Russet		0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

[1] Absolute limit permitted in individual 33-count sample.
[2] Sample size—33-count.
[3] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.
[4] Preferred number of samples for this acceptance number.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.629 Sample for grade or size determination.

Each sample shall consist of 33 grapefruit. When individual packages contain at least 33 grapefruit, the sample is drawn from one package; when individual packages contain less than 33 grapefruit, a sufficient number of adjoining packages are opened to form a 33-count sample. When practicable, at point of packaging, the sample may be obtained from the grading belt or bins after sorting has been completed.

STANDARD PACK

§ 51.630 Standard pack.

(a) Fruits shall be fairly uniform in size, unless specified as uniform in size. When packed in boxes or cartons, fruit shall be arranged according to the approved and recognized methods.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. When grapefruits are packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than the number of fruits permitted in § 51.628, Tables I and II, are outside the ranges of diameters given in the following table:

TABLE III—1⅛ BUSHEL BOX
(Diameter in inches)

Pack size	Minimum	Maximum
40's	4 5/16	5
54's or 56's	4 2/16	4 15/16
64's	3 15/16	4 5/16
70's or 72's	3 15/16	4 5/16
80's	3 10/16	4 2/16
96's	3 5/16	3 14/16
112's or 113's	3 2/16	3 10/16
125's or 126's	3	3 5/16

(d) "Uniform in size" means that not more than the number of fruits permitted in § 51.628, Tables I and II, vary more than the following amounts:

(1) 64 size and smaller—not more than six-sixteenths inch in diameter; and,

(2) 54 size and larger—not more than nine-sixteenths inch in diameter.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.631 Mature.

"Mature" shall have the same meaning currently assigned that term in the laws and regulations of the State in which the grapefruit is grown; or as the definition of such term may hereafter be amended.

§ 51.632 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.633 Well colored.

"Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.634 Firm.

"Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.635 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.636 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.637 Injury.

"Injury" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.638 Discoloration.

"Discoloration" means russeting of light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§ 51.639 Fairly well colored.

"Fairly well colored" means that except for a 1-inch circle in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

§ 51.640 Fairly well formed.

"Fairly well formed" means that the fruit may not have the shape characteristic of the variety but is not elongated or pointed or otherwise deformed.

§ 51.641 Fairly smooth texture.

"Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.642 Damage.

"Damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or

the edible or marketing quality of the fruit.

§ 51.643 Fairly firm.

"Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.644 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.645 Slightly rough texture.

"Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.646 Serious damage.

"Serious damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.647 Slightly colored.

"Slightly colored" means that, except for a 2-inch circle in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

§ 51.648 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat sided.

§ 51.649 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.650 Very serious damage.

"Very serious damage" means any specific defect described in § 51.652, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.651 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

§ 51.652 Classification of defects.

TABLE IV

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type	Scars are cracked or dark and aggregating more than a circle ¼ inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melunose			Aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Dryness or mushy condition.		Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¾ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots or oil spots.	More than slightly affecting appearance.	Aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	
Hail	Not well healed, or aggregating more than a circle ½ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ½ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ½ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Seriously detracts from the shape or texture, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Blotch aggregating more than a circle ¾ inch in diameter, or occurring as a ring more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Blotch aggregating more than a circle 1 inch in diameter, or occurring as a ring more than a circle 1½ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Skin breakdown		Aggregating more than a circle ⅝ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Very deep or very rough aggregating more than a circle ½ inch in diameter; deep or rough aggregating more than 1 inch in diameter; slightly rough or of slight depth aggregating more than 10 percent of fruit surface. All areas based on a 70 size grapefruit.	Very deep or very rough aggregating more than a circle 1 inch in diameter; deep or rough aggregating more than 5 percent of fruit surface; slight depth or slightly rough aggregating more than 15 percent of fruit surface. All areas based on a 70 size grapefruit.	Very deep or very rough or unsightly that appearance is very seriously affected.
Sprayburn			Hard or aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened, or hard, aggregating more than 25 percent of fruit surface.	Skin is hard, fruit is decidedly one-sided, aggregating more than one-third of fruit surface.	Aggregating more than 50 percent of fruit surface.
Sprouting		More than 6 seeds are sprouted, including not more than 1 sprout extending to the rind, remainder average not over ¼ inch in length.	More than 6 seeds are sprouted, including not more than 2 sprouts extending to the rind, remainder average not over ½ inch in length.	More than 6 seeds are sprouted, including not more than 3 sprouts extending to the rind, remainder average not over ¾ inch in length.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter, or slight scratches aggregating more than a circle 1 inch in diameter. All areas based on a 70 size grapefruit.	Not well healed, hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter, or slight scratches aggregating more than a circle 1¼ inches in diameter. All areas based on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.

METRIC CONVERSION TABLE

§ 51.653 Metric conversion table.

Inches	Millimeters (mm)
¼ equals	6.4
⅜ equals	9.5
½ equals	12.7
9/16 equals	14.3
⅝ equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
1½ equals	38.1
3 equals	76.2
3 3/16 equals	79.4
3 6/16 equals	85.7
3 8/16 equals	88.9
3 10/16 equals	92.1
3 12/16 equals	96.8
3 14/16 equals	98.4
3 15/16 equals	100.0
4 2/16 equals	104.8
4 5/16 equals	109.5
4 8/16 equals	114.3
4 12/16 equals	120.7
5 equals	127.0

[F.R. Doc. 69-10357; Filed, Aug. 29, 1969; 8:45 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Oranges (Texas and States Other Than Florida, California, and Arizona) [1]

On page 11311 of the FEDERAL REGISTER of July 8, 1969, there was published a notice of proposed rule making to revise these grade standards by making greater use of statistical principles and procedures in determining compliance with the standards. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Interested persons were given until July 30, 1969, to submit written data, views, or arguments regarding the proposal. No comments have been received and the proposed revised standards are hereby adopted without change and are set forth below.

These standards shall become effective on October 1, 1969, and will thereupon supersede the U.S. Standards for Oranges (Texas and States Other Than Florida, California, and Arizona) which have been in effect since August 2, 1959 (7 CFR 51.680–51.712).

Dated: August 26, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

GRADES

TOLERANCES

SAMPLE FOR GRADE OR SIZE DETERMINATION

STANDARD PACK

STANDARD SIZING

DEFINITIONS

METRIC CONVERSION TABLE

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.681 U.S. Fancy.

"U.S. Fancy" consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)

(2) Firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Well colored;

(6) Well formed; and,

(7) Smooth texture.

(b) Free from:

(1) Ammoniation;

(2) Bruises;

(3) Buckskin;

(4) Caked melanose;

(5) Creasing;

(6) Cuts not healed;

(7) Decay;

(8) Growth cracks;

(9) Scab;

(10) Skin breakdown;

(11) Sprayburn;

(12) Undeveloped segments; and,

(13) Wormy fruit.

(c) Not injured by:

(1) Green spots;

(2) Oil spots;

(3) Split navels;

(4) Rough, wide or protruding navels;

(5) Scale;

(6) Scars; and,

(7) Thorn scratches.

(d) Not damaged by any other cause.

(e) For tolerances see § 51.689.

§ 51.682 U.S. No. 1.

"U.S. No. 1" consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)

(2) Firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Well formed;

(6) Fairly smooth texture; and,

(7) Color:

(i) Early and midseason varieties shall be fairly well colored.

(ii) For Valencia and other late varieties, not less than 50 percent, by count, shall be fairly well colored and the remainder reasonably well colored.

(b) Free from:

(1) Bruises;

(2) Cuts not healed;

(3) Caked melanose;

(4) Decay;

(5) Growth cracks;

(6) Sprayburn;

(7) Undeveloped segments; and,

(8) Wormy fruit.

(c) Not damaged by any other cause.

(d) For tolerances see § 51.689.

§ 51.683 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 51.689.

§ 51.684 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.689, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.

§ 51.685 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 oranges: *Provided*, That the number of U.S. No. 2 fruits specified in § 51.689, Tables I and II, are not exceeded.

§ 51.686 U.S. No. 2.

"U.S. No. 2" consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.700.)

(2) Fairly firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Reasonably well colored;

(6) Not more than slightly misshapen, and,

(7) Not more than slightly rough.

(b) Free from:

(1) Bruises;

(2) Cuts not healed;

(3) Decay;

(4) Growth cracks; and,

(5) Wormy fruit.

(c) Not seriously damaged by any other cause.

(d) For tolerances see § 51.689.

§ 51.687 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

less than the number of fruits required in § 51.689, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.

§ 51.688 U.S. No. 3.

"U.S. No. 3" consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Mature;

(2) Similar varietal characteristics;

(3) May be misshapen;

(4) May be slightly spongy;

(5) May have rough texture;

(6) Not seriously lumpy or cracked; and,

(7) May be poorly colored.

(i) Not more than 25 percent of the surface may be of a solid dark green color.

(b) Free from:

(1) Cuts not healed;

(2) Decay; and,

(3) Wormy fruit.

(c) Not very seriously damaged by any other cause.

(d) For tolerances see § 51.689.

TOLERANCES

§ 51.689 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(A) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [2]	Number of 50-count samples [3]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance number (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	1	0	1	[5] 1	1	2	[5] 2	2	3	3	3	[5] 3	3	4	4	[5] 4	4	5	5	5	5
	U.S. No. 3	2	0	1	2	[5] 2	2	[5] 3	3	4	4	[5] 4	5	5	[5] 5	6	6	[5] 6	6	7	7	7
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. Combination (U.S. No. 2's permitted).	29	26	48	70	91	112	134	155	176	197	218	239	260	281	301	322	343	364	384	406	425
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
			Acceptance number (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

(B) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [2]	Number of 50-count samples [3]																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers (maximum permitted) [4]																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	1	[5] 5	6	6	6	6	[5] 6	6	7	7	7	[5] 7	7	8	8	8	[5] 8	8	9	9	9
	U.S. No. 3	2	8	8	[5] 8	8	9	9	[5] 9	9	10	10	[5] 10	11	11	[5] 11	11	12	12	[5] 12	12	13
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. Combination	6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
Total defects including decay and very serious damage.	U.S. Fancy, U.S. No. 1, U.S. No. 2, U.S. No. 3	8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
	U.S. Combination (U.S. No. 2's permitted).	29	446	467	487	508	529	549	570	590	611	631	652	672	693	713	734	754	775	795	816	836
Off-size		10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. Combination	10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
			Acceptance number (minimum required) [4]																			
	U.S. No. 1 Bronze, U.S. No. 2 Russet	1	114	119	125	131	137	143	149	155	161	166	172	178	184	190	196	202	208	214	220	226

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

[2] AL—Absolute limit permitted in individual 50-count sample.

[3] Sample size—50-count.

[4] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.

[5] Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 50-count samples [2]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers (maximum permitted)																		
Decay	All	4	3	4	6	7	9	10	11	13	14	15	16	18	19	20	21	23	24	25	26	27
Very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. Combination	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2 U.S. No. 3	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. Combination (U.S. No. 2's permitted).	29	26	48	70	91	112	134	155	176	197	218	239	260	281	301	322	343	364	384	405	425
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. No. 1 U.S. No. 1 Bright U.S. No. 2 U.S. Combination	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
			Acceptance number (minimum required) [2]																		
	U.S. No. 1 Bronze U.S. No. 2 Russet	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

[1] AL—Absolute limit permitted in individual 50-count sample.
[2] Sample size—50-count.

[2] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.690 Sample for grade or size determination.

Each sample shall consist of 50 oranges. When individual packages contain at least 50 oranges, the sample is drawn from one package; when individual packages contain less than 50 oranges, a sufficient number of adjoining packages are opened to form a 50-count sample. When practicable, at point of packaging, the sample may be obtained from the grading belt or bins after sorting has been completed.

STANDARD PACK

§ 51.691 Standard pack for oranges except Temple variety.

(a) Fruit shall be fairly uniform in size, unless specified as uniform in size, and shall be place packed in boxes or cartons and arranged according to the approved and recognized methods.

(b) All containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers. When oranges are packed in wire-bound boxes or cartons, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than the number of fruits permitted in § 51.689, Tables I and II, are outside the ranges of diameters given in the following table.

TABLE III
(When packed in 1⅗ bushel or ⅗ bushel containers)

Size and count in 1⅗ bushel	Count in ⅗ bushel	Diameter in inches	
		Minimum	Maximum
100's	48 or 50	3 7/16	3 13/16
126's	64	3 1/16	3 9/16
163's	80	2 13/16	3 3/16
200's	100	2 11/16	3 1/16
252's	125	2 7/16	2 13/16
288's	144	2 5/16	2 9/16
324's	162	2 3/16	2 5/16

(d) "Uniform in size" means that not more than the number of fruits permitted in § 51.689, Tables I and II, vary more than the following amounts:

(1) 163 size or smaller—not more than four-sixteenths inch in diameter; and,

(2) 125 size or larger—not more than five-sixteenths inch in diameter.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

STANDARD SIZING

§ 51.692 Standard sizing.

(a) Boxes, cartons, bag packs, or bulk loads in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing: *Provided*, That the ranges are fairly uniform in size as defined in § 51.691: *And provided further*, That when packed in boxes or cartons the contents have been properly shaken down and the container is at least level full at time of packing.

(b) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing.

DEFINITIONS

§ 51.693 Mature.

"Mature" shall have the same meaning currently assigned that term in the laws and regulations of the State in which the orange is grown; or as the definition of such term may hereafter be amended.

§ 51.694 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.695 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.696 Firm.

"Firm" as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.697 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.698 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.699 Injury.

"Injury" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.700 Discoloration.

"Discoloration" means russeting of light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.701 Fairly smooth texture.

"Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.702 Damage.

"Damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.703 Fairly well colored.

"Fairly well colored" means that except for a one inch circle in the aggregate of green color, the yellow or orange color predominates over the green color on that part of the fruit which is not discolored.

§ 51.704 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface in the aggregate which is not discolored.

§ 51.705 Fairly firm.

"Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin) means that the fruit is not extremely puffy or the skin extremely loose.

§ 51.706 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.707 Slightly rough texture.

"Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.708 Serious damage.

"Serious damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.709 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.710 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.711 Very serious damage.

"Very serious damage" means any specific defect described in § 51.713, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.712 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

§ 51.713 Classification of defects.

TABLE IV

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type	Scars are cracked or dark and aggregating more than a circle ¾ inch in diameter or light colored and aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1 inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose			Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Creasing		Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition.		Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¾ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots or oil spots.	More than slightly affecting appearance.	Aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	
Hail	Not well healed, or aggregating more than a circle ¼ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ½ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Seriously detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 200 orange.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, rough or hard aggregating more than a circle ¾ inch in diameter; slightly rough with slight depth aggregating more than a circle ⅞ inch in diameter; smooth or fairly smooth with slight depth aggregation more than a circle 1¼ inches in diameter. All areas based on a 200 size orange.	Deep, rough aggregating more than a circle ½ inch in diameter; slightly rough with slight depth aggregating more than a circle 1¼ inches in diameter. All areas based on a 200 size orange.	Deep, rough or unsightly that appearance is very seriously affected.
Skin breakdown		Aggregating more than a circle ¼ inch in diameter on a 200 size orange.	Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened or hard, aggregating more than 25 percent of the surface.	Affecting more than ⅓ of the surface, hard, decidedly one-sided, or light brown and aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 50 percent of the surface.
Sprayburn			Hard, or aggregating more than a circle 1¼ inches in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Split, rough or protruding navels.	Split is unhealed; navel protrudes beyond general contour; opening is so wide, growth so folded and ridged that it detracts noticeably from appearance.	Split is unhealed, or more than ¼ inch in length, or more than 3 well healed splits, or navel protrudes beyond the general contour, and opening is so wide, folded or ridged that it detracts materially from appearance.	Split is unhealed, or more than ½ inch in length, or aggregate length of all splits exceed 1 inch, or navel protrudes beyond general contour, and opening is so wide, folded and ridged that it seriously detracts from appearance.	Split is unhealed or fruit is seriously weakened.
Thorn scratches	Not slight, not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ⅜ inch in diameter on a 200 size orange.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.

METRIC CONVERSION TABLE

§ 51.714 Metric conversion table.

Inches	Millimeters (mm)
¼ equals	6.4
5/16 equals	7.9
⅜ equals	9.5
½ equals	12.7
5/8 equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
2 3/16 equals	55.6
2 1/16 equals	57.2
2 3/16 equals	61.9
2 1/16 equals	63.5
2 5/16 equals	65.1
2 11/16 equals	68.3
2 13/16 equals	69.9
2 15/16 equals	74.6
3 1/16 equals	77.8
3 3/16 equals	81.0
3 5/16 equals	84.1
3 7/16 equals	87.3
3 9/16 equals	90.5
3 13/16 equals	96.8

[F.R. Doc. 69-10358; Filed, Aug. 29, 1969; 8:45 a.m.]

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

[Lemon Regulation 389]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.689 Lemon Regulation 389.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 26, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 31, 1969, through September 6, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: 1,861 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: August 28, 1969.

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

[F.R. Doc. 69-10488; Filed, Aug. 29, 1969; 8:49 a.m.]

PART 932—OLIVES GROWN IN CALIFORNIA

Subpart—Rules and Regulations

MISCELLANEOUS AMENDMENTS

Notice is hereby given of the approval of amendments, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.161)[1] currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendments to said rules and regulations were unanimously recommended by the Olive Administrative Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof.

One amendment revises paragraph (e) of § 932.150. It thus extends the provisions of that section for one year by specifying a new termination date of August 31, 1970. According to the committee's recommendation, the sizes of olives in the 1969–70 crop are such that the percentage tolerances provided in paragraphs (a) through (d) of § 932.150 are necessary and sufficient for efficient handling of the crop, and the percentage tolerances should be continued in effect.

The other amendment establishes for the 1969–70 crop year larger minimum sizes than those in § 932.153 for olives that may be used currently in the production of halved, sliced, chopped, and minced styles of canned ripe olives. The minimum sizes are expressed in terms of minimum weights for individual olives. Such changes reflect the committee's appraisal of the 1969–70 olive crop (including the anticipated larger sizes of olives) and marketing conditions and are its recommendations for the minimum sizes of olives that will provide consumers with good quality fruit and maximize returns to growers pursuant to the declared policy of the act.

It is hereby found that amendment of the said rules and regulations as hereinafter set forth is in accordance with the provisions of the marketing agreement and order, and will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

The amendments are as follows:

1. Paragraph (e) of § 932.150 is revised as follows:

§ 932.150 Changes in the percentage tolerances for canned whole ripe olives.

* * * * *

(e) The provisions of this section shall terminate on August 31, 1970.

2. The provisions of § 932.153 are revised to read as follows:

§ 932.153 Establishment of sizes of processed olives for use in the production of halved, sliced, chopped, or minced styles of canned ripe olives.

(a) The minimum sizes of processed olives of the respective variety groups that may be used in the production of halved, sliced, chopped, or minced styles

[1] As designated in 33 F.R. 15631.

of canned ripe olives shall be not smaller than the following applicable minimum sizes:

(1) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh 1/85th pound: *Provided*, That not to exceed 15 percent of the olives in any lot may be smaller than 1/85th pound;

(2) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varities, of a size which individually weigh 1/140th pound: *Provided*, That not to exceed 15 percent of the olives in any lot may be smaller than 1/140th pound;

(3) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh 1/150th pound: *Provided*, That not to exceed 10 percent of the olives in any lot may be smaller than 1/150th pound;

(4) Variety Group 2 olives of the Obliza variety of a size which individually weigh 1/140th pound: *Provided*, That not to exceed 10 percent of the olives in any lot may be smaller than 1/140th pound.

(b) The provisions of this section shall be applicable only during the crop year ending August 31, 1970.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective at the time hereinafter set forth, in that (1) the time intervening between the date when information upon which these amendments is based became available and the time such amendments must become effective in order to effectuate the declared policy of the act is insufficient; (2) the handling of the 1969 crop of olives is expected to begin about September 1, 1969—the beginning of the crop year—and the amendment of the rules and regulations should be in effect by that time so as to apply to the handling of olives during the entire crop year to effectuate the declared policy of the act; (3) unless otherwise provided, the current provisions of the sections being amended will by their terms terminate on August 31, 1969, and will not be applicable to such crop; (4) compliance with the amended rules and regulations will require of handlers no special preparation therefor which cannot be completed by the effective time hereof; (5) in order to facilitate the handling of the 1969 crop the industry should have knowledge of the revised requirements, contained in the amendments, as soon as possible; and (6) the amendments were unanimously recommended by members of the Olive Administrative Committee after an open meeting on August 15, 1969, at which all interested persons were afforded an opportunity to submit their views.

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

Dated, August 27, 1969, to become effective August 31, 1969.

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

[F.R. Doc. 69-10405; Filed, Aug. 29, 1969; 8:47 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Establishment of Free and Restricted Percentages and Withholding Factors for 1969–70 Crop Year

Notice was published in the August 15, 1969, issue of the FEDERAL REGISTER (34 F.R. 13280) regarding a proposal to establish, for the 1969–70 crop year, free and restricted percentages and withholding factors applicable to specified varieties of domestic dates. The crop year began August 1, 1969. The establishment of such percentages and withholding factors is pursuant to the relevant provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in a designated area of California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Date Administrative Committee.

The notice afforded interested persons opportunity to submit written data, views, or arguments on the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to establish free percentages, restricted percentages, and withholding factors, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Therefore, the free percentages, restricted percentages, and withholding factors, for the 1969–70 crop year, applicable to marketable dates are, pursuant to §§ 987.44 and 987.45, established as follows:

§ 987.217 Free and restricted percentages, and withholding factors.[1]

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1969, and ending July 31, 1970, as follows: (a) Deglet Noor variety dates: Free percentage, 75 percent; restricted percentage, 25 percent; and withholding factor, 33.3 percent; (b) Zahidi variety dates: Free percentage, 80 percent; restricted percentage, 20 percent; and withholding factor, 25 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; withholding factor, 0 percent.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that (a) free and restricted percentages and withholding factors established for a particular crop year shall be applicable during the entire crop year to all marketable dates, and (b) the withholding obligations based on the continued regulation from the preceding crop year shall be adjusted to the newly established percentages upon their establishment; and (2) the percentages and withholding factors established herein for the current 1969–70 crop year (which began Aug. 1, 1969), will apply, and adjustment thereto of handlers' withholding obligations are required, automatically, with respect to all such dates.

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

Dated: August 27, 1969.

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

[F.R. Doc. 69-10429; Filed, Aug. 29, 1969; 8:49 a.m.]

[1] The Date Administrative Committee included no countries other than the United States and Canada in trade demand.

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(4) With respect to the New York-New Jersey order (Part 1002), it is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to the total quantity of pool milk received from dairy farmers at plants or from farms in a unit operated by such handler, directly or at the instance of a cooperative association of producers.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, effective not later than September 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued August 1, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued August 20, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1969, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. In § 1001.32, paragraph (j) is revised to read as follows:

§ 1001.32 Duties.

* * * * *

(j) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price for the preceding month, as computed under § 1001.61;

(2) By the 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d);

(3) By the 25th day of each month the butterfat differential computed pursuant to § 1001.71(b); and

(4) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. Section 1001.60 is revised to read as follows:

§ 1001.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, for the month, at plants located in zone 21, shall be $6.91 plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1001.66 is revised to read as follows:

§ 1001.66 Factors used in formulas.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the price which is specified.

4. In § 1001.71, paragraph (b) is revised to read as follows:

§ 1001.71 Butterfat differential.

* * * * *

(b) Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) is revised to read as follows:

§ 1002.22 Duties.

* * * * *

(m) On or before the date specified, or the next succeeding work day in any month in which such date is a Sunday or holiday, publicly announce the following:

(1) The 5th day of each month:

(i) The Class I price for the current month and the Class II price for the preceding month computed pursuant to § 1002.50, both as applicable at the 201–210-mile zone and at the 1–10-mile zone;

(ii) The butterfat differential for the preceding month computed pursuant to § 1002.81;

(iii) The simple average of the daily wholesale selling price per pound (using the midpoint of any price range as one price) reported by the U.S. Department of Agriculture for Grade A or 92-score bulk creamery butter in New York City for the period between the 16th day of the second preceding month and the 15th day inclusive of the preceding month;

(iv) The average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month;

(v) The simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of

Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the preceding month.

(vi) The weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the U.S. Department of Agriculture for the period from the 26th day of the second preceding month through the 25th day of the preceding month.

(2) The 15th day of each month, the uniform price for the preceding month pursuant to § 1002.71 applicable at the 201–210-mile zone and at the 1–10-mile zone pursuant to § 1002.82.

2. In § 1002.50, paragraph (b) is revoked and the designation "(b)" is reserved for future assignment; paragraph (a) is revised; and the remaining paragraphs are unchanged. Section 1002.50, as revised, reads as follows:

§ 1002.50 Class prices.

* * * * *

(a) For Class I–A milk the price each month shall be $6.73 plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33.

(b) [Reserved]

* * * * *

§ 1002.81 [Amended]

3. The provision "0.120" as it appears in § 1002.81 is revoked and the provision "0.115" is substituted thereat.

§ 1002.90 [Amended]

4. The provision "2 cents" as it appears in § 1002.90 is revoked and the provision "4 cents" is substituted thereat.

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

1. Section 1003.51 is revised to read as follows:

§ 1003.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class price pursuant to § 1003.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

2. Section 1003.81 is revised to read as follows:

§ 1003.81 Producer butterfat differential.

In making payments pursuant to § 1003.80 (a) or (b) the uniform price shall be adjusted for each one-tenth of 1 percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential as computed pursuant to § 1003.51.

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

1. In § 1004.22, paragraph (j) is revised to read as follows:

§ 1004.22 Duties.

* * * * *

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month:

(i) The Class I price for the current month computed pursuant to § 1004.50 (a);

(ii) The Class II price computed pursuant to § 1004.50(b) and the handler butterfat differential computed pursuant to § 1004.51, both for the preceding month;

(2) The 13th day of each month, the uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month.

2. In § 1004.50, paragraph (a) is revised to read as follows:

§ 1004.50 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight of Class I milk shall be $7.17 plus any amount by which the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1004.51 is revised to read as follows:

§ 1004.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class price pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of a percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

4. Section 1004.81 is revised to read as follows:

§ 1004.81 Butterfat differential to producers.

The uniform price to each producer shall be increased or decreased for each one-tenth of 1 percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat differential computed pursuant to § 1004.51.

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) is revised to read as follows:

§ 1015.32 Duties.

* * * * *

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price and butterfat differential for the preceding month, as computed under §§ 1015.61 and 1015.71, respectively;

(2) By the 14th day of each month the basic uniform price for the preceding month computed under § 1015.64 and the zone uniform prices resulting from the adjustment of the basic uniform price by the zone price differentials under § 1015.62; and

(3) Whenever required for purpose of assigning receipts from other Federal order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. Section 1015.60 is revised to read as follows:

§ 1015.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, for the month, at plants located in the nearby plant zone under § 1015.62, shall be $7.31 plus any amount by which the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1015.65 is revised to read as follows:

§ 1015.65 Factors used in formulas.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the price which is specified.

4. Section 1015.71 is revised to read as follows:

§ 1015.71 Butterfat differential.

In making the payments to producers and cooperative associations required under § 1015.70 or for overages under § 1015.63(d), each handler shall add or subtract for each one-tenth of 1 percent that the average butterfat content of milk received from producers or the overage is above or below 3.5 percent, respectively, an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

1. Section 1016.51 is revised to read as follows:

§ 1016.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class prices pursuant to § 1016.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price), reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

2. Section 1016.81 is revised to read as follows:

§ 1016.81 Producer butterfat differential.

In making payments pursuant to § 1016.80 (a) or (b) the uniform prices shall be adjusted for each one-tenth of 1 percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential as computed pursuant to § 1016.51.

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

Effective date: September 1, 1969.

Signed at Washington, D.C., on August 27, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-10408; Filed, Aug. 29, 1969; 8:48 a.m.]

[Milk Order 132]

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than September 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued August 1, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 21, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1969, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1132.7 is revised as follows:

§ 1132.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant as producer milk.

2. Section 1132.10 is revised as follows:

§ 1132.10 Pool plant.

"Pool plant" means a plant described in paragraph (a) or (b) of this section, subject to paragraph (c) of this section.

