

# FEDERAL REGISTER

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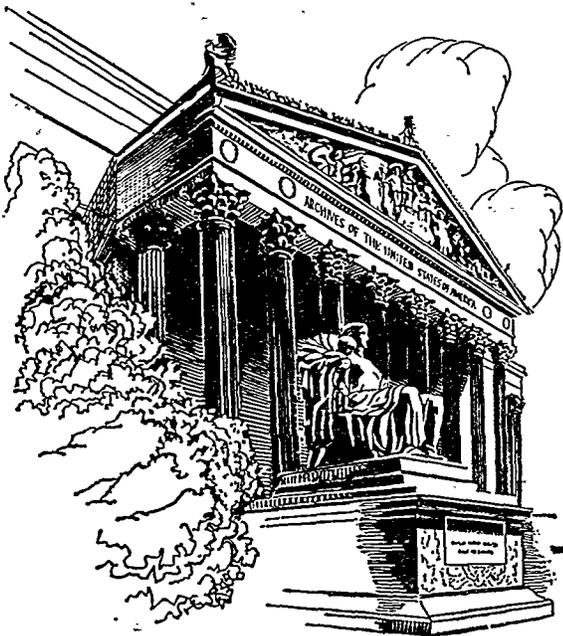
Friday, January 24, 1969 • Washington, D.C.

Pages 1107-1217

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Agriculture Department  
Business and Defense Services Administration  
Civil Aeronautics Board  
Civil Service Commission  
Commodity Credit Corporation  
Consumer and Marketing Service  
Customs Bureau  
Federal Aviation Administration  
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Federal Home Loan Bank Board  
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Health, Education, and Welfare Department  
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Post Office Department  
Reclamation Bureau  
Securities and Exchange Commission  
Small Business Administration  
Social and Rehabilitation Service  
State Department  
Treasury Department  
Wage and Hour Division

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# Announcing First 10-Year Cumulation

## TABLES OF LAWS AFFECTED

in Volumes 70-79 of the

UNITED STATES STATUTES AT LARGE

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of

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## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 74—SCABIES IN SHEEP

##### Interstate Movement

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126) Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended in the following respects:

1. Subparagraph (4) of § 74.2(a) is amended to read as follows:

§ 74.2 Designation of free and infected areas.

(a) \* \* \*

(4) All counties in Kentucky except Allen, Barren, Christian, Muhlenberg, and Ohio.

2. Subparagraph (3) of § 74.3(a) is amended to read as follows:

§ 74.3 Designation of eradication areas.

(a) \* \* \*

(3) The following counties in Kentucky: Allen, Barren, Christian, Muhlenberg, and Ohio.

(Secs. 4-7, 23 Stat. 32 as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, as amended, 1265, as amended, 76 Stat. 129-132; 21 U.S.C. 111-113, 115, 117, 120, 123-126, 134-134h; 29 F.R. 16210, as amended)

**Effective date.** The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds Allen and Barren Counties, in Kentucky to the list of infected and eradication areas and deletes such counties from the list of free areas due to the presence of sheep scabies therein. After the effective date of this amendment, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such areas.

The amendment imposes certain restrictions on the interstate movement

of sheep from Allen and Barren Counties, in Kentucky, for the purpose of preventing the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment is impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of January 1969.

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

[F.R. Doc. 69-1000; Filed, Jan. 23, 1969; 8:53 a.m.]

## Title 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

#### PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

##### Obligations Eligible as Collateral for Advances

Section 201.108(d) is hereby revised to read as follows:

§ 201.108 Obligations eligible as collateral for advances.

(d) Also eligible for purchase under section 14(b) are "bills, notes, revenue bonds, and warrants with a maturity from date of purchase of not exceeding 6 months, issued in anticipation of the collection of taxes or in anticipation of the receipt of assured revenues by any State, county, district, political subdivision, or municipality in the continental United States, including irrigation, drainage and reclamation districts."<sup>1</sup> In determining the eligibility of such obligations as collateral for advances, com-

<sup>1</sup> Paragraph 3 of section 1 of the Federal Reserve Act (12 U.S.C. 221) defines "the continental United States" to mean "the States of the United States and the District of Columbia", thus including Alaska and Hawaii.

pliance with the requirements of Regulation E is not necessary; but the Reserve Bank will satisfy itself that sufficient tax or other assured revenues earmarked for payment of such obligations will be available for that purpose at maturity, or within 6 months from the date of the advance if no maturity is stated. Payments due from Federal, State or other governmental units may, in the Reserve Bank's discretion, be regarded as "other assured revenues"; but neither the proceeds of a prospective issue of securities nor future tolls, rents or similar collections for the voluntary use of government property for non-governmental purposes will normally be so regarded. Obligations with original maturities exceeding 1 year would not ordinarily be self-liquidating as contemplated by the statute, unless at the time of issue provision is made for a redemption or sinking fund that will be sufficient to pay such obligations at maturity.

(Interprets and applies 12 U.S.C. 347)

Dated at Washington, D.C., this 15th day of January 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,  
Assistant Secretary.

[F.R. Doc. 69-911; Filed, Jan. 23, 1969; 8:46 a.m.]

### Chapter V—Federal Home Loan Bank Board

#### SUBCHAPTER A—GENERAL

#### PART 509—RULES OF PRACTICE AND PROCEDURE; ADJUDICATIONS UNDER ADMINISTRATIVE PROCEDURE ACT

##### Amendment Relating to Hearings; Correction Dated January 17, 1969 to Resolution Number 22,486, Dated January 3, 1969

The amendment of Part 509 which was published in the FEDERAL REGISTER of January 9, 1969 (34 F.R. 318) as Document No. 69-267 is corrected by changing the paragraph labeling under § 509.1 from (a) to (e). Thus, the amendment of Part 509 revises paragraph (e) of § 509.1, and amends paragraph (d) of § 509.7, and amends paragraphs (a) and (b) of § 509.8.

[SEAL]

JACK CARTER,  
Secretary to the  
Federal Home Loan Bank Board.

[F.R. Doc. 69-1009; Filed, Jan. 23, 1969; 8:53 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9338; Amdt. 632]

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

#### Miscellaneous Amendments

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

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

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

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

#### STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ADF

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

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

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less 65 knots or less	More than 2-engine, more than 65 knots	More than 2-engine, more than 65 knots
Boston VOR.....	LI LOM.....	Direct.....	1500	T-dn%.....	300-1	300-1	200-½
Beechwood Int.....	LI LOM (final).....	Direct.....	1400	C-dn#.....	600-1	600-1	600-1½
				S-dn-33**.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn E side of crs, 150° Outbnd, 330° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 1400'.

Crs and distance, facility to airport, 330°—4.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LI LOM, make right-climbing turn to 2000' direct to Beverly RBN (TOF). Hold NW, 163° Inbnd, 1 minute, left turns or, when directed by ATC, make right-climbing turn to 2000' direct East Boston Int. Hold SE of East Boston Int, 293° Inbnd, 1 minute, right turns.

CAUTION: 370' stack (1 mile SW), 505' building (1.7 miles W), 845' building and antenna (3.1 miles W), 1349' antennae (10.5 miles W) of airport.

%Departures from Runway 27—make left turn to heading 260° as soon as practicable after takeoff.

#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800'.

\*\*Reduction not authorized.

MSA within 25 miles of facility: 000°-180°-2000'; 180°-360°-2500'.

City, Boston; State, Mass.; Airport name, Gen. Edward Lawrence Logan International; Elev., 19'; Fac. Class., LOM; Ident., LI; Procedure No. 3, Amdt. 3; Eff. date, 6 Feb. 69; Sup. Amdt. No. 2; Dated, 22 Jan. 68

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

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

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

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less 65 knots or less	More than 2-engine, more than 65 knots	More than 2-engine, more than 65 knots
10-mile Radar Fix, R 030° BOS VORTAC.....	Revere Int., or Radar Fix, R 030° BOS VORTAC (final).....	Direct.....	1200	T-dn%.....	300-1	300-1	200-½
Bedford RBN.....	OS LMM.....	Direct.....	2000	C-dn#.....	600-1	600-1	600-1½
Dorchester Int.....	OS LMM.....	Direct.....	2000	S-dn-22L**.....	600-1	600-1	600-1
Whitman VOR.....	OS LMM.....	Direct.....	2000	A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn E side of crs, 035° Outbnd, 215° Inbnd, 1500' within 12 miles of OS LMM.

Minimum altitude over Revere Int or 5-mile Radar Fix on final approach crs, 1200'.

Crs and distance, Revere Int, (5-mile Radar Fix) to airport, 215°—4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing Revere Int, or passing BOS RBN climb straight ahead to 2000', direct to BO LOM. Hold SW of BO LOM, 035° Inbnd, 1 minute, right turns or, when directed by ATC, make left-climbing turn to 2000' direct East Boston Int. Hold SE of East Boston Int, 293° Inbnd, 1 minute, right turns.

CAUTION: 370' stack (1 mile SW of airport), 505' building (1.7 miles W of airport), 845' building and antenna, 3.1 miles W of airport, 1349' antennae, 10.5 miles W of airport.

%Departures from Runway 27, make left turn to heading 260° as soon as practicable after takeoff.

#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800'.

\*\*Reduction not authorized.

MSA within 25 miles of facility: 000°-180°-2000'; 180°-360°-2500'.

City, Boston; State, Mass.; Airport name, Gen. Edward Lawrence Logan International; Elev., 19'; Fac. Class., LMM; Ident., OS; Procedure No. NDB (ADF) Runway 22L, Amdt. 8; Eff. date, 6 Feb. 69; Sup. Amdt. No. 7; Dated, 27 May 67

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

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
STJ VOR	ST LOM	Direct	2300	T-dn	300-1	300-1	*200-1/2
Troy Int.	ST LOM	Direct	2600	C-dn	600-1	600-1	600-1 1/2
Plattsburg Int.	ST LOM	Direct	2300	S-dn-35	400-1	400-1	400-1
New Market Int.	ST LOM (final)	Direct	2300	A-dn	800-2	800-2	800-2
Huron Int.	ST LOM	Direct	2600				

Procedure turn W side of crs. 172° Outbnd, 352° Inbnd, 2300' within 10 miles.  
 Minimum altitude over facility on final approach crs, 2300'.  
 Crs and distance, facility to airport, 352°—5.2 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, climb to 2700' on bearing 249° from LOM and proceed to STJ VOR or, when directed by ATC, make left turn, climbing to 2300' and return to LOM, or make left turn, climbing to 2600', intercept STJ VOR R 203° and proceed to Troy Int.  
 CAUTION: 300' bluffs W, NW, and E of airport. 1792' tower, 4.5 miles E of airport.  
 \*300-1 required on Runway 31.  
 MSA within 25 miles of facility: 000°-090°—2800'; 090°-360°—2500'.

City, St. Joseph; State, Mo.; Airport name, Rosecrans Memorial; Elev., 826'; Fac. Class., LOM; Ident., ST; Procedure No. NDB (ADF) Runway 35, Amdt. 19; Eff. date 6 Feb. 69; Sup. Amdt. No. 18; Dated, 28 Oct. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

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

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bedford RBN	BOS VOR	Direct	2000	T-dn%	300-1	300-1	200-1/2
				C-dn#	600-1	600-1	600-1 1/2
				S-dn-22L**	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar available.  
 Procedure turn W side of crs, 016° Outbnd, 196° Inbnd, 1800' within 10 miles.  
 Minimum altitude over 5-mile DME or Radar Fix on final approach crs, 1200'.  
 Facility on airport. Crs and distance, breakoff point to approach end of Runway 22L, 215°—0.9 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BOS VOR, make left-climbing turn to 2000' direct Skipper Int. Hold E of Skipper Int, 1 minute, right turns, 279° Inbnd.  
 CAUTION: 370' stack, 1 mile SW of airport, 505' building, 1.7 miles W of airport, 845' building and antenna, 3.1 miles W of airport, 1349' antennae, 10.5 miles W of airport.  
 #Departures from Runway 27—make left turn to heading 260° as soon as practicable after takeoff.  
 \*No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800'.  
 \*\*Reduction not authorized.  
 MSA within 25 miles of facility: 000°-180°—2000'; 180°-360°—2500'.