(a) A distributing plant from which a volume of Class I milk:

(1) Not less than 50 percent of the Grade A milk received at such plant from dairy farmers, from cooperative association handlers pursuant to § 1132.12(c), and from other plants, is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants); and

(2) Not less than 15 percent of such receipts, or an average of not less than 10,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped

during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from cooperative association handlers pursuant to § 1132.12(c) during such month: *Provided*, That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a plant qualified pursuant to this section.

3. Section 1132.12(c) is revised as follows:

§ 1132.12 Handler.

* * * * *

(c) Any cooperative association with respect to milk of its member producers picked up at the farm for delivery to the pool plant of another handler in a tank truck owned or operated by such association or under control of such association, by contract or otherwise, in such a way that the association supervises and controls the determination of farm weights and tests of the milk of each of such member producers.

4. Section 1132.14 is revised as follows:

§ 1132.14 Producer milk.

"Producer milk" means the skim milk and butterfat handled by a pool plant operator or a cooperative association handler pursuant to § 1132.12 (b) and (c) as follows:

(a) Producer milk of a handler operating a pool plant is skim milk and butterfat in milk:

(1) Diverted by the operator of such pool plant for his account to a nonpool plant subject to the limits prescribed in paragraph (d) of this section; and

(2) Received at such pool plant directly from producers and from a cooperative association handler pursuant to § 1132.12(c). If the handler receiving milk from a cooperative association handler pursuant to § 1132.12(c) accounts for such receipt on the basis of farm weights and butterfat tests, the entire truckload shall be considered a receipt of producer milk at the first plant of delivery.

(b) Producer milk of a cooperative association handler pursuant to § 1132.12 (b) is skim milk and butterfat in milk received by such cooperative association from producers' farms and diverted by such association for its account to a nonpool plant, subject to the limits prescribed in paragraph (d) of this section.

(c) Producer milk of a cooperative association handler pursuant to § 1132.12 (c) is skim milk and butterfat in milk received by such cooperative association from producers' farms in excess of the quantity delivered to pool plants. Such milk shall be priced to the cooperative association at the location of the pool plant to which most of the milk in the tank truck was delivered during the month.

(d) Diverted milk is producer milk in any month only to the extent it meets conditions set forth in this paragraph:

(1) It is claimed as producer milk by the diverting handler in his report filed pursuant to § 1132.30;

(2) It is milk received from a dairy farmer who had producer status immediately prior to such diversion;

(3) It is not in excess of 15 days' production of each producer during any of the months July through February; and

(4) Such diverted producer milk shall be priced at the location of the pool plant where the producer's milk was last physically received.

5. Section 1132.15 is revised as follows:

§ 1132.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, milk drinks (plain or flavored), cream (sweet or sour), or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, sour cream and sour cream products not labeled Grade A, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers): *Provided*, That when any such product is modified by the addition of nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

6. Section 1132.30 is revised as follows:

§ 1132.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler in his capacity as the operator of a pool plant(s) and each cooperative association with respect to milk for which it is a handler pursuant to § 1132.12 (b) or (c) shall report for such month to the market administrator in detail and on forms prescribed by the market administrator:

(a) Each handler in his capacity as the operator of a pool plant(s) shall report:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1132.14;

(5) Inventories of fluid milk products on hand at the beginning and end of the month; and

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1132.12 (b) and (c):

(1) Skim milk and butterfat in milk received by such cooperative association from producers' farms;

(2) The quantities of such skim milk and butterfat delivered to each pool plant and each nonpool plant; and

(3) The utilization of skim milk and butterfat delivered to a nonpool plant.

7. Section 1132.41(b)(5) is revised as follows:

§ 1132.41 Classes of utilization.

* * * * *

(b) * * *

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1132.42(b)(1) but not to exceed the following:

(i) 2 percent of milk received directly from producers (not including diverted producer milk), and receipts of fluid milk products in bulk from other order plants and from unregulated supply plants (exclusive of the quantity for which Class II utilization was requested by the handler);

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1132.12(c), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights and tests determined by the cooperative association, the applicable percentage shall be 2 percent; and

(iii) 0.5 percent of milk received at the farm by a cooperative association handler pursuant to § 1132.12(c), exclusive of receipts for which farm weights and tests are used as the basis of receipt at the plant to which delivered; and

* * * * *

8. Section 1132.43 is revised as follows:

§ 1132.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1132.12(c), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1132.14(a)(2);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1132.12 (c) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1132.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

9. Section 1132.45 is revised as follows:

§ 1132.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and for each handler pursuant to § 1132.12 (b) and (c) and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk. Producer milk for which a cooperative association is the handler pursuant to § 1132.12 (b) and (c) shall be allocated separately from the allocation of receipts at any pool plant operated by such cooperative association.

10. Section 1132.80(c)(1) is revised and subparagraph (4) is added as follows:

§ 1132.80 Time and method of payment for producer milk.

* * * * *

(c) * * *

(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 26th and 13th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

* * * * *

(4) For producer milk received from a cooperative association handler pursuant to § 1132.12(c), each handler shall make payments as follows:

(i) On or before the 26th day of the month, a partial payment for milk received during the first 15 days of such month at not less than the amount specified in paragraph (a) of this section; and

(ii) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subdivision (i) of this subparagraph.

11. The introductory text of § 1132.80 (d) is corrected as follows:

§ 1132.80 Time and method of payment for producer milk.

* * * * *

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

* * * * *

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

Effective date: September 1, 1969.

Signed at Washington, D.C., on August 26, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-10409; Filed, Aug. 29, 1969; 8:48 a.m.]

[Milk Order 138]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than September 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued July 25, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 18, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it hereby found and determined that good cause exists for making this order amending the order effective September 1, 1969, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act.

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of

the aforesaid order, as amended, and as further amended, as follows:

1. In § 1138.55, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through August 1970, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

* * * * *

2. In § 1138.80, paragraph (a) is revised to read as follows:

§ 1138.80 Payments to producers.

* * * * *

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 28th day of the month, a partial payment equal to the uniform price for the preceding month multiplied by the hundredweight of milk delivered during the first 15 days of the current month less authorized deductions;

* * * * *

3. In § 1138.80(e), subparagraphs (1) and (2) are revised to read as follows:

§ 1138.80 Payments to producers.

* * * * *

(e) * * *

(1) A partial payment in the amount specified in paragraph (a) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less the amount of partial payment made on such milk.

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

Effective date: September 1, 1969.

Signed at Washington, D.C., on August 26, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69–10410; Filed, Aug. 29, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 3]

PART 1490—PAYMENTS ON EXPORTS OF CERTAIN KINDS OF TOBACCO

Subpart—Tobacco Export Program

Correction

In F.R. Doc. 69–9965, appearing at page 13464 in the issue of Thursday, August 21, 1969, in the 18th line of paragraph (a) of § 1490.7, the figure reading "§ 149.06" should read "§ 1490.6".

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

STATUTORY AND REGULATORY FEES

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on August 1, 1969 (34 F.R. 12598), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there was set out proposed rules pertaining to revised fees. Several representations were received. With regard to the two items in the notice regarding the filing of an appeal from, or a motion to reopen or reconsider, a decision in an exclusion or deportation proceeding and for filing an application for temporary withholding of deportation under section 243(h) of the Act, they are being given further consideration and the existing fees therefor remain in effect. The amendatory regulations as set out below are adopted.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. Section 103.7 is amended as follows:

§ 103.7 Fees.

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 483a shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by law or regulation. When any discretionary relief in exclusion or deportation proceedings is granted absent an application and fee therefor, the district director having jurisdiction over the place where the original proceeding was conducted shall require the filing of the application and the payment of the fee. Every remittance shall be accepted subject to collection. A receipt issued by a Service officer for any such remittance shall not be binding if the remittance is found uncollectible. Fees in the form of postage stamps shall not be accepted. Remittances shall be made payable to the "Immigration and Naturalization Service, Department of Justice" except that in case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands," and, in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam."

(b) *Amounts of fees*—(1) *Nonstatutory fees.* The following nonstatutory fees and charges are prescribed:

For filing application for Alien Registration Receipt Card (Form I–151), in lieu of one lost, mutilated, or destroyed, or in a changed name	$10.00
For filing application for a U.S. Citizen Identification Card	$10.00
For filing application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation	25.00
For filing application for passport or visa waiver prior to or at the time application is made for temporary admission to the United States	[1] 10.00
For filing application for visa waiver when application is made for admission as a returning resident	[1] 10.00
For filing applicantion for passport waiver prior to or at the time application is made for permanent admission	[1] 10.00
For filing appeal from or motion to reopen or reconsider, any decision under the immigration laws, except an exclusion or deportation proceeding. (The minimum fee of $25 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	25.00
For filing petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act	25.00
For filing petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the Act	10.00
For filing application for issuance of reentry permit	10.00
For filing application for extension of reentry permit	10.00
For filing application for extension of stay to a nonimmigrant, other than one described in section 101(a)(15)(F) or 101(a)(15)(J) of the Act, and, upon a basis of reciprocity, a nonimmigrant described in section 101(a)(15)(A)(iii), or 101(a)(15)(G)(v) of the Act	10.00
For filing petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act	25.00
For filing petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner in behalf of orphans who are brothers or sisters, only one fee will be required.)	25.00
For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a State or political subdivision thereof	25.00
For filing application for discretionary relief under section 212(c) of the Act	25.00
For filing application for discretionary relief under section 212(d)(3) of the Act, except in an emergency case, or the approval of the application is in the interest of the U.S. Government	25.00
For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act	25.00

[1] Plus communication costs.

For filing application for waiver of ground of excludability under section 212(h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections.)	$25.00
For filing application for adjustment of status to that of a permanent resident under section 245 of the Act	25.00
For filing application for adjustment of status to that of a permanent resident under section 13 of the Act of September 11, 1957	25.00
For filing application for creation of record of admission for permanent residence under section 249 of the Act	25.00
For filing application for change of nonimmigrant classification under section 248 of the Act	25.00
* * * * *	
For filing application for stay of deportation under Part 243 of this chapter	25.00
* * * * *	
For filing application for suspension of deportation under section 244 of the Act	50.00
For filing application for transfer of petition for naturalization under section 335(i) of the Act, except when transfer is of a petition for naturalization filed under the Act of October 24, 1968, Public Law 90-633	5.00
For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a changed name under section 343 (b) or (d) of the Act	5.00
For filing application for a certificate of citizenship under section 309(c) or section 341 of the Act	10.00
For filing application for a special certification of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the Act	5.00
For filing application for a certificate of naturalization or repatriation under section 343(a) of the Immigration and Nationality Act or the 12th subdivision of section 4 of the Act of June 29, 1906	5.00
For filing application for section 316 (b) or 317 of the Act benefits	10.00
For special statistical tabulation a charge will be made to cover the cost of the work involved	
For set monthly, semiannual, or annual tables entitled "Passenger Travel Reports via Sea and Air"	$5.00
For annual subscription for "Passenger Travel Reports via Sea and Air"	75.00

Except as otherwise provided in § 3.3(b) of this chapter, any of the foregoing fees relating to applications, petitions, appeals, and motions may be waived when an alien or other party affected is unable to pay the prescribed fee if he files with the relating application, petition, appeal, or motion his affidavit stating the nature thereof, his belief that he is entitled to redress, and his inability to pay the required fee, and he requests permission to prosecute the application, petition, appeal, or motion without prepayment of such fee. When such an affidavit is filed with the officer of the Service having jurisdiction to render a decision on the application, petition, appeal, or motion, such officer may, in his discretion, authorize the prosecution of the relating application, petition, appeal, or motion without prepayment of fee.

(2) *5 U.S.C. 552 fees.* For the services expended in locating or making available records or copies thereof under 5 U.S.C. 552, the following user charges are deemed fair and equitable and shall be assessed against the person who requests that records be made available:

Each Form N-585 or Form I-500 shall be accompanied by payment of ____ (This charge will be retained whether or not an identified record is located.)	$3.00
For each one quarter man-hour or fraction thereof spent in excess of the first quarter hour in searching for or producing a requested record	1.00
For each one quarter hour or fraction thereof spent in monitoring the requester's examination of materials	1.00
For copies of documents:	
Per page	.25
Minimum fee	.50
(Maximum number of copies furnished of any document—10.)	
For each certification of a true copy	1.00
For each attestation under seal	3.00

(3) *8 U.S.C. 1455 fees.* For services performed under 8 U.S.C. 1455, the clerk of court shall charge, collect, and account for the following fees:

For receiving and filing a declaration of intention	$5.00
For making, filing, and docketing a petition for naturalization	25.00

§ 103.3 [Amended]

2. The third sentence of paragraph (a) *Denials and appeals* of § 103.3 *Denials, appeals, and precedent decisions* is amended to read as follows: "When the applicant is entitled to appeal to another Service officer, the notice shall advise him that he may appeal from the decision, and that such appeal may be taken within 15 days after the mailing of the notification of decision, accompanied by a supporting brief if desired and a fee of $25, by filing notice of appeal, Form I-290B, which shall be furnished with the written notice."

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

§ 204.1 [Amended]

1. The first sentence of paragraph (b) *Orphan* of § 204.1 *Petition* is amended to read as follows: "A petition in behalf of a child defined in section 101(b)(1)(F) of the Act shall be filed by the U.S. citizen spouse in the office of the Service having jurisdiction over the place where the petitioner is residing on Form I-600, shall identify the child, and shall be accompanied by a fee of $25."

2. The second sentence of paragraph (c) *Member of the professions or an alien of exceptional ability in the sciences or arts* of § 204.1 *Petition* is amended to read as follows: "A separate Form I-140 executed under oath or affirmation and accompanied by Form ES-575A and a fee of $25 must be submitted for each beneficiary before the petition may be accepted by the Service and considered properly filed."

3. The second sentence of subparagraph (1) *Filing petition* of paragraph (d) *Petitions under section 203(a)(6) of the Act* of § 204.1 *Petition* is amended to read as follows: "A separate form must be submitted for each beneficiary, executed under oath or affirmation, accompanied by a fee of $25."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.17 [Amended]

The third sentence of paragraph (d) *General* of § 242.17 *Ancillary matters, applications* is amended to read as follows: "The respondent shall not be required to pay a fee on more than one application within paragraphs (a) and (c) of this section, provided that the minimum fee imposed when more than one application is made shall be determined by the cost of the application with the highest fee."

PART 334—PETITION FOR NATURALIZATION

§ 334.13 [Amended]

The last sentence of § 334.13 *Filing of petition for naturalization* is amended to read as follows: "The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of $25, unless the petitioner is exempt therefrom by section 344(h) of the Immigration and Nationality Act, or is exempt therefrom under section 3 of the Act of October 24, 1968."

PART 341—CERTIFICATES OF CITIZENSHIP

§ 341.1 [Amended]

The first sentence of § 341.1 *Application* is amended to read as follows: "An application for a certificate of citizenship by or in behalf of a person who claims to have acquired U.S. citizenship under section 309(c) or to have acquired or derived U.S. citizenship as specified in section 341 of the Act shall be submitted on Form N-600 in accordance with the instructions thereon, accompanied by a fee of $10."

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

The basis and purpose of the above-prescribed rules are to implement Public Law 90-609 (82 Stat. 1199), effective October 21, 1968.

This order shall be effective on September 1, 1969. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to delayed effective date is unnecessary in this instance and would serve no useful

purpose because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: August 27, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-10412; Filed, Aug. 29, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68-CE-15-AD; Amdt. 39-830]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 35, A35, B35, and C35 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive with respect to Beech Models 35, A35, B35, and C35 airplanes was published in the FEDERAL REGISTER (33 F.R. 15712, 15713) on October 24, 1968. The proposal required replacement within the next 100 hours' time-in-service, but not to exceed 1 year after the effective date of the AD, of Beech P/N 35-924065 fuel unit with Beech P/N 35-924230 fuel unit or any other modification of this portion of the fuel system approved by Chief, Engineering and Manufacturing Branch, Central Region, Federal Aviation Administration. The proposal, if adopted, would supersede AD 53-20-2, which required the installation of a placard in these model airplanes equipped with a P/N 35-924065 fuel unit, informing all flight personnel of proper fuel selector valve operation. It also stated that replacement of the P/N 35-924065 fuel unit with a P/N 35-924230 fuel unit eliminates the need for compliance with AD 53-20-2.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Of those comments received, a few supported the amendment while the majority felt that compliance with the proposal was either too costly or was unnecessary based on their personal experience and familiarity with the fuel unit as the result of many hours of operation of this airplane. While the manufacturer was also opposed to the issuance of the proposed AD, it has subsequently designed a system approved by the FAA which warns the pilot whenever the fuel unit handle is disengaged from the fuel selector valve rotor mechanism. Beechcraft Service Instructions No. 0243-289 covers installation of Beech Kit No. 35-5030 S which consists of a microswitch, warning light and placard. Any time the fuel unit handle is not engaged with the valve rotor a red light on the instrument panel adjacent to the placard comes on. The placard states "FUEL SELECTOR VALVE NOT ENGAGED". This system can be installed for significantly less than the cost of the replacement required in the proposal. After analyzing the comments received and in light of the service history, which shows that the majority of accidents were the result of the misuse of the fuel unit by pilots with low operating time in these airplanes, the FAA has determined that an AD is necessary. However, the agency feels it can modify the amendment so as to be less burdensome to the user and at the same time still achieve the desired level of safety by issuing an AD which will give the owner the option of either replacing the P/N 35-924065 fuel unit with the P/N 35-924230 fuel unit or installing Beech Kit No. 35-5030 S in accordance with the manufacturers service instructions.

Since this amendment in part modifies the original proposal and imposes no additional burden on any person, further notice and public procedure hereon are unnecessary.

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 all Model 35, A35, B35, and C35 (Serial Nos. D-1 through D-2900) airplanes equipped with Beech P/N 35-924065 fuel unit.

Compliance: Required as indicated.

Within the next 100 hours' time-in-service, but not to exceed August 30, 1970, unless already accomplished, accomplish either A or B:

(A) Replace Beech P/N 35-924065 fuel unit with Beech P/N 35-924230 fuel unit having separate selector valve and pump controls or with any other modification of this portion of the fuel system approved by Chief, Engineering and Manufacturing Branch, Central Region, FAA.

(B) Install Beech fuel selector valve disengagement warning light, Kit No. 35-5030 S, in accordance with Beech Service Instructions No. 0243-289, or any other modification of this portion of the fuel system approved by the Chief, Engineering and Manufacturing Branch, Central Region, FAA.

This AD supersedes AD 53-20-2.

This amendment becomes effective August 30, 1969.

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

Issued in Kansas City, Mo., on August 22, 1969.

DANIEL E. BARROW,
Director, Central Region.

[F.R. Doc. 69-10455; Filed, Aug. 29, 1969; 8:49 a.m.]

[Docket No. 9741; Amdts. 61-43; 63-10; 91-66; 121-50; 123-2; 127-10; 135-8]

CARRIAGE OF NARCOTIC DRUGS, MARIHUANA, AND DEPRESSANT AND STIMULANT DRUGS BY AIRCRAFT

The purpose of these amendments to the Federal Aviation Regulations is to prevent the hazardous operation of aircraft by prohibiting the carriage by aircraft of narcotic drugs, marihuana, and depressant and stimulant drugs under certain limited conditions.

These amendments were proposed in Notice 69-32 and published in the FEDERAL REGISTER on August 5, 1969 (34 F.R. 12713). Under the notice the FAA proposed:

(1) That violation of the prohibition against carriage be a basis for denying applications for pilot, flight instructor, flight engineer, and flight navigator certificates, and for the suspension or revocation of those airman certificates or of the operating certificates issued under Parts 121, 123, 127, and 135;

(2) A requirement for the filing of a flight plan on all flights between Mexico and the United States;

(3) That conviction for violation of the statutory provisions concerning the prohibited items is also grounds for denying, suspending or revoking those airman certificates.

Two requests were received in response to the proposal for extension of the comment period, and these requests were denied because the public interest considerations involved in this rule required final rule making action at the earliest possible time. Public comments with respect to the substance of the rule were received from five sources. All of them expressed concern that as proposed § 91.12(a) would make the aircraft operator a violator even when he does not know of the presence on board the aircraft of a proscribed article. In response to these comments the prohibition against carrying the proscribed items in § 91.12(a) has been clarified to make it a violation of that section only when the operator of the aircraft has knowledge that the aircraft is carrying the proscribed articles. One of the comments urged that additionally the rules should not be applied to air carriers who frequently carry narcotics and other drugs lawfully in their operations. In response to this comment § 91.12(b) has been changed by inclusion of a new paragraph (b) which excepts all lawful carriage.

Another of the comments questioned the legal basis for the adoption of the rule as a safety rule. As stated in the preamble to Notice 69-32, the provisions contained in this rule are necessary to meet and avoid the increasing hazards to safety in air commerce resulting from the increasing use of aircraft for the illicit carriage of narcotics and other drugs into the United States and Mexico. These hazards result from attempts to avoid detection or pursuit by violent maneuvers, low flying, and other extremely dangerous flight techniques, including the use of unsafe landing areas.

In the interests of clarity and conformity with judicial opinions, the phrase "final conviction" has been used in lieu of "conviction" in §§ 61.6(a) and 63.12(a). Finally, editorial and other nonsubstantive changes have been made for the purposes of clarity and continuity.

Interested persons have been afforded an opportunity to participate in the making of these amendments. Due consideration has been given to all matter presented. In other respects, for the reasons stated in the preamble to the notice, the rule is adopted as prescribed herein.

Since the public interest requires that these amendments be made effective as quickly as possible, I find that good cause exists for making them effective on less than 30 days' notice.

In consideration of the foregoing, Parts 61, 63, 91, 121, 123, 127, and 135 of the Federal Aviation Regulations are amended as follows, effective September 5, 1969:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

1. Part 61 is amended by inserting a new § 61.6, after § 61.5, to read as follows:

§ 61.6 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

(a) No person who is convicted of violating any of the following statutory provisions is eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction:

(1) 21 U.S.C. 174.
(2) 21 U.S.C. 176a.
(3) 21 U.S.C. 184a.
(4) 21 U.S.C. 331(q).
(5) 21 U.S.C. 360a.
(6) 26 U.S.C. 4704.
(7) 26 U.S.C. 4705.
(8) 26 U.S.C. 4742.
(9) 26 U.S.C. 4744.
(10) 26 U.S.C. 4755.
(11) 18 U.S.C. 545, where the conviction involves the smuggling of any "depressant or stimulant drug" as defined in 21 U.S.C. 321(v).

(b) No person who commits an act prohibited by § 91.12(a) of this chapter is eligible for any certificate or rating issued under this part for a period of 1 year after the date of that act.

(c) Any conviction specified in paragraph (a) of this section, or the commission of the act referenced in paragraph (b) of this section, is grounds for suspending or revoking any certificate or rating issued under this part.

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

2. Part 63 is amended by inserting a new § 63.12, after § 63.11, to read as follows:

§ 63.12 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

(a) No person who is convicted of violating any of the following statutory provisions is eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction:

(1) 21 U.S.C. 174.
(2) 21 U.S.C. 176a.
(3) 21 U.S.C. 184a.
(4) 21 U.S.C. 331(q).
(5) 21 U.S.C. 360a.
(6) 26 U.S.C. 4704.
(7) 26 U.S.C. 4705.
(8) 26 U.S.C. 4742.
(9) 26 U.S.C. 4744.
(10) 26 U.S.C. 4755.
(11) 18 U.S.C. 545, where the conviction involves the smuggling of any "depressant or stimulant drug" as defined in 21 U.S.C. 321(v).

(b) No person who commits an act prohibited by § 91.12(a) of this chapter is eligible for any certificate or rating issued under this part for a period of 1 year after the date of that act.

(c) Any conviction specified in paragraph (a) of this section, or the commission of the act referenced in paragraph (b) of this section, is grounds for suspending or revoking any certificate or rating issued under this part.

PART 91—GENERAL OPERATING AND FLIGHT RULES

3. Part 91 is amended by inserting a new § 91.12, after § 91.11, to read as follows:

§ 91.12 Flights between Mexico and the United States.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft between Mexico and the United States, with knowledge that any of the following is carried in the aircraft:

(1) "Narcotic drugs" as defined in 26 U.S.C. 4731(a).

(2) "Marihuana" as defined in 26 U.S.C. 4761(2).

(3) "Depressant or stimulant drug" as defined in 21 U.S.C. 321(v).

(b) Paragraph (a) of this section does not apply to any carriage of narcotic drugs, marihuana, or depressant or stimulant drug authorized by or under any Federal statute, or by any Federal agency.

(c) Each person operating a civil aircraft on a flight between Mexico and the United States, shall comply with all of the requirements of Subpart A of Part 99 of this chapter, notwithstanding § 99.1(b) (1) and (3). If the aircraft does not have a two-way radio, that person shall, in addition to complying with § 99.1(c) of this chapter, land at the designated airport of entry nearest the point of entry into the United States, and file an arrival or completion notice.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

4. By amending Part 121 as follows:

§ 121.13 [Amended]

a. By inserting the figures "121.15," after the figures "121.11," in paragraph (a) of § 121.13.

b. By inserting a new § 121.15, after § 121.13, to read as follows:

§ 121.15 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

5. By inserting a new § 123.20, after § 123.19, to read as follows:

§ 123.20 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

6. By inserting a new § 127.22, after § 127.21, to read as follows:

§ 127.22 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

7. By inserting a new § 135.12, after § 135.11, to read as follows:

§ 135.12 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

(Secs. 307(c), 313(a), 601, 602, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422, 1423, 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 27, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69-10457; Filed, Aug. 29, 1969; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 155—CITY DELIVERY

Apartment House Mail Receptacles; Correction

In the daily issue of Wednesday, August 13, 1969 (34 F.R. 13101), the Department promulgated regulations relating to security requirements and engineering tests for apartment house mail boxes. Among other requirements, the regulations provide that if a receptacle door lock extends more than ⅝ inch on the inside of a vertical type box, a deflector shall be provided over the lock barrel. The effective date of this requirement is July 1, 1970. Through inadvertence the effective date of this requirement was not stated when the regulation was published. The amendment set out below will correct the oversight.

Accordingly, in § 155.6 *Apartment house receptacles*, paragraph (d)(4) is amended to read as follows:

§ 155.6 Apartment house receptacles.

* * * * *

(d) *Requirements.* * * *

(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. Effective July 1, 1970, if the lock extends more than ⅝ 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.

* * * * *

NOTE: The corresponding Postal Manual section is 155.644.

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

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-10428; Filed, Aug. 29, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–3—PROCUREMENT BY NEGOTIATION

1. Subparts 8–3.7 and 8–3.8 are added to read as follows:

Subpart 8–3.7—Negotiated Overhead Rates

Sec.
8–3.705 Procedure.

Subpart 8–3.8—Price Negotiation Policies and Techniques

8–3.800 Scope of subpart.
8–3.801 Basic policy.
8–3.801–2 Responsibility of contracting officers.
8–3.801–3 Responsibility of other personnel.
8–3.807 Pricing techniques.
8–3.807–3 Requirements for cost or pricing data.
8–3.808 Profit or fee.
8–3.808–1 General.
8–3.809 Contract audit as a pricing aid.
8–3.813 Preproduction and startup and other nonrecurring costs.

AUTHORITY: The provisions of these Subparts 8–3.7 and 8–3.8 issued under sec. 205 (c), 63 Stat. 390, as amended, 40 U.S.C. 486 (c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210 (c).

Subpart 8–3.7—Negotiated Overhead Rates

§ 8–3.705 Procedure.

Contracting officers will request the Controller to audit proposed overhead rates for use in cost-reimbursement type contracts whenever the estimated amount of the contract is in excess of $100,000. In the case of smaller contracts, the contracting officer will perform a review and validation of the data submitted for accuracy and reasonableness of proposed rates. He may request the Controller, or the local hospital fiscal activity serving the contracting officer, to perform an audit or render such accounting assistance or technical advice as is deemed desirable.

Subpart 8–3.8—Price Negotiation Policies and Techniques

§ 8–3.800 Scope of subpart.

The principles set forth in FPR 1–3.8, as well as those in this subpart, on the basic policy, pricing techniques, requirements for cost or pricing data, and the evaluation and audit of cost and pricing data apply to all negotiated cost-reimbursement and negotiated firm fixed-price contracts and contract modifications. These principles also apply to annual revisions of prices under cost-reimbursement contracts as well as to the negotiation of initial prices.

§ 8–3.801 Basic policy.

§ 8–3.801–2 Responsibility of contracting officers.