City, Boston; State, Mass.; Airport name, Gen. Edward Lawrence Logan International; Elev., 19'; Fac. Class., BVORTAC; Ident., BOS; Procedure No. VOR-22L, Amdt. 8; Eff. date, 6 Feb. 69; Sup. Amdt. No. 7; Dated, 6 Aug. 66

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bedford RBN	BOS VOR	Direct	2000	T-dn%	300-1	300-1	200-1/2
				C-dn#	600-1	600-1	600-1 1/2
				S-dn-27\$	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.  
 Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 1500' within 10 miles.  
 Minimum altitude over 4-mile DME or Radar Fix on final approach crs, 1000'.  
 Facility on airport. Crs and distance, breakoff point to Runway 27, 272°—0.5 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BOS VORTAC, make left-climbing turn to 2000' direct HTM VOR. Hold SW, 1 minute, right turns, 060° Inbnd or, when directed by ATC, make left-climbing turn to 3000' direct Mills Int. Hold SW of Mills Int, 1 minute, right turns, 088° Inbnd.  
 CAUTION: 370' stack (1 mile SW of airport), 505' building (1.7 miles W of airport), 845' building and antenna (3.1 miles W of airport), 1349' antennae (10.5 miles W of airport).  
 #Departures from Runway 27 make left turn to heading 260° as soon as practicable after takeoff.  
 \*No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800'.  
 \$3/4-mile authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.  
 MSA within 25 miles of facility: 000°-180°—2000'; 180°-360°—2500'.

City, Boston; State, Mass.; Airport name, Gen. Edward Lawrence Logan International; Elev., 19'; Fac. Class., BVORTAC; Ident., BOS; Procedure No. VOR-27, Amdt. 7; Eff. date, 6 Feb. 69; Sup. Amdt. No. 6; Dated, 6 Aug. 66

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

- Provincetown, Mass.—Provincetown Municipal, NDB (ADF) Runway 7, Amdt. 1, 10 June 1967 (established under Subpart C).
- Harrison, Ark.—Boone County, VOR 1, Amdt. 2, 3 Aug. 1963 (established under Subpart C).
- Laredo, Tex.—Laredo Municipal, VOR 1, Amdt. 6, 24 Dec. 1966 (established under Subpart C).
- Sinton, Tex.—Sinton, VOR 1, Orig., 9 July 1966 (established under Subpart C).

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

- Ann Arbor, Mich.—Young Field, VOR-1, Orig., 1 Feb. 1968, canceled, effective 6 Feb. 1969.

4. By amending § 97.15 of Subpart B to amend very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

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

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VORTAC 10-mile DME Fix, R 030°	10-mile DME Fix, BOS R 328°	10-mile DME Arc	2000	T-dn%	300-1	300-1	200-1/2
Boston VORTAC 10-mile DME Fix, R 238° or R 271°	10-mile DME Fix, BOS R 328°	10-mile DME Arc	2300	C-dn#	600-1	600-1	600-1 1/2
10-mile DME Fix, BOS R 328°	6-mile DME Fix, BOS R 328°	Direct	1500	A-dn	800-2	800-2	800-2
6-mile DME Fix, BOS R 328°	4-mile DME Fix, BOS R 328°	Direct	1000				
4-mile DME Fix, R 328°	3-mile DME Fix, R 328° (final)	Direct	800				

Radar available.

Procedure turn not authorized.

Minimum altitude over 6-mile DME Fix BOS, R 328°, 1500'; 4-mile DME Fix BOS, R 328°, 1000'; 3-mile DME Fix, 800'.

Minimum altitude over facility on final approach crs, 619'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BOS VOR, make left-climbing turn to 2000' direct Skipper Int. Hold E of Skipper Int, 1 minute, right turns, 279° Inbd.

CAUTION: 370' stack (1 mile SW of airport), 505' building (1.7 miles W of airport), 845' building and antenna (3.1 miles W of airport), 1349' antennae (10.5 miles W of airport):

%Departures from Runway 27—make left turn to heading 260° as soon as practicable after takeoff.

#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800'.

MSA within 25 miles of facility: 000°-180°-2000'; 180°-360°-2500'.

City, Boston; State, Mass.; Airport name, Gen. Edward Lawrence Logan International; Elev., 19'; Fac. Class., BVORTAC; Ident., BOS; Procedure No. VOR/DME No. 1, Amdt 5; Eff. date, 6 Feb. 69; Sup. Amdt. No. 4; Dated, 6 Aug. 66

5. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Laredo, Tex.—Laredo Municipal, VOR/DME-1, Amdt. 3, 24 Dec. 1966 (established under Subpart C).

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

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

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VOR	LI LOM	Direct	1500	T-dn%	300-1	300-1	200-1/2
				C-dn#	600-1	600-1	600-1 1/2
				S-dn-33 L**##	200-1/2	200-1/2	200-1/2
				A-dn	600-2	600-2	600-2
				With glide slope inoperative:			
				S-dn-33 L**##	400-1	400-1	400-1

Radar available.

Procedure turn E side of crs, 150° Outbd, 330° Inbd, 1500' within 10 miles.

Minimum altitude at glide slope interception Inbd, 1500'.

Altitude of glide slope and distance to approach end of runway at OM, 1456'—4.4 miles; at MM, 217'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LI LOM, make right-climbing turn to 2000' direct Danvers Int. Hold NE of Danvers Int, 1 minute, right turns, 210° Inbd, or when directed by ATC, make right-climbing turn to 2000' direct to Skipper Int. Hold E of Skipper Int, 1 minute, right turns, 279° Inbd.

NOTE: Glide slope unusable below 219'. Back crs unusable.

CAUTION: 370' stack (1 mile SW), 505' building (1.7 miles W), 845' building and antenna (3.1 miles W), 1349' antennae (10.5 miles W) of airport:

%Departures from Runway 27, make left turn to heading 260° as soon as practicable after takeoff.

#RV R 2400' authorized for Runways 4R and 33.

#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800'.

\*\*2400' RV R. Descent below 219' not authorized unless approach lights are visible.

#When tower advises of known U.S. naval surface vessels in approach area, straight-in minimums of 400-1 and glide slope inoperative minimums of 500-1 will be authorized.

Reduction not authorized.

\*\*Reduction not authorized.

City, Boston; State, Mass.; Airport name, Gen. Edward Lawrence Logan International; Elev., 19'; Fac. Class., ILS; Ident., I-LIP; Procedure No. ILS-33L, Amdt. 5; Eff. date, 6 Feb. 69; Sup. Amdt. No. 4; Dated, 24 Dec. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Transition		Ceiling and visibility minimums					
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FCM VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
MSP VOR	LOM	Direct	2600	C-dn	500-1	500-1	500-½
FGT VOR	LOM	Direct	2500	S-dn-29LS*	200-½	200-½	200-½
Prior Int.	LOM	Direct	2500	A-dn	600-2	600-2	600-2
White Bear Int.	LOM	Direct	2500	Category II special authorization required. TDZ Elevation, 822'. Decision heights: S-dn-29L—DH 150', RVR 1600', 972' MSL.			

Radar available.  
 Procedure turn N side of crs, 115° Outbnd, 295° Inbnd, 2500' within 10 miles.  
 Minimum altitude at glide slope interception Inbnd, 2500'.  
 Altitude of glide slope and distance to approach end of runway at OM, 2326'—5.5 miles; at MM, 1006'—0.5 mile.  
 Distance to Inner Marker: 1267'.  
 Crs and distance, 2.2-mile DME Fix and Egan Tank Radar Fix to airport, 295°—2 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, climb to 2500' on NW crs ILS within 10 miles, return to Newport LOM; or when directed by ATC, make left-climbing turn, climb to 2600' and return to Newport LOM.  
 Category II "Missed Approach": Climb to 2500' on NW crs of ILS within 10 miles and return to Newport LOM if contact with visual guidance system not established at DH.

NOTE: DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point. DME located at glide slope site. R.A. not authorized to identify 150' DH due to rough terrain and ALS structure.  
 RVR 2400' authorized Runway 29L.  
 RVR 2000' 4-engine turbojets; RVR 1800' all other aircraft. Descent below 1040' not authorized unless approach lights are visible.  
 \*500-¾ required when glide slope not utilized, 500-½ authorized with operative ALS except for 4-engine turbojets. 400' minimum authorized after passing the 2.2-mile DME Fix or the Egan Tank Radar Fix.  
 Supplementary charting information: 29L LOM named Newport.  
 City, Minneapolis; State, Minn.; Airport name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840'; Fac. Class., ILS; Ident., I-MSP; Procedure No. ILS Runway 29L, Amdt. 28; Eff. date, 6 Feb. 69; Sup. Amdt. No. 27; Dated, 21 Nov. 68

St. Joseph VOR	ST LOM	Direct	2300	T-dn	300-1	300-1	*200-½
Troy Int.	ST LOM	Direct	2600	C-dn	600-1	600-1	600-½
Plattsburg Int.	ST LOM	Direct	2800	S-dn-35@	300-¾	300-¾	300-¾
New Market Int.	ST LOM (final) (via LOC crs)	Direct	2300	A-dn	600-2	600-2	600-2
Huron Int.	ST LOM	Direct	2600				

Procedure turn W side S crs, 172° Outbnd, 352° Inbnd, 2300' within 10 miles.  
 Minimum altitude at glide slope interception Inbnd, 2300'.  
 Altitude of glide slope and distance to approach end of runway at OM, 2261'—5.2 miles; at MM, 1066'—0.8 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing ST LOM, climb to 2700' on N crs ILS and proceed to STJ VOR or, when directed by ATC, make left turn, climbing to 2300' and return to ST LOM, or make left turn, climbing to 2600', intercept STJ VOR R 203° and proceed to Troy Int.  
 CAUTION: 300' bluffs W, NW, and E of airport. 1792' tower, 4.5 miles E of airport.  
 \*300-1 required on Runway 31.  
 @Glide slope inoperative ceiling and visibility minimums are 400-1.  
 MSA within 25 miles of ST LOM: 000°-090°—2500'; 090°-360°—2500'.

City, St. Joseph; State, Mo.; Airport name, Rosecrans Memorial; Elev., 826'; Fac. Class., ILS; Ident., I-STJ; Procedure No. ILS Runway 35, Amdt. 20; Eff. date, 6 Feb. 69; Sup. Amdt. No. 19; Dated, 28 Oct. 67

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

- Newark, N.J.—Newark, Radar 1, Amdt. 15, 17 July 1965, canceled, effective 6 Feb. 1969.
- New York, N.Y.—LaGuardia, Radar 1, Amdt. 15, 3 Sept. 1966, canceled, effective 6 Feb. 1969.

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

Terminal routes			Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 7 miles after passing BUM VOR-TAC.
R 345°, BUM VORTAC CCW	R 254°, BUM VORTAC (NOPT)	7-mile arc	2500	Climb to 2500', right turn to BUM VOR-TAC and hold. Supplementary charting information: *Hold E, 1 minute, right turns, 290° Inbnd. Final approach crs aiming point is the airport reference point.
R 171°, BUM VORTAC CW	R 254°, BUM VORTAC (NOPT)	7-mile arc	2500	

Procedure turn S side of crs, 254° Outbnd, 074° Inbnd, 2500' within 10 miles of BUM VORTAC.  
 FAF, BUM VORTAC. Final approach crs, 074°. Distances FAF to MAP, 7 miles.  
 Minimum altitude over BUM VORTAC, 2500'; over 4-mile DME Fix, 1450'.  
 MSA: 000°-180°—2400'; 180°-270°—2200'; 270°-360°—2600'.

NOTE: Use Olathe NAS, Kans., altimeter setting.

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued  
DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C.....	1480	1	588	1480	1	588	NA	NA
	VOR/DME Minimums:							
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C.....	1420	1	528	1420	1	528	NA	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Butler; State, Mo.; Airport name, Butler Memorial; Elev., 892'; Facility, BUM; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 6 Feb. 69

Terminal routes				Missed approach			
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing HRO VOR.			
				Climbing left turn to 3500' direct to HRO VOR and hold. Supplementary charting information: Hold NW on HRO R 313°-133° Inbnd, left turns, 1 minute.			

Procedure turn N side of crs, 313° Outbnd, 133° Inbnd, 3500' within 10 miles of HRO VOR.  
FAF, HRO VOR. Final approach crs, 133°. Distance FAF to MAP 4.4 miles.  
Minimum altitude over HRO VOR, 2500'.  
MSA: 090°-270°-3500'; 270°-090°-3000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C.....	1800	1	436	1820	1	456	1820	1½	456	NA
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Harrison; State, Ark.; Airport name, Boone County; Elev., 1364'; Facility, HRO; Procedure No. VOR-1, Amdt. 3; Eff. date, 6 Feb. 69; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 3 Aug. 63

Terminal routes				Missed approach			
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.3 miles after passing LRD VOR			

10-mile DME/Radar Fix R 132°..... Laredo VORTAC (NOPT)..... Direct..... 2500  
Climb to 2500' on R 316°, right-climbing turn to 4000' direct to LRD VOR and hold.  
Supplementary charting information: Hold SE, 1 minute, right turns, 312° Inbnd. 1449' tower, 5 miles S of airport. 649' water tower, 2.7 miles SW of airport.  
CAUTION: Final approach crosses Laredo AFB where extensive jet training is being conducted.  
UNICOM available: TDZ elevation 505'.

Procedure turn E side of crs, 132° Outbnd, 312° Inbnd, 2500' within 10 miles of LRD VORTAC;  
FAF, LRD VORTAC. Final approach crs, 316°. Distance FAF to MAP 9.3 miles.  
Minimum altitude over LRD VORTAC, 2500'; over 7-mile DME Fix, 1080'.  
MSA: 000°-180°-2200'; 180°-270°-2400'; 270°-360°-2500'.

NOTES: (1) Radar vectoring when Laredo approach control operating. (2) Use Laredo AFB altimeter setting, available from HOU ARTCC and Cotulla FSS.  
\*Alternate minimums not authorized except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33.....	1080	1	575	1080	1	575	1080	1	575	1080	1	575
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1080	1	542	1080	1	542	1080	1½	542	1080	2	542
	DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33.....	800	1	295	800	1	295	800	1	295	800	1	295
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	920	1	382	980	1	442	980	1½	442	1080	2	542
A*.....	Standard:			T 2-Eng. or less—Standard:			T over 2-eng.—Standard:					

City, Laredo; State, Tex.; Airport name, Laredo Municipal; Elev., 538'; Facility, LRD; Procedure No. VOR Runway 33, Amdt. 7; Eff. date, 6 Feb. 69; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 24 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From--	To--	Via	Minimum altitudes (feet)	MAP: 3 miles after passing EOS VOR.
Waco Int.....	EOS VOR.....	EOS R 337°.....	3000	Climb to 2800', right turn to EOS VOR and hold.* Supplementary charting information: *Hold E, 1 minute, right turns, 232° Inbnd. Final approach crs aiming point is the airport reference point.

Procedure turn S side of crs, 301° Outbnd, 121° Inbnd, 2800' within 10 miles of EOS VOR.  
FAF, EOS VOR. Final approach crs, 121°. Distance FAF to MAP, 3 miles.  
Minimum altitude over EOS VOR, 2500'.  
MSA: 000°-270°-2800'; 270°-360°-3100'.  
NOTE: Use Joplin, Mo., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C.....	1700	1	447	1720	1	467	NA	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Neosho; State, Mo.; Airport name, Neosho Memorial; Elev., 1253'; Facility, EOS; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 6 Feb. 69

Terminal routes				Missed approach
From--	To--	Via	Minimum altitudes (feet)	MAP: 9.3 miles after passing CRP VORTAC.
				Climb to 1600' proceed to Sinton Int via CRP R 319° and ALIVOR 035°, or when directed by ATC, climb to 1600' left turn direct to CRP VORTAC. Supplementary charting information: TDZ elevation, 49'.

Procedure turn N side of crs, 127° Outbnd, 307° Inbnd, 1600' within 10 miles of CRP VORTAC.  
FAF, CRP VORTAC. Final approach crs, 319°. Distance FAF to MAP, 9.3 miles.  
Minimum altitude over CRP VORTAC, 1600'; over 7-mile DME Fix, 840'.  
MSA within 25 nautical miles of CRP VORTAC: 180°-270°-2100'; 270°-180°-1500'.  
NOTES: (1) Radar vectoring. (2) Use Corpus Christi, Tex., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-32.....	840	1	791	840	1 1/4	791	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C.....	840	1	791	840	1 1/4	791	NA	NA
	DME Minimums:							
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-32.....	480	1	431	480	1	431	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C.....	480	1	431	540	1	491	NA	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Sinton; State, Tex.; Airport name, Sinton; Elev., 49'; Facility, CRP; Procedure No. VOR Runway 32, Amdt. 1; Eff. date, 6 Feb. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 9 July 66

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

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

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: LRD R 318°, 10.5-mile DME Fix.	
LRD VORTAC.....	14-mile DME LRD, R 318°.....	Direct.....	2500	Climb to 4000' direct to LRD VOR and hold.	
R 006°, LRD VORTAC CCW.....	R 318°, LRD VORTAC (NOPT).....	20-mile DME Arc LRD, R 324° lead radial, Direct.....	2500	Supplementary charting information: Hold SE, 1 minute, right turns, 312° Inbd, 1549' tower, 7.6 miles NW of airport; 1440' tower, 5 miles S of airport; 649' water tower, 2.7 miles SW of airport.	
20-mile DME LRD, R 318°.....	14-mile DME LRD, R 318°.....		1500	CAUTION: Missed approach crosses Laredo AFB where extensive jet training is being conducted. UNICOM: TDZ elevation, 533'.	

Procedure turn E side of crs, 318° Outbnd, 138° Inbnd, 2500' within 10 miles of 14-mile DME Fix.

Final approach crs, 138°.  
Minimum altitude 20-mile DME—2500'; 14-mile DME—1500'.  
MSA: 000-180°—2200'; 180°-270°—2400'; 270°-360°—2500'.

NOTES: (1) Radar vectoring when Laredo approach control operating. (2) Use Laredo AFB altimeter setting, available from HOU ARTCC and Cotulla FSS.

\*Alternate minimums not authorized except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15.....	880	1	342	880	1	342	880	1	342	880	1	342
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	920	1	382	980	1	442	980	1½	442	1080	2	542
*A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Laredo; State, Tex.; Airport name, Laredo Municipal; Elev., 533'; Facility, LRD; Procedure No. VOR/DME Runway 15, Amdt. 4; Eff. date, 6 Feb. 69; Sup. Amdt. No. VOR/DME-1, Amdt. 3; Dated, 24 Dec. 68

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

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

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.2 miles after passing DPK VORTAC.	
				Climbing right turn to 1800' direct to DPK VORTAC and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 245° Inbd.	

One minute holding pattern, NE of Deer Park VORTAC, 244° Inbnd, right turns, 1800'.

FAF, DPK VORTAC. Final approach crs, 244°. Distance FAF to MAP, 6.2 miles.

Minimum altitude over DPK VORTAC, 1800'.

MSA: 000°-180°—1700'; 180°-270°—1600'; 270°-360°—1900'.

NOTES: (1) Radar vectoring. (2) Procedure authorized only during hours control tower is in operation.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	600	1	518	600	1	518	600	1½	518	640	2	553
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Farmingdale; State, N.Y.; Airport name, Republic Field; Elev., 82'; Facility, DPK; Procedure No. VOR-1, Amdt. 1; Eff. date, 6 Feb. 69; Sup. Amdt. No. Orig. Dated, 29 Feb. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LAX VOR:
R 170°, LAX VOR CW	R 251°, LAX VOR	10-mile arc LAX, R 239° lead radial.	2000	Climb to 2000' via LAX R 068° to Firestone Int. Supplementary charting information: LAX VOR 4000' W of runways. TDZ elevation, 125'. Bearing and distance from LAX; VOR to Runway 7L, 061°—0.66 mile; Runway 7R, 071°—0.66 mile. Revise 1490' terrain at 3345/11819 to 1554' antenna.
R 046°, LAX VOR CCW	R 292°, LAX VOR	10-mile arc	4200	
R 292°, LAX VOR CCW	R 251°, LAX VOR	10-mile arc LAX, R 263° lead radial.	2000	
LAX R 251°/10 DME Fix	Del Rey VHF/DME Fix (NOPT)	Direct	1300	
LAX VOR	Del Rey VHF/DME Fix	Direct	2000	

Procedure turn S side of crs, 251° Outbnd, 071° Inbnd, 2000' within 10 miles of Del Rey Int.  
Final approach crs, 071°.  
Minimum altitude over Del Rey VHF/DME Fix, 1300'.  
MSA: 075°-255°-2600'; 255°-345°-5100'; 345°-075°-7200'.  
Notes: (1) ASR. (2) Sliding scale not authorized.  
% IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7L/R	560 MDA	RVR 40 VIS	435 HAA	560 MDA	RVR 40 VIS	435 HAA	560 MDA	RVR 40 VIS	435 HAA	560 MDA	RVR 50 VIS	435 HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.			T 2-eng. or less—Runway 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.			T over 2-eng.—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; LAX; Procedure No. VOR Runway 7L/R, Amdt. 1; Eff. date, 6 Feb. 69; Sup. Amdt. No. Orig.; Dated, 2 May 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Runways 25L and 25R, 5 miles after passing Freeway Int.
LAX VOR	Firestone Int	Direct	2500	Climb to 2000' direct to LAX VOR, then via LAX, R 246° within 15 miles. Supplementary charting information: Chart 2.5-mile DME R 068° at MAP. Chart Downey NDB though not used in procedure. Revise 1490' terrain at 3345/11819 to 1554' antenna. Final approach crs 350' right of Runway 25L centerline and 350' left of Runway 25R centerline at 3000'. TDZ elevation, 100'.
Seal Beach VOR	Firestone Int	Direct	3000	
Santa Ana VOR	Firestone Int	Direct	3000	
R 323°, LAX VOR CW	R 046°, LAX VOR	15-mile Arc	4300	
R 046°, LAX VOR CW	Firestone Int	16-mile arc LAX, R 069 lead radial.	2000	
R 123°, LAX VOR CCW	Firestone Int	16-mile arc LAX, R 077° lead radial.	2000	
Firestone Int	Freeway Int (NOPT)	Direct	2000	
Bassett Int	Firestone Int	Direct	2500	

Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 2500' within 10 miles of Freeway Int.  
FAF, Freeway Int. Final approach crs, 248°. Distance FAF to MAP, 5 miles.  
Minimum altitude over Freeway Int 2000'; over Noel Int, 820'.  
MSA: 075°-255°-2600'; 255°-345°-5100'; 345°-075°-7200'.  
Note: ASR.  
% IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25 L/R	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
Dual VOR or VOR/DME Minimums:												
S-25 L/R	520	RVR 24	420	520	RVR 24	420	520	RVR 24	420	520	RVR 50	420
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.			T 2-eng. or less—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.			T over 2-eng.—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, LAX; Procedure No. VOR Runway 25L/R, Amdt. 1; Eff. date, 6 Feb. 69; Sup. Amdt. No. Orig.; Dated, 2 May 68

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: SFO VOR.
From—	To—	Via		
OAK VOR.....	SFO VOR.....	Direct.....	3500	Climb to 1900' on SFO VOR, R 101° to SF LOM/Bridge Int., and hold. Supplementary charting information: Final approach crs parallel to and between Runway 10L/R. Chart 588' tree in lieu of 489' tree shown on present AL plate S of final approach crs approximately 2 miles E of Westlake Int. Chart holding at Bridge Int/SF LOM.
SFO VOR.....	Westlake Int.....	Direct.....	2500	
R 345°, SFO VOR CW.....	R 281°, SFO VOR.....	11-mile Arc SFO, R 291° lead radial.....	2500	
R 145°, SFO VOR CW.....	R 210°, SFO VOR.....	11-mile Arc.....	4500	
R 210°, SFO VOR CW.....	R 281°, SFO VOR.....	11-mile Arc SFO, R 271° lead radial.....	2500	
11-mile DME Arc.....	Westlake Int (NOPT).....	SFO, R 281°.....	1700	

Procedure turn S of crs, 281° Outbd, 101° Inbd, 2500' within 10 miles of Westlake Int.

Final approach crs, 101°

Minimum altitude over Westlake Int, 1700'; over Skyline 3-mile DME Fix, 1100'.

MSA: 000°-090°-4900'; 090°-180°-4300'; 180°-270°-3100'; 270°-360°-3700'.

NOTE: ASR.

@Circling not authorized S of Runways 10/28 unless following minimums are used: MDA, 1160' and VIS, 2½ miles.

%IFR departure procedures: Departures from Runway 19L/R require left turn be started as soon as practicable due to steeply rising terrain to 2000' immediately S of airport. All departures must comply with published SFO SIDs.

#RVR 18 authorized Runway 28L for Categories A, B, and C. RVR 20 authorized runway 28L for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@.....	1100	1½	1089	1100	1¼	1089	1100	2	1089	1100	2¼	1089
VOR/DME Minimums:												
C@.....	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@.....	840	1	829	840	1¼	829	840	1½	829	840	2	829
A.....	1200-3.			T 2-eng. or less—700-1, Runway 19L/R; Standard all other runways.%#			T over 2-eng.—700-1, Runway 19L/R; Standard all other runways.%#					

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 11'; Facility, SFO; Procedure No. VOR-10L/R, Amdt. 4; Eff. date, 6 Feb. 69; Sup. Amdt. No. 3; Dated; 9 Jan. 69

10. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

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

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

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: 4.7 miles after passing Trout Int.
From—	To—	Via		
Pike Int.....	Trout Int (NOPT).....	Direct.....	1500	Climb to 2000' on E crs of LAX ILS to Downey FM. Supplementary charting information: TDZ elevation, 125'.
Lima LOM (LA).....	Trout Int.....	Direct.....	2000	
LAX VOR.....	Trout Int.....	Direct.....	2000	

Procedure turn S side of crs, 248° Outbd, 068° Inbd, 2000' within 10 miles of Trout Int.

FAF, Trout Int. Final approach crs, 068°. Distance FAF to MAP, 4.7 miles.

Minimum altitude over Trout Int, 1500'.

NOTES: (1) ASR. (2) Sliding scale not authorized. (3) DME should not be used to determine aircraft position over runway threshold, or runway touchdown point.

%IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7L.....	460	RVR 40	335	460	RVR 40	335	460	RVR 40	335	460	RVR 50	335
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	640	1	514	640	1	514	640	1¼	514	680	2	554
A.....	Standard.			T 2-eng. or less—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVE 24'.%			T over 2-eng.—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-LAX; Procedure No. LOC (BC) Runway 7L, Amdt. 1; Eff. date, 6 Feb. 69; Sup. Amdt. No. Orig.; Dated, 2 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach			
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7 miles after passing Trout Int.			
Pike Int.	Trout Int (NOPT)	Direct	1500	Climb to 2000' on E crs of LAX ILS to			
LAX VOR	Trout Int.	Direct	2000	Downey FM.			
Lima LOM (LA)	Trout Int.	Direct	2000	Supplementary charting information: TDZ elevation, 124'. Correct shoreline plot on AL plate.			

Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 2000' within 10 miles of Trout Int.  
 FAF, Trout Int. Final approach crs, 068°, Distance FAF to MAP, 4.7 miles.  
 Minimum altitude over Trout Int, 1500'.

NOTE: (1) ASR. (2) Sliding scale not authorized. (3) DME should not be used to determine aircraft position over runway threshold, or runway touchdown point.  
 % IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7R	500	RVR 40	376	500	RVR 40	376	500	RVR 40	376	500	RVR 50	376
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.			T 2-eng. or less—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runways 25L/R, RVR 24'. %			T over 2-eng.—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'. %					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-LAX; Procedure No. LOC (BC) Runway 7R, Amdt. 1; Eff. date, 6 Feb. 69  
 Sup. Amdt. No. Orig.; Dated, 2 May 68

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

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

Terminal routes				Missed approach			
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.3 miles after passing Romeo LOM (OS).			
Los Angeles VOR	Romeo LOM (OS)	Direct	3500	Climb to 2000' on crs 248° within 15 miles of			
Santa Monica COR	Romeo LOM (OS)	Direct	3700	Romeo LOM (OS).			
Tower Int.	Romeo LOM (OS)	Direct	4000	Supplementary charting information:			
Bassett Int.	Downey NDB	Direct	3000	Chart 1554' antenna at 33°45'/118°19'.			
LaHabra Int.	Downey NDB	Direct	3000	TDZ elevation, 120'.			
SLI VOR	Downey NDB	Direct	3000				
Downey NDB	Romeo LOM (OS) (NOPT)	Direct	2200				

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 2500' within 10 miles of Romeo LOM (OS).  
 FAF, Romeo LOM (OS). Final approach crs, 248°. Distance FAF to MAP, 6.3 miles.  
 Minimum altitude over Romeo LOM (OS), 2200'; over Arbor Int, 780'.

MSA: 045°-135°-4800'; 135°-225°-2600'; 225°-315°-4800'; 315°-045°-9100'.

NOTES: (1) ASR. (2) Inoperative component table not applicable to HIRL or SALS Runway 24.

% IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	720	RVR 50	600	720	RVR 50	600	720	RVR 50	600	720	RVR 60	600
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	594	720	1	594	720	1½	594	720	2	594
	NDB (ADF)/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	640	RVR 50	520	640	RVR 50	520	640	RVR 50	520	640	RVR 60	520
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.			T 2-eng. or less—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'. %			T over 2-eng.—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'. %					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126' Facility, OS; Procedure No. NDB (ADF) Runway 24, Amdt. Orig.; Eff. date, 6 Feb. 69.

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 0.9 mile after passing PVC NDB.
Hyannis VOR	PVC NDB	Direct	1700	Make left-climbing turn to 1500'; return to PVC NDB and hold. Supplementary charting information: Hold W PVC NDB, 073° Inbnd, 1 minute, right turns, 353' Pilgrim Monument, 1.8 miles SSE of airport.
Duxbury Int.	PVC NDB	Direct	1500	

Procedure turn S side of crs, 253° Outbnd, 073° Inbnd, 1500' within 10 miles of PVC NDB.  
 FAF, PVC NDB. Final approach crs, 073°. Distance FAF to MAP, 0.9 mile.  
 Minimum altitudes over PVC NDB, 600'.  
 MSA: 000°-090°-1400'; 090°-180°-1400'; 180°-270°-1600'; 270°-360°-1600'.  
 NOTES: (1) Radar vectoring. (2) Use Otis approach control altimeter setting. (3) Facility must be monitored aurally during approach. (4) Approach from a holding pattern not authorized; procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	520	1	512	520	1	512	520	1 1/2	512	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Provincetown; State, Mass.; Airport name, Provincetown Municipal; Elev., 8'; Facility, PVC; Procedure No. NDB (ADF) Runway 7, Amdt. 2; Eff. date, 6 Feb. 63; Sup. Amdt. No. 1; Dated, 10 June 67

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Runways 25L and 25R: 5.4 miles after passing Lima LOM.
LAX VOR	Lima LOM (LA)	Direct	3000	Climb to 2000' on crs 243° within 15 miles of Lima LOM. Supplementary charting information: TDZ elevation, 100'. Final approach crs 350° right of Runway 25L centerline and 350° left of Runway 25R centerline at 3000'. Revise 1490' terrain at 33°45'/118°19' to 1554' antenna.
Downey FM/NDB	Lima LOM (LA) (NOPT)	Direct	2000	
SLI VOR	Downey FM/NDB	Direct	3000	
LaHabra Int.	Downey FM/NDB	Direct	3000	
Tower Int.	Lima LOM (LA)	Direct	4000	

Procedure turn S side of crs, 073° Outbnd, 253° Inbnd, 2500' within 10 miles of Lima LOM (LA).  
 FAF, Lima LOM (LA). Final approach crs, 243°. Distance FAF to MAP, 5.4 miles.  
 Minimum altitude over Lima, LOM (LA), 2000'.  
 MSA: 045°-135°-4800'; 135°-225°-2600'; 225°-315°-4800'; 315°-045°-9100'.  
 NOTE: ASR.  
 % IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25 L/R	660	RVR 40	560	660	RVR 40	560	660	RVR 40	560	660	RVR 50	560
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	534	660	1	534	660	1 1/2	534	630	2	554
A	Standard.			T 2-eng. or less—% Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.			T over 2-eng.—% Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 128'; Facility, LA; Procedure No. NDB (ADF) Runway 25L/R, Amdt. 23; Eff. date, 6 Feb. 63; Sup. Amdt. No. 23; Dated, 2 May 68

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.9 miles after passing UI LOM.
UIN VORTAC.....	UI LOM (NOPT).....	UIN R 021°, 2.6 miles.....	1900	Climb to 2300', make right turn to UI LOM. Supplementary charting information: TDZ elevation, 762'.