(a) Contracting officers are responsible for the legal, technical and administrative sufficiency of the contracts they enter into. They will exercise reasonable care, skill, and judgment and will obtain the advice of specialists in the fields of contracting, finance, law, contract audit, engineering traffic management, and cost analysis as in their discretion is necessary to best serve the interests of the Government.

(b) When, in the opinion of the contracting officer, the complexity of the proposed contract warrants, he will submit the proposed contract to the Director, Supply Service for review and comment. When deemed advisable, the Director, Supply Service will request the General Counsel to accomplish a legal review.

§ 8–3.801–3 Responsibility of other personnel.

The controller will provide advice, assistance or cost audits as provided in §§ 8–3.705, 8–3.807–3, 8–3.809, and 8–3.813.

§ 8–3.807 Pricing techniques.

§ 8–3.807–3 Requirements for cost or pricing data.

(a) Under the circumstances prescribed in FPR 1–3.807–3, the contracting officer will require the prospective contractor to submit cost or pricing data and to certify to its accuracy and completeness. This data will be used by the contracting officer in the evaluation of the offer and in the negotiation of the contract price. The cost of pricing data is required to determine the reasonableness of the proposed price where such price is based on the cost of the proposed work. It is not required where the reasonableness of the proposed price can be determined by the contracting officer 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.

(b) When cost or pricing data is required and the amount of any negotiated fixed-price or cost-reimbursement contract or contract modification is expected to exceed $100,000, the cost or pricing data, after evaluation by the contracting officer, will be forwarded to the Controller for prior audit as to the adequacy, accuracy and applicability of the costs included, except as provided in paragraph (d) of this section.

(c) In the case of smaller contract, the contracting officer will perform a review and validation of the data submitted for accuracy and reasonableness of proposed costs. He may request the Controller, or the local hospital fiscal activity serving the contracting officer, to perform an audit or render such accounting assistance or technical advice as is deemed desirable.

(d) Cost or pricing data may, but need not, be submitted to the Controller for prior audit, for the following transactions:

(1) Negotiated fixed-price contract modifications to a formally advertised fixed-price contract, where wage rates and allowance for overhead and profit are established by the contract and the units of work can be evaluated by price comparison.

(2) Negotiated fixed-price architect-engineer contracts, where the contracting officer establishes the reasonableness of the negotiated price on the basis of previous contracts of a similar nature and accomplishes an analysis of costs relating to each phase of the required work.

(3) Negotiated fixed-price or cost-reimbursement utility connection or site

facility agreements, developed by the Office of Construction, representing contracts for the construction of service facilities or site clearance where cost data submitted (construction cost estimates) will be evaluated by design and cost engineering staffs of the Office of Construction.

§ 8–3.808 Profit or fee.

§ 8–3.808–1 General.

If a profit or fee is involved, it must be established as a dollar amount and not as a percentage of the cost estimate, in order to avoid the cost-plus-a-percentage-of-cost system of contracting which is not legal (see FPR 1–3.401(b)). Once established, the profit or fee cannot be escalated during the period of the contract. However, when a change order materially affects the scope of the work, an additional profit or fee or an appropriate reduction may be negotiated.

§ 8–3.809 Contract audit as a pricing aid.

The Controller, or a recognized audit agency, e.g., the Defense Contract Audit Agency, at the request of the Controller, will provide advisory audits, special surveys or audit analysis of price or cost, when required by this Subpart 8–3.8 or when assistance is requested by the contracting officer.

§ 8–3.813 Preproduction and startup and other nonrecurring costs.

In evaluating startup and other nonrecurring costs, the extent to which these costs are included in the proposed price and the intent to absorb or recover any such costs in any future noncompetitive procurement or other pricing action will be determined. The contracting officer will ascertain, with the assistance of the Controller as required or considered necessary, that payment of such costs is not duplicated. For example, cost of equipment paid for by the Government through a setup or connection agreement will not be included in depreciation costs of a subsequently negotiated agreement.

PART 8–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

2. Subpart 8–4.4 is revised to read as follows:

Subpart 8–4.4—Public Utilities

Sec.

AUTHORITY: The provisions of this Subpart 8–4.4 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–4.4—Public Utilities

§ 8–4.406 Procurement policy and regulations.

§ 8–4.406–2 Agency supply arrangements.

(a) When formal bilateral written contracts are required by FPR 1–4.410–2 or 1–4.410–3 and GSA areawide contracts are not available, the contracting officer will determine whether GSA long-term contracts or consolidated purchase, joint use, or cross-service agreements would be in the best interests of the Government. In making this determination, the contracting officer will contact all suppliers of the required utility service to establish the most advantageous rate available under short-term and long-term contracts. Other agencies and installations in the area will be contacted to compare rates offered under similar circumstances and to evaluate the benefits of consolidated purchase or joint use agreements.

(b) Technical advice and consulting assistance is available from GSA, as provided by FPR 1–4.404.

§ 8–4.407 GSA areawide contracts.

When a GSA areawide contract for the required utility service is available, utility services will be procured thereunder as provided by FPR 1–4.407, unless special rates can be negotiated under the areawide contract or a separate contract. When provided in the areawide contract, connection agreements may also be obtained thereunder.

§ 8–4.408 GSA long-term contracts.

(a) If the contracting officer determines that a GSA long-term contract may be justified in accordance with the provisions outlined in FPR 1–4.408, GSA will be requested to negotiate a long-term contract.

(b) The request will be submitted to General Services Administration, Transportation and Communications Service, Public Utilities Division, Washington, D.C. 20405. It will state the reason a long-term contract is believed justified and will include the following information:

(1) Copy of existing contract or agreement.

(2) Copies of all current rate schedules.

(3) Record of past 12 months usage, preferably in the form of copies of bills or invoices.

(4) Statement regarding any anticipated or planned future changes.

(5) Point and characteristics of delivery.

(6) Statement covering equipment or connection requirements and ownership.

(7) Names and addresses of all suppliers, both regulated and unregulated, of the required service.

§ 8–4.409 Consolidated purchase, joint use, or cross-service.

If a consolidated purchase, joint use, or cross-service agreement would be advantageous, an appropriate memorandum of understanding will be entered into, as provided by FPR 1–4.409. GSA assistance will be provided when requested.

§ 8–4.410 Independent procurement by executive agencies.

When GSA areawide contracts are not available and GSA long-term contracts, consolidated purchase, joint use, or cross-service agreements are not consummated, the contracting officer will obtain required utility services and/or connections as provided by FPR 1–4.410.

§ 8–4.410–5 Uniform clauses for utility service contracts.

(a) When a contract for utility services or connections is negotiated, the contract may be executed on Standard Form 33, Solicitation, Offer, and Award. A contract form used by a company may be accepted and made a part of the proposal by attachement and inclusion of the following reference in the proposal:

Contract form is attached hereto and is made a part hereof, it being understood that no provisions contained therein which are contrary to laws and regulations governing the disbursements of funds of the United States of America will be binding upon the Government.

(b) In addition to the clauses prescribed in FPR 1–4.410–5, the following clauses will be included, as applicable:

(1) Changes in rates (§ 8–7.150–7).

(2) Termination. (When a termination clause is appropriate, it will be written to cover the needs of the specific contract, conforming to the principles of FPR 1–8.7 insofar as practical.)

(3) Certification of nonsegregated facilities (FPR 1–12.803–10).

(c) Negotiated cost-reimbursement and fixed-price contracts will also include the following clauses, when required by the referenced FPR section:

(1) Negotiated overhead rates (FPR 1–3.704).

(2) Certificate of current cost of pricing data (FPR 1–3.807–4).

(3) Subcontracting considerations in cost analysis (FPR 1–3.807–10).

(4) Contract clauses (FPR 1–3.814).

§ 8–4.411 Prior review of certain proposed procurements.

§ 8–4.411–2 Prior review by GSA.

Except as provided in § 8–4.411–3, proposed utility procurements meeting the criteria of FPR 1–4.411–1 will be forwarded to General Services Administration, Transportation and Communications Service, Public Utilities Division, Washington, D.C. 20405, for prior review.

§ 8–4.411–3 Alternative prior review by the procuring agency.

Prior review of contracts for utility connections and contracts for combined utility connections and services consum-

mated by the designated contracting officer(s) in Central Office will be made by technical, legal and administrative personnel in the Office of Construction, when required by FPR 1-4.411-1.

These regulations are effective immediately.

Approved: August 25, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-10413; Filed, Aug. 29, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4677]

[Utah 7681]

UTAH

Partial Revocation of Public Water Reserve

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of April 29, 1912, creating Public Water Reserve No. 5, Utah No. 3, is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

T. 10 N., R. 15 W.,
Sec. 5, S½SW¼;
Sec. 6, S½SE¼;
Sec. 8, N½NW¼.

The area described contains 240 acres in Box Elder County, of which 80 acres are patented.

The land is located 20 miles southwest of Park Valley, Utah. The elevation is 5,000 feet. The soil is a deep clay loam. The vegetative cover consists of a shadscale, greasewood type.

2. At 10 a.m. on October 1, 1969, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 1, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location for nonmetalliferous minerals at 10 a.m. on October 1, 1969. It has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 26, 1969.

[F.R. Doc. 69-10383; Filed, Aug. 29, 1969; 8:45 a.m.]

[Public Land Order 4678]

[Sacramento 1550; 2224]

CALIFORNIA

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The order of the Bureau of Reclamation of October 23, 1947, concurred in by the Bureau of Land Management on November 6, 1947, withdrawing lands for the Central Valley Project is hereby revoked so far as it affects the following described lands:

[Sacramento 1550]

MOUNT DIABLO MERIDIAN

T. 33 N., R. 2 W.,
Sec. 8, N½SE¼ and SE¼SE¼;
Sec. 18, SE¼.

The areas described aggregate approximately 280 acres in Shasta County.

2. The departmental order of May 8, 1913, withdrawing lands for the Truckee-Carson Project, is hereby revoked so far as it affects the following described lands:

[Sacramento 2224]

MOUNT DIABLO MERIDIAN

TOIYABE NATIONAL FOREST

T. 10 N., R. 18 E.,
Sec. 2, E½SE¼;
Sec. 12, SE¼SW¼;
Sec. 23, NE¼SW¼ and SE¼SE¼;
Sec. 24, NW¼NW¼.

The areas described aggregate approximately 240 acres in Alpine County.

3. At 10 a.m. on October 1, 1969, the public lands described in paragraph 1 of this order will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on October 1, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. mining laws (30 U.S.C., Ch. 2), at 10 a.m. on October 1, 1969.

4. The lands described in paragraph 2 of this order are part of the Toiyabe National Forest. The NE¼SW¼ sec. 23, T. 10 N. R. 18 E., is withdrawn in the Red Lake Reservoir Site No. 14, effective August 18, 1894, under the authority of the act of October 2, 1888 (25 Stat. 526; 43 U.S.C. 662). Excepting the said NE¼SW¼ sec. 23, at 10 a.m. on October 1, 1969, the remaining lands shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 26, 1969.

[F.R. Doc. 69-10384; Filed, Aug. 29, 1969; 8:46 a.m.]

[Public Land Order 4679]

[Utah 0145693]

UTAH

Partial Revocation of National Forest Withdrawal

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

1. Public Land Order No. 2354 of April 27, 1961, withdrawing national forest lands as administrative sites and recreation areas, is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

FISHLAKE NATIONAL FOREST

Monroe Canyon Picnic Area

T. 25 S., R. 3 W.,
Sec. 25, W½SW¼SW¼;
Sec. 26, E½SE¼SE¼;
Sec. 36, NW¼NW¼NW¼.

The areas described aggregate 50 acres in Sevier County.

2. At 10 a.m. on October 1, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 26, 1969.

[F.R. Doc. 69-10385; Filed, Aug. 29, 1969; 8:46 a.m.]

[Public Land Order 4680]

[Idaho 2377]

IDAHO

Withdrawal for Lower Granite Lock and Dam Project

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

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Lower Granite Lock and Dam Project, Department of the Army:

BOISE MERIDIAN

T. 35 N., R. 6 W.,
Unsurveyed island opposite lot 1, sec. 12.

The island contains 7.17 acres, more or less, in Nez Perce County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 26, 1969.

[F.R. Doc. 69-10386; Filed, Aug. 29, 1969; 8:46 a.m.]

[Public Land Order 4681]

[Oregon 3441]

OREGON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental order of August 16, 1905, withdrawing lands for the Umatilla Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 5 N., R. 29 E.,
Sec. 34, S½NW¼.

Containing 80 acres in Umatilla County.

The lands are included in allowed entries under the desert land laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 26, 1969.

[F.R. Doc. 69-10387; Filed, Aug. 29, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

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

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Amount, Duration, and Scope of Medical Assistance

Section 249.10(b)(15)(vii) is revised to read as follows:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * * * *

(b) *Federal financial participation.* * * *

(15) * * *

(vii) Effective only until January 1, 1970, personal care services in a recipient's home prescribed by a physician in accordance with a plan of treatment and rendered by an individual, not a member of the family, certified by a physician as being qualified to perform such services.

* * * * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. This revision shall be effective on the date of its publication in the FEDERAL REGISTER.

Dated: August 11, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: August 26, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-10425; Filed, Aug. 29, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 906]

GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of grapefruit by establishing minimum grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations by the Texas Valley Citrus Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of grapefruit from the production area are expected to begin on or about September 15, 1969. The grade and size requirements provided herein are necessary to prevent the handling on and after September 15, 1969, of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. In addition, grapefruit must be inspected and certified no later than 48 hours prior to shipment.

Such proposal reads as follows:

§ 906.343 Grapefruit Regulation 21.

(a) Order:

(1) During the period September 15, 1969, through September 14, 1970, no handler shall handle:

(i) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3$^{9}/_{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title).

Dated: August 26, 1969.

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

[F.R. Doc. 69-10406; Filed, Aug. 29, 1969; 8:47 a.m.]

[7 CFR Part 906]

ORANGES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of oranges by establishing minimum grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations by the Texas Valley Citrus Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of oranges from the production area are expected to begin on or about September 15, 1969. The grade and size requirements provided herein are necessary to prevent the handling on and after September 15, 1969, of any oranges of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. In addition, such oranges must be inspected and certified no later than 48 hours prior to shipment.

Such proposal reads as follows:

§ 906.344 Orange Regulation 21.

(a) Order:

(1) During the period September 15, 1969, through September 14, 1970, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 grade and the remainder grading U.S. No. 2; or U.S. No. 2.

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2$^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2$^{9}/_{16}$ inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is

given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

Dated: August 26, 1969.

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

[F.R. Doc. 69-10407; Filed, Aug. 29, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83, 85]

[Docket No. 18632; FCC 69-873]

MARITIME SERVICES AND PUBLIC FIXED STATIONS IN ALASKA

Establishment of Schedule of Dates, Technical Standards, Frequencies and Other Requirements for Use of Radiotelephony, Radiotelegraphy and Single Sideband Emissions on Certain Frequencies

In the matter of amendment of Parts 2, 81, and 83 and the deletion of Part 85 to establish for the State of Alaska a schedule of dates, technical standards, frequencies, and other requirements for the use of radiotelephony, radiotelegraphy, and single sideband emissions on frequencies below 4000 kc/s, for the maritime services in Alaska, and below 12,000 kc/s, for Alaska-public fixed stations, and to make other incidental rule changes; Docket No. 18632.

1. In Docket No. 15068, released July 27, 1964, the Commission established technical standards, applicable to frequencies above and below 4000 kc/s, for the use of single sideband in the Maritime Services. In that proceeding the Commission established a schedule of dates for mandatory conversion from double sideband emission (DSB) to single sideband (SSB) on frequencies between 4000 kc/s and 27,500 kc/s. Further, while the Commission encouraged users of radiotelephony, on a voluntary basis, to convert to SSB on frequencies below 4000 kc/s, it did not make such conversion mandatory.

2. The Commission released a series of six notices of inquiry (Docket No. 16440) in the matter of preparation for a World Administrative Radio Conference (WARC) of the International Telecommunication Union (ITU) to consider amendment of the International Radio Regulations (IRR) presently applicable to the maritime services. Agenda Item 1 of the WARC provided for consideration of the use of SSB technique in the maritime mobile service in the bands available to that service between 1605 and 4000 kc/s, among others.

3. The WARC was held at Geneva, Switzerland, between the dates of September 18, and November 3, 1967. That conference adopted widespread revisions of the IRR bearing on the maritime mobile service. The Commission has four rule making proceedings that provide for orderly conversion and/or implementation of these revised regulations, as follows:

Docket No. 17295: Amendment of Parts 2, 81, and 83: Reduction of channel spacing to 25 kc/s, allotment of channels, establishment of revised technical criteria and categories of communication in the maritime mobile service band 156–162 Mc/s for VHF radiotelephony (Report and order released July 25, 1968);

Docket No. 18218: Amendment of Parts 2, 81, and 83: To establish a schedule of dates, revised technical standards, frequencies, and other requirements for the orderly transition of ship and coast radiotelegraph stations from present frequency assignments in the low, medium, and high frequency bands to new assignments within allotments and/or frequency usage as adopted by the ITU World Administrative Radio Conference on marine matters, Geneva, 1967 (Report and order released Jan. 28, 1969);

Docket No. 18271: Amendments of Parts 2, 81, 83, and 85: To effect orderly shifts from present double sideband (DSB) and/or single sideband (SSB) to new (replacement) frequencies; to establish a revised schedule of dates, technical standards, frequencies, and other requirements for the transition of ship and coast stations from DSB to SSB radiotelephony on frequencies within the revised frequency allotments adopted by the World Administrative Radio Conference, Geneva—1967, for the exclusive HF maritime mobile service bands between 4 and 23 Mc/s (Notice of proposed rule making released Aug. 8, 1968); and

Docket No. 18307: Amendment of Parts 2, 81, and 83: To establish a schedule of dates, technical standards, frequencies and other requirements for the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services, and to make other incidental rule changes, except in Alaska and the Great Lakes (Notice of proposed rule making released Sept. 12, 1968).

4. Except for the proceeding in Docket No. 18307, these rule making actions apply to all geographic areas of Commission jurisdiction. The proceeding in Docket No. 18307, however, was made not applicable to Alaska because of the complexity and scope of action required. The increased complexity in the case of Alaska arises from necessity to develop two frequency plans, one for the maritime services and one for the system of Alaska-public fixed stations. Further, the system of Alaska-public fixed stations provide a service which is not paralleled elsewhere in the United States and, therefore, lends itself to separate solution. The scope of action required in the case of Alaska is greater, because of the applicability to Alaska of a separate part (Part 85) of the FCC rules, and the Commission's intent and desire to bring the rules applicable to Alaska into accord with rules for the other 49 States. Inclusion of Alaska in rules applicable to the other 49 States will facilitate Commission Administrative functions. Further, as a practical matter, this action will remove divergencies between the rules applicable to Alaska and those applicable to the other 49 States. It is not envisaged that this action will impose unique hardship upon Commission licensees in Alaska; or, that Alaska will be exempt from programs applicable to the other 49 States.

5. Turning now to the actions of the WARC, the schedule for mandatory conversion from DSB to SSB, as adopted by that conference, for the band 1605–4000 kc/s, states that administrations shall:

Discontinue new installations of DSB in ship stations at the earliest possible date after April 1, 1969; and prohibits such installations after January 1, 1973;

Equip coast stations for SSB operation at the earliest possible date and discontinue use of DSB as early as possible, but not later than January 1, 1975;

Until January 1, 1982, require coast and ship stations equipped for SSB to be equipped also to transmit class A3H emission compatible with reception of DSB. The requirement to provide class A3H emission on 2182 kc/s is continued indefinitely;

After January 1, 1982 (except for 2182 kc/s, selective calling and safety messages on 2170.5 kc/s, and emergency position-indicating radio beacons), authorize the use of class A3A and A3J;

Not authorize use of class A3H emission on SSB channels in the lower part of previous DSB channels.

6. At the WARC, only a few administrations indicated that they were experiencing congestion and interference on 2 Mc/s frequencies to a degree similar to that existing in U.S. waters. The mandatory dates for completion of conversion to SSB were, accordingly, extended over a 14-year period. Nonetheless, in recognition of the need of some administrations for conversion at an earlier time, the WARC urged that the use of DSB be discontinued aboard ship stations and at coast station and that coast stations be equipped for SSB operation at the earliest possible date.

7. The Commission has given extended consideration to known practical measures to meet the needs of vessels operating in U.S. waters for short-distance radiotelephony communication in the Maritime Services. As explained in its proceeding in Docket No. 17295, the Commission is proposing a two-step program to effect improvements in radiotelephony communication in the Maritime Services. The first of these steps was adopted in the above referenced Docket No. 17295, in regard to use of very high frequencies (VHF–FM). The second step is set forth herein.

8. The matter of congestion on maritime radiotelephony frequencies in the band 1605–4000 kc/s is well recognized and has received wide documentation in trade publications over an extended period of time. This congestion accrues from the large number of users; the small number of frequencies available;

the characteristic of the modulation technique (double sideband) used; and undesired ionospheric propagation at distances beyond the range of desired communication. There are, of course, other factors which contribute in a lesser degree to this congestion.

9. The major consequence of the congestion on radiotelephony 2 Mc/s channels, and about which the Commission is most apprehensive, is the substantial lowering of the distance over which communication is effective; and, in turn, the adverse affect which this reduced range has upon the maritime safety system. With an increased number of vessels in operation, which are equipped for use of radio, the effective communication range obtained on these frequencies, and on 2182 kc/s in particular, must be sufficient to permit a satisfactory functioning of the maritime radio safety system.

10. From the technical and practical point of view, the communication range of 2 Mc/s can be greater than VHF if the congestion and interference are removed (from 2182 kc/s in particular). The realization of this communication capability would permit 2182 kc/s to be used effectively for the function for which it was allotted, that is, as the international distress and calling frequency on a worldwide basis. In weighing the relative safety needs of the category of user which is within VHF range of shore, but who uses 2 Mc/s; versus the category of user which is beyond VHF range of shore and has no alternative medium; it is necessary to give preference to the latter category, the user which is beyond VHF range of shore. To do this, it is necessary to impose limitations in regard to availability of 2 Mc/s to the former category, the user which is within VHF range of shore.

11. In order to increase the number of channels, to reduce congestion and interference, to establish VHF as the short-distance communication system in U.S. waters, to effect needed improvements in communications, to enhance the maritime radio safety system, and to provide for future use of VHF, the Commission herein proposes (a) a schedule of dates for converting DSB to SSB ;and (b) a limitation on availability and use of frequencies in the band 2000–3400 kc/s. These proposals are outlined as follows:

Ship stations. Availability of 2 Mc/s to ship stations would be limited to those vessels which are equipped with VHF and which operate at distances from shore which are beyond VHF range. This is fitted into the schedule of conversion to SSB as follows:

(a) Until January 1, 1971, DSB will continue to be authorized as at present;

(b) After January 1, 1971, new installations aboard ship stations will be authorized use of SSB only where such ship stations are equipped also with VHF;

(c) During the period January 1, 1971, to January 1, 1977, installations of 2 Mc/s DSB, authorized prior to January 1, 1971, will be amortized; and

(d) After January 1, 1977, use of 2 Mc/s radiotelephony will be limited to SSB and will be available only to vessels which are equipped also with VHF.

Coast stations. The effect of the various amendments proposed for coast stations is as follows:

(a) To continue to authorize installation of DSB until January 1, 1971;

(b) Until January 1, 1971, transmission of SSB would be permissive; after January 1, 1971, capability to use full carrier, reduced carrier, and suppressed carrier emissions would be required;

(c) On the international distress and calling frequency 2182 kc/s, require capability: until January 1, 1971, to transmit DSB or SSB (A3H) and receive DSB and SSB (A3H); during the period January 1, 1971, to January 1, 1977, to transmit SSB (A3H) and receive DSB and SSB (A3H).

(d) After January 1, 1977, except for safety communications and where communications requirements cannot be fulfilled by VHF, frequencies in the band 2000–2850 kc/s will not be available for use in ports and harbors, on lakes or rivers, or for communication involving passage of ships through locks, bridge areas, or Government controlled waterways.

12. The proposed schedule of conversion to SSB for public coast and Alaska-public fixed stations provides a common changeover date, i.e., January 1, 1971. This common date is based on the understanding that much of the equipment used for public coast communications is also used for Alaska-public fixed communications. On this basis, there would be no burden imposed upon the licensee by a common date. There is, however, benefit from application of this common earlier date (as contrasted to the date of Jan. 1, 1977, which is applicable to ship stations), since the additional frequencies would become available to all users 6 years earlier.

13. In regard to conversion of ship stations from DSB to SSB, since specific transmitters are not listed on ship station licenses, adjustments will be made to the Commission's Radio Equipment List in regard to equipments acceptable for licensing under Part 83 of the rules. Type acceptance will be withdrawn,[1] effective January 1, 1971, for DSB transmitters operating in the band 2000–3400 kc/s. The installation of DSB transmitters for which type acceptance has been withdrawn will not be authorized after that date. *Provided, however,* That in a ship radio station authorized to operate on frequencies in the band 2000–3400 kc/s, DSB equipment may continue to be authorized for a period not to extend beyond January 1, 1977, where the license was granted prior to January 1, 1971, and has not expired, been canceled, or revoked.

[1] The specific procedure will be to add a note in the Radio Equipment List to DSB transmitters indicating nonacceptability for new installations after Jan. 1, 1971, and deleting all use after Jan. 1, 1977.

14. The Commission does not propose, in this proceeding, to decide whether full carrier (A3H) emission on frequencies other than 2182 kc/s should be available to coast stations during the period January 1, 1977, to January 1, 1982. If circumstances immediately prior to January 1, 1977, indicate it is operationally feasible to do so, it is, of course, desirable to relieve coast stations of a requirement to provide full carrier (A3H) on frequencies other than 2182 kc/s. A decision in that regard would take account, particularly, of the status of progress made by ships of other countries, which have need to communicate with U.S. coast stations, to convert from DSB to SSB. Based on the actual situation then existing, such rule making could be developed during the latter part of 1976.

15. The Commission is proposing reduction of the authorized bandwidth for emissions A3A, A3H, and A3J on frequencies in the 2000–3400 kc/s band from 3.50 to 3.00 kc/s. The carrier of the lower-half channel SSB frequency has been positioned to correspond with this reduced bandwidth, i.e., 3.00 kc/s below the DSB carrier which now appears in Parts 81 and 83. The reduction in authorized bandwidth in the band 2000–3400 kc/s is the consequence of (a) the large number of current assignments, both Government and non-government, which over the years have been progressively squeezed into this band; and (b) to the extent practicable, the need to obtain and provide the maximum possible number of channels in this band.

16. The technical specifications for SSB proposed herein are designed to conform with plans for SSB use which have developed during the past 12 years and coordinated with other Government agencies and international organizations such as the CCIR and ITU.

17. Technical feasibility appears to rule out the simultaneous use by a single coast station of both upper-half SSB channel and lower-half SSB channel, as derived from one DSB channel after conversion to SSB. Set forth below, to the extent practicable, the Commission has endeavored to provide the maximum feasible separation between locations to which the lower-half channel is allotted (see §§ 81.307, 81.308, 81.708, 81.709, 81.710, 83.370, 83.372, and 83.371).

18. The proposed amendment of § 83.134 will provide for the use aboard ship stations of a maximum transmitter power on the intership frequencies 2170.5 and 2191 kc/s, which does not exceed the power which may be used on 2182 kc/s.

19. The revised list of intership frequencies in Part 83 includes those SSB frequencies which will be available following conversion from DSB to SSB. As indicated in footnote 1 to § 83.358, the Commission is not proposing to designate, at this time, the specific intership use which is to be made of the newly created SSB channels, following conversion of the currently available DSB channels to SSB.

20. On the other hand, the WARC made permissible the use of eight frequencies in the 2065–2107 kc/s band for single sideband radiotelephony, limited to emissions A3A and A3J. As indicated in footnote 2 to § 83.358, it is expected that only a portion of these (eight) frequencies will be available for use in the United States. The selected frequencies are expected, however, to be available for assignment immediately following finalization of rule making in this proceeding.

21. Based on available information, it now appears that various facilities of the U.S. Air Force Alaska Communication System (ACS) will be sold to a commercial enterprise in the near future and, thereafter, will be licensed by the Commission. While the effective date of the transfer of ACS facilities is not known, it appears this transfer will be completed prior to termination of this proceeding. Therefore, to provide for future licensing, the proposed amendments of Part 81 include coast station and Alaska public-fixed station frequencies currently operated by the ACS. These frequencies will not be available for assignment by the Commission until after the transfer of ACS facilities has been completed.