Procedure turn E side of crs, 215° Outbnd, 035° Inbnd, 2300' within 10 miles of UI LOM.  
FAF, UI LOM. Final approach crs, 035°. Distance FAF to MAP, 3.9 miles.  
Minimum altitude over UI LOM, 1900'.  
MSA: 030°-090°—2600'; 090°-180°—2200'; 180°-270°—2600'; 270°-360°—2600'.  
NOTE: Final approach from holding pattern not authorized; procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3.....	1120	1	358	1120	1	358	1120	1	358	1120	1	358
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1140	1	371	1220	1	451	1220	1½	451	1320	2	551
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Quincy; State, Ill.; Airport name, Quincy Municipal-Baldwin Field; Elev., 769'; Facility, UI; Procedure No. NDB (ADF) Runway 3, Amdt. 8; Eff. date, 6 Feb. 69; Sup. Amdt. No. 7; Dated, 6 June 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing RCT NDB.
HIC VOR.....	RCT NDB.....	Direct.....	2800	Right-climbing turn to 2600', proceed direct to RCT NDB and hold.* Supplementary charting information: *Hold S, 1 minute, right turn, 354° Inbnd. 1308' tower, 5000' SE of airport.
RCT VOR.....	RCT NDB.....	Direct.....	2600	

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2600' within 10 miles of RCT NDB.  
FAF, RCT NDB. Final approach crs, 174°. Distance FAF to MAP, 3.1 miles.  
Minimum altitude over RCT NDB, 1900'.  
MSA: 045°-135°—2700'; 135°-315°—2500'; 315°-045°—4000'.  
NOTE: Use Traverse City, Mich., altimeter setting.  
% Departures Runway 17, climb to 1600' on runway heading before proceeding on crs.  
# Air carrier reduction not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-17.....	1740	1	685	1740	1	685	1740	1	685	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	1840	1	785	1840	1	785	1840	1½	785	NA
A.....	Not authorized.			T 2-eng. or less—Standard Runway 35; Runways 8, 17, and 26.%#			T over 2-eng.—Standard Runway 35; Runways 8, 17, and 26.%#			

City, Reed City; State, Mich.; Airport name, Miller; Elev., 1055'; Facility, RCT; Procedure No. NDB (ADF) Runway 17, Amdt. 2; Eff. date, 6 Feb. 69; Sup. Amdt. No. 1; Dated, 12 Dec. 68

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

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: 5.9 miles after passing Van Dyke LOM.
From—	To—	Via		
PIE VORTAC	Van Dyke LOM	Direct	1700	Climbing right turn to 1700' direct to PIE VORTAC via PIE VORTAC R 065° or, when directed by ATC, climb to 2000' direct to Picnic NDB. Supplementary charting information: 210' tower, 0.5 mile W of Runway 36L. TDZ elevation, 26'.
Picnic NDB	Van Dyke LOM	Direct	1700	

Procedure turn W side of crs, 001° Outbnd, 181° Inbnd, 1700' within 10 miles of Van Dyke LOM. FAF, Van Dyke LOM. Final approach crs, 181°. Distance FAF to MAP, 5.9 miles. Minimum altitude over Van Dyke LOM, 1700'. MSA: 090°-090°-1600'; 090°-180°-2500'; 180°-270°-1500'; 270°-360°-1500'.

NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18L	580	RVR 40	554	580	RVR 40	554	580	RVR 40	554	580	RVR 60	554
C	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	553	580	1	553	580	1½	553	580	2	553
A	Standard.			T 2-eng. or less—Runway 18L, RVR 24'; Standard all other runways.			T OVER 2 eng—Runway 18L, RVR 24'; Standard all other runways.					

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27'; Facility, TP; Procedure No. NDB (ADF) Runway 18L, Amdt. 24; Eff. date, 6 Feb. 69; Sup. Amdt. No. 23; Dated, 31 Oct. 68

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: ILS DH, 370'; LOC 6.3 miles after passing Romeo LOM/Int.
From—	To—	Via		
LAX VOR	Romeo LOM/Int.	Direct	3500	Initiate immediate climb on localizer crs to 500'; turn right, continue climb to 4000' via 265° heading and LAX R 276° to Popanga Int. Supplementary Charting Information: TDZ elevation, 120'.
SLI VOR	Commerce Int.	Direct	3000	
Royal Int.	Commerce Int.	Direct	3500	
El Monte Int.	Commerce Int.	SLI R 340° and I-OSS E crs	3500	
Commerce Int.	Romeo LOM/Int (NOPT)	Direct	2200	
SMO VOR	Romeo LOM/Int.	Direct	3500	

Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 2500' within 10 miles of Romeo LOM/Int. FAF, Romeo LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 6.3 miles. Minimum altitude over Romeo LOM/Int., 2200'; over Arbor Int., 780'. Minimum glide slope interception altitude, \*\*2500'. Glide slope altitude at OM, 2196'; at MM, 317'. Distance to runway threshold at OM, 6.3 miles; at MM, 0.5 mile. MSA: 045°-135°-4800'; 135°-225°-2600'; 225°-315°-4800'; 315°-045°-9100'.

NOTES: (1) ASR. (2) Components inoperative table does not apply to HIRLS or SALS Runway 24. (3) During simultaneous approaches (LAX Runway 24 and HHR Runway 25), aircraft must be radar vectored to FAF (Romeo LOM/Int.). (4) Back crs unusable. (5) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.

%IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC; published SIDs must be used. \*\*2200' when authorized by ATC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-24	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	640	RVR 50	520	640	RVR 50	520	640	RVR 50	520	640	RVR 60	520
LOC/VOR Minimums:												
S-24	500	RVR 50	380	500	RVR 50	380	500	RVR 50	380	500	RVR 50	380
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	630	2	554
A	Standard.			T 2-eng. or less—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.			T over 2-eng.—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 128'; Facility, I-OSS; Procedure No. ILS Runway 24, Amdt. 1; Eff. date, 6 Feb. 69; Sup. Amdt. No. Orig.; Dated, 2 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: ILS DH, 300'; LOC 5.4 miles after passing Lima LOM/Int.
From—	To—	Via		
Walnut Int.	Bassett Int.	Direct	3500	Initiate immediate climb on localizer crs to 500', turn left, continue climb to 3000' via 220° heading and LAX R 192° to Kingfish Int. Supplementary charting information: 3500 Chart Downey NDB although not used in procedure. Chart 1554' antenna at 33°44'46"/118°20'07". TDZ elevation, 100'.
Bassett Int.	Downey FM/Int.	Direct	3500	
LaHabra Int.	Bassett Int.	DR 293°/5 miles and E crs LOC.	3500	
SLI VOR	Downey FM/Int.	Direct	3500	
Downey FM/Int.	Century Int.	Direct	3500	
LAX VOR	Lima LOM/Int.	Direct	3500	
Tower Int.	Lima LOM/Int.	Direct	4000	
Century Int.	Lima LOM/Int. (NOPT)	Direct	1900	
Lima LOM/Int.	Century Int.	Direct	3500	

Procedure turn S side of crs, 063° Outbnd, 248° Inbnd, 3500' within 10 miles of Century Int.  
FAF, Lima LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 5.4 miles.  
Minimum altitude over Century Int., 3500'; over Lima LOM/Int., 1900'; over Whelan Int., 820'.  
Minimum glide slope interception altitude, \*3500'. Glide slope altitude at OM, 1886'; at MM, 324'.  
Distance to runway threshold at OM, 5.4 miles; at MM, 0.5 mile.  
MSA: 045°-135°-4800'; 135°-225°-2600'; 225°-315°-4800'; 315°-045°-9100'.

NOTES: (1) ASR. (2) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.  
% IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.  
\*1900' when authorized by ATC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-25L	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25L	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
LOC/VOR Minimums:												
S-25L	460	RVR 24	360	460	RVR 24	360	460	RVR 24	360	460	RVR 40	360
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.			T 2-eng. or less—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.			T over 2-eng.—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-LAX; Procedure No. ILS Runway 25L, Amdt. 32; Eff. date, 6 Feb. 69; Sup. Amdt. No. 31; Dated, 2 May 68

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: ILS DH, 300'; LOC 5.4 miles after passing Lima LOM/Int.
From—	To—	Via		
Walnut Int.	Bassett Int.	Direct	3500	Initiate immediate climb on localizer crs to 500', turn left, continue climb to 3000' via 220° heading and LAX R 192° to Kingfish Int. Supplementary charting information: 1900 Chart Downey NDB although not used in procedure. Chart 1554' antenna at 33°44'46"/118°20'07". TDZ elevation, 100'.
Bassett Int.	Downey FM/Int.	Direct	3500	
LaHabra Int.	Bassett Int.	DR 293°/5 miles and E crs LOC.	3500	
SLI VOR	Downey FM/Int.	Direct	3500	
Century Int.	Lima LOM/Int. (NOPT)	Direct	1900	
Tower Int.	Lima LOM/Int.	Direct	4000	
Downey FM/Int.	Century Int.	Direct	3500	
LAX VOR	Lima LOM/Int.	Direct	3500	
Lima LOM/Int.	Century Int.	Direct	3500	

Procedure turn S side of crs, 063° Outbnd, 248° Inbnd, 3500' within 10 miles of Century Int.  
FAF Lima LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 5.4 miles.  
Minimum altitude over Century Int., 3500'; over Lima LOM/Int., 1900'; over Lake Int., 800'.  
Minimum glide slope interception altitude, \*3500'. Glide slope altitude at OM, 1886'; at MM, 324'.  
Distance to runway threshold at OM, 5.4 miles; at MM, 0.5 mile.  
MSA: 045°-135°-4800'; 135°-225°-2600'; 225°-315°-4800'; 315°-045°-9100'.

NOTES: (1) ASR. (2) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.  
% IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.  
\*1900' when authorized by ATC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-25R	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25R	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520
LOC/VOR minimums:												
S-25R	460	RVR 24	360	460	RVR 24	360	460	RVR 24	360	460	RVR 40	360
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.			T 2-eng. or less—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.			T over 2-eng.—Runways 16/34 and 6 Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-LAX; Procedure No. ILS Runway 25R, Amdt. 9; Eff. date, 6 Feb. 69; Sup. Amdt. No. 8; Dated, 2 May 68

**RULES AND REGULATIONS**

**STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued**

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 370'; LOC 6.3 miles after passing Romeo LOM/Int.
RUNWAY 24				Initiate immediate climb on localizer crs to 500'; turn right, continue climb to 4000' via 265° heading and LAX R 276° to Topanga Int. Supplementary charting information: TDZ elevation, 120'.
RUNWAY 25L: Century Int.	Lima LOM/Int.	Direct	1900	MAP: ILS DH 300'. LOC 5.4 miles after passing Lima LOM/Int. Initiate immediate climb on localizer crs to 500', turn left, continue climb to 3000' via 220° heading and LAX R 192° to Kingfish Int. Supplementary charting information: TDZ elevation, 100'.

**RUNWAY 24:**  
Procedure turn not authorized. Approach crs (profile) starts at Romeo LOM/Int. FAF, Romeo LOM/Int. Final approach crs, 243°. Distance FAF to MAP, 6.3 miles. Minimum altitude over Romeo LOM/Int, 2200'; over Arbor Int, 780'. Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2196'; at MM, 317'. Distance to runway threshold at OM, 6.3 miles; at MM, 0.5 mile.

**RUNWAY 25L:**  
Procedure turn not authorized. Approach crs (profile) starts at Century Int. FAF, Lima LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 5.4 miles. Minimum altitude over Century Int, 3500'; over Lima LOM/Int, 1900'; over Whelan Int, 820'. Minimum glide slope interception altitude, 3500'. Glide slope altitude at OM, 1886'; at MM, 324'. Distance to runway threshold at OM, 5.4 miles; at MM, 0.5 mile.

**NOTES:**

- ASR.
  - Radar required.
  - Use of this procedure is mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC or ADF and localizer receivers are operating simultaneously.
  - When any required airborne receivers in note (3) are malfunctioning or a parallel approach is not desired, immediate notification of Los Angeles approach control is mandatory.
  - When advised that parallel operations are in progress, the pilot will be prepared to accept or reject an approach to either Runway 25L or Runway 24.
  - Components inoperative table does not apply to HIRL of SALS Runway 24.
  - DMB should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
- %IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.