22. General Order No. 79 of the Federal Radio Commission, adopted December 20, 1929, authorized use of both radiotelephony and radiotelegraphy on seven frequencies for ship-to-shore and coast station communications. That order also provided for use of both radiotelephony and radiotelegraphy on five frequencies for short-distance point-to-point communications. In the years which followed, the rules have continued the availability of both radiotelephony and radiotelegraphy on public coast, ship station and Alaska-public fixed frequencies. Available information indicates radiotelegraphy has not been used on public coast and Alaska-public fixed frequencies, above 1605 kc/s, for a substantial number of years. Further, we are advised that current installations do not provide for the use of radiotelegraphy. In keeping therewith the Commission proposes in the appended rules to delete availability of radiotelegraphy on frequencies above 1605 kc/s in the Alaska area.

23. An application for modification submitted solely for a frequency change that is necessary to comply with the rule amendments adopted herein may be submitted without a fee.

24. The proposed amendments, as set forth below, are issued pursuant to the authority contained in section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended.

25. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 29, 1969, and reply comments on or before October 10, 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 consideration other relevant information before it, in addition to the specific comments invited by this notice.

26. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: August 13, 1969.

Released: August 25, 1969.

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

A. Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is amended as follows:

§ 2.106 [Amended]

1. Section 2.106, for the frequency bands 2170–2194 kc/s, is amended in columns 7–11 to read as follows:

Band (kc/s)	Service	Class of station	Frequency	Nature [OF SERVICES (of stations
7	8	9	10	11
• • •	• • •	• • •	• • •	• • •
2170–2173.5	MARITIME MOBILE.	Ship.		MARITIME MOBILE.
2173.5–2190.5 (201)	MOBILE.	Aircraft.		AERONAUTICAL MOBILE (telephony).
		Coast.		
		Ship.		MARITIME MOBILE (telephony).
		Survival craft.	2182	(NG22).
				Distress and calling frequency.
2190.5–2194	MARITIME MOBILE.	Ship.		MARITIME MOBILE.

• • • • • •

2. Footnotes to the Table, Geneva Footnotes, number (201) is amended to read as follows:

(201) The frequency 2182 kc/s is the international distress and calling frequency for radiotelephony. The conditions for the use of the band 2170–2194 kc/s are prescribed in Article 35.

A. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. The title of Part 81 is amended to read as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

2. A new § 81.9 is added to read as follows:

§ 81.9 Alaska-public fixed.

(a) *Alaska area.* For the purpose of frequency assignments to radio services and stations governed by this part, the Alaska Area is defined as follows:

The area bounded by a line extending due west—from the end of the southernmost boundary line between Canada and the mainland of southeastern Alaska—to 131° west longitude, thence due south to 54°30' north latitude, thence due west to 142° west longitude, thence due south to 50° north latitude, thence due west to 165° west longitude, thence due south to 47° north latitude, thence due west to the boundary line between Regions 2 and 3 (as this line is defined by the Geneva Radio Regulations, 1959), thence generally northward along this boundary line to 80° north latitude, thence due east to 135° west longitude, thence due south to 70° north latitude, thence due west to 140° west longitude, thence generally southwest to the northern end of the boundary line between the mainland of northern Alaska and Canada, thence following the boundary line between Alaska and Canada to the southernmost point of this line in southeastern Alaska.

NOTE: Reference hereafter in this part to the "Alaska area" includes all of the "Zones" defined in paragraph (b) of this section.

(b) *Alaska zones.* For the same purpose expressed in paragraph (a) of this section, the Alaska area is subdivided into six zones, defined as follows:

Zone 1. That portion of the Alaska area east of 142° west longitude and south of 61° north latitude.

Zone 2. That portion of the Alaska area bounded on the east by a line south of 61° north latitude which coincides with 142° west longitude, and by a line north of 61° north latitude which coincides with the boundary line between Alaska and Canada, and by a line coinciding with 61° north latitude which joins those two lines; and bounded on the west by a line south of 62° north latitude which coincides with 149° west longitude, thence running due south to 60° 30' north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, and bounded on the north by a line coinciding with 62° north latitude.

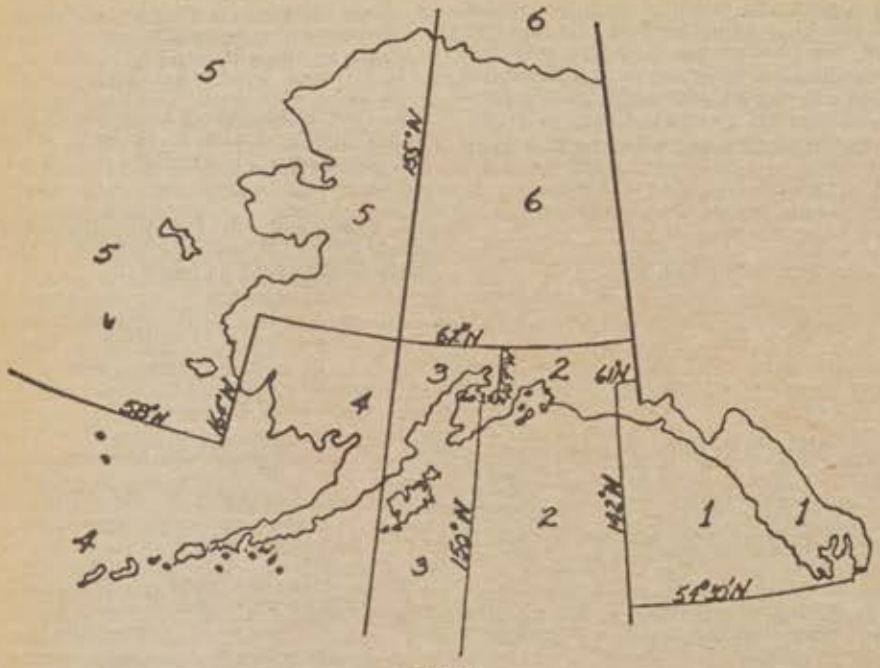
Zone 3. That portion of the Alaska area bounded on the north by a line which coincides with 62° north latitude and extends eastward from 155° west longitude to 149° west longitude, thence due south to 60°30' north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, thence westward to 155° west longitude, thence due north to 62° north latitude.

Zone 4. That portion of the Alaska area west of 155° west longitude which is bounded on the north by a line coinciding with 62° north latitude extending due west to 164° west longitude, thence bounded on the west by a line coinciding with 164° west longitude extending due south to 58° north latitude, thence bounded on the north by a line coinciding with 58° north latitude extending due west to the western boundary of the Alaska area.

Zone 5. That portion of the Alaska area west of 155° west longitude which is not included in Zone 4.

Zone 6. That portion of the Alaska area east of 155° west longitude and north of 62° north latitude.

NOTE: The following diagram illustrates the subdivision of Alaska into the six zones.



ALASKA
Frequency Assignment Zones

(c) *Alaska Communication System or ACS.* The telecommunication system within Alaska and between Alaska and other areas which is operated by the U.S. Air Force to provide public correspondence by means of common carrier coast stations and fixed stations.

(d) *"Common carrier" or "carrier".* "Common carrier" or "carrier" means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to the Communications Act of 1934, as amended; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(e) *Alaska-public fixed station.* A fixed station in Alaska, which is open to public correspondence and is licensed by the Commission for radio-communication between specified fixed points in Alaska exclusively.

(f) *Point of communication.* This term, when applied to an Alaska-public fixed station, means a specified fixed station or specified geographic location with which such station is authorized to communicate.

3. Section 81.24 is amended to read as follows:

§ 81.24 Application precedent to authorization.

(a) Except as otherwise provided in §§ 81.26 and 81.41, no authorization will be granted for use or operation of any radio station on land in any service governed by this part, nor for any change in station control, facilities, services, equipment, or antenna, unless formal written application therefor in proper form first is filed with the Commission.

(b) Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D.C. 20554, or from any of its field offices.

(c) Except as otherwise permitted by this part, a separate application shall be filed in respect to each station and service subject to this part.

(d) Except as otherwise provided by this section, each application for radio station authorization, and all correspondence relating thereto, shall be submitted in duplicate (unless otherwise specified in a particular case or with respect to a particular form) to the Commission's main office in Washington, D.C.

(e) Each application for construction permit, license, or modification of construction permit or license, for an Alaska-public fixed station or coast station in the Alaska area, including correspondence relating thereto, shall be filed in triplicate with the Commission's Engineer in Charge at Seattle, Wash. 98104.

(f) Except as otherwise provided in §§ 81.32 and 81.41, an application should be filed at least 60 days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date.

(g) The application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission.

(h) All applications for renewal of station license (when continued operation without change is desired) shall be filed with the Commission.

(i) An application by a corporation for a construction permit for an Alaska-public fixed station or a public coast station in the Alaska area proposing to establish common carrier radio facilities must (unless previously filed with the Commission) be accompanied by a copy of the applicant's charter, acts of incorporation, or articles of incorporation certified by the Secretary of the State of the place of incorporation, or certified otherwise by an appropriate public official.

4. In § 81.40, new paragraphs (c) and (d) are added to read as follows:

§ 81.40 One application for plurality of stations.

* * * * *

(c) In addition to the provisions of paragraphs (a) (3) and (4), and (b) of this section, one application may be submitted by the same applicant to cover an Alaska-public fixed station and a public coast station at the same location in the Alaska area in the following categories:

(1) Application for construction permit;

(2) Application for license;

(3) Application for modification of construction permit or license when the desired modification will apply similarly to both classes of station;

(4) Application for renewal of license.

(d) The provisions of paragraph (c) of this section shall apply on condition that the respective fixed and coast stations covered by each application are clearly identified therein and all of the required information in respect to each class of station is included therein.

5. In § 81.68, new paragraphs (d) and (e) are added to read as follows:

§ 81.68 One authorization for plurality of stations.

* * * * *

(d) Unless otherwise determined by the Commission, one construction permit or one station license may be issued to authorize the construction, or use and operation, respectively, of an Alaska-public fixed station and a public coast station in the Alaska area when:

(1) The licensee or permittee of each class of station is the same;

(2) The location of each class of station is identical;

(3) The conditions which establish and maintain control of each class of station by the permittee or the station licensee are the same.

(e) Whenever a single station authorization is issued in accordance with paragraph (d) of this section, distinction will be shown in each such document as may be necessary in respect to the details of authorization for each service and each class of station except as these may be otherwise established by applicable rules and regulations of the Commission. Unless the station authorization provides otherwise, the same radio transmitting apparatus may be used for both fixed service and maritime mobile service whenever it is capable, by reason of

frequency tuning range, technical adjustment, power, frequency stability and emission of being so used.

6. In § 81.74, paragraph (a) is amended by the addition of footnote 1, to read as follows:

§ 81.74 Notice of involuntary discontinuance, reduction, or impairment of service.

(a) If, for any reason beyond the control of the station licensee, the service provided by a public coast station is discontinued, reduced or impaired for a period exceeding 24 hours, the station licensee shall immediately notify [1] the Commission at Washington, D.C. 20554, and the Commission's Engineer in Charge of the radio district in which the station is located. In such cases, the licensee shall furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service including a statement as to when normal service is expected to be resumed. In the event such changes in station operation include discontinuance, reduction or suspension of a watch normally kept on 500 kc/s or 2182 kc/s, immediate notification [1] thereof shall be given by the station licensee to the nearest district office of the U.S. Coast Guard and to the Commission's Engineer in Charge of the radio district in which the station is located together with notification of the estimated or known time of resumption of such watch. When normal service is resumed, immediate notification [1] thereof shall be given to the Commission at Washington, D.C. 20554, and to the Commission's Engineer in Charge of the radio district in which the station is located. When the watch to which reference is made herein is resumed, immediate notification [1] thereof shall be given to the Coast Guard and the Commission's Engineer in Charge.

[1] In the Alaska area, notification shall be given to the U.S. Coast Guard office in Juneau, Alaska, or to the nearest office or station of the Alaska Communication System that can be contacted via available channels of communication (preferably by wire or radio) and to the Commission's Engineer in Charge at Anchorage, Alaska.

7. Section 81.75 is amended by addition of footnote 1, to read as follows:

§ 81.75 Notice of voluntary discontinuance, reduction, or impairment of service.

When the service of any station subject to this part (other than a marine-utility station or a shipyard mobile station) is discontinued, reduced or impaired for any reason within the control of the station licensee, immediate notification [1] thereof shall be given to the Commission's Engineer in Charge of the radio district in which the station is located, together with, in the case of suspension, a statement of the estimated or known time of resumption of normal service. In the case of a public coast station, such notification shall be given as soon as practicable. In respect to any other class of station (except a marine-utility station or a shipyard mobile station) subject to this part, such notification need be made only when the discontinuance, reduction, or impairment of service continues for a period of more than 10 days. In the event any voluntary suspension, reduction, or discontinuance operation includes discontinuance, reduction, or suspension of a watch normally kept by any coast station on 500 kc/s or 2182 kc/s, immediate notification [1] thereof shall be given by the station licensee to the nearest district office of the U.S. Coast Guard and to the Commission's Engineer in Charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of any such watch that has been suspended.

[1] In the Alaska area, notification shall be given to the U.S. Coast Guard office in Juneau, Alaska, or to the nearest office or station of the Alaska Communication System that can be contacted via available channels of communication (preferably by wire or radio) and to the Commission's Engineer in Charge at Anchorage, Alaska.

8. Section 81.106 is amended to read as follows:

§ 81.106 Operating controls.

Each coast station, Alaska-public fixed station, or shipyard base station subject to this part shall provide operating controls in accordance with the following:

(a) The transmitting apparatus of stations subject to this part shall be installed and protected so as to be not accessible to other than duly authorized persons.

(b) Except for equipment intended for use only in emergencies and not used for normal communications, operating controls shall be available at the principal operating location of each station and shall be readily accessible to the authorized operator. The operating controls provided shall include those used for:

(1) Commencing and discontinuing normal operation;

(2) Normally changing from each operating radio channel to any other associated operating radio channel in the same characteristic portion of the spectrum; and

(3) Normally changing from transmission to reception, and vice versa.

(c) Each station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of changeover from telegraph transmission to telegraph reception and vice versa within a total period of 2 seconds under circumstances which do not require a change in operating radio channel at the same time.

(d) Each station using telephony shall, when an authorized operator is present at the principal operating location, be capable of changeover from telephone transmission to telephone reception and vice versa within a total period of 2 seconds under circumstances which do not require a change in operating radio channel at the same time.

(e) Each station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of:

(1) Commencing operation within 1 minute after the need to do so occurs;

(2) Discontinuing all emission within 5 seconds after emission is no longer required or after the necessity arises for emission to cease.

(f) Each station using a multichannel installation for telegraphy shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio channel for telegraphy to any other operating radio channel for telegraphy within the same characteristic portion of the spectrum below 515 kc/s within a period of 5 seconds: *Provided, however,* That this requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.

(g) Every coast station using a multichannel installation for radiotelephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio channel for telephony to another operating radio channel for telephony within:

(1) A period of 5 seconds, when changing from the calling channel to a working channel and vice versa within the frequency band 1600 kc/s to 4000 kc/s; or

(2) A period of 3 seconds, when changing from the calling frequency to a working frequency and vice versa within the band 156 to 162 Mc/s.

(h) (1) Each coast station authorized to operate on a secondary basis as a shipyard base station, shall, while so operating, comply with the provisions of this section which apply to coast stations using telephony.

(2) Each shipyard mobile station shall comply with the provisions of this section which apply to coast stations using telephony.

9. In § 81.131, paragraphs (b) (2) and (3) are amended by addition of footnotes 1 and 2; a new paragraph (f) is added, to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(b) * * *

Frequency ranges	Tolerance—parts in 10^6 unless shown as cycles per second (c/s)
(2) From 1605 to 4000 kc/s:	
For other than A3A, A3H and A3J emissions	[1] 50
For A3A, A3H, A3J, and A2J emissions	20 c/s
(3) From 4000 to 27,500 kc/s:	
(i) For A3A, A3B, A3H, and A3J emissions	20 c/s
(ii) For narrow-band direct-printing telegraph and data transmission systems	20 c/s
(iii) For other than (i) and (ii), above	[1] 15

[1] The tolerance shown in the table is applicable in the Alaska area to all types of transmitters after Jan. 1, 1974, and to new types of transmitters brought into service after Jan. 1, 1970. Types of transmitters authorized in coast stations in the Alaska area prior to Jan. 1, 1970, may continue with a tolerance of 100 parts in 10^6 until Jan. 1, 1974.

[2] The tolerance shown in the table is applicable in the Alaska area to all types of transmitters after Jan. 1, 1974, and to new types of transmitters brought into service after Jan. 1, 1970. Types of transmitters authorized in coast stations in the Alaska area prior to Jan. 1, 1970, may continue with a tolerance of 50 parts in 10^6 until Jan. 1, 1974.

* * * * *

(f) Authorized frequency tolerances for Alaska-public fixed stations:

(1) From 50 to 525 kc/s	200
(2) From 1605 to 3400 kc/s:	
(i) For A3A, A3B, A3H, and A3J emissions	20 c/s
(ii) For other than A3A, A3B, A3H, and A3J emissions	[1] 50
(3) From 4000 to 12,000 kc/s:	
(i) For A3A, A3B, A3H, and A3J emissions	20 c/s
(ii) For other than A3A, A3B, A3H, and A3J emissions	15

[1] The tolerance shown in the table is applicable to all types of transmitters after Jan. 1, 1974, and to new types of transmitters brought into service after Jan. 1, 1970. Types of transmitters authorized in Alaska-public fixed stations prior to Jan. 1, 1970, may continue with a tolerance of 100 parts in 10^6 until Jan. 1, 1974.

10. In § 81.132, paragraphs (a) (1) and (2) are amended and a new paragraph (a) (6) is added, to read as follows:

§ 81.132 Authorized classes of emission.

(a) * * *

Frequency band	Classes of emission
(1) Coast stations using telegraphy:	
14 to 160 kc/s	A1.
160 to 490 kc/s	A1; A2 for distress, urgency and safety signals or any communication preceded by one of these signals.
490 to 525 kc/s	A1 and A2.
2065 to 27,500 kc/s, except Alaska	A1.
(2) Coast stations using radiotelephony:	
(i) For frequencies designated in § 81.304(a):	
2182 kc/s	Until Jan. 1, 1971: A3 or A3H; after Jan. 1, 1971: A3H.
All other frequencies	A3, A3H, A3A, or A3J as specified in § 81.304.
(ii) For frequencies designated in §§ 81.307 and 81.308.	A3, A3H, A3A, or A3J as specified in §§ 81.307 and 81.308.
* * * *	* * *
(6) Alaska-public fixed stations:	
For telephony:	
1605–12,000 kc/s	A3, A3A, A2H, or A3J until Jan. 1, 1971; A3A or A3J after Jan. 1, 1971.
* * * *	* * *

11. In § 81.133(a), the table and footnote 4 are amended to read as follows:

§ 81.133 Authorized bandwidth.

(a) * * *

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	[4] 3.0
A3B	5.6A3B	6.0
A3H	2.8A3H	[4] 3.0
A3J	2.8A3J	[4] 3.0
F1	0.3F1 [1]	[1] 0.5
F3	16F3 [3]	[3] 20.0
F3	36F3 [3]	[3] 40.0
P0	Variable	Variable

* * * * *

[4] Transmitters type accepted to operate in the band 000–2850 kc/s prior to the effective date of this rule change, the authorized bandwidth is 3.5 kc/s.

* * * * *

12. In § 81.134, paragraph (b) and the introductory text of paragraph (c) are amended, and new paragraphs (g), (h), and (i) are added to read as follows:

§ 81.134 Transmitter power.

* * * * *

(b) Transmitter power for coast stations, except in the Alaska area, using telegraphy on frequencies below 27.5 Mc/s shall not exceed the following values in kilowatts:

Frequency band (kc/s)	Transmitter power
14 to 150	80
150 to 515	40
2035 to 2065	6.6
4000 to 7000	10
8000 to 9000	20
12,000 to 27,500	30

(c) The transmitter power for coast stations, except in the Alaska area, using telephony below 27.5 Mc/s shall not exceed the values set forth in this paragraph.

* * * * *

(g) For coast stations in the Alaska area, transmitter power in the bands below 12,000 kc/s shall not exceed the indicated values in watts:

Frequency band (kc/s)	Class of emission	Transmitter power
400–525	A1 and A2	265
1605–12,000 [1]	A1, A3, A3A, A3H and A3J.	150

[1] When using 2182 kc/s for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 100 watts for A3 emission and 50 watts for A3H emission.

(h) For Alaska-public fixed stations, unless otherwise specified in this part, transmitter power shall not exceed the indicated value in watts:

Frequency band (kc/s)	Class of emission	Transmitter power
50–200	A1	[1] 650
400–525	A1 and A2	265
1605–12,000	A1, A3, A3A, A3H and A3J.	150

[1] Higher power may be authorized where a satisfactory showing of need has been made.

(i) For ACS fixed and coast stations, transmitter power shall not exceed the indicated value in watts:

Frequency band (kc/s)	Class of emission	Transmitter power
400–525	A1 and A2	1000
1605–12,000	A3, A3A, A3H, A3J	1000

13. In § 81.137, the introductory text of paragraph (a) is amended to read as follows:

§ 81.137 Transmitters required to be type accepted for licensing.

(a) Each radiotelephone transmitter authorized in a coast station, marine-utility, marine-fixed station, or Alaska-public fixed license (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission. This requirement shall be applicable as follows:

* * * * *

14. In § 81.140, the headnote is amended to read as follows:

§ 81.140 Emission limitations.

* * * * *

15. In § 81.142, paragraph (c)(2) is amended and a new paragraph (j) is added, to read as follows:

§ 81.142 Modulation requirements.

* * * * *

(c) * * *

(2) For transmitters operating on frequencies below 4 Mc/s, with the carrier emitted at a power level, for A3H, between 3 and 6 decibels below peak envelope power and, for A3A, 16 decibels, ±2 decibels, below peak envelope power.

* * * * *

(j) In single sideband and independent sideband transmitters, the audiofrequency band shall be 350 to 2700 cycles per second, with a permitted amplitude variation of 6 decibels. Audiofrequencies outside this band shall be attenuated to protect the adjacent channels.

16. In § 81.179, new paragraphs (f) and (g) are added to read as follows:

§ 81.179 Message charges.

* * * * *

(f) Pending Commission implementation of the tariff filing requirements of section 203 of the Communications Act and Part 61 of this chapter with respect to common carriers in Alaska, any charges made by an Alaskan public fixed station, or any public coast station in the Alaska area, for interstate or foreign communication service, should conform to the applicable regulations and tariffs issued by the Alaska Communication System. Information regarding charges of any such station or any changes therein should be furnished promptly to the Tariff Manager of the Alaska Communication System, Seattle, Wash.

(g) Except in event of an emergency concerning the immediate safety of life or property, no Alaska-public fixed station or public coast station in the Alaska area shall transmit any communication in behalf of any person other than the licensee to any other station licensed by the Commission under circumstances wherein such telecommunication can be transmitted effectively by, or to, readily available facilities of the Alaska Communication System which are open to public correspondence and are capable of effectively forwarding (via connecting facilities if and when required) such telecommunication to the designated recipient.

17. A new § 81.195 is added to read as follows:

§ 81.195 Alternate transmission on the same frequency in the Alaska area.

Coast stations within the Alaska area when communicating with ship stations within the bands 1605–2035 kc/s and 2107–12,000 kc/s shall transmit and receive on the same frequency: *Provided, however*, That this requirement shall not apply when communicating with coast stations of the Alaska Communication System: *And provided further*, That this requirement is not applicable in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, the same frequency cannot be used.

18. In § 81.206, new paragraphs (d) and (e) are added to read as follows:

§ 81.206 Assignable frequencies.

* * * * *

(d) Each of the following carrier frequencies, when authorized by station license, may be used by public coast stations in all zones of the Alaska area when transmitting by means of telegraphy, in accordance with Subpart E of this part, for communication with ship and aircraft stations, and with other public coast stations using telegraphy in the Alaska area:

Frequency (kc/s)	*Conditions of use*
416	Working frequency.
438	Working frequency.
500	Calling and distress frequency.
512	Supplementary calling frequency when 500 kc/s is being used for distress communications. Also available as a working frequency, except in those areas where it is in use as a supplementary calling frequency when 500 kc/s is being used for distress purposes.
2052.5	Calling and working frequency for communication with ship stations when such stations are using telegraphy within the band 2089.5–2092.5 kc/s.

(e) Each of the following frequencies is authorized for use by public coast stations of the ACS at the location indicated:

Frequency (kc/s)	*Conditions of use*
452	Working frequency—ACS Ketchikan coast station.
472	Working frequency—ACS Juneau coast station.
472	Working frequency—ACS Nome coast station.
500	Calling and distress frequency—ACS coast stations.

19. Section 81.301 is amended to read as follows:

§ 81.301 Supplemental eligibility requirements.

(a) A public coast station may be granted to any person, or state or local government which is subject to the provisions of section 301 of the Communications Act of 1934: *Provided*, That the applicant is legally, financially, and technically qualified to render the proposed service, and the public interest, convenience or necessity would be served by a grant thereof.

(b) In the Alaska area, only one public coast station will be authorized to serve any area whose ship-shore communication needs can be adequately served by a single radio communication facility, either Government (ACS) or non-Government.

20. In § 81.304, a new paragraph (f) is added to read as follows:

§ 81.304 Frequencies available.

* * * * *

(f) Assignment to public coast stations of radiotelephony frequencies in the band 2000–2850 kc/s will be subject to the following schedule and limitations:

(1) In conversion from double sideband (DSB) to single sideband (SSB):

(i) Transmission of DSB emissions will not be permitted beyond January 1, 1971;

(ii) Transmission of full carrier (A3H), reduced carrier (A3A), or suppressed carrier (A3J) emissions prior to January 1, 1971, shall be on a permissive basis. After January 1, 1971, the capability of using these emissions will be required;

(iii) Authorizations for use of DSB emission granted after the effective date of an order in this docket shall expire on January 1, 1971;

(iv) On 2182 kc/s, until January 1, 1971, coast stations will be required to have the capability to transmit with DSB (A3) or full carrier (A3H) emissions;

(v) On 2182 kc/s during the period January 1, 1971, to January 1, 1977, coast stations will be required to have the capability to receive full carrier SSB (A3H) and DSB (A3) emission; after January 1, 1977, coast stations will be required to have the capability to receive full carrier SSB (A3H) emission.

(2) Relationship between service by public coast stations on frequencies in the band 2000–2850 kc/s and in the band 156–162 Mc/s:

(i) After January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will be available only to public coast stations which, in addition to service on frequencies in the band 2000–2850 kc/s, also provide service on frequencies in the band 156–162 Mc/s: *Provided, however*, That this requirement may be waived where VHF service is already provided in waters near the proposed station.

(ii) Except for safety communications, after January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will not be available to public coast stations for communication: with

vessels within communication range of VHF; with vessels in ports or harbors; concerning passage of ships through locks, bridge areas, or Government controlled waterways; or on lakes or rivers: *Provided, however,* That this requirement may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF.

21. In § 81.306, a new paragraph (f) is added to read as follows:

§ 81.306 Frequencies available below 27.5 Mc/s.

* * * * *

(f) The carrier frequencies set forth in the following table are authorized for use by ACS public coast stations for communication with public ship stations in the Alaska area.

For communication with ACS coast stations located in the vicinity of—	ACS coast station carrier frequency, (kc/s)[3]		Associated ship station transmitting carrier frequency, (kc/s)	
	Until Jan. 1, 1971 [1]	After Jan. 1, 1971 [1]	Until Jan. 1, 1977 [2]	After Jan. 1, 1977 [2]
Anchorage, Alaska	2312	2312	2134	2134
Cold Bay, Alaska	2312	2312	2134	2134
Cordova, Alaska	2312	2397	2134	2237
Juneau, Alaska	2400	2400	2240	2240
Ketchikan, Alaska	2312	2397	2134	2237
King Salmon, Alaska	2312	2400	2134	2240
Kodiak, Alaska	2400	2309	2240	2131
Nome, Alaska	2400	2400	2240	2240
Petersburg, Alaska	2312	2312	2134	2134
Sitka, Alaska	2400	2312	2240	2134
Unalaska, Alaska	2312	2312	2134	2134

[1] Until Jan. 1, 1971, emission 6A3, 2.8A3A, 2.8A3H, or 2.8A3J may be employed. During the period Jan. 1, 1971, to Jan. 1, 1977, emissions 2.8A3A, 2.8A3H, or 2.8A3J may be employed. After Jan. 1, 1977, emissions 2.8A3A and 2.8A3J only shall be used.