**DAY AND NIGHT MINIMUMS**

Cond.	A			B			C			D			
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	
Runway 24:													
S-24	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-24	640	RVR 50	520	640	RVR 50	520	640	RVR 50	520	640	RVR 60	520	
LOC/VOR Minimums:													
S-24	500	RVR 50	380	500	RVR 50	380	500	RVR 50	380	500	RVR 50	380	
Runway 25L:													
S-25L	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	
S-25L	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	300	RVR 24	200	
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-25L	620	RVR 24	520	620	RVR 24	520	620	RVR 24	520	620	RVR 50	520	
LOC/VOR Minimums:													
S-25L	460	RVR 24	360	460	RVR 24	360	460	RVR 24	360	460	RVR 40	360	
A	Standard.		T 2-eng. or less—%Runways 16/34 and 6, Standard; Runway 7L/R, RVR 50'; Runway 24 RVR 40'; Runway 25L/R, RVR 24'.						T over 2-eng.—%Runways 16/34 and 6, Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.				

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Runway 24, I-OSS; Runway 25L, I-LAX; Procedure No. Parallel ILS Runways 25L/24, Amdt. 1; Eff. date, 6 Feb. 68; Sup. Amdt. No. Orig.; Dated, 2 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1046'; LOC 5.7 miles after passing OS LOM.
OSH VOR.....	OS LOM.....	Direct.....	2600	Climb to 2600' on E crs of ILS within 10 miles, return to LOM. When directed by ATC, make right-climbing turn to 2600' on R 165° OSH VOR within 10 miles, return to LOM. Supplementary charting information: Runway 9, TDZ Elevation 796'.

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2600' within 10 miles of OS LOM.  
FAF, OS LOM. Final approach crs, 089°. Distance FAF to MAP, 5.7 miles.  
Minimum glide slope interception altitude, 2600'. Glide slope altitude at OM, 2498'; at MM, 1001'.  
Distance to runway threshold at OM, 5.7 miles; at MM, 0.6 mile.  
MSA: 000°-180°-2700'; 180°-360°-2400'.

NOTES: (1) Radar vectoring. (2) Runways 4/22 and 13/31 unlighted. (3) No approach lights. (4) Use Green Bay altimeter setting when OSH control zone not effective. (5) Circling and straight-in LOC MDA and ILS DH increased 160' when OSH control zone not effective. (6) Alternate minimums not authorized when OSH control zone not effective except for operators with approved weather reporting service. (7) Inoperative component table does not apply to REIL.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-0.....	1046	¾	250	1046	¾	250	1046	¾	250	1046	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-0.....	1160	¾	364	1160	¾	364	1160	¾	364	1160	1	364
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1220	1	415	1260	1	455	1260	1½	455	1360	2	555
A.....	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev. 805'; Facility, I-OSH; Procedure No. ILS Runway 9, Amdt. 11; Eff. date, 6 Feb. 69; Sup. Amdt. No. 10; Dated, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1012'. LOC, 3.9 miles after passing UI LOM.
R 082°, UIN VORTAC CW.....	UIN LOC.....	7-mile arc UIN, R 205° lead radial.	2500	Climb to 2300', make right turn to UI LOM.
R 281°, UIN VORTAC CCW.....	UIN LOC.....	7-mile arc UIN, R 235° lead radial.	2500	Supplementary charting information: TDZ elevation, 762'.
UIN VORTAC.....	UI LOM (NOPT).....	UIN, R 021°, 2.6 miles.....	1900	
7-mile DME ARC.....	UI LOM (NOPT).....	LOC crs.....	1900	

Procedure turn E side of crs, 215° Outbnd, 035° Inbnd, 2300' within 10 miles of UI LOM.  
FAF, UI LOM. Final approach crs, 035°. Distance FAF to MAP, 3.9 miles.  
Minimum glide slope interception altitude, 1900'. Glide slope altitude at OM, 1830'; at MM, 952'.  
Distance to runway threshold at OM, 3.9 miles; at MM, 0.6 mile.  
MSA: 000°-090°-2600'; 090°-180°-2200'; 180°-270°-2600'; 270°-360°-2600'.

NOTES: (1) Inoperative table does not apply to HIRL Runway 3. (2) Final approach from holding pattern not authorized; procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-3.....	1012	¾	250	1012	¾	250	1012	¾	250	1012	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3.....	1080	1	318	1080	1	318	1080	1	318	1080	1	318
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1140	1	371	1220	1	451	1220	1½	451	1320	2	551
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Quincy; State, Ill.; Airport name, Quincy Municipal-Baldwin Field; Elev., 769'; Facility, I-UIN; Procedure No. ILS Runway 3, Amdt. 8; Eff. date, 6 Feb. 69; Sup. Amdt. No. 7; Dated, 6 June 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: DH 259'. LOC 4.5 miles after passing Oyster Int.
From—	To—	Via—		
Pittsburg Int.-----	Concord VOR-----	Direct-----	4000	Climb straight ahead to 311', then a climb ing left turn to 1900' to intercept and proceed via SFO VOR, R 101° or E crs I-SFO localizer to Bridge Int (or SF LOM) and hold. Supplementary charting information: Chart holding at Bridge Int/SF LOM. Chart SFO VOR on profile view with distance from LMM. Chart 538' tree in lieu of 459' tree shown on present AL plate on SFO R 231° approximately 2 miles E of Westlake Int. TDZ Elevation, 9'.
Concord VOR-----	Berkeley Int.-----	Direct-----	4000	
R 320°, SFO VOR CW-----	R 011°, SFO VOR-----	17-mile Arc SFO, R 004° lead radial.	4000	
R 080°, SFO VOR CCW-----	R 011°, SFO VOR-----	17-mile Arc SFO, R 018° lead radial.	4000	
Berkeley Int.-----	South Shore Int.-----	Direct-----	2500	
South Shore Int.-----	Oyster Int.-----	Direct-----	1600	

Procedure turn not authorized.  
 Approach crs (profile) starts at Berkeley Int.  
 FAF, Oyster Int. Final approach crs, 191°. Distance FAF to MAP, 4.5 miles.  
 Minimum altitude over Berkeley Int, 4000'; over South Shore Int, 2500'.  
 Minimum glide slope interception altitude, 1600'. Glide slope altitude at Oyster Int, 1580'; at MM, 235'.  
 Distance to runway threshold at Oyster Int, 5.1 miles; at MM, 0.6 mile.  
 Note: ASR.  
 @ Circling not authorized S of Runways 10/28 unless following minimums are used: MDA, 1160' and VIS, 2½ miles.  
 %IFR departure procedures: Departures from Runway 19L/R require left turn be started as soon as practicable due to steeply rising terrain to 2000' immediately S of airport.  
 All departures must comply with published SFO SIDs.  
 #RVR 18 authorized Runway 28L for Categories A, B, and C. RVR 20 authorized Runway 28L for Category D.  
 \*Inoperative table does not apply to HIRL and SALS Runway 19L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D			
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	
S-19L*-----	259	¾	250	259	¾	250	259	¾	250	259	¾	250	
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-19L*-----	300	1	291	300	1	291	300	1	291	300	1	291	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C@-----	560	1	549	560	1	549	660	1½	649	660	2	649	
A-----	700-2	T 2-eng. or less—700-1 Runway 19L/R; % Standard all other runways.#						T over 2-eng.—700-1 Runway 19L/R; % Standard all other runways.#					

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 11'; Facility, I-SIA; Procedure No. ILS Runway 19L, Amdt. 2; Eff. date, 6 Feb. 69; Sup. Amdt. No. 1; Dated, 9 Jan. 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Alexandria (England AFB) ASR minimum altitude vectoring chart (1700').										1. Aircraft on vector to FAF at 5-mile radius of Alexandria-Pineville Airport in sector from 180° clockwise to 020° from Alexandria-Pineville Airport. 2. Descend aircraft to MDA after FAF (5-mile radius of Alexandria-Pineville Airport).

Missed approach: Climb to 1700', right or left turn as appropriate direct ESF VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C-----	740	1	640	740	1	640	740	1½	640	NA
A-----	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Alexandria; State, La.; Airport name, Alexandria-Pineville; Elev., 100'; Facility, Alexandria Radar; Procedure No. Radar-1, Amdt. Orig.; Eff. date, 6 Feb. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)												Notes
From—	To—	Distance	Altitude									
As established by Alexandria (England AFB) ASR minimum altitude vectoring chart (1700').												Descend aircraft to MDA after FAF at 5-mile radius of Esler Field.

Missed approach: Climb to 1700', right or left turn as appropriate direct to EBF VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	540	1	432	560	1	452	560	1½	452	660	2	552
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108'; Facility, Alexandria Radar; Procedure No. Radar-1, Amdt. Orig.; Eff. date, 6 Feb. 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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

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

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)												Notes
From—	To—	Dis- tance	Alti- tude									
As established by Los Angeles ASR minimum altitude vectoring charts.												1. Descend aircraft after passing FAF. 2. Runway 24—FAF 6.3 miles from threshold. Minimum altitude over 2-mile Radar Fix, 760'. TDZ elevation, 120'. 3. Runway 25L—FAF 5.4 miles from threshold. Minimum altitude over 1.9-mile Radar Fix 620'. TDZ elevation, 100'. 4. Runway 7R—FAF 6 miles from threshold. TDZ elevation, 124'. 5. Runway 6—FAF 6 miles from threshold. TDZ elevation, 110'.

IFR departure procedures: Northbound (280° clockwise through 060°) unless otherwise directed by ATC, published SIDs must be used.

Missed approach:

Runway 24—Climb on heading 250° to intercept LAX, R 276° to 2000' within 15 miles.

Runway 25L—Climb to 2000' direct to LAX VOR then via R 248° within 15 miles.

Runway 7R—Climb to 2000' direct to Downey NDB. Alternate missed approach: Climb to 2000' via LAX R 068° to Firestone Int.

Runway 6—Climb to 2000' direct to Downey NDB. Alternate missed approach: Climb to 2000' via LAX R 068° to Firestone Int.

NOTE: Components inoperative table does not apply to HIRLs and SALs Runway 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
ASR:												
S-25L.....	520	RVR 40	420	520	RVR 40	420	520	RVR 40	420	520	RVR 40	420
S-24.....	560	RVR 50	440	560	RVR 50	440	560	RVR 50	440	560	RVR 50	440
S-7R.....	600	RVR 40	476	600	RVR 40	476	600	RVR 40	476	600	RVR 40	476
S-6.....	560	RVR 50	450	560	RVR 50	450	560	RVR 50	450	560	RVR 50	450
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	640	1	514	640	1	514	640	1½	514	680	2	554
A.....	Standard.			T 2-eng. or less—Runways 16/34 and 6, Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.			T over 2-eng.—Runways 16/34 and 6, Standard; Runway 7L/R, RVR 50'; Runway 24, RVR 40'; Runway 25L/R, RVR 24'.					

City, Los Angeles; State, Calif; Airport name, Los Angeles International; Elev., 126'; Facility, LAX Radar; Procedure No. Radar-1, Amdt. 22; Eff. date, 6 Feb. 69; Sup. Amdt. No. 21, Dated, 2 May 68

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on January 3, 1969.

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

[F.R. Doc. 69-308; Filed, Jan. 23, 1969; 8:45 a.m.]

## Title 7—AGRICULTURE

### Subtitle A—Office of the Secretary of Agriculture

[Amdt. 23]

#### PART 5—DETERMINATION OF PARITY PRICES

##### Temples

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761, as amended; 7 CFR 5.1-5.6) are amended as hereinafter specified, effective January 30, 1969, in order to designate Temples as a separate commodity for the purposes of parity price calculations. Concurrent with this change the parity price for oranges will represent oranges excluding Temples, whereas formerly it represented oranges including Temples. Marketing season average prices will be used for the purpose of calculating adjusted base prices for these commodities since it is not practicable to determine the average prices received by farmers for these commodities on a calendar year basis.

1. In § 5.2, the paragraph under the centerhead "Citrus Fruit" is amended to read as follows:

##### § 5.2 Marketing season average price data.

\* \* \* \* \*

CITRUS FRUIT

Grapefruit; lemons; limes; oranges; tangerines; and Temples.