[2] Until Jan. 1, 1977, emissions 6A3, 2.8A3A, 2.8A3H, or 2.8A3J may be employed. After Jan. 1, 1977, emissions 2.8A3A and 2.8A3J only shall be used.

[3] The schedule of conversion of ACS coast stations from DSB to SSB and conditions relating to provision of VHF service are set forth in § 81.304(f).

22. A new § 81.307 is added to read as follows:

§ 81.307 Frequencies available in all zones of Alaska Area.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by public coast stations in all zones of the Alaska Area. The limitations and conditions of use applicable to each carrier frequency are set forth in the subparagraphs which appear below the table. Conversion from double sideband (DSB) to single sideband (SSB) emissions in the band 1605–4000 kc/s shall be effected in accordance with the schedule set forth in § 81.304(f). (Conversion to SSB in the bands between 4 and 23 Mc/s: see Docket No. 18271.)

Frequency (kc/s)	*Limitations and conditions of use*
1619	(2), (6).
1622	(1), (2), (6).
2379	(2), (6).
2382	(1), (2), (6).
4380.6	(5), (7).
4383.8	(4), (5), (7).
4390.2	(3), (7).

(1) Until January 1, 1977, available for use with 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(2) After January 1, 1977, available for use with emissions 2.8A3A and 2.8A3J.

(3) Until March 1, 1970, 0001 G.m.t., available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. This frequency will not be available for use by coast stations after 0001 G.m.t., March 1, 1970.

(4) During the period March 1, 1970, to January 1, 1972, available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. On January 1, 1972, DSB shall be discontinued at all coast stations. During the period January 1, 1972, to January 1, 1974, available for use with emissions 2.8A3A and 2.8A3J.

(5) After January 1, 1974, available for use with emissions 2.8A3A and 2.8A3J.

(6) For communication by radiotelegraphy or telephony between public correspondence coast stations and public ship stations on board any type of vessel.

(7) (i) Primarily, for communication by radiotelephony with public correspondence ship stations on board any type of vessel during the hours 6 a.m. to 9 p.m., local standard time; and

(ii) Secondarily, during the hours 6 a.m. to 9 p.m., local standard time, between public coast stations, separated not less than 50 miles, for the exchange of public correspondence, on condition that ship-shore communcations shall be given priority at all times. Use of this frequency for this purpose shall be limited to conditions which make it necessary to use this frequency in lieu of a frequency designated for fixed service by Subpart Q of this part.

23. A new § 81.308 is added to read as follows:

§ 81.308 Frequencies available in one or more zones of the Alaska Area.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by public coast stations employing radiotelephony. Frequencies designated for use in a zone of the Alaska area are available only to coast stations located in that zone. The limitations and conditions of use applicable to each frequency are set forth in the paragraphs which appear below in the table. Conversions from double sideband (DSB) to single sideband (SSB) emissions in the band 1605–4000 Mc/s shall be effected in accordance with the schedule set forth in § 81.304(f). (Conversion to SSB in the bands between 4 and 23 Mc/s: see Docket No. 18271.) The frequencies available and the zones in the Alaska area in which they may be employed are set forth in the following tables.

Zone 1 Available		Zone 2 Available		Zone 3 Available		Zone 4 Available		Zone 5 Available		Zone 6 Available	
Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977
1646	1646					1646	1643			1646	1646
		1652	1649					1652	1652		
1712	1709			1708	1705	1708	1705				
2006(b)	2006(b)							1712	1712		
		2118(j)	2118			2118(j)	2118(j)		2003(b)		
2422	2419			2422	2422						
		2430(k)	2430(k)			2430	2427	2430	2430		
				2450(c)	2450(c)	2450(c)	2447			2450(c)	2450(c)
				2482(k) (d)	2479	2482(d)	2482(d)			2482(d)	2482(d)
								2506(e)	2506(e)	2506(e)	2506(e)
2512	2512	2512	2509	2512	2512	2512	2509				
		2538	2538	2538	2535						
2566	2566					2566	2563	2566	2566		
2616(h)	2616(h)										
(f)	(f)										
3261(g)	3261(g)					3261(g)	3261(g)	3261(g)	3258(g)		
4409.4(h)	4403.0(h)	4409.4(h)	4428.6(h)	4409.4(h)	4399.8(h)	4434.9(h)	4425.4(h)	4434.9(h)	4428.6(h)	4434.9(h)	4403.0(h)

(b) To minimize interference to or from the operation of stations outside the Alaska area or U.S. Government stations within Alaska, this frequency is authorized for use annually in the respective zone only during the hours from 7 a.m. to 11 p.m., local standard time from May 15 to September 15 inclusive, and from 8 a.m. to 9 p.m., local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(c) Use of the frequency 2450 kc/s shall be coordinated as necessary with use of the frequency 2466 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(d) Use of the frequency 2482 kc/s shall be coordinated as necessary with use of the frequencies 2466 and 2474 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(e) Use of the frequency 2506 kc/s for maritime mobile service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, Calif.

(f) Use of the frequency 2616 kc/s shall be coordinated as necessary with use of the frequency 2632 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(g) Insofar as is practicable, coast stations shall limit their use of the frequencies 3258 and 3261 kc/s to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc/s or above 156 mc/s.

(h) (1) The frequencies 4409.4 and 4434.9 kc/s are authorized, until 0001 G.m.t., March 1, 1970, for telephony exclusively; for use during the hours 6 a.m. to 9 p.m. local standard time only. Availability and use of the frequency 4434.9 kc/s is subject to the condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area.

(2) Ship stations are authorized generally to communicate on each frequency designated in this section with public coast stations using the same frequency. A ship station may communicate on any of these frequencies with another ship station only when requested to do so by a public coast station which operates on the same frequency in accordance with paragraph (a) of this section and is within communication range of the ship station.

(3) Coast stations shall shift from the present DSB channels to the replacement DSB channels as set forth in the following table at 0001 G.m.t., March 1, 1970:

Zone	Present until Mar. 1, 1970 (DSB or SSB) (kc/s) [1]	Effective Mar. 1, 1970 (DSB or SSB) (kc/s) [1]
Zone 1	4409.4	4403.0
Zone 2	4409.4	4403.0
Zone 3	4409.4	4403.0
Zone 4	4434.9	4428.6
Zone 5	4434.9	4428.6
Zone 6	4434.9	4428.6

[1] 6A3, 2.8A3A, 2.8A3H, and 2.8A3J emissions.

(4) Effective January 1, 1974, or an earlier date where facilities permit, coast stations shall:

(i) Discontinue use of double side band emission on frequencies in the band 4361–4438 kc/s:

(ii) Employ frequencies in the 4361–4438 kc/s band in zones of the Alaska area as set forth in the table of paragraph (a) of this section:

Zone	Effective Mar. 1, 1970 (DSB or SSB) (kc/s) [1]	Effective Jan. 1, 1972 (SSB only) (kc/s) [2]
Zone 1	4403.0	4403.0
Zone 2	4403.0	4428.6
Zone 3	4403.0	4399.8
Zone 4	4428.6	4425.4
Zone 5	4428.6	4428.6
Zone 6	4428.6	4403.0

[1] 6A3, 2.8A3A, 2.8A3H, and 2.8A3J emissions.
[2] 2.8A3A and 2.8A3J emissions.

(i) (1) When operating on any frequency designated in paragraph (a) of this section, a ship station shall transmit only on an authorized carrier frequency which is specifically authorized by that paragraph for transmission in the zone in which the ship station then is located: *Provided, however,* That, for communication with a ship or coast station located in a contiguous zone which uses a frequency in accordance with paragraph (a) of this section but not designated by that paragraph for use in the zone in which the ship station then is located, such ship station may transmit on the contiguous zone frequency when, by reason of conditions not under its control, such operation becomes necessary.

(j) Use of the frequency 2118 kc/s shall be coordinated as necessary with use of the frequency 2134 kc/s in order to avoid harmful interference.

(k) To minimize interference to or from the operation of stations outside the Alaska area, this frequency is authorized for use annually in the respective zone only during the hours from 6 a.m. to 11 p.m. local standard time, from April 1 to September 30 inclusive.

NOTE: The limitations and conditions of use set forth in paragraphs (c), (d), (f), and (j) are required during the transition from DSB to SSB. The transition to SSB will be completed on Jan. 1, 1977, and compliance with these paragraphs will not be required after this date.

24. A new Subpart Q (§§ 81.701–81.713) is added to read as follows:

Subpart Q—Alaska-Public Fixed Stations

§ 81.701 Priority of distress and other signals.

Alaska-public fixed stations, when operating on an authorized carrier frequency which is used also by the maritime mobile service, shall, at all times, give priority on such frequency to distress signals or communications as set forth in §§ 81.180 and 81.181, and to urgency or safety signals, or any communication preceded by one of these signals.

§ 81.702 Hours of service of Alaska-public fixed stations.

(a) The hours of service of each Alaska-public fixed station shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station and, unless otherwise specified by the Commission for individual stations, shall be determined by the station licensee subject to such applicable conditions and limitations as are imposed by the rules of the Commission.

(b) Each Alaska-public fixed station whose hours of service are not continuous shall not suspend operation before having concluded, when possible within the scope of its normal operations, all communications of an emergency nature.

(c) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of an Alaska-public fixed station not authorized for continuous hours of service to increase the hours of service of such station as may, in the discretion of the Commission, be required to provide adequate public service: *Provided, however,* That such requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that such requirement will promote public convenience or interest or will serve public necessity, or the provisions of the Communications Act will be more fully complied with.

§ 81.703 Documents required for Alaska-public fixed stations.

(a) Each Alaska-public fixed station shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 81.102 (a) and (b);

(2) The necessary operator license(s), available in accordance with § 81.159;

(3) The station log as designated in §§ 81.214 and 81.314; and

(4) This Part 81.

(b) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 81.704 Alaska-public fixed station records.

Each Alaska-public fixed station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as set forth in §§ 81.214(a) and 81.314, respectively: *Provided, however,* That Alaska-public fixed stations may express the time of making each log entry in local standard time in the same manner as is permitted by those sections for coast stations which communicate exclusively with vessels on inland waters of the United States.

§ 81.705 Cooperative use of frequency assignments.

Unless provided otherwise by this part, or by the particular station authorization, each radio channel authorized for use by an Alaska-public fixed station subject to this part is available for use on a shared basis only and shall not be construed as available for the

exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignments in order to minimize interference and obtain the most effective use of the authorized radio channels.

§ 81.706 Protection of Government services.

Notwithstanding other provisions of this part, the assignment and use of any of the frequencies designated in this subpart shall be subject to the express condition that any individual carrier frequency may not be authorized for transmission by an Alaska-public fixed station at any specific location in the Alaska area where its use could cause harmful interference to a U.S. Government radio service which, in the discretion of the Commission, must be protected from such interference.

§ 81.707 Alternate transmission on the same radio channel.

Except for communication between licensed Alaska-public fixed stations and fixed stations of the Alaska Communication System as hereinafter specifically designated in this subpart all transmission, on each radio channel assigned by this subpart, by two or more stations engaged in any one exchange of signals or communications with each other, shall take place on only one radio channel. For this purpose, the stations communicating with each other shall transmit and receive on the same radio channel: *Provided, however,* That this requirement shall not apply in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used.

§ 81.708 Frequencies available in all zones of Alaska Area.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by Alaska-public fixed stations in all zones of the Alaska Area for communication with other licensed Alaska-public fixed stations located in any zone of the Alaska area. The limitations and conditions of use applicable to each frequency are designated by appropriate cross-reference, which appear below the table. Conversion from double sideband (DSB) to single sideband (SSB) emissions shall be effected in accordance with the schedule set forth in paragraph (b) of this section.

Frequency (kc/s)	*Limitations and conditions of use.*
149.6	(1).
2115	(3), (4).
2118	(2), (3), (4).
3198	(3), (5).
3201	(2), (3), (5).
5164.5	(3), (6).
5167.5	(2), (3), (6).
8067	(3), (7).
8070	(2), (3), (7).

(1) Available for radiotelegraphy only at any appropriate location in the Alaska area.

(2) Until January 1, 1977, available for use with 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(3) After January 1, 1977, available for use with emissions 2.8A3A and 2.8A3J.

(4) Available for radiotelephony on a shared basis with the maritime mobile service. The use of this frequency by Alaska-public fixed stations shall be coordinated, until but not after January 1, 1977, with ship-to-shore communication on 2134 kc/s in the Alaska area so as to avoid harmful interference.

(5) Available for radiotelephony. Insofar as practicable, Alaska-public fixed stations shall limit their use of this frequency to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc/s or above 70 Mc/s.

(6) Available for radiotelephony. To be used exclusively for communication over distances of not less than 50 miles and only during the hours from 6 a.m. to 9 p.m. local standard time.

(7) Available for radiotelephony. To be used exclusively for communication over distances of not less than 200 miles and only during the hours from 6 a.m. to 6 p.m., local standard time, except in Zone 4 west of 165° west longitude where the hours of its use shall not be limited.

(b) The transition from double sideband (DSB) to single sideband (SSB) emissions on frequencies below 4000 kc/s shall be effected at Alaska-public fixed stations in accordance with the following schedule. Assignment to Alaska-public fixed stations of radiotelephony frequencies in the band 1605–4000 kc/s will be subject to the following schedule and limitations:

(1) After January 1, 1971, new installations of transmitters employing A3 (DSB) emission will not be authorized;

(2) Transmission of full carrier (A3H), reduced carrier (A3A), or suppressed carrier (A3J) emissions prior to January 1, 1971, shall be on a permissive basis. After January 1, 1971, only A3A and A3J emissions will be authorized.

(3) Authorizations for use of DSB emission granted after the effective date of an order in this docket shall expire on January 1, 1971;

(4) Transmission of A3 (DSB) emission will not be permitted beyond January 1, 1971.

§ 81.709 Frequencies available in one or more zones of the Alaska area.

(a) Each of the following carrier frequencies set forth in the following table, when authorized by station license, may be used by Alaska-public fixed stations employing radiotelephony. These frequencies are authorized for use on a shared basis, except 1660 kc/s, with stations of the maritime mobile service. Frequencies designated for use in a zone of the Alaska area are available only to coast stations located in that zone. The limitations and conditions of use applicable to each frequency are set forth in the paragraphs which appear below the table. Insofar as practicable, each station, when transmitting on any of these frequencies, shall communicate only with a station or stations located in its own zone, or in a contiguous zone. Conversion from double sideband (DSB) to single sideband (SSB) emissions shall be effected in accordance with the schedule set forth in § 81.708(b). The frequencies available and the zones in the Alaska area in which they may be employed are set forth in the following table:

Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6	
Available		Available		Available		Available		Available		Available	
Until Jan 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977	Until Jan. 1, 1977	After Jan. 1, 1977
1646	1646					1646	1643			1646	1646
		1652	1649					1652	1652		
						1660(b)	1660(b)			1660(b)	1657(b)
				1708	1705	1708	1705				
1712(b)	1709							1712(b)	1712		
2006(d) (e)	2006(d) (e)								2003(d)		
2422	2419			2422	2422						
		2430(k) (e)	2430(k) (e)			2430(e)	2427(e)	2430(e)	2430(e)		
				2450(e) (f)	2450(e) (f)	2450(f)	2447(f)			2450(f)	2450(f)
				2482(e) (k) (g)	2479(e) (k) (g)	2482(e) (g)	2482(e) (g)			2482(e) (g)	2482(e) (g)
								2506(h)	2506(h)	2506(h)	2506(h)
2512	2512	2512 2538(e)	2509 2538(e)	2512 2538(e)	2512 2535(e)	2512	2509				
2566(e)	2566					2566	2563	2566	2566		
2616(d) (e) (i)	2616(d) (e) (i)										
3261(j)	3261(j)					3261(j)	3261(j)	3261(j)	3258(j)		

Available [1]	Available [1]
4791.5(1)	4791.5(1)
6948.5(1)	6948.5(1)
7368.5(1)	7368.5(1)
11437.0(1)	11437.0(1)
11601.5(1)	11601.5(1)

[1] On the effective date of the Report and Order in this Docket.

(b) Use of the frequency 1660 kc/s shall be coordinated as necessary with use of the frequency 1666 kc/s by other fixed stations in the Alaska area in order to avoid harmful interference.

(c) To minimize interference to the service of stations in Zone 4 operating on 1708 kc/s, use of the frequency 1712 kc/s in Zone 5 is authorized only for stations located north of 62° north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or U.S. Government stations within Alaska, this frequency is authorized for use annually in the respective zone only during the hours from 7 a.m. to 11 p.m., local standard time from May 15 to September 15 inclusive; and from 8 a.m. to 9 p.m., local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) This frequency may be authorized for use by Alaska-public fixed stations subject to the following limitations and conditions:

(1) The licensee is authorized to operate a public coast station in the maritime mobile service;

(2) The Alaska-public fixed frequencies are the same as those authorized to the licensee for use at the licensee's public coast station;

(3) The Alaska-public fixed frequencies are to be used in receiving and transmitting equipment which is installed at the same location as equipment used by the public coast station; and

(4) The licensee has an established requirement for a radiocommunication system of fixed service and maritime mobile service on a frequency or frequencies common to both of these services.

(f) Use of the frequency 2450 kc/s shall be coordinated as necessary with use of the frequency 2466 kc/s by other fixed stations in the Alaska area in order to avoid harmful interference.

(g) Use of the frequency 2482 kc/s shall be coordinated as necessary with use of the frequencies 2466 and 2474 kc/s by other fixed stations in the Alaska area in order to avoid harmful interference.

(h) Use of the frequency 2506 kc/s for fixed service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, Calif., to which the frequency 2506 kc/s is assigned as a carrier frequency for transmission.

(i) Use of the frequency 2616 kc/s shall be coordinated as necessary with use of the frequency 2632 kc/s by other fixed stations in the Alaska area in order to avoid harmful interference.

(j) Insofar as is practicable, Alaska-public fixed stations shall limit their use of the frequencies 3258 and 3261 kc/s to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc/s or above 70 Mc/s.

(k) To minimize interference to or from the operation of stations outside the Alaska area, this frequency is authorized for use annually in the respective zone only during the hours from 6 a.m. to 11 p.m., local standard time, from April 1 to September 30 inclusive.

(l) The following limitations and conditions of use shall apply to use of these frequencies by Alaska-public fixed stations:

(1) Available for use within Zone 3 and Zone 6, or between Zone 3 and Zone 6, for communication over distances of not less than 300 miles;

(2) The transmitter output power employed shall be the minimum necessary for satisfactory communication and in no event shall exceed a maximum of 1,000 watts peak envelope power; and

(3) Available for use with emissions 2.8A3A and 2.8A3J: *Provided however*, That the additional emission of 2.8A3H may be employed until January 1, 1974.

NOTE: The limitations and conditions of use set forth in paragraphs (b), (f), (g), and (i) are required during the transition from DSB to SSB. The transition to SSB will be completed on Jan. 1, 1977, and compliance with these paragraphs will not be required after this date.

§ 81.710 Frequencies for communication with ACS.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by non-Government Alaska-public fixed stations for communication with ACS common carrier fixed stations in the Alaska area. The limitations and conditions of use applicable to each frequency are designated by appropriate cross-reference to footnotes; the footnotes appear below the table. Conversion from double sideband (DSB) to single sideband (SSB) emissions shall be effected in accordance with the schedule set forth in § 81.708(b). The particular station(s) with which the licensed station may communicate and the specific ACS frequency or frequencies to be used for transmitting shall be specified on the radio station authorization.

Frequency (kc/s)	Limitations and conditions of use
2240	(1), (2).
2253	(4), (5).
2256	(3), (5).
2463	(4), (6), (15).
2466	(3), (6), (15).
2471	(4), (7), (15).
2474	(3), (7), (15).
2339	(4), (8), (15).
2632	(3), (8), (15).
2691	(4), (9).
2694	(3), (9).
2773	(4), (10).
2776	(3), (10).
3354	(4), (11).
3357	(3), (11).
3362	(4), (12).
3365	(3), (12).
5134.5	(4), (13), (15).
5137.5	(3), (13), (15).
5204.5	(4), (14), (15).
5207.5	(3), (14), (15).

(1) The use of this frequency for fixed service is on a secondary basis to its use under § 83.371 of this chapter.

(2) This frequency will not be available after January 1, 1971. Available for radiotelephony; for communication with ACS stations located at Juneau, Kodiak, and Nome.

(3) Until January 1, 1971, available for use with 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(4) After January 1, 1971, available for use with emissions 2.8A3A and 2.8A3J.

(5) Available for radiotelephony; for communication with ACS stations located at Anchorage and Ketchikan.

(6) Available for radiotelephony; normally for communication with ACS stations located at King Salmon, and Kotzebue. The use of this frequency shall be coordinated as necessary with use of the frequencies 2450 kc/s, 2474 kc/s, and 2482 kc/s by other stations in the Alaska area in order to avoid harmful interference.[1]

(7) Available for radiotelephony; normally for communication with ACS stations located at Kodiak and Nome. The use of this frequency shall be coordinated as necessary with use of the frequencies 2466 kc/s and 2482 kc/s by other stations in the Alaska area in order to avoid harmful interference.[1]

(8) Available for radiotelephony; normally for communication with ACS stations located at Cordova, and Bethel. The use of this frequency shall be coordinated as necessary with use of the frequency 2616 kc/s by other stations in the Alaska area in order to avoid harmful interference.[1]

(9) Available for radiotelephony; for communication with ACS stations located at Juneau and Cold Bay.

(10) Available for radiotelephony; for communication with ACS station located at Ketchikan.

(11) Available for radiotelephony; for communication with ACS stations located at Fairbanks and Juneau. The use of 3357 kc/s for communication with Juneau and Fairbanks shall be coordinated as necessary with the use of the frequency 3365 kc/s by other fixed stations in the Alaska area in order to avoid harmful interference.[1]

(12) Available for radiotelephony; for communication with ACS stations located at Unalaska and Anchorage. The use of this frequency shall be coordinated as necessary with use of the frequency 3357 kc/s by other Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.[1]

(13) Available for radiotelephony; normally for communication with ACS stations located at Anchorage and Unalaska. The use of this frequency shall be limited to the hours from 6 a.m. to 9 p.m., local standard time.

(14) Available for radiotelephony; normally for communication with ACS stations located at Fairbanks and Bethel. The use of this frequency (except in Zone 4 west of 165° west longitude) shall be limited to the hours from 6 a.m. to 9 p.m., local standard time.

(15) Communication with ACS stations at locations in addition to those specified in subparagraphs (6), (7), (8), (13), and (14) of this paragraph may be authorized, depending upon operational requirements.

§ 81.711 Frequencies available to ACS common carrier fixed stations.

(a) The carrier frequencies set for in the following table are authorized for use by ACS common carrier fixed stations for communication with Alaska-public fixed stations. The limitations and conditions of use are designated by reference to footnote following the table. Conversion from DSB to SSB emissions shall be in accordance with the schedule indicated by limitations (2) and (3) or such earlier schedule as may be from time to time announced by the ACS.

Frequency (kc/s)	Limitations and conditions of use
2312	(1).
2400	(1).
2601	(3).
2604	(2).
2781	(3).
2784	(2).
3164.5	(3).
3167.5	(2).
3180	(3).
3183	(2).
3238	(3).
3241	(2).
3303	(2), (4).
4035	(2), (4).
5225	(5).
5370	(2).

(1) The use of this frequency for fixed services is on a secondary basis to its use under § 81.308.

(2) Until January 1, 1971, available for use with 6A3, 2.8A3A, 2.8A3H, and 2.8A3J emissions. After January 1, 1971, available for use with 2.8A3A and 2.8A3J emissions.

(3) Not available until January 1, 1971. After January 1, 1971, available for use with emissions 2.8A3A and 2.8A3J only.

(4) This frequency will not be available after January 1, 1977.

(5) This frequency will cease to be available at the time of transfer of ACS facilities to a Commission licensee.

§ 81.712 Pairing of ACS and Alaska-public fixed frequencies.

The pairing of frequencies available for communications between ACS common carrier fixed stations (ACS–CCFS), as set forth in section 81.711, and Alaska-public fixed stations (APFS), as set forth in section 81.710, is given in the following table.

For communication with ACS stations located at	Frequencies available until Jan. 1, 1971		Frequencies available after Jan. 1, 1971 [2]	
	ACS–CCFS transmit	APFS transmit	ACS–CCFS transmit	APFS transmit
Cordova	[1] 2312	2632	[1] 2312	2632
Unalaska	[1] 2312	2632	3238	3362
	4035	3365	5370	5134.5
Sitka	[1] 2400	[1] 2240		
Bethel	2604	2632	2604	2639
				5204.5
Ketchikan	2604	2256	2604	2256
	3303	2776	3180	2776
Kotzebue	2604	2466	2601	2463
Juneau	2784	2694	2784	2694
	3241	3357	3241	3357
Kodiak	[2] 2784			
	2604	2474	2781	2474
Nome	[2] 2784			
	[1] 2400	2474	2784	2471
Fairbanks	3167.5	2632	3167.5	3354
	[1] 5225	3357		5207.5
		5207.5		
Anchorage	3183	2256	3183	3365
	5370	3357		5137.5
		5137.5		
Cold Bay	[1] 2312	2604	3241	2601
	3241	5137.5		
	4035			
King Salmon	3303	2466	3164.5	2466

[1] Coordination in the use of this frequency, with one or more other frequencies, set forth in this subparagraph is required during the transition from DSB to SSB. The transition to SSB will be completed on Jan. 1, 1977, and compliance with these paragraphs will not be required after this date.

[1] The use of this frequency for fixed service is on a secondary basis to its use under § 83.371 of this chapter.
[2] Available for use with emissions 2.8A3A and 2.8A3J only.
[3] This frequency will cease to be available at the time of transfer of ACS facilities to a Commission licensee.

§ 81.713 Use of U.S. Government frequencies.

Frequencies assigned to Federal Government radio stations under Executive order of the President may be authorized for use by Alaska-public fixed stations when such assignment is necessary for intercommunication with Federal Government stations or required for coordination with activities of the Federal Government provided the Commission determines, after consultation with the appropriate Government agency or agencies, that such assignment is in the public interest.

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.2, new paragraphs (t), (u), and (v) are added to read as follows:

§ 83.2 General.

* * * * *

(t) *Alaska area.* For the purpose of frequency assignments to radio services and stations governed by this part, the Alaska area is defined as follows:

The area bounded by a line extending due west—from the end of the southernmost boundary line between Canada and the mainland of southeastern Alaska—to 131° west longitude, thence due south to 54°30′ north latitude, thence due west to 142° west longitude, thence due south to 50° north latitude, thence due west to 165° west longitude, thence due south to 47° north latitude, thence due west to the boundary line between Regions 2 and 3 (as this line is defined by the Geneva Radio Regulations, 1959), thence generally northward along this boundary line to 80° north latitude, thence due east to 135° west longitude, thence due south to 70° north latitude, thence due west to 140° west longitude, thence generally southwest to the northern end of the boundary line between the mainland of northern Alaska and Canada, thence following the boundary line between Alaska and Canada to the southernmost point of this line in southeastern Alaska.

NOTE: Reference hereafter in this part to the "Alaska area" includes all of the "Zones" defined in paragraph (b) of this section.

(u) *Alaska zones.* For the same purpose expressed in paragraph (a) of this section, the Alaska area is subdivided into six zones, defined as follows:

Zone 1. That portion of the Alaska area east of 142° west longitude and south of 61° north latitude.

Zone 2. That portion of the Alaska area bounded on the east by a line south of 61° north latitude which coincides with 142° west longitude, and by a line north of 61° north latitude which coincides with the boundary line between Alaska and Canada, and by a line coinciding with 61° north latitude which joins those two lines; and bounded on the west by a line south of 62° north latitude which coincides with 149° west longitude, thence running due south to 60°30′ north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, and bounded on the north by a line coinciding with 62° north latitude.