\* \* \* \* \*

2. In § 5.4, the paragraph under the centerhead "Citrus Fruit" is amended to read as follows:

##### § 5.4 Commodities for which parity prices shall be calculated.

\* \* \* \* \*

CITRUS FRUIT

Grapefruit; lemons; limes; oranges; tangerines; and Temples.

\* \* \* \* \*

(Sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C., this 17th day of January 1969.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 69-964; Filed, Jan. 23, 1969; 8:50 a.m.]

#### PART 15—NONDISCRIMINATION

##### Subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964

###### SUPPLEMENT TO APPENDIX

The appendix to Subpart A, Part 15, Subtitle A, Title 7, CFR, is hereby amended by adding the following Supplement No. 4 thereto:

##### SUPPLEMENT No. 4. PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF AGRICULTURE COVERED BY TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

1. The listing in the appendix of "Food Stamp Program, section 32 of the Act of August 24, 1935, 7 U.S.C. 612c, Food Stamp Act of 1964; 78 Stat. 703." is amended to read "Food Stamp Act of 1964, 78 Stat. 703, as amended by Public Law 90-91, 81 Stat. 228 and Public Law 90-552, 82 Stat. 958, 7 U.S.C. 2011 et seq."

2. Direct Recreation Loans, and Insured Recreation Loans made out of the Agricultural Credit Insurance Fund, to individual farmowners or tenants to finance outdoor recreational enterprises or convert to recreational uses their farming or ranching operations, under section 304 of the Consolidated Farmers Home Administration Act of 1961, 7 U.S.C. 1924, as amended by Public Law 90-488, sec. 2.

3. Direct Recreation Loans to individual farmers or ranchers to finance outdoor recreational enterprises or convert to recreational uses their farming or ranching operations, under section 312 of the Consolidated Farmers Home Administration Act of 1961, 7 U.S.C. 1942, as amended by Public Law 90-488, sec. 3.

4. Financial assistance to States and their political subdivisions to provide housing and related facilities for rural trainees under section 522 of the Housing Act of 1949, 42 U.S.C. 1490b, as amended by Public Law 90-448, sec. 1002.

5. Financial assistance to approved public or private nonprofit organizations to assist in providing mutual and self-help housing for needy low-income individuals and families, under section 523(b)(1)(A) of the Housing Act of 1949, 42 U.S.C. 1490c, as amended by Public Law 90-448, sec. 1005.

6. Direct loans to public or private nonprofit organizations to acquire and develop land as building sites, to be subdivided and sold to families and other eligible parties, under section 523(b)(1)(B) of the Housing Act of 1949, 42 U.S.C. 1490c, as amended by Public Law 90-448, sec. 1005.

7. Assistance under the Federal Meat Inspection Act, 34 Stat. 1260, as amended by Public Law 90-492, 82 Stat. 791, 21 U.S.C. 601 et seq.

8. Assistance under the Poultry Products Inspection Act, 71 Stat. 441, as amended by Public Law 90-492, 82 Stat. 791; 21 U.S.C. 451 et seq.

(Sec. 602, 78 Stat. 252, 42 U.S.C. 2000d; sec. 15.1(b), Subpart A, Part 15, Subtitle A, Title 7, CFR; letter of March 25, 1968, Attorney General to General Counsel, Department of Agriculture)

Dated: January 17, 1969.

ORVILLE L. FREEMAN,  
Secretary of Agriculture.

[F.R. Doc. 69-965; Filed, Jan. 23, 1969; 8:50 a.m.]

#### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

##### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Farm Storage and Drying Equipment Loan Program Regs., Amdt. 3]

#### PART 1474—FARM STORAGE FACILITIES

##### Subpart—Farm Storage and Drying Equipment Loan Program Regulations

The subpart of Part 1474, Title 7, Code of Federal Regulations, published in the

FEDERAL REGISTER of July 1, 1967 (32 F.R. 9510), and amended in the FEDERAL REGISTER of December 14, 1967 (32 F.R. 17888), and is corrected in the FEDERAL REGISTER of December 28, 1967 (32 F.R. 20839), and amended in the FEDERAL REGISTER of June 1, 1968 (33 F.R. 8221), is further amended as follows:

In § 1474.4 paragraph (b) is amended to revise and clarify the manner in which drying needs are determined. The amended paragraph reads as follows:

##### § 1474.4 Eligible borrowers.

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of eligible commodities produced on the farm(s) to which the loan application relates: *Provided*, however, that in making this determination; (1) production shall not be included from any acreage devoted to commodities subject to voluntary adjustment programs if the applicant fails to indicate an intention to participate in such programs, (2) not more than one year's estimated production of eligible crops shall be used in determining whether the proposed drying equipment is needed, and (3) the maximum storage space on which a loan may be made shall be the amount by which the total capacity of existing storage on the farm(s) which is suitable for the storage of eligible commodities is less than the storage capacity necessary to store 2 years' (in the case of sunflower seed 1 year's) production (computed on the basis of estimated yields) of all eligible commodities produced on the farm(s) to which the loan application relates. A loan for obtaining farm storage of a greater capacity than the storage space needed by the applicant may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8(b).

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

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

Signed at Washington, D.C., on January 16, 1969..

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 69-962; Filed, Jan. 23, 1969; 8:50 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-33]

#### PART 16—LIQUIDATION OF DUTIES Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the month of December 1968 for products

of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations, amended.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of December 1968, of approved fruit products and other approved products containing sugar amounts to Australian \$103.50 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian \$103.50 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 68-238 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,  
*Acting Commissioner of Customs.*

Approved: January 14, 1969.

JOSEPH M. BOWMAN,  
*Assistant Secretary  
of the Treasury.*

[F.R. Doc. 69-991; Filed, Jan. 23, 1969;  
8:52 a.m.]

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State

#### SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Dept. Reg. 108.600]

#### PART 123—LICENSING CONTROLS

#### PART 124—LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

##### Miscellaneous Amendments

Parts 123 and 124 of Title 22 of the Code of Federal Regulations are amended as set forth below.

1. In Part 123, § 123.21 is amended by adding new paragraphs (d) and (e) to read as follows:

#### § 123.21 Country of ultimate destination.

(d) Applications for export (form DSP-5) of significant combat equipment\* (and letter applications in cases of significant classified combat equipment) submitted to the Office of Munitions Control shall be accompanied by a "Consignee-Purchaser Transaction Statement" (form DSP-83) which must be submitted by the foreign importer to the U.S. applicant for export license. The transaction statement shall provide that, except as specifically authorized by prior written approval of the Department of State, the ultimate consignee (and purchaser if not the same as the ultimate consignee) will not reexport, resell or otherwise dispose of the articles enumerated in the application outside the country named as the location of the ultimate consignee. The Office of Munitions Control reserves the right to require a Consignee-Purchaser Transaction Statement with respect to the export of any U.S. Munitions List article.

(e) In applications for export where a Consignee-Purchaser Transaction Statement is required and where both the ultimate consignee and the purchaser are nongovernmental entities, the Department of State may require a Non-Retransfer Assurance (form DSP-83, Item 8) from the appropriate authority of the foreign importer's government. The Non-Retransfer Assurance shall provide that the foreign importer's government undertakes not to authorize the reexport, resale or other disposition of the articles enumerated in the application without obtaining the prior written consent of the U.S. Government.

2. In Part 124, § 124.04 is amended by adding new subparagraphs (7) and (8) to paragraph (a) reading as follows:

#### § 124.04 Required information in agreements.

(a) \* \* \*

(7) With respect to all manufacturing license agreements, a statement that "no export, sale, transfer, or other disposition of the licensed article is authorized to any country outside the territory wherein manufacture or sale is herein licensed without the prior written approval of the U.S. Government".

(8) With respect to manufacturing license agreements for significant combat

\* Significant combat equipment shall include the articles (not including technical data) enumerated in categories I (a), (b), and (c) (in quantity); II (a) and (b); III(a) (excluding ammunition for firearms in category I); IV (a), (c), and (d); V(b) (in quantity); VI(a) (limited to combatant vessels as defined in § 121.12(a)), (b) (inclusive only of turrets and gun mounts, missile systems, and special weapons systems) and (e); VII (a), (b), (c), and (f); VIII (a), (b), (c), GEMS as defined in (k), and inertial systems as defined in I; XII(a); XIV (a), (b), (c), and (d); XVI; and XVII.

equipment,\* the Department may require that the prospective foreign licensee furnish an "Nth Country Control Statement" (form DSP-83a) to the Office of Munitions Control. The Nth Country Control Statement shall provide that the licensee agrees to ensure that any contract or other transfer arrangement with a recipient of the licensed article in any country within the licensed sales territory will include the following provision: "The recipient shall obtain the approval of the U.S. Government prior to entering into a commitment for the transfer of the licensed article by sale or otherwise to another recipient in the same or any other country in the world".

(i) At the option of the parties, the obligation on the licensee as provided in the Nth Country Control Statement (form DSP-83a) may be included in the manufacturing license agreement.

(ii) The Office of Munitions Control reserves the right to require an Nth Country Control Statement (form DSP-83a) or a similar undertaking in the license agreement, at the option of the parties, in connection with the foreign manufacture of any U.S. Munitions List article.

\* \* \* \* \*  
*Effective Date.* These amendments are effective upon publication in the FEDERAL REGISTER.

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 3 C.F.R. 1959-1963 Comp.; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; Re-delegation of Authority No. 104-3-A, 28 F.R. 7231)

Dated: January 14, 1969.

[SEAL] DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 69-972; Filed, Jan. 23, 1969;  
8:51 a.m.]

## Title 30—MINERAL RESOURCES

### Chapter I—Bureau of Mines, Department of the Interior

#### SUBCHAPTER I—INTERPRETATIONS

#### PART 45—INTERPRETATIONS: TITLE II, FEDERAL COAL MINE SAFETY ACT OF 1952

##### Miscellaneous Amendments

Sections 45.1 through 45.44-5, inclusive, of Part 45, title 30, are revoked and

\* Significant combat equipment shall include the articles enumerated in categories I (a), (b) and (c) (in quantity); II (a) and (b); III(a) (excluding ammunition for firearms in category I); IV (a), (c) and (d); V(b) (in quantity); VI (a) (limited to combatant vessels as defined in § 121.12(a)), (b) (inclusive only of turrets and gun mounts, missile systems, and special weapons systems) and (e); VII (a), (b), (c) and (f); VIII (a), (b), (c), GEMS as defined in (k), and inertial systems as defined in (1); XII(a); XIV (a), (b), (c) and (d); XVI; and XVII.

there is inserted the following new sections immediately preceding §§ 45.46 through 45.52-1. The following amended interpretations are adopted for the guidance of coal mine operators, their employees, and the public to provide uniformity in the administration of the Federal Coal Mine Safety Act, as amended (30 U.S.C. secs. 471-483) and to provide guidance to them on how certain provisions of the Act will be applied by the Director of the Bureau of Mines and his authorized representatives in achieving the objectives of the Act. The interpretations in this subchapter pertain only to particular sections of the Act. Additional interpretations may be issued from time to time. For convenience, each section of the Act is given first and is followed by the interpretations of such section.