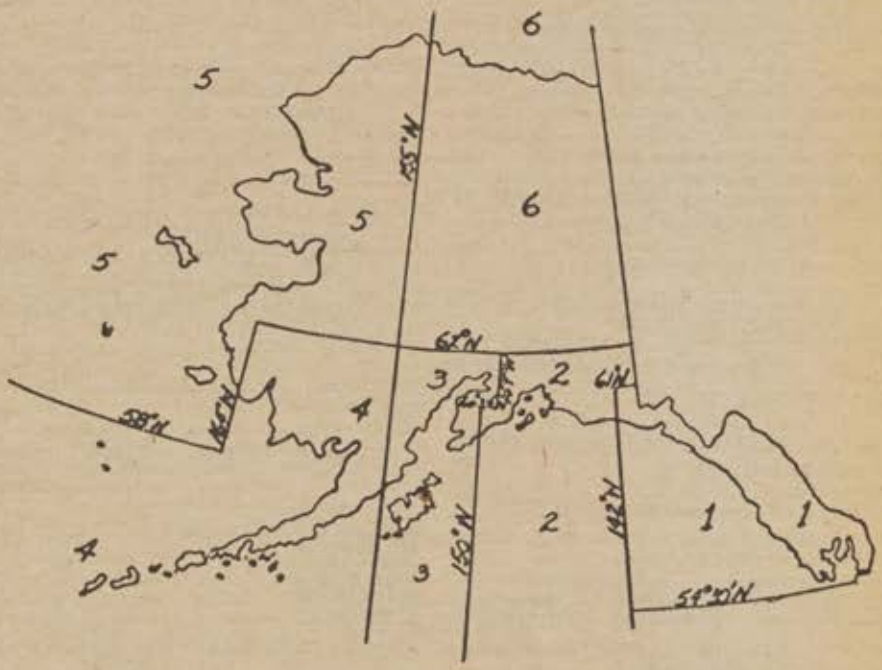
Zone 3. That portion of the Alaska area bounded on the north by a line which coincides with 62° north latitude and extends eastward from 155° west longitude to 149° west longitude thence due south to 60°30′ north latitude, thence due west to 150° west longitude, thence due south to the southern limit of the Alaska area, thence westward to 155° west longitude, thence due north to 62° north latitude.

Zone 4. That portion of the Alaska area west of 155° west longitude which is bounded on the north by a line coinciding with 62° north latitude extending due west to 164° west longitude, thence bounded on the west by a line coinciding with 164° west longitude extending due south to 58° north latitude, thence bounded on the north by a line coinciding with 58° north latitude extending due west to the western boundary of the Alaska area.

Zone 5. That portion of the Alaska area west of 155° west longitude which is not included in Zone 4.

Zone 6. That portion of the Alaska area east of 155° west longitude and north of 62° north latitude.

NOTE: The following diagram illustrates the subdivision of Alaska into the six zones.



ALASKA
Frequency Assignment Zones

(v) *Alaska Communication System or ACS.* The telecommunication system within Alaska and between Alaska and other areas which is operated by the U.S. Air Force to provide public correspondence by means of common carrier coast stations and fixed stations.

2. Section 83.24 is amended to read as follows:

§ 83.24 Application precedent to authorization.

(a) Except as otherwise provided in §§ 83.26, 83.41, and 83.42, no authorization will be granted for use or operation of any radio station on board ship in any service governed by this part, nor for any change in station control, facilities, services, equipment, or antenna, unless formal written application therefor in proper form first is filed with the Commission.

(b) Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D.C. 20554, or from any of its field offices.

(c) Each application for authority to operate a ship station, including applications for license, modification of license, or renewal of license, together with correspondence relating thereto, shall be filed with the Commission; or applications for interim ship station licenses made pursuant to § 83.35, at a Field Engineering Office of the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only.

(d) Except as otherwise provided in §§ 83.35, 83.41, and 83.42, an application should be filed at least 60 days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date.

(e) The application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission.

3. A new § 83.116 is added to read as follows:

§ 83.116 Alternate transmission on the same frequency in the Alaska area.

Ship stations within the Alaska area when communicating with coast stations within the bands 1605–2035 kc/s and 2107–12,000 kc/s shall transmit and receive on the same frequency: *Provided, however,* That this requirement shall not apply when communicating with coast stations of the Alaska Communication System: *And provided further,*

That this requirement is not applicable in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, the same frequency can not be used.

4. In § 83.132, paragraphs (a) (1) and (2) are amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

Frequency band	Classes of emission
(1) Stations using telegraphy:	
100 to 160 kc/s	A1.
160 to 525 kc/s	A1, A2, and A2J.
2080 to 27,500 kc/s, except Alaska	A1: Survival craft stations may in addition use A2.
2070 to 2080 kc/s, except Alaska	Wide-band telegraphy, facsimile and special transmission systems. Manual International Morse code and telephony are excluded.
1605 to 3400 kc/s in Alaska	A1.
(2) Stations using telephony:	
(i) For frequencies designated in § 83.351(a):	
2182 kc/s	Until Jan. 1, 1977: A3 or A3H; after Jan. 1, 1977: A3H.
All other frequencies	A3, A3H, A3A, A3B, or A3J as specified in § 83.351 (a) and (b).
(ii) For frequencies designated in §§ 83.370, 83.371, and 83.372.	A3, A3H, A3A, A3B, or A3J as specified in §§ 83.370, 83.371, and 83.372.
(iii) For the frequency 121.5 Mc/s	A2.
(iv) For the frequency band 156 to 174 Mc/s	F3.

* * * * *

5. In § 83.133(a), the table is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) * * *

Class of Emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	[4] 3.0
A3B	5.6A3B	7.0
A3H	2.8A3H	[4] 3.0
A3J	2.8A3J	[3] 3.0
F1	0.3F1 [1]	[1] 0.5
F3	16F3 [2]	[2] 20.0
F3	36F3 [3]	[3] 40.0
PO	Variable	Variable

[1] Narrow-band Direct-printing Telegraph and Data Transmission systems.
[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[4] Transmitters type accepted to operate in the band 2000-2850 kc/s prior to the effective date of this rule change, the authorized bandwidth is 3.5 kc/s.

* * * * *

6. In § 83.134(d), the table is amended to read as follows:

§ 83.134 Transmitter power.

* * * * *

(d) * * *

Area	Frequency band	Type of communication	Transmitter power
Great Lakes area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2 to 27.5 Mc/s	Any	150
Other than the above.	2 to 4 Mc/s	Ship to shore, emission: A3.	[1] [2] 400
		A3H, A3A, A3J.	[1] [2] 150
		Ship to ship, emission: A3.	150
		A3H, A3A, A3J.	150
	4 to 27.5 Mc/s	Any	[3] 1,000

[1] Except for distress, urgency and safety purposes the maximum power which may be used on 2170.5, 2182, and 2191 kc/s is 150 watts.
[2] Except for the limitation specified in footnote 1 to this table, for passenger vessels of 5,000 gross tons and over this value is 1000 watts.
[3] For passenger vessels of 5,000 gross tons and over this value is 3000 watts.

* * * * *

7. In § 83.137, paragraph (c) is amended; paragraphs (d) through (f) are redesignated (e) through (g); and new paragraphs (d) and (h) are added to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power; and, in addition, in the following modes:

(1) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(2) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels, ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to (the effective date of the final order in this docket) that are not type accepted for operation in all three modes (A3A, A3H, and A3J) may continue to be operated until January 1, 1974: *Provided, however,*[1] That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 83.351 (b) (13) is applicable, may continue until further notice.

* * * * *

(h) In single sideband and independent sideband transmitters, the audio frequency bands shall be 350 to 2700 cycles per second, with a permitted amplitude variation of 6 decibels. Audio frequencies outside this band shall be attenuated to protect the adjacent channels.

8. In § 83.139 paragraph (a) is amended and a new paragraph (c) is added to read as follows:

§ 83.139 Transmitters required to be type accepted for licensing.

(a) Except as provided by paragraph (c) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

* * * * *

(c) Effective January 1, 1971, DSB transmitters operating in the band 2000–2850 kc/s will not be authorized for installations made aboard ship stations after that date: *Provided, however,* That in a ship radio station authorized to operate on frequencies in the band 2000–2850 kc/s, DSB equipment may continue to be authorized for a period not to extend beyond January 1, 1977, where a license:

[1] The exception which follows is applicable to transmitters operating in the bands between 4 and 23 Mc/s (see Docket No. 18271).

(1) Was granted prior to January 1, 1971, and

(2) Has not expired due to failure to renew; or

(3) Has not been cancelled at the request of the licensee; or

(4) Has not been revoked by order of the Commission.

9. In § 83.141 paragraph (a)(2) is amended to read as follows:

§ 83.141 Special requirement for survival craft stations.

(a) * * *

(2) The frequency 2182 kc/s be able to use class of emission as set forth in § 83.351;

* * * * *

10. A new § 83.278 is added to read as follows:

§ 83.278 Practices concerning transmission of public correspondence in Alaska area.

(a) Pending Commission implementation of the tariff filing requirements of section 203 of the Communications Act and Part 61 of this chapter with respect to common carriers in Alaska, any charges made by a public ship station in the Alaska area, for interstate or foreign communication service, should conform to the applicable regulations and tariffs issued by the Alaska Communication System. Information regarding charges of any such station or any changes therein should be furnished promptly to the Tariff Manager of the Alaska Communication System, Seattle, Wash. 98104.

(b) Except in event of an emergency concerning the immediate safety of life or property, no public ship station in the Alaska area shall transmit any communication in behalf of any person other than the licensee to any other station licensed by the Commission under circumstances wherein such telecommunication can be transmitted effectively by, or to, readily available facilities of the Alaska Communication System which are open to public correspondence and are capable of effectively forwarding (via connecting facilitities if and when required) such telecommunication to the designated recipient.

11. In § 83.358, paragraph (a) is amended to read as follows:

§ 83.358 Frequencies below 3000 kc/s for safety purposes.

(a) The following carrier frequencies, when authorized by station license, are available for intership safety communications in the respective geographic areas. In addition, on a noninterference basis to safety communications, the frequencies may be used for operational communications and, in the case of commercial transport vessels and vessels of municipal or state governments, for business communications. Use of these carrier frequencies is prohibited when the use of a licensed frequency above 27.5 Mc/s in lieu thereof would provide effective communication.

Frequency (kc/s)	*Geographical area*
2003	Great Lakes only.
2065	[2].
2079	[2].
2082.5	[2].
2086	[2].
2093	[2].
2096.5	[2].
2100	[2].
2103.5	[2].
2142	Pacific coast area south or latitude 42° north, on a day only basis.
2170.5	[1].
2191	[1].
2638	All areas.
2735	[1].
2738	All areas except the Great Lakes and the Gulf of Mexico.
2830	Gulf of Mexico only.

[1] Subject to the conditions of use set forth in § 83.351(b)(9) (see note) and § 83.351(b)(10) (see note). The nature of service and category of vessel to be permitted on these intership carrier frequencies is under continuing consideration by the Commission.

[2] Only a portion of these frequencies will be available for use in the United States. The number which will be available is under consideration by the Commission, and is being coordinated with Canada. The frequencies ultimately selected will be available only for single sideband radiotelephony, and the classes of emission will be limited to A3A and A3J.

NOTE: *§ 83.351(b)(9)*. Available for use by ship stations after Jan. 1, 1977, or at an earlier date: *Provided, however*, That interference will not be caused to coast and ship stations employing double sideband emissions centered on the carrier frequency located 3.00 kc/s above this carrier frequency. *§ 83.351(b)(10)*. Use of this frequency is limited to emissions 2.8A3A and 2.8A3J only.

* * * * *

12. In § 83.365, paragraph (b) is amended to read as follows:

§ 83.365 Procedure in testing.

* * * * *

(b) When testing is conducted on any frequency within the bands 2173.5 to 2190.5 kc/s, 156.75 to 156.85 Mc/s, 480 to 510 kc/s (survival craft transmitters only), or 8362 to 8366 kc/s (survival craft transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Survival craft stations using telephony shall not be tested on the frequency 500 kc/s during the 500 kc/s silence periods.

13. In § 83.366, paragraph (j) is amended to read as follows:

§ 83.366 General radiotelephone operating procedure.

* * * * *

(j) *2182 kc/s silence period in Regions 1 and 3.* Transmission by ship or survival craft stations when in Regions 1 and 3 (except in the territorial waters of Japan and the Philippines) is prohibited on any frequency (including 2182 kc/s) within the band 2173.5 to 2190.5 kc/s during each 2182 kc/s silence period, i.e., for 3 minutes twice each hour beginning at x h. 00 and x h. 30, Greenwich mean time: *Provided, however*, That this provision is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals.

14. A new § 83.370 is added to read as follows:

§ 83.370 Frequencies available in all zones of Alaska Area.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by ship stations in all zones of the Alaska Area. The limitations and conditions of use applicable to each frequency are set forth in the paragraphs which appear below the table. Conversion from double sideband (DSB) to single sideband (SSB) emissions in the band 1605–4000 kc/s shall be effected in accordance with the schedule set forth in section 83.372 (o). (Conversion to SSB in the bands between 4 and 23 Mc/s: see Doc. No. 18271.)

Frequency (kc/s)	*Limitations and conditions of use.*
1619	(2), (6).
1622	(1), (2), (6).
2131	(2), (8).
2134	(1), (2), (8).
2237	(2), (8).
2240	(1), (2), (8).
2379	(2), (7).
2382	(1), (2), (9).
4380.6	(5), (9).
4383.8	(4), (5), (9).
4390.2	(3), (9).

(1) Until January 1, 1977, available for use with 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(2) After January 1, 1977, available for use with emissions 2.8A3A and 2.8A3J.

(3) Until March 1, 1970, 0001 G.m.t., available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. This frequency will not be available for use by ship stations after 0001 G.m.t., March 1, 1970.

(4) During the period March 1, 1970, to January 1, 1974, available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(5) After January 1, 1974, available for use with emissions 2.8A3A and 2.8A3J.

(6) For communication by radiotelephony with public correspondence coast stations; and for intership communication by radiotelegraphy between ship stations on board vessels of less than 500 gross tons.

(7) For communication by radiotelephony with public correspondence coast stations; and for intership communication by radiotelegraphy between ship stations on board vessels of 500 gross tons or more.

(8) Available to public ship stations for communication exclusively with coast stations of the Alaska Communication System which are located in the Alaska area and are open for public correspondence.

(9) (i) Primarily, for communication by radiotelephony with public correspondence coast stations on board any type of vessel during the hours 6 a.m. to 9 p.m., local standard time; and

(ii) Secondarily, during the hours 6 a.m. to 9 p.m., local standard time, for communication by radiotelephony between ship stations on board any type of vessel, on condition that harmful interference shall not be caused to the service of any coast station using radiotelephony. The use of this frequency for this purpose shall be limited to the relatively longer distances over which the use of frequencies below 3400 kc/s or above 156 Mc/s would not be effective.

15. A new § 83.371 is added to read as follows:

§ 83.371 Public telephone service, ship stations to ACS coast stations.

Public ship stations shall use radiotelephony carrier frequencies, for working with the designated Alaska Communication System coast stations, as set forth in the following table. The hours of service of each ACS coast station may be obtained upon request made to the ACS or to the Commission's Engineer in Charge at Anchorage, Alaska, or Seattle, Wash.

For communication with ACS coast stations located in the vicinity of—	Ship station transmitting carrier frequency, (kc/s)		Associated ACS coast station carrier frequency, (kc/s)[1]	
	Until Jan. 1, 1977[1]	After Jan. 1, 1977[2]	Until Jan. 1, 1977[1]	After Jan. 1, 1977[1]
Anchorage, Alaska	2134	2134	2312	2312
Cold Bay, Alaska	2134	2134	2312	2312
Cordova, Alaska	2134	2237	2312	2297
Juneau, Alaska	2240	2240	2400	2400
Ketchikan, Alaska	2134	2237	2312	2297
King Salmon, Alaska	2134	2240	2312	2400
Kodiak, Alaska	2240	2131	2400	2309
Nome, Alaska	2240	2240	2400	2400
Petersburg, Alaska	2134	2134	2312	2312
Sitka, Alaska	2240	2134	2400	2312
Unalaska, Alaska	2134	2134	2312	2312

[1] Until Jan. 1, 1971, emission 6A3, 2.8A3A, 2.8A3H, or 2.8A3J may be employed. During the period Jan. 1, 1971, to Jan. 1, 1977, emissions 2.8A3A, 2.8A3H, or 2.8A3J may be employed. After Jan. 1, 1977, emissions 2.8A3A or 2.8A3J only shall be used.

[2] Until Jan. 1, 1977, emissions 6A3, 2.8A3A, 2.8A3H, or 2.8A3J may be employed. After Jan. 1, 1977, emissions 2.8A3A and 2.8A3J only shall be used.

[3] The schedule of conversion of ACS coast stations from DSB to SSB and conditions relating to provision of VHF service are set forth in § 81.304(f) of this chapter.

16. A new § 83.372 is added to read as follows:

§ 83.372 Frequencies available in one or more zones of the Alaska Area.

(a) Each of the carrier frequencies set forth in the following table, when authorized by station license, may be used by public ship stations employing radiotelegraphy or radiotelephony: *Provided, however,* That radiotelephony only shall be employed on frequencies in the band 4361–4438 kc/s. Frequencies designated for use in a zone of the Alaska area are available only to coast stations located in that zone. The limitations and conditions of use applicable to each frequency are fet forth in the paragraphs which appear below the table. Conversion from double sideband (DSB) to single sideband (SSB) emissions in the band 1605–4000 kc/s shall be effected in accordance with the schedule set forth in paragraph (o) of this section. (Conversion to SSB in the bands between 4 and 23 Mc/s: See Doc. No. 18271.) The frequencies available and the zones in the Alaska area in which they may be employed are set forth in the following table:

Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6	
Available until Jan. 1, 1977	Available after Jan. 1, 1977	Available until Jan. 1, 1977	Available after Jan. 1, 1977	Available until Jan. 1, 1977	Available after Jan. 1, 1977	Available until Jan. 1, 1977	Available after Jan. 1, 1977	Available until Jan. 1, 1977	Available after Jan. 1, 1977	Available until Jan. 1, 1977	Available after Jan. 1, 1977
1646	1646	1652	1649	1708	1705	1646 1708	1643 1705	1652 1712(b)	1652 1712 2003(d)	1646	1646
1712(b) 2006(d)	1709 2006(d)	2118(m)	2115(m)	2422	2422	2118(m)	2118(m)				
2422	2419	2430(e) (n)	2430(e) (n)	2450(f) 2482(n) (g)	2450(f) 2479(n) (g)	2430 2450(f) 2482(g)	2427 2447(f) 2482(g)	2430	2430	2450(f) 2482(g)	2450(f) 2482(g)
2512	2512	2512 2538(e)	2509 2538(e)	2512 2538(e)	2512 2535	2512 2566	2509 2563	2506(h) 2566	2506(h) 2566	2506(h)	2506(h)
2566 2616(d) (i) 3261(j) 4409.4(k)	2566 2616(d) (i) 3261(j) 4403.0(k)	4409.4(k)	4428.6(k)	4409.4(k)	4399.8(k)	3261(j) 4434.9(k)	3261(j) 4425.4(k)	3261(j) 4434.9(k)	3258(j) 4428.6(k)	4434.9(k)	4403.0(k)

(b) To minimize interference to the service of stations in Zone 3 or 4 operating on 1708 kc/s, ship stations in Zone 1 shall not transmit on 1712 kc/s when west of 138° west longitude, nor in Zone 5 when south of 62° north latitude.

(c) To minimize interference to the service of ship stations transmitting on 2430 kc/s to any public coast station in the vicinity of Seattle, Wash., ship stations in Zone 2 shall not transmit on 2430 kc/s when south of 59° north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or U.S. Government stations within Alaska, this frequency is authorized for use annually in the respective zone only during the hours from 7 a.m. to 11 p.m., local standard time from May 15 to September 15 inclusive, and from 8 a.m. to 9 p.m., local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) To minimize interference to or from the service of any coast station transmitting on 2538 kc/s and located in the vicinity of Vancouver, British Columbia, ship stations in Zones 2 and 3 shall not transmit on 2538 kc/s when south of 56° north latitude.

(f) Use of the frequency 2450 kc/s shall be coordinated as necessary with use of the frequency 2466 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(g) Use of the frequency 2482 kc/s shall be coordinated as necessary with use of the frequencies 2466 and 2474 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(h) Use of the frequency 2506 kc/s for maritime mobile service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, Calif.

(i) Use of the frequency 2616 kc/s shall be coordinated as necessary with use of the frequency 2632 kc/s by Alaska-public fixed stations in the Alaska area in order to avoid harmful interference.

(j) Insofar as is practicable, ship stations shall limit their use of the frequency 3261 kc/s to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc/s or above 156 Mc/s.

(k) (1) The frequencies 4409.4 and 4434.9 kc/s are authorized, until May 1, 1970, for telephony exclusively; for use during the hours 6 a.m. to 9 p.m. local standard time only. Availability and use of the frequency 4434.9 kc/s is subject to the condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area.

(2) During the period March 1, to May 1, 1970, ship stations shall shift from present DSB channels to replacement DSB channels as set forth in the following table:

Zone	Present Until May 1, 1970 (DSB or SSB) (kc/s)[1]	Effective May 1, 1970 (DSB or SSB) (kc/s)[1]
Zone 1	4409.4	4403.0
Zone 2	4409.4	4403.0
Zone 3	4409.4	4403.0
Zone 4	4434.9	4428.6
Zone 5	4434.9	4428.6
Zone 6	4434.9	4428.6

[1] 6A3, 2.8A3A, 2.8A3H, and 2.8A3J emissions.

(3) Effective January 1, 1974, or an earlier date where facilities permit, ship stations shall:

(i) Discontinue use of double sideband emission on frequencies in the band 4361–4438 kc/s:

(ii) Employ frequencies in the 4361–4438 kc/s band in zones of the Alaska area as set forth in the table of paragraph (a) of this section:

	Effective May 1, 1970 (DSB or SSB) (kc/s) [1]	Effective Jan. 1, 1974 (SSB only) (kc/s) [2]
Zone 1	4403.0	4403.0
Zone 2	4403.0	4428.6
Zone 3	4403.0	4399.8
Zone 4	4428.6	4425.4
Zone 5	4428.6	4428.6
Zone 6	4428.6	4403.0

[1] 6A3, 2.8A3A, 2.8A3H, and 2.8A3J emissions.
[2] 2.8A3A, and 2.8A3J emissions.

(l) (1) When operating on any frequency designated in paragraph (a) of this section, a ship station shall transmit only on an authorized carrier frequency which is specifically authorized by that paragraph for transmission in the zone in which the ship station then is located: *Provided, however,* That, for communication with a ship or coast station located in a contiguous zone which uses a frequency in accordance with paragraph (a) of this section but not designated by that paragraph for use in the zone in which the ship station then is located, such ship station may transmit on the contiguous zone frequency when, by reason of conditions not under its control, such operation becomes necessary.

(2) Ship stations are authorized generally to communicate on each frequency designated in this section with public coast stations using the same frequency. A ship station may communicate on any of these frequencies with another ship station only when requested to do so by a public coast station which operates on the same frequency in accordance with paragraph (a) of this section and is within communication range of the ship station.

(m) Use of the frequency 2118 kc/s shall be coordinated as necessary with use of the frequency 2134 kc/s in order to avoid harmful interference.

(n) To minimize interference to or from the operation of stations outside the Alaska area, this frequency is authorized for use annually in the respective zone only during the hours from 6 a.m. to 11 p.m., local standard time, from April 1 to September 30 inclusive.

(o) The transition from double sideband (DSB) to single sideband (SSB) emissions on frequencies below 4000 kc/s shall be effected aboard ship stations in accordance with the following schedule. Assignment to ship stations of radiotelephony frequencies in the band 1605–4000 kc/s will be subject to the following schedule and limitations:

(1) After January 1, 1971, new installations of transmitters employing A3 (double sideband) emission will not be authorized.

(2) Transmitters employing A3 (double sideband) emission which were authorized (see § 83.139(c)) prior to January 1, 1971, may continue to be used until January 1, 1977.

(3) After January 1, 1971, new installations of transmitters employing A3A, A3H, and A3J (single sideband) emissions will be authorized only for communication:

(i) (With coast stations:) To ship stations which are also equipped with VHF and operate at a distance from a public coast station, limited coast station with which the ship station is authorized to communicate, or U.S. Coast Guard station which is beyond VHF communication range; and

(ii) (For intership communication:) To ship stations where communication is required with other vessels over distances in excess of the VHF communication range.

(4) After January 1, 1977, to those ship stations which are equipped for use of both single sideband emissions in the band 1605–4000 kc/s and F3 emission in the band 156–162 Mc/s.

(5) After January 1, 1977, subject to subdivision (iv), below, radiotelephony frequencies in the band 1605–4000 kc/s will not be available for and shall not be used to communicate:

(i) With other vessels which are within communication range of VHF;

(ii) Within ports, harbors, for communication concerning passage of ships through locks, bridge areas, or Government-controlled waterways; and

(iii) On lakes or rivers:

(iv) The requirements of this subparagraph (5) may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF, or by adaptation of VHF.

NOTE: The limitations and conditions of use set forth in paragraphs (f), (g), (i), and (m) are required during the transition from DSB to SSB. The transition to SSB will be completed on Jan. 1, 1977, and compliance with these paragraphs will not be required after this date.

17. In § 83.484, paragraph (a) is amended to read as follows:

§ 83.484 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of A3 or A3H emission on 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least two other frequencies within the band 1605 to 2850 kc/s available for ship to shore or ship to ship communication.

* * * * *

18. In § 83.517, paragraph (a) is amended to read as follows:

§ 83.517 Medium frequency transmitter.

(a) The transmitter shall have a carrier power of at least 25 watts for A3 emission or peak envelope power of not less than 50 watts for A3H emission 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least one ship to shore working frequency within the band 1605 to 2850 kc/s enabling communication with a public coast station serving the region in which the vessel is navigated.

* * * * *

D. Part 85, Public Fixed Stations and Stations of the Maritime Services in Alaska, is deleted in its entirety, the provisions having been transferred as follows:

Part 85	Part 81	Part 83
Title	*Title*	*Title*
85.1	81.1	83.1.
85.2	81.9	83.2.
85.3	81.9	83.2.
85.4	Deleted	Deleted.
85.21(a)	81.21	83.21.
85.21(b)	81.39(a)(2)	
85.22	81.24(a)	83.24.
85.23	81.40 (c), (d)	
85.24	81.30(b)	
85.25	Deleted	Deleted.
85.61	81.65	83.63.
85.62	81.68 (d), (e)	
85.63	81.71	
85.64	81.74	
85.64	81.75	
85.65	Deleted	
85.16(a)	81.180	
85.10(b)	81.701	83.176.
85.10(b)	81.180	83.177.
85.10(b)	81.181	
85.102	81.179 (f), (g)	83.278 (a), (b).
85.103	81.702	
85.104	81.104	
85.105	81.106	
85.106	81.703	
85.107	81.303	
85.108		83.329.
85.108		83.367.
85.109(a)	81.704	
85.109(b)	81.214	
85.109(b)	81.370	
85.110		83.330.
85.110		83.368.
85.111	81.302	
85.111	81.307	
85.111	81.308	
85.112	81.104	
85.113	81.74	
85.113	81.75	
85.114	81.504	83.434.
85.115	Deleted	Deleted.
85.151	81.131	
85.152	81.1o2	83.132.
85.153	81.134	83.134.
85.154	81.142	83.137.
85.155	Deleted	Deleted.
85.156(a)	81.137(d)	
85.156(b)	Deleted	
85.201	81.705	
85.202	81.706	
85.203	81.707	
85.204	81.708	
85.205	81.709	
85.206	81.710	
85.207	81.713	
85.208	Deleted	
85.251	81.172	83.180.
85.252	Deleted	Deleted.
85.253	81.195	83.116.
85.254	81.187	Subpart J, 83.352(a).
85.255		83.316.
85.256	81.209(d)	
85.257	81.304(b)	83.249(d).
85.258		83.351 (a), (b).
85.259(a)	81.307	83.370.
85.260		83.370.
85.260		83.371.
85.264	81.308	83.372.
85.265	Deleted	Deleted.

[F.R. Doc. 69-10211; Filed, Aug. 29, 1969; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Order Extending Time for Filing Comments and Reply Comments

1. On April 25, 1969, the Commission released a notice of proposed rule making, Docket 6741 (FCC–69–405) reopening the "clear channel" proceeding for the purpose of seeking a solution to the long-standing "KOB problem". Two extensions have been granted and the dates presently designated for filing comments and reply comments are August 25, 1969, and September 25, 1969, respectively.