- Sec.  
45.1 Statutory provisions (sec. 201(a)(7)).  
45.1-1 Underground connections.  
45.1-2 Shafts and slopes.  
45.2 Statutory provisions (sec. 202(a)).  
45.2-1 Inspections.  
45.3 Statutory provisions (sec. 203(a)(1)).  
45.3-1 Mine explosion—mine fire.  
45.3-2 Drop-bottom cars used for man trips.  
45.4 Statutory provisions (sec. 203(d)(1)).  
45.4-1 Reinspection.  
45.5 Statutory provisions (sec. 203(h)).  
45.5-1 Notices of findings.  
45.6 Statutory provisions (sec. 209(c)).  
45.6-1 Roof control program.  
45.7 Statutory provisions (sec. 209(d)(1)).  
45.7-1 Active underground working places.  
45.8 Statutory provisions (sec. 209(d)(2)).  
45.8-1 Ventilation—underground working face.  
45.9 Statutory provisions (sec. 209(d)(3)).  
45.9-1 Ventilation—split of air.  
45.10 Statutory provisions (sec. 209(d)(5)).  
45.10-1 Abandoned areas.  
45.10-2 Reasonable time.  
45.10-3 Tests for methane.  
45.11 Statutory provisions (sec. 209(d)(6)).  
45.11-1 Air used to ventilate a pillar line.  
45.11-2 Air currents.  
45.11-3 Inaccessible.  
45.12 Statutory provisions (sec. 209(d)(7)).  
45.12-1 Coal-producing shift.  
45.12-2 Roadways.  
45.12-3 Examinations prior to a non-coal-producing shift.  
45.12-4 Use of anemometer.  
45.12-5 Placing of initials and date after examination.  
45.13 Statutory provisions (sec. 209(d)(9)).  
45.13-1 Hazards.  
45.13-2 Frequent examinations.  
45.14 Statutory provisions (sec. 209(e)(1)).  
45.14-1 Accumulations of combustible material.  
45.36 Statutory provisions (sec. 209(e)(4)).  
45.36-1 Rock-dusting back entries.  
45.40 Statutory provisions (sec. 209(e)(5)).  
45.40-1 Increase of rock-dusting due to methane.  
45.40-2 Application of rock dust wet.  
45.44 Statutory provisions (sec. 209(f)(1)).

- Sec.  
45.44-1 Electric face equipment.  
45.44-2 Nonpermissible Miller-type plugs.  
45.44-3 Replacement components.  
45.44-4 Maintenance of permissible equipment.  
45.45 Statutory provisions (sec. 209(h)(7)).  
45.45-1 Automatic elevators.

**AUTHORITY:** The provisions of §§ 45.1-45.45-1 issued under secs. 201-213, 66 Stat. 692-709, as amended, 30 U.S.C. 471-483.

**§ 45.1 Statutory provisions (sec. 201(a)(7)).**

The term "mine" means an area of land including everything annexed to it by nature and all structures, machinery, tools, equipment, and other property, real or personal, placed upon, under or above its surface by man, used in the work of extracting bituminous coal, lignite or anthracite, from its natural deposits in the earth in such area and in the work of processing the coal so extracted. The term "mine" does not include any strip mine. The term "work of processing the coal" as used in this paragraph means the sizing, cleaning, drying, mixing and crushing of bituminous coal, lignite or anthracite, and such other work of processing such coal as is usually done by the operator, and does not mean crushing, coking, or distillation of such coal or such other work of processing such coal as is usually done by a consumer or others in connection with the utilization of such coal.

**§ 45.1-1 Underground connections.<sup>1</sup>**

Mines or areas which are connected underground shall be considered as a single "mine", if the underground connections between previously separate mines or areas subject the men in the respective mines or areas to a reasonable likelihood of danger from mine fires or the products of fires, explosions or the forces and products of explosions, mine inundations, or man-trip or man-hoist accidents.

**§ 45.1-2 Shafts and slopes.**

New shafts and slopes being driven as part of a presently active coal mine shall be inspected and hazards cited.

**§ 45.2 Statutory provisions (sec. 202(a)).**

<sup>1</sup> For the purpose of determining whether a danger described in section 203(a) exists in any mine the products of which regularly enter commerce or the operations of which substantially affect commerce, or whether any provision of section 209 is being violated in any such mine, or whether any such mine is a gassy mine as prescribed in section 203(f), the Director shall cause an inspection of each such mine to be made by a duly authorized representative of the Bureau at least annually. The Director shall also make, or cause duly authorized representatives of the Bureau to make, such special inspections of such mines as may be required by section 203(c) and (d) and section 206, and such other inspections of such mines as he deems necessary for the proper administration of this title.

**§ 45.2-1 Inspections.**

An inspection shall be considered as completed when the inspector reaches the surface of the mine during or after

<sup>1</sup> Inland Steel Co., Inc. (Wheelwright Mine) v. Director of the U.S. Bureau of Mines, Federal Coal Mine Safety Board of Review, Docket No. 55-05, Sept. 13, 1956.

the shift on which he first entered the mine. When the inspector goes in the mine on a shift other than the one on which he came out of the mine the work he performs on the later shift shall be considered another inspection.

**§ 45.3 Statutory provisions (sec. 203(a)(1)).**

If a duly authorized representative of the Bureau, upon making an inspection of a mine as authorized in section 202, finds danger that a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident will occur in such mine immediately or before the imminence of such danger can be eliminated, he shall also find the extent of the area of such mine throughout which such danger exists. Thereupon he shall immediately make an order requiring the operator of such mine to cause all persons, excepting persons referred to in paragraph (2) of this subsection, to be withdrawn from, and to be debarred from entering, such area. Such findings and order contain a detailed description of the conditions which such representative finds cause and constitute such danger, and a description of the area of such mine throughout which persons must be withdrawn and debarred.

**§ 45.3-1 Mine explosion—mine fire.**

Experience has demonstrated that the presence of inadequately inerted coal dust in mines can propagate explosions initiated by the ignition of methane or other ignition sources. Consequently, in a mine the presence of observable inadequately inerted coal dust creates a danger that a mine explosion or a mine fire will occur in such mine immediately or before the imminence of such danger can be eliminated and shall be cause for the making of an order of withdrawal under section 203(a)(1). Accumulation of methane in excess of 1.5 per centum in the active underground working places of a mine, except in virgin territory as that term is used in section 209(d)(4), is also a significant ingredient of a mine explosion and the presence of such condition creates a danger of a potential explosion which could occur before the danger can be eliminated. Accordingly, such accumulations shall also be cause for the making of an order under section 203(a)(1).

**§ 45.3-2 Drop-bottom cars used for man trips.**

Failure to provide special locking devices on drop-bottom cars used for transporting men on man trips shall be considered danger that a man-trip accident will occur immediately or before the imminence of such danger can be eliminated, within the meaning of section 203(a)(1).

**§ 45.4 Statutory provisions (sec. 203(d)(1)).**

If a duly authorized representative of the Bureau, upon making an inspection of a mine as authorized in section 202, finds that any provision of section 209 is being violated, and if he also finds that, while the conditions created by such violation do not cause danger that a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident will occur in such mine immediately or before the imminence of such danger can be eliminated, such violation is of such

nature as could significantly and substantially contribute to the cause or effect of a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of section 209, he shall include such finding in the notice given to the operator under subsection (b) of this section. Within 90 days of the time such notice was given to such operator, the Bureau shall cause such mine to be reinspected to determine if any similar such violation exists in such mine. Such reinspection shall be in addition to any special inspection required under section 203 or section 206. If, during any special inspection relating to such violation or during such reinspection, a representative of the Bureau finds such similar violation does exist, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of section 209, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in paragraph (3) of this subsection, to be withdrawn from, and to be debarred from entering, such area. Such finding and order shall state the provision or provisions of section 209 which have been violated and shall contain a detailed description of the conditions which such representative finds cause and constitute such violation, and a description of the area from which persons must be withdrawn and debarred. The representative of the Bureau shall promptly thereafter advise the Director in writing of his findings and his action.

**§ 45.4-1 Reinspection.**

Under section 203(d)(1) which requires the Bureau to cause a mine to be reinspected within 90 days of the time of the issuance of a notice of an unwarrantable violation, such reinspection will be made as soon as possible after the issuance of the notice. If the circumstances, in the judgment of an authorized representative, warrant it, such reinspection may be on a later shift on the same day as the notice was issued.

**§ 45.5 Statutory provisions (sec. 203(h)).**

Notice of each finding and order made under this section shall promptly be given to the operator of the mine to which it pertains, by the person making such finding or order.

**§ 45.5-1 Notices of findings.**

Section 203(b) requires that, whenever an authorized representative of the Bureau finds a violation of section 209 that is not an imminent danger, he must also find what would be a reasonable time to abate the violation. With respect to each violation, notice of such findings must be promptly given to the operator under section 203(h) even though the violation has been abated before the inspector leaves the mine. In order to insure prompt abatement of a violation, which is found while such representative is underground, where practicable, the notice shall be given to the agent or the operator underground. A copy of the notice shall be posted on the mine bulletin board.

**§ 45.6 Statutory provisions (sec. 209(c)).**

The roof and ribs of all active underground roadways and travelways in a mine shall be adequately supported to protect persons from falls of roof or ribs.

**§ 45.6-1 Roof control program.**

The requirement in section 209(c) that roof and ribs of all active underground roadways and travelways "be adequately supported to protect persons from falls" can be satisfied only if it is carried out under a plan that is adopted and followed. Accordingly, a roof control program and revisions thereof for travelways and roadways shall be submitted to the Director of the Bureau of Mines in accordance with a schedule to be prescribed by the Director of the Bureau of Mines, for each mine or class of mines, and, after approval, shall be adopted and set out in printed form and shall be revised from time to time as changes in roof conditions warrant. The plan shall show the type and spacing of supports.

**§ 45.7 Statutory provisions (sec. 209(d)(1)).**

All active underground working places in a mine shall be ventilated by a current of air containing not less than 19.5 per centum of oxygen, not more than 0.5 per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases. The volume and velocity of the current of air shall be sufficient to dilute so as to render harmless, and to carry away, flammable or harmful gases. In bituminous-coal or lignite mines the quantity of air reaching the last open crosscut in any pair or set of entries shall not be less than 6,000 cubic feet a minute, except that the quantity of air reaching the last open crosscut in any pair or set of entries in pillar sections may be less than 6,000 cubic feet a minute if not less than 6,000 cubic feet of air a minute is being delivered to the intake end of the pillar line. In anthracite mines the quantity of air reaching the face of each working place shall be at least 200 cubic feet a minute for each man working in the place and as much more as may be required to dilute, render harmless, and sweep away noxious or dangerous gases, smoke, and fumes. In robbing areas where the air currents cannot be controlled and measurements of the air cannot be obtained the air shall have perceptible movement.

**§ 45.7-1 Active underground working places.**

The term "active underground working places", as used in section 209(d)(1), means underground places in which men are required to be or to pass through in the performance of normal mining operations.

**§ 45.8 Statutory provisions (sec. 209(d)(2)).**

If the air at an underground working face in a mine, when tested at a point not less than 12 inches from the roof, face, or rib, contains more than 1.0 per centum of methane, as determined by a permissible methane detector, a permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas, changes or adjustments shall be made at once in the ventilation in such mine so that such air

shall not contain more than 1.0 per centum of methane.

**§ 45.8-1 Ventilation—underground working face.**

The mandate of section 209(d)(2) that adjustments in ventilation be made immediately if more than 1.0 per centum of methane is detected at a working face necessarily implies that frequent inspections shall be made, in view of the fact that methane content in air at a working face can change rapidly. In addition to the pre-shift examination, tests for methane gas content in all underground working faces shall be made at least three times, not less than two hours apart, during a coal-producing shift and a record kept of such tests.

**§ 45.9 Statutory provisions (sec. 209(d)(3)).**

If a split of air returning from active underground working places in a mine contains more than 1.0 per centum of methane, as determined by a permissible methane detector, a permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas, changes or adjustments shall be made at once in the ventilation in such mine so that such returning air shall