2. On August 21, 1969, American Broadcasting Companies, Inc. (ABC),

through its counsel, requested the Commission to extend the dates for filing comments to and including September 22, 1969, and the filing of reply comments to and including October 22, 1969. This is the first extension requested by ABC in this matter. It states that recent actions of the Commission and of Congress have prevented its counsel from turning his attentions to this lengthy and complex proceeding. Counsel for KOB has indicated by telephone that he consents to a grant of additional time here sought.

3. It appears that the additional time is warranted. *Accordingly, it is ordered*, That the time for filing comments and reply comments is extended to September 22, 1969, and October 22, 1969, respectively.

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 22, 1969.

Released: August 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-10426; Filed, Aug. 29, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 212, 441, 450, 471, 482]

[Docket No. R-365]

PROTECTION AND ENHANCEMENT OF NATURAL, HISTORIC AND SCENIC VALUES IN DESIGN, LOCATION, CONSTRUCTION AND OPERATION OF PROJECT WORKS

Notice of Extension of Time for Filing Comments

AUGUST 25, 1969.

Upon consideration of the request filed August 15, 1969, by Edison Electric Institute, in the above-designated proceeding;

Notice is hereby given that the time is extended to and including November 15, 1969, within which any interested person may submit data, views, and comments in writing in the above-designated proceeding.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-10374; Filed, Aug. 29, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-8673]

AUTOMATED TRADING INFORMATION SYSTEMS

Extension of Comment Period

Notice is hereby given that the Securities and Exchange Commission has extended the deadline from August 26, 1969, to September 15, 1969, for the submission by all interested persons of views and comments on the proposal to adopt Rule 15c2-10 (17 CFR 240.15c2-10) under the Securities Exchange Act of 1934 as well as other matters referred to in Securities Exchange Act Release No. 8661, and in the FEDERAL REGISTER of August 9, 1969 (34 F.R. 12952).

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 21, 1969.

[F.R. Doc. 69-10395; Filed, Aug. 29, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

POTASSIUM CHLORIDE FROM WEST GERMANY

Determination of Sales at Less Than Fair Value; Correction

AUGUST 26, 1969.

The second sentence of the first paragraph of the "Statement of Reasons" in F.R. Doc. 69-10077, which appeared in the FEDERAL REGISTER of August 23, 1969, on page 13615, is hereby revised to correct a typographical omission: "Sales of the merchandise in the home market were sufficient to afford an appropriate basis of comparison."

MATTHEW J. MARKS,
Deputy to the Assistant Secretary.

[F.R. Doc. 69-10403; Filed, Aug. 29, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 9594]

NEW MEXICO

Notice of Proposed Classification; Correction

AUGUST 25, 1969.

In F.R. Doc. 69-9737 appearing on pages 13376 and 13377, of the FEDERAL REGISTER issue of Tuesday, August 19, 1969 (34 F.R. 13376-13377), the following correction should be made: In line 21 of the land description, change "T. 2 S., R. 21 E.," to "T. 1 S., R. 21 E."

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-10393; Filed, Aug. 29, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Kansas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Grant.	Morton.
Greeley.	Stanton.
Hamilton.	Stevens.
Kearny.	Wichita.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of August 1969.

CLARENCE D. PALMBY,
Acting Secretary.

[F.R. Doc. 69-10411; Filed, Aug. 29, 1969; 8:48 a.m.]

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the State of Mississippi, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Clarke.	Leake.
Copiah.	Lincoln.
Covington.	Madison.
Forrest.	Marion.
George.	Neshoba.
Greene.	Newton.
Hancock.	Pearl River.
Harrison.	Perry.
Hinds.	Pike.
Jackson.	Rankin.
Jasper.	Scott.
Jeff Davis.	Simpson.
Jones.	Smith.
Kemper.	Stone.
Lamar.	Walthall.
Lauderdale.	Wayne.
Lawrence.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of August 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-10430; Filed, Aug. 29, 1969; 8:49 a.m.]

VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the State of Virginia, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

VIRGINIA

Albemarle.	Goochland.
Alleghany.	Hanover.
Amherst.	Henrico.
Appomattox.	Isle of Wight.
Bath.	James City.
Bedford.	Louisa.
Botetourt.	Nelson.
Buckingham.	New Kent.
Campbell.	Powhatan.
Caroline.	Prince George.
Charles City.	Rockbridge.
Chesterfield.	Surry.
Fluvanna.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of August 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-10431; Filed, Aug. 29, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

NATIONAL BANK OF COMMERCE OF SEATTLE

Notice of Approval of Applicant as Trustee

Notice is hereby given that The National Bank of Commerce of Seattle, a national banking association with offices at Second Avenue and Spring Street, Seattle, Wash. 98101, has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: August 26, 1969.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 69-10372; Filed, Aug. 29, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 4054]

CERTAIN SHORT-ACTING SYSTEMIC SULFONAMIDES

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of June 17, 1969 (34 F.R. 9464), regarding the efficacy of certain short-acting systemic sulfonamides. Based on a reevaluation of the reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of June 17, 1969, to:

1. Add as an effective indication "inclusion conjunctivitis";

2. Indicate the limited effectiveness of these drugs in uncomplicated urinary tract infections caused by *Proteus vulgaris;*

3. Delete references to the use of intrathecal streptomycin in combination with these drugs as an effective treatment of *Haemophilus influenzae meningitis;*

4. Add that these drugs, with the exception of sulfadiazine, are possibly effective in the prophylaxis of rheumatic fever, as an alternative to penicillin;

5. Add as ineffective indications "shigellosis" and "cellulitis";

6. Revise the "Description" section of the labeling guidelines to provide for the inclusion of meaningful data on the amounts of "free" and "total" sulfonamide levels to be expected from an average dose of the drug;

7. Revise the "Actions" section of the labeling guidelines to briefly state optimal and maximum blood levels of the drug;

8. Revise the "Indications" section of the labeling guidelines to reflect the effectiveness classification statements in 1 and 2 above;

9. Revise the "Warnings" section of the labeling guidelines to incorporate references to hematologic and renal function testing which were previously included in the "Precautions" section;

10. Revise the "Precautions" section of the labeling guidelines to delete references to hematologic and renal function testing; and

11. Revise the "Dosage and administration" section of the labeling guidelines to indicate the use of the parenteral route only when oral dosage is impractical.

Accordingly, the "Effectiveness classification" section of the previous announcement and the labeling guidelines are amended to read as follows:

A. *Effectiveness classification.* The Food and Drug Administration concludes that:

1. These sulfonamides are effective in the treatment of chancroid; trachoma; inclusion conjunctivitis; nocardiosis; urinary tract infections due to susceptible organisms (usually *E. coli, Klebsiella aerobacter, staphylococcus aureus, Proteus mirabilis,* and, less frequently, *Proteus vulgaris*) in uncomplicated cases; toxoplasmosis as adjunctive therapy with pyrimethamine; malaria due to chloroquine-resistant strains of *Plasmodium falciparum,* when used as adjunctive therapy; meningococcal meningitis where the organism has been demonstrated to be susceptible; *Haemophilus influenzae* meningitis as adjunctive therapy with parenteral streptomycin. Of these sulfonamides, only sulfadiazine is effective in the prophylaxis of rheumatic fever, as an alternative to penicillin.

2. These drugs are possibly effective for the treatment of acute and chronic otitis media (most commonly due to streptococci, staphylococci, pneumococci, *H. influenzae* (in infants), and *Escherichia intermedia*); pneumococcal infections; gas gangrene; lymphogranuloma venereum; chronic urinary tract infections; sinusitis; and staphylococcal infections, especially *S. aureus,* except in urinary tract infections in uncomplicated cases. These drugs, with the exception of sulfadiazine, are possibly effective in the prophylaxis of rheumatic fever, as an alternative to penicillin.

3. There is a lack of substantial evidence of effectiveness of these drugs for: The treatment of tonsillitis; actinomycosis; gonococcal infections; streptococcal infections; all meningitides, except meningococcal infections and *H. influenzae* meningitis as adjunctive therapy with parenteral streptomycin; Salmonella infections; Shigellosis; systemic infections due to *Haemophilus influenzae,* except in otitis media (in infants) due to susceptible strains of this organism and *H. influenzae* meningitis as adjunctive therapy with parenteral streptomycin; systemic infections due to *Klebsiella pneumoniae;* pneumonia, except in that due to *Nocardia; Streptococcus faecalis* infections; Proteus infections other than *Proteus mirabilis* and *Proteus vulgaris; Pseudomonas aeruginosa* infections; respiratory infections; cystitis, pyelitis, prostatitis and urethritis unless in uncomplicated infections due to susceptible organisms; pharyngitis; wound infections; skin and soft tissue infections; cellulitis; for the prevention of bacteremia and subacute bacterial endocarditis and for prophylaxis in patients with indwelling catheters, ureterostomies, urinary stasis, cord bladder, and bed-ridden patients; and before and after genitourinary surgery and instrumentation.

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation. A statement should be included in regard to the fact that the sulfonamides exist in the blood as free, conjugated (acetylated and possibly other forms), and protein-bound forms. The "free" form is considered to be the therapeutically active form. Data should be included giving the amount of "free" and "total" sulfonamide level in the blood from an average dose of the drug.)

ACTIONS

The systemic sulfonamides are bacteriostatic agents. The spectrum of activities is similar for all. Sulfonamides competitively inhibit bacterial synthesis of folic acid (pteroylglutamic acid) from aminobenzoic acid. Resistant strains are capable of utilizing folic acid precursors or preformed folic acid.

In vitro sulfonamide sensitivity tests are not always reliable. The test must be carefully coordinated with bacteriologic and clinical response. Aminobenzoic acid should be added to the culture media when the patient is already taking sulfonamide. Currently, the increasing frequency of sulfonamide-resistant organisms is the major limitation of therapeutic usefulness.

Wide variation in blood levels may result with identical doses. Blood levels should be measured in patients receiving sulfonamides for serious infections. Total sulfonamide blood levels at 12–15 milligram-percent are optimal; 20 milligram-percent should be the maximum level, as adverse reactions occur more frequently at this level.

INDICATIONS

Chancroid.

Trachoma.

Inclusion conjunctivitis.

Nocardiosis.

Urinary tract infections due to susceptible organisms (usually *E. coli., Klebsiella aerobacter, Straphylococcus aureus, Proteus mirabilis,* and, less frequently, *Proteus vulgaris*) in uncomplicated cases.

Toxoplasmosis as adjunctive therapy with pyrimethamine.

Malaria due to chloroquine-resistant strains of *Plasmodium falciparum,* when used as adjunctive therapy.

Meningococcal meningitis where the organism has been demonstrated to be susceptible.

Hemophilus influenzae meningitis as adjunctive therapy with parenteral streptomycin.

Add for sulfadiazine only: Prophylaxis of rheumatic fever as alternative to penicillin.

CONTRAINDICATIONS

Hypersensitivity to sulfonamides.

Infants less than 2 months of age (except in the treatment of congenital toxoplasmosis as adjunctive therapy with pyrimethamine).

Pregnancy at term and during the nursing period because sulfonamides pass the placenta and are excreted in the milk and may cause kernicterus.

WARNINGS

Sulfonamides are bacteriostatic and resistance is frequent in organisms responsible for common infections.

Sulfa drugs will not eradicate group A streptococci and have not been demonstrated to prevent such sequelae of these infections as rheumatic fever and glomerulonephritis.

Deaths associated with the administration of sulfonamides have been reported from hypersensitivity reactions, agranulocytosis, aplastic anemia, and other blood dyscrasias.

The presence of clinical signs such as sore throat, fever, pallor, purpura, or jaundice may be early indications of serious blood disorders.

Blood counts should be done frequently in patients receiving sulfonamides. Renal function tests are recommended during treatment.

The frequency of renal complications is considerably lower in patients receiving the

more soluble sulfonamides. Urinalysis with careful microscopic examination should be obtained frequently in patients receiving sulfonamides.

PRECAUTIONS

Sulfonamides should be given with caution to patients with impaired renal or hepatic function and in those with severe allergy or bronchial asthma.

In glucose-6-phosphate dehydrogenase-deficient individuals, hemolysis may occur. This reaction is frequently dose-related.

Adequate fluid intake must be maintained in order to prevent crystalluria and stone formation.

ADVERSE REACTIONS

Blood dyscrasias: Agranulocytosis, aplastic anemia, thrombocytopenia, leukopenia, hemolytic anemia, purpura, hypoprothrombinemia, methemoglobinemia.

Allergic reactions: Erythema multiforme (Stevens-Johnson Syndrome), generalized skin eruptions, epidermal necrolysis, urticaria, serum sickness, pruritus, exfoliative dermatitis, anaphylactoid reactions, periorbital edema, conjunctival and scleral injection, photosensitization, arthralgia, and allergic myocarditis.

Gastrointestinal reactions: Nausea, emesis, abdominal pains, hepatitis, diarrhea, anorexia, pancreatitis, and stomatitis.

C.N.S. reactions: Headache, peripheral neuritis, mental depression, convulsions, ataxia, hallucinations, tinnitus, vertigo, and insomnia.

Miscellaneous reactions: Drug fever, chills, and toxic nephrosis with oliguria and anuria. Periarteritis nodosum and L.E. phenomenon have occurred.

The sulfonamides bear certain chemical similarities to some goitrogens, diuretics (acetazolamide and the thiazides), and oral hypoglycemia agents. Goiter production, diuresis, and hypoglycemia have occurred rarely in patients receiving sulfonamides. Cross-sensitivity may exist with these agents.

DOSAGE AND ADMINISTRATION

Systemic sulfonamides are contraindicated in infants under 2 months of age, except in the treatment of congenital toxoplasmosis as adjunctive therapy with pyrimethamine.

1. *Oral dosage forms:*

a. Usual dose for infants over 2 months of age and children:

Initial dose: One-half of the 24-hour dose.

Maintenance dose: 150 mg./kg./24 hours or 4 gm./M²/24 hours—dose to be divided into 4–6 doses/24 hours with maximum of 6 gm./24 hours.

Rheumatic fever prophylaxis: Under 30 kg. (66 lb.)—0.5 gm./24 hours; over 30 kg. (66 lb.)—1.0 gm./24 hours.

b. Usual adult dose:

Initial dose: 2–4 gm.

Maintenance dose: 2–4 gm./24 hours, divided in 3–6 doses/24 hours.

2. *Parenteral dosage forms:*

Injectable sulfonamides should be used only when oral administration is impractical.

Usual dose for infants over 2 months of age, children, and adults:

Initial dose: One-half of the 24-hour dose.

Maintenance dose: 100 mg./kg./24 hours or 2.25 gm./M²/24 hours, administered in a 5 percent solution—

a. Subcutaneous administration, divided into three doses/24 hours; and

b. Intravenous administration, divided into 4 doses/24 hours.

The date of publication of this notice in the FEDERAL REGISTER amending the previous notice shall be used to compute all time periods allowed, thus superseding the time periods previously announced in the FEDERAL REGISTER of June 17, 1969.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 25, 1969.

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

[F.R. Doc. 69–10376; Filed, Aug. 29, 1969; 8:45 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0866) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of a tolerance (21 CFR Part 120) of 0.5 part per million for residues of the insecticide *O,O*-diethyl *S*-[2-(ethylthio) ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on the raw agricultural commodity hops.

The analytical method proposed in the petition for determining residues of the insecticide and its metabolites is a gas chromatographic procedure using a flame photometric detector after oxidation of the insecticide and its metabolites to the corresponding sulfone and oxygen analog sulfone.

Dated: August 25, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10377; Filed, Aug. 29, 1969; 8:45 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0863) has been filed by The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, proposing the establishment of tolerances for residues of the herbicide 4-amino-3,5,6-trichloropicolinic acid, from its application in the acid form, or in the form of its potassium, triethylamine, or triisopropanolamine salts expressed as 4-amino-3,5,6-trichloropicolini cacid, in or o nthe raw agricultural commodity group forage grasses at 70 parts per million; in kidney of cattle, goats, and sheep at 8 parts per million; in liver of cattle, goats, and sheep at 1 part per million; in meat and fat of cattle, goats, and sheep at 0.2 part per million; and in milk at 0.05 part per million (negligible residue).

The analytical methods proposed in the petition for determining residues of the herbicide are the gas chromatographic methods of (1) A. H. Kutschinski, "Journal of Agricultural and Food Chemistry," vol. 17, p. 288 (1969); (2) A. H. Kutschinski and Van Riley, "Journal of Agricultural and Food Chemistry," vol. 17, p. 283 (1969); and (3) a gas chromatographic procedure in which residues are extracted with potassium hydroxide solution, cleaned up with an ethyl ether extraction, and esterified with diazomethane. The methyl ester is determined using electron capture gas chromatography.

Dated: August 25, 1969.

J. K. KIRK,
Associate Commissioner, for Compliance.

[F.R. Doc. 69–10378; Filed, Aug. 29, 1969; 8:45 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petitions Regarding Pesticide Chemicals and Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 0F0860) has been filed by The Dow Chemical Co., 2020 Abbott Road Center, Midland, Mich. 48640, proposing an exemption (21 CFR Part 120, Subpart D) from the requirement of a tolerance for residues of surfactants that are sodium monoalkyl and dialkyl (C_8–C_{12}) phenoxybenzenedisulfonate mixtures containing not less than 70 percent of monoalkylated product when used as an inert ingredient in pesticide formulations.

Notice is also given that the same firm has filed a food additive petition (FAP 0H2441) proposing an amendment to § 121.2541 *Emulsifiers and/or surface-active agents* (21 CFR 121.2541) to provide for the safe use of the above-identified surfactants as emulsifiers and/or surface-active agents in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.

The analytical method proposed in the pesticide petition for determining residues of the surfactants is a spectrophotometric procedure in which an aqueous solution of the surfactants reacts with methyl green dye at pH 2.5 to form a blue complex, the absorbance of which is measured at 615 millimicrons.

Dated: August 25, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–10379; Filed, Aug. 29, 1969; 8:45 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP OFO861) has been filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of a tolerance (21 CFR Part 120) of 0.1 part per million for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in or on the raw agricultural commodity cottonseed.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorous-sensitive thermionic-emission detector.

Dated: August 22, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-10380; Filed, Aug. 29, 1969; 8:45 a.m.]

STERLING DRUG, 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 OH2449) has been filed by Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution as described in paragraph (b)(9) but with an average molecular weight of 351–380.

Dated: August 25, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-10381; Filed, Aug. 29, 1969; 8:45 a.m.]

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from January 1, 1969, to June 30, 1969, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on January 1, 1969, published on March 27, 1969, in F.R. Vol. 34, No. 60.

ESTABLISHMENT LICENSES ISSUED

Establishment	City and State	License No.
State University Hospital, Upstate Medical Center.	Syracuse, N.Y.	417
Allied Plasma Corp	Miami, Fla	418
Columbus Biologicals, Inc.	Columbus, Ohio.	419
Eastern Biologicals, Inc	Miami, Fla	420

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

High Titer Serum Laboratory.	New York, N.Y.	163
Marathon County Blood Bank, Inc.	Wausau, Wis	285
Sterling Drug, Inc	Rensselaer, N.Y.	69

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE AND REISSUED

Establishment	City and State	License No.	Action
Dade Division of American Hospital Supply Corp.	Miami, Fla	179	Name change.
National Blood Products, Inc.	New York, N.Y.	321	Do.
World Blood Bank, Inc.	Tulsa, Okla	312	Location deleted.
Schering Corp	Port Reading, N.J.	349	Name change.
Blood Services	Scottsdale, Ariz.	183	Location added: Houston, Tex.
Miles Laboratories, Inc.	Elkhart, Ind. and West Haven, Conn.	362	Locations deleted.

PRODUCT LICENSES ISSUED

Product	Establishment	License No.
Antihemophilic Factor (Human).	E. R. Squibb & Sons, Inc.	52
Packed Red Blood Cells (Human).	Marietta Memorial Hospital.	270
Tetanus Immune Globulin (Human).	Wyeth Laboratories, Inc.	3
Whole Blood (Human)	Allied Plasma Corp	418
	Columbus Biologicals, Inc.	419
	Metabolic Research Foundation, Inc.	415
	State University Hospital, Upstate Medical Center.	417
Rubella Virus Vaccine, Live.	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Anti-A Blood Grouping Serum.	Eastern Biologicals, Inc.	420
Anti-B Blood Grouping Serum.	do	420
Anti-Rh Typing Serum, Anti-Rh_0 (Anti-D).	Metabolic Research Foundation, Inc.	415
Anti-Rh Typing Serum, Anti-Rh_0" (Anti-DE).	Abbott Laboratories	43
Anti-Di^a Serum (Anti-Diego).	Dade Division of American Hospital Supply Corp.	179
Anti-Fy^a Serum (Anti-Duffy).	Lederle Laboratories Division, American Cyanamid Co.	17
Anti-M Serum	do	17
Anti-s Serum	Certified Blood Donor Service, Inc.	157
	Lederle Laboratories Division, American Cyanamid Co.	17

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Product	Establishment	License No.
Resuspended Red Blood Cells (Human).	Blood Bank of the Alameda-Contra Costa Medical Association.	191
Whole Blood (Human)	Marathon County Blood Bank, Inc.	285
	High Titer Serum Laboratory.	163
Bacterial Vaccine made from Friedlander bacillus.	Lederle Laboratories Division, American Cyanamid Co.	17
Bacterial Vaccine made from Influenza bacillus.	do	17
Bacterial Vaccine made from Micrococcus catarrhalis.	do	17
Bacterial Vaccine made from Pneumococcus.	do	17
Bacterial Vaccine made from Staphylococcus albus.	do	17
Bacterial Vaccine made from Staphylococcus aureus.	do	17
Bacterial Vaccine made from Streptococcus.	do	17
Bacterial Vaccine made from Staphylococcus citreus.	do	17
Thyphoid and Paratyphoid Vaccine.	Wyeth Laboratories, Inc.	3
Influenza Virus Vaccine.	Sterling Drug, Inc	69
Tuberculin, Purified Protein Derivative.	Glaxo Laboratories, Ltd.	337
Anti-A Blood Grouping Serum.	High Titer Serum Laboratory.	163
Anti-B Blood Grouping Serum.	do	163
Absorbed Anti-A Serum.	do	163
Anti-Rh Typing Serum, Anti-Rh_0 (Anti-D).	do	163
Anti-Rh Typing Serum, Anti-Rh_0' (Anti-CD).	do	163
Anti-Rh Typing Serum, Anti-Rh_0" (Anti-DE).	do	163
Anti-Rh Typing Serum, Anti-rh' (Anti-C).	do	163
Anti-Rh Typing Serum, Anti-rh" (Anti-E).	do	163

Approved:

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Department of Health, Education, and Welfare.

Approved:

JANE STAFFORD,
Acting Director of Information, for the Director, National Institutes of Health, Public Health Service.

[F.R. Doc. 69-10382; Filed, Aug. 29, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

AGREEMENT BETWEEN ATOMIC ENERGY COMMISSION AND STATE OF NORTH DAKOTA

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that Mr. Eber R. Price, Director, Division of State and

Licensee Relations, on behalf of the Atomic Energy Commission, and the Honorable William L. Guy, Governor of the State of North Dakota, have signed the Agreement below for discontinuance by the Commission and assumption by the State of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) which was published in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517.

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

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF NORTH DAKOTA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of North Dakota is authorized under section 23-20.1-05 of Chapter 23-20.1 of the North Dakota Century Code to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of North Dakota certified on April 15, 1969, that the State of North Dakota (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on July 25, 1969, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, criteria, and to obtain the comments and the assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 1, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at Bismarck, State of North Dakota, in triplicate, this 19th day of August 1969.

For the United States Atomic Energy Commission.

[SEAL] EBER R. PRICE,
Director, Division of State and Licensee Relations.

For the State of North Dakota.

[SEAL] WILLIAM L. GUY,
Governor.

Attest:

BEN MEIER,
Secretary of State.

[F.R. Doc. 69-10415; Filed, Aug. 29, 1969; 8:48 a.m.]

[Docket No. 115-4]

PUERTO RICO WATER RESOURCES AUTHORITY

Order Authorizing Dismantling of Facility

By application dated May 26, 1969, the Puerto Rico Water Resources Authority (PRWRA) requested authorization to dismantle the shutdown Boiling Water Nuclear Superheater (BONUS) Reactor.

Operation of the BONUS Reactor has been discontinued and it has been deactivated by removing all the fuel from the reactor and disabling the control rod drive system.

We have reviewed the application in accordance with the provisions of the Commission's regulations and have found that the dismantling and disposal will be accomplished in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered, That PRWRA may proceed with the dismantling of the deactivated BONUS Reactor covered by Operating Authorization No. DPRA-4, as amended, in accordance with its application of May 26, 1969, and the Decommissioning Plan submitted therewith.

After the completion of the dismantling and decontamination of the facility, the submission of a report describing the condition of the remaining structure and the postdecommissioning surveillance program, and an inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Operating Authorization No. DPRA-4.

Date of issuance: August 11, 1969.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 69-10389; Filed, Aug. 29, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18439, 18440; FCC 69R-352]

CHRISTIAN BROADCASTING ASSOCIATION, INC., AND K & M BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Christian Broadcasting Association, Inc., Huntington, W. Va., Docket No. 18439, File No. BPH-6437; Edgar Kitchen and Hal Murphy, doing business as, K & M Broadcasting Co., Catlettsburg, Ky., Docket No. 18440, File No. BPH-6466; for construction permits.

1. The mutually exclusive applications of Christian Broadcasting Association, Inc. (Christian), and K & M Broadcasting Co. (K & M) for a new FM broadcast station in Huntington, W. Va., and Catlettsburg, Ky., respectively, were designated for hearing on various issues by Commission order (16 FCC 2d 594, 34 F.R. 2442, published Feb. 20, 1969). Now before the Review Board is a petition to enlarge issues, filed June 11, 1969, by K & M, requesting a Suburban issue against Christian.[1]

2. Petitioner concedes that its request is untimely under Rule 1.229, arguing however that, in several recent cases (citing Sioux Empire Broadcasting Co., 16 FCC 2d 995, 15 RR 2d 961 (1969), the Commission has enunciated a "new" suburban policy, which requires the ascertainment of "community" rather than "program" needs and that only in recent weeks has it become apparent that this "new policy" applies retroactively to applications, such as Christian, which are already in hearing.[2] For this reason, petitioner asserts that good cause for the late filing exists. With regard to the merits of its request, K & M alleges that when measured by the evolving "new" Suburban policy, Christian's survey is deficient. Tracing the alleged evolution of the Suburban policy from Minshall Broadcasting Co., 11 FCC 2d 796, 12 RR 2d 502 (1968) through the Public Notice on Broadcast Applicants' Ascertainment of Community Needs, FCC 68-847, 33 FR 12113 (Aug. 28, 1968) and the revision of Form 301, section IV-A, the petitioner asserts that the Commission has made a "subtle change" in the policy, shifting the emphasis from ascertainment of "program needs" to ascertainment of "community needs"; in Sioux Empire, supra, asserts the petitioner, the Commission made its position explicit, saying: "each applicant is now required * * * to become informed of the real needs and interests of the area to be served * * * [to show] that he has proposed to meet particular community needs." Petitioner claims that Christian's Suburban showing does not meet this test. A study of Christian's exhibit, it is claimed, reveals that the applicant ascertained "program" rather than "community" needs. By way of illustration, petitioner notes the responses from two of Christian's interviewees. Reverend H. Rhodes stated a preference for better news programing and improved handling of public affairs programs; he disliked ill-produced religious programs; had mixed emotions concerning commercials; and saw the need for children's educational programs. Philip Faust, Assistant Dean of Huntington College of Business, stated that local news should be ferreted out rather than relying on teletype news; that radio stations should give free time to discussions pertaining to local government; and that news should not be distorted or slanted by radio stations. Finally, petitioner asserts, because Reverend Mortenson, Christian's interviewer, is not familiar with the local area, it was particularly incumbent upon that applicant to have conducted a community needs survey. Christian has failed to do so, petitioner concludes and thus an issue is warranted.

3. Christian, in its opposition, asserts that the alleged evolution of "new law" does not constitute good cause for the untimely filing, and even if it did, the instant petition was not filed until 3 months after Sioux Empire was released: Therefore the petition is untimely. More importantly, Christian contends, the Commission has repeatedly stated that its recent declarations on Suburban surveys are nothing more than restatements of existing policy; thus, good cause for the late filed petition is not shown. The Broadcast Bureau also urges denial of the petition, agreeing with Christian that the Commission's recent declarations do not establish "new" law and the petition is therefore untimely. More significantly, the Bureau argues, an examination of Christian's survey reveals that, despite K & M's allegations, Christian's Suburban showing meets the Commission's criteria. Christian similarly argues that its showing is sufficient. Therefore, it is concluded, the request must be denied on the merits. K & M insists, in its reply, that there has been a basic change in the Commission's program survey requirements which Christian's survey fails to meet, and cites the recent Commission decision in City of Camden, (WCAM), 18 FCC 2d 412, 16 RR 2d 555 (1969), in support. The petitioner contends that this decision makes it "crystal clear" that the Commission's "new policy" is to require ascertainment of community needs, not program needs; and that "even a cursory review" of Christian's Suburban showing establishes that it has not met this standard. Thus, petitioner urges, the requested issue is warranted.

4. In the opinion of the Review Board, good cause for the late filing of K & M's petition has not been shown. The Commission has repeatedly stated that its recent pronouncements on the Suburban standard do not constitute "new policy". Therefore petitioner's good cause argument is not persuasive. Moreover, even if it were assumed that, because "the requisite programming showing has been articulated with greater specificity in recent months" (Sioux Empire, supra, at 998, 15 RR 2d at 966), the Commission has thereby formulated "new policy", good cause for the late filed petition still does not exist: Sioux Empire, which the petitioner itself takes to be seminal, was released March 18, 1969; but the present petition was not filed until 4 months later and petitioner does not adequately explain the delay. Notwithstanding the untimeliness of the petition, the Board has considered petitioner's allegations on the merits because the question raised is one of substantial magnitude in the public interest, and enlargement will not unduly disrupt or delay the proceeding;[3] DeWitt Radio, 18 FCC 2d 494 (1969); WSTE-TV, 16 FCC 2d 625, 15 RR 2d 697 (1969); Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966). The Board has concluded that the petition to enlarge must be granted.

5. As petitioner points out, the Commission has stated that the ultimate objective of the Suburban survey is to ascertain "the community's needs, problems and issues, not the audience's current broadcast programing preferences". WCAM, supra, at 420, 16 RR 2d at 559 (emphasis in original). Christian's showing, in our view, does not meet this requirement. The suggestions received by the applicant relate almost exclusively to the personal program preference of the persons interviewed, and since we are not shown the questions employed in Christian's survey, the cause of the deficiency is not determinable. For this reason, the requested issue must be added. In addition, we note that there are certain other deficiencies in Christian's survey which would warrant imposition of an issue. The Commission has stated that the survey must encompass a cross section of the social, political, economic, and cultural elements of the

[1] Related pleadings before the Board are: (a) Opposition, filed June 23, 1969, by Christian; (b) opposition, filed June 25, 1969, by Broadcast Bureau; and (c) reply, filed July 2, 1969, by K & M.

[2] The petitioner asserts that, in the Bureau's proposed findings and conclusions filed in the Louisa, Ky., case (Docket No. 18235), on May 6, 1969, it indicated that the new policy applied retroactively to hearing cases of which this proceeding is one. Also, in this connection, the petitioner asserts that, beginning in January or February 1969, the Commission's Renewal Branch began to send out letters, indicating that applicants should no longer make surveys of program needs.

[3] An exchange of exhibits is scheduled to occur on Sept. 17, 1969, and hearing is scheduled for Oct. 9, 1969 (FCC 69M-798, released June 30, 1969).

community; while a perusal of Christian's survey suggests that it has contacted a fair cross section of the religious and political community leaders, the survey is virtually devoid of contacts with civic and social organizations and it is thus impossible to determine whether there has been a "truly representative" examination of the various community elements, WCAM, supra. Lastly, despite the Commission's repeated determination that the survey must encompass the proposed station's entire listening area, WKYR, Inc., 3 RR 2d 1 (1966), Christian's survey appears to have been entirely confined to its specified community.

5. *Accordingly, it is ordered,* That the petition to enlarge issues, filed June 11, 1969, by K & M Broadcasting Co. is granted; and the issues in this proceeding are enlarged by the addition of the following issue:

To determine the efforts made by Christian Broadcasting Association, Inc., to ascertain the community needs and interests of the area to be served and the means by which such applicant proposes to meet such needs and interests; and

6. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under the above issue shall be upon Christian Broadcasting Association, Inc.

Adopted: August 26, 1969.

Released: August 27, 1969.

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

[F.R. Doc. 69-10427; Filed, Aug. 29, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

TRANSATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 L Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed by:

Mr. George F. Galland, Galland, Kharasch, Calkins & Lippman, 1824 R Street NW, Washington, D.C. 20009.

Agreement No. 9813, between American Export Isbrandtsen Lines, Atlantic Container Line, Ltd., Dart Containerline Co., Ltd., Hamburg-Amerika Linie, Moore-McCormack Lines, Inc., Norddeutscher Lloyd, Sea-Land Service, Inc., and United States Lines, Inc., provides for the formation of a Conference in the trades between U.S. North Atlantic ports (Eastport, Maine to Hampton Roads, Va., both inclusive) and ports in Europe (including Scandinavia, United Kingdom, Eire, and all countries bordering, and islands in the Mediterranean and Black Seas, and Casablanca whether or not they are situated on the European continent), and to the extent now or hereafter permissible, between any points in the United States and points in Europe via U.S. North Atlantic ports and ports in Europe. This Conference, to be called the Transatlantic Freight Conference, in recognition of the trend towards containerized shipping, intermodal through transport and the effect of such through intermodal shipments on ocean ports and hinterland areas, desires to establish a coordinated rate structure to serve the commercial requirements of the trading areas. It may prescribe rates, rules, and regulations for its members in the Conference trade, and declare rates, rules, and regulations open on certain items. Provision is also made that no member shall (a) engage directly or indirectly, through any holding, subsidiary, associated or affiliated company, or otherwise, in the transportation of cargo in the Conference trade at rates or on terms and conditions other than those adopted hereunder; (b) take unauthorized independent action with respect to any subject properly under consideration by the Conference, or (c) act otherwise than as authorized by the Conference. Under certain conditions, however, a member may take authorized independent action to meet the competition of a nonmember line in the Conference trade by adopting a rate on the same commodity or commodity group which is lower than the Conference rate but not lower than the nonmember's rate.

The Conference shall have a committee of principals which shall meet at the call of its Chairman. It will be divided into two sections, eastbound and westbound, which shall be empowered to adopt rates, rules, and regulations and incorporate them in tariffs. Each section shall have an administrator. The office of the eastbound section will be located in New York, N.Y., and that of the westbound section in Antwerp. Each section shall have an executive committee which shall designate the administrator and his staff and fix the terms of their employment. The administrators are responsible for the keeping of minutes of all proceedings and for their filing with the Commission. In addition, each section shall have an executive committee, administrative committee and a rate committee. The duties and functions of all of these committees are detailed in the subject agreement.

Each member line meeting the service requirements shall have one vote in Conference organizational units in which it is represented. Three-fourths of the membership entitled to vote will constitute a quorum for any such unit. Action is predicated upon the two-thirds vote of those members present and entitled to vote, except on such matters as amendment of the basic agreement or expulsion of a member line which require unanimous vote and unanimous vote less one, respectively. Voting by proxy is permitted at all but principals' committee meetings.

The agreement provides for payment of an admission fee of $5,000 by each new member, and that each member shall furnish to each section administrator a guarantee of compliance with the agreement consisting of a deposit of $25,000 in cash, securities, or an irrevocable letter of credit of equivalent value. A procedure for self-policing is provided and an enforcement authority will be employed to implement the system. A maximum fine of $100,000 may be imposed for a single violation, or in any one proceeding, with regard given to nature and gravity of the violation. The accused line may demand review by arbitrators of action recommended by the enforcement authority in accordance with the procedure outlined therein.

The Conference may be dissolved at any time by unanimous vote of its members effective upon notification to the Commission of the action taken.

Dated: August 28, 1969.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10490; Filed, Aug. 29, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA-415]

AIRCRAFT ACCIDENT NEAR MIAMI, FLA.

Notice of Investigation Hearing

In the matter of investigation of accident involving Compania Dominicana de Aviacion, Douglas DC-4, Carvair ATL. 98, of Dominican Republic Registry HI-168, which occurred near the Miami International Airport, Miami, Fla., June 23, 1969.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m. (local time) on October 1, 1969, at the Dupont Plaza Hotel, 300 Biscayne Boulevard, Miami, Fla.

[1] Review Board Member Nelson dissenting; Board Members Slone and Pincock absent.

Dated this 25th day of August 1969.

[SEAL] WILLIAM R. HENDRICKS,
Senior Hearing Officer.

[F.R. Doc. 69-10388; Filed, Aug. 29, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3072 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 22, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 19, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3072 7-28-69 [2]	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Sun Field, District 4 Area, Tex.	15.0	14.65
G-4258 (G-15001), E 8-7-69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator), et al.), Post Office Box 206, Whippany, N.J. 07981.	Transcontinental Gas Pipe Line Corp., Bear Field, Beauregard Parish, La.	[3] 23.55	15.025
G-5033 E 8-7-69	do	Arkansas Louisiana Gas Co., Athens Field, Claiborne Parish, La.	15.27	15.025
G-5034 E 8-7-69	do	do	15.27	15.025
G-5036 E 8-7-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Chatham Field, Jackson Parish, La.	[3] 16.29407	15.025
G-5040 E 8-7-69	do	United Gas Pipe Line Co., Roanoke Field, Jefferson Davis Parish, La.	18.5	15.025
G-8606 E 8-7-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lake Arthur Field, Jefferson Davis Parish, La.	[3] 23.55	15.025
G-11171 E 6-30-69	Austral Oil Co. Inc. (successor to Shell Oil Co.), 2700 Humble Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., Mystic Bayou Field, St. Martin Parish, La.	[3] 21.75	15.025
G-12083 D 7-18-69	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., La Reforma Field, Starr and Hidalgo Counties, Tex.	Assigned	
G-19712 7-16-69 [2]	Jane Clayton Russell (Operator) et al. (formerly Jane Clayton Oakes (Operator) et al.).	Phillips Petroleum Co., W. Panhandle Field, Gray County, Tex.	[4] 12.0	14.65
C160-69 E 8-7-69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator) et al.).	Florida Gas Transmission Co., Napoleonville Field, Assumption Parish, La.	[3] 20.75	15.025
C162-623 [5] E 8-7-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., LeBlanc Field, Allen Parish, La.	[7] 21.8	15.025
C164-1288 C 8-11-69	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Blanco-Pictured Cliffs Field, Rio Arriba County, N. Mex.	13.248625	15.025
C165-369 E 8-6-69	PetroDynamics, Inc. (Operator) et al. (successor to Jas. F. Smith), Post Office Box 10006, Amarillo, Tex. 79106.	Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans.	14.0 [8] 16.0	14.65
C166-589 E 8-4-69	do	Cities Service Gas Co., North Yellowstone Field, Comanche County, Kans.	14.0	14.65
C167-4 E 8-7-69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator), et al.).	Valley Gas Transmission, Inc., Chatham Field (James Lime Formation), Jackson Parish, La.	15.0	15.025
C167-5 E 8-7-69	do	Valley Gas Transmission, Inc., Chatham Field (Hosston Formation), Jackson Parish, La.	15.0	15.025
C168-1057 C 7-30-69	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
C170-107 B 8-4-69 [2]	Calco, Inc	Texas Eastern Transmission Corp., South Weesatche Field, Goliad County, Tex.	Uneconomical	
C170-116 A 8-8-69	Harding Brothers Oil and Gas Co., 4317 Oak Lawn Ave., Dallas, Tex. 75219.	Valley Gas Transmission, Inc., Maetze Field, Goliad County, Tex.	14.0	14.65
C170-117 A 8-6-69	The Preston Oil Co., Post Office Box 2319, Columbus, Ohio 43216.	South Texas Natural Gas Gathering Co., Tigre Lagoon Field, Vermilion and Iberia Parishes, La.	21.25	15.025
C170-118 A 8-6-69	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	Panhandle Eastern Pipe Line Co., Morse (Des Moines 5,965') Field, Hansford County, Tex.	[10] 17.0	14.65
C170-119 A 8-8-69 A 8-8-69	Arthur I. Appleton d.b.a. Appleton Oil Co., c/o A. J. Carey, General Manager, 506 Beacon Bldg., Tulsa, Okla. 74103.	Northern Natural Gas Co., South Greenough Field, Beaver County, Okla.	[10] 17.0	14.65
C170-120 A 8-8-69	Stonestreet Oil & Gas Co., Box 350, Spencer, W. Va. 25303.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	25.0	15.325
C170-121 A 8-8-69	Burnthouse Oil & Gas Co., c/o W. B. Wright, M.D., Agent, Burnthouse, W. Va.	Consolidated Gas Supply Corp., Glenville and Salt Lick Districts, Gilmer and Braxton Counties, W. Va.	25.0	15.325
C170-122 A 8-8-69	Lock 3 Oil, Coal, and Dock Co., et al., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	25.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-123..... A 8-8-69	Royal Oil & Gas Corp., Clark Bldg., Indiana, Pa. 15701.	Consolidated Gas Supply Corp., Philippi District, Barbour County, W. Va.	25.0	15.325
CI70-124..... A 8-11-69	Continental Oil Co.....	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Sand Butte Area, Sweetwater County, Wyo.	[10] 15.0	14.65
CI70-125..... A 8-7-69	John H. Wallace d.b.a. Coastal Equipment Co., Post Office Box 91, Alice, Tex. 78332.	United Gas Pipe Line Co., Keemac Field Area, Jim Wells County, Tex.	17.8	14.65
CI70-126..... A 8-8-69	The Preston Oil Co.....	United Fuel Gas Co., Block 255 Field, Vermilion Area, Offshore Louisiana.	[11] 21.25	15.025
CI70-128..... A 8-8-69	Coastal States Gas Producing Co., Post Office Box 521, Corpus Christi, Tex. 78403.	Trunkline Gas Co., Tigre Lagoon Field Area, Vermilion Parish, La.	21.25	15.025
CI70-129..... A 8-11-69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Consolidated Gas Supply Corp., Elk, Poca and Union Districts, Kanawha County, W. Va.	28.0	15.325
CI70-130..... B 8-11-69	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	Banquete Gas Co., a division of Crestmont Consolidated Corp., East Taft Field, San Patricio County, Tex.	Depleted	.....
CI70-131..... B 8-11-69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Texas Gas Transmission Corp., Midland Field, Muhlenberg, County, Ky.	[12]	.....
CI70-132..... B 8-11-69	do.....	do.....	[12]	.....
CI70-133..... B 8-11-69	do.....	do.....	[12]	.....
CI70-134..... A 8-11-69	Sun Oil Co. (Sunoco Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Southern Natural Gas Co., Blocks 293 and 308, Main Pass Area, Offshore Louisiana.	[13] 21.93	15.025
CI70-135..... (CI62-395) F 8-11-69	Continental Oil Co., (successor to Austral Oil Company Inc., Post Office Box 2197, Houston, Tex. 77001.	Southern Natural Gas Co., Bayou Long Field, St. Martin Parish, La.	20.625	15.025
CI70-136..... A 8-4-69	M. H. Waldron Estate, c/o Mary L. Wooldridge, Heir 37 South Weyant Ave., Columbus, Ohio 43213.	United Fuel Gas Co., Acreage in Mingo County, W. Va.	16.0	15.325

[1] Amendment to certificate filed to increase exchange volumes up to a maximum of 28,000 Mcf per day.
[2] Rate in effect subject to refund in Docket No. RI65-476.
[3] Rate in effect subject to refund in Docket No. RI65-475.
[4] Application filed to reflect name change resulting from marriage of Applicant.
[5] Rate in effect subject to refund in Docket No. RI67-229. Rate shown is for sweet gas; sour gas rate is 0.4466 cent per Mcf less than sweet gas rate.
[6] No permanent certificate issued; temporary authorization granted only.
[7] Rate in effect subject to refund in Docket No. RI65-317.
[8] Price is 14 cents per Mcf for gas produced from formations below 3,400 feet and the top of the Morrowan Series; 16 cents per Mcf for gas produced from formations below the top of the Morrowan Series.
[9] Related certificate issued to T. F. Hodge (Operator) et al.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Applicant proposes 21.25 cents per Mcf or area rate, whichever is higher.
[12] Converted to gas storage reservoir.
[13] Includes 0.68-cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 69-10345; Filed, Aug. 29, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Barnett National Securities Corp., Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of The Tallahassee Bank North, Tallahassee, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barnett National Securities Corp., Jacksonville, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Tallahassee Bank North, Tallahassee, Fla., a proposed new bank.

Inasmuch as the proposed new bank is to be a State bank, the Board, pursuant to section 3(b) of the Act, gave written notice of receipt of the application to the Commissioner of Banking of the State of Florida, and requested his views and recommendation in respect thereto. In response, the Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 7, 1969 (34 F.R. 9104), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority, and that The Tallahassee Bank North be open for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this 25th day of August 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[F.R. Doc. 69-10390; Filed, Aug. 29, 1969; 8:46 a.m.]

NORTHEASTERN BANKSHARE ASSOCIATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Northeastern Bankshare Association, Lewiston, Maine, for approval of acquisition of at least 51 percent of the voting shares of the Westbrook Trust Co., Westbrook, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Northeastern Bankshare Association, Lewiston, Maine, a registered bank holding company, for the Board's prior approval of the acquisition of at least 51 percent of the voting shares of the Westbrook Trust Co., Westbrook, Maine.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Deputy Bank Commissioner of the State of Maine and requested his views and recommendation. He recommended the application be given favorable consideration.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 9, 1969 (34 F.R. 11394), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer and Sherrill. Absent and not voting: Governor Daane.

of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston pursuant to delegated authority.

Dated at Washington, D.C., this 25th day of August 1969.

By order of the Board of Governors.[3]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-10391; Filed, Aug. 29, 1969; 8:46 a.m.]

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Virginia Commonwealth Bankshares, Inc., which is a bank holding company located in Richmond, Va., for prior approval by the Board of Governors of the acquisition by Applicant of 100 percent of the voting shares of Bank of Danville, Danville, Va., an interim bank that will be merged immediately into Security Bank and Trust Co., Danville, under the latter bank's charter and title, the resulting bank thereupon becoming a subsidiary of Applicant.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3(a) which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 26th day of August 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-10392; Filed, Aug. 29, 1969; 8:46 a.m.]

[3] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temp. Reg. F-52]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a water service rate and regulation proceeding.

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

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Illinois Commerce Commission in a proceeding involving water rates and regulations of the East St. Louis and Interurban Water Co. (Docket No. 54992).

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

c. This authority shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials and employees thereof.

Dated: August 25, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-10375; Filed, Aug. 29, 1969; 8:45 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

LOUISIANA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Louisiana, dated August 21, 1969, is hereby amended to include the following Ward among those parishes determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 19, 1969:

Ward 9 of Orleans Parish.

Dated: August 26, 1969.

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

[F.R. Doc. 69-10397; Filed, Aug. 29, 1969; 8:47 a.m.]

OHIO

Amendment of Notice of Major Disaster

Notice of Major Disaster for the State of Ohio dated July 17, 1969, and published July 26, 1969 (34 F.R. 12358), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 1969:

Fulton. Summit.
Geauga.

Dated: August 26, 1969.

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

[F.R. Doc. 69-10398; Filed, Aug. 29, 1969; 8:47 a.m.]

PENNSYLVANIA

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 19, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Pennsylvania adversely affected by severe storms and flooding beginning on or about July 27, 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 Pennsylvania.

I do hereby determine the following areas in the State of Pennsylvania to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 19, 1969:

The counties of:
Carbon. Schuylkill.
Monroe.

Dated: August 25, 1969.

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

[F.R. Doc. 69-10399; Filed, Aug. 29, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

LIBERTY EQUITIES CORP.

Order Suspending Trading

AUGUST 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Liberty Equities Corp. (a District of Columbia corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1969, through September 5, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-10396; Filed, Aug. 29, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-6 (Southwestern Area), Disaster 734]

MANAGER, DISASTER BRANCH OFFICE, SLIDELL, LA.

Delegations of Authority Regarding Financial Assistance Functions

Delegation of authority from Area Administrator, Southwestern Area, SBA, to Manager, Disaster Branch Office, SBA.

I. Pursuant to the authority delegated to the Area Administrator, by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, 34 F.R. 11165, and 34 F.R. 12651), there is hereby redelegated to the Manager, Disaster Branch Office, Slidell, La., the following authority:

A. *Financial assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans, and (b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster Guaranteed Loans up to $350,000, and to decline disaster Guaranteed Loans in any amount.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By _____
Manager, Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Manager of the Disaster Branch Office.

Effective date: August 19, 1969.

ROBERT E. WEST, *Area Administrator, Dallas, Tex.*

[F.R. Doc. 69-10400; Filed, Aug. 29, 1969; 8:47 a.m.]

[Delegation of Authority 30-6 (Southwestern Area), Disaster 734]

MANAGER, DISASTER BRANCH OFFICE, HAPPY JACK, LA.

Delegations of Authority Regarding Financial Assistance Functions

Delegation of Authority from Area Administrator, Southwestern Area, to Manager, Disaster Branch Office, SBA.

I. Pursuant to the authority delegated to the Area Administrator, by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, 34 F.R. 11165, and 34 F.R. 12651), there is hereby redelegated to the Manager, Disaster Branch Office, Happy Jack, La., the following authority:

A. *Financial assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans, and (b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster Guaranteed Loans up to $350,000, and to decline disaster Guaranteed Loans in any amount.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By _____
Manager, Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Manager of the Disaster Branch Office.

Effective date: August 19, 1969.

ROBERT E. WEST, *Area Administrator, Dallas, Tex.*

[F.R. Doc. 69-10401; Filed, Aug. 29, 1969; 8:47 a.m.]

[License 01/02-0033]

GENERAL INVESTMENT COMPANY OF CONNECTICUT, INC.

Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the Regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), General Investment Company of Connecticut, Inc., New Haven, Conn., has requested approval of the Small Business Administration (SBA) to surrender its license to operate as a small business investment company. The licensee was incorporated on August 31, 1960, under the laws of the State of Connecticut and licensed by SBA on September 22, 1960, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Prior to final action on this request, consideration will be given to any comments pertaining to the proposed surrender which are submitted in writing to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice. If no comments are received within the specified period of time, under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of General Investment Company of Connecticut, Inc., will be accepted, and accordingly will no longer be licensed to operate as a small business investment company.

A. H. SINGER, *Associate Administrator for Investment.*

AUGUST 22, 1969.

[F.R. Doc. 69-10402; Filed, Aug. 29, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 33, Amdt. 1]

CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 33 (The Chesapeake and Ohio

Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 33 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 10, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 28, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 26, 1969.

INTERSTATE COMMERCE COMMISION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-10419; Filed, Aug. 29, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 30, Amdt. 1]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 30 (Chicago, Rock Island and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 30 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-10420; Filed, Aug. 29, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 27, 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. 41728—*Sulphuric acid from Cowan and Pepper, Va.* Filed by O. W. South, Jr., agent (No. A6126), for interested rail carriers. Rates on sulphuric acid, in tank carloads, as described in the application, from Cowan and Pepper, Va., to East Point, Ga., and Jackson Miss.

Grounds for relief—Market competition.

Tariff—Supplement 88 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 41729—*Fish meal from points in Canada to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2598), for interested rail carriers. Rates on fish meal, in carloads, from Laval Rapides, St. Martin (Laval Co.), and St. Martin Junction, Quebec, Canada, to points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 7 to Canadian Freight Association, agent, tariff ICC 303.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10421; Filed, Aug. 29, 1969; 8:48 a.m.]

[Notice 896]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 27, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 311 TA), filed August 21, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compound*, in bulk, in tank vehicles, from Hawthorne, Calif., to Pauline, Kans., for 180 days. Supporting shipper: Textilana Corp., 12607 Cerise Avenue, Hawthorne, Calif. 90250. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 19945 (Sub-No. 30 TA) (Correction), filed August 5, 1969, published FEDERAL REGISTER, issue of August 19, 1969, and republished as corrected this issue. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in containers, from the plantsite and warehouse facilities of Miller Brewing Co., at Milwaukee, Wis., to Mascoutah, Ill., and *empty beer containers*, on return, for 180 days. Supporting shipper: Robert (Chick) Fritz, Inc., Mascoutah, Ill. NOTE: The purpose of this republication is to correct the spelling of applicant's name, and also to correct the supporting shipper's name. Send protests to: Harold Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 30837 (Sub-No. 377 TA), filed August 21, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Street, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All terrain vehicles*, from York, Pa., to points in the United States (except Hawaii); also, *all terrain vehicle bodies*, from Jackson, Ohio, to York, Pa., for 180 days. Supporting shipper: American Machine & Foundry Co., Whiteford Road, York, Pa. 17402 (W. W. Dellinger). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 82841 (Sub-No. 59 TA), filed August 21, 1969. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, light poles, mast arms, brackets, bases and accessories*, from Valley, Nebr., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 150 days. Supporting shipper: Valmont Industries, Inc., Valley, Nebr. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 104896 (Sub-No. 3 TA), filed August 20, 1969. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. 17044. Applicant's representative: David A. Sutherland, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared, or preserved; *cooking or edible oils, matches, oleomargarine, shortening, cleaning kits, and cleaning compounds* (except comodities in bulk and frozen foodstuffs), from the facilities of Hunt-Wesson Foods, Inc., at Camp Hill, Pa., to points in Delaware, Maryland, Pennsylvania, Virginia, those parts of New York and New Jersey outside of the New York, N.Y., commercial zone, as defined by the Commission, and the District of Columbia, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, Calif. 92634. Send protests to: District Supervisor Roger W. Ritenour, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 113627 (Sub-No. 6 TA), filed August 21, 1969. Applicant: BARNETT MOTOR TRANSPORTATION, INC., 195 Sackett Point Road, North Haven, Conn. 06473. Applicant's representative: John E. Fay, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel beams*, from Wethersfield, Conn., to points in New York, New Jersey, Connecticut, Pennsylvania, Massachusetts, Vermont, Rhode Island, and New Hampshire, under continuing contract with City Iron Works, Inc., Wethersfield, Conn., for 150 days. Supporting shipper: City Iron Works, Inc., Post Office Box 147, Wethersfield, Conn. 06109. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 113666 (Sub-No. 37 TA), filed August 21, 1969. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Andrew Smetanik (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from Negley, Ohio, to ports of entry at Buffalo and Niagara Falls, N.Y., for furtherance to Canada, for 180 days. Supporting shipper: Metropolitan Industries, Metropolitan Brick, Inc., 1017 Renkert Building, Canton, Ohio 44702. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 113678 (Sub-No. 360 TA), filed August 15, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, normally used by and dealt in by restaurants (except meat, meat products, meat byproducts, and articles distributed by meat packinghouses), and fish, when moving with regulated commodities, from the distribution warehouse of London Fish & Chips, Inc., and shipping facilities used by London Fish & Chips, Inc., at Denver, Colo., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia, for 180 days. Supporting shipper: London Fish & Chips, Inc., 1050 Yuma Street, Denver, Colo. 80204. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114004 (Sub-No. 73 TA), filed August 21, 1969. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service from points in Crawford County, Ark., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Factory Homes Corp., Airport Industrial Section, Van Buren, Ark. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 115499 (Sub-No. 15 TA), filed August 21, 1969. Applicant: LOWER LAKES CARRIER, INC., Post Office Box 712, Ashtabula, Ohio. Applicant's representative: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide*, in containers, from Ashtabula, Ohio, to St. Louis, Mo., for 180 days. Supporting shipper: Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017. Send protests to: G. J. Baccei, District Superviser, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street Cleveland, Ohio 44199.

No. MC 127689 (Sub-No. 35 TA), filed August 20, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39402. Applicant's representative: Harvey E. West (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products, and related materials, supplies, and accessories incidental thereto*, between the plantsite of The Celotex Corp. at Marrero, La., and points in Mississippi, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

MOTOR CARRIER OF PASSENGERS

No. MC 44770 (Sub-No. 12 TA) (Correction), filed July 28, 1969, published FEDERAL REGISTER, issue of August 14, 1969, and republished as corrected this issue. Applicant: ZEPHYR LINES, INCORPORATED, 1114 Currie Avenue, Minneapolis, Minn. 56716. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, St. Paul, Minn. 55101. NOTE: The proposed authority was inadvertently published as seeking irregular routes, when applicant actually seeks to operate over regular routes. These regular routes were set forth in previous publication.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-10422; Filed, Aug. 29, 1969; 8:49 a.m.]

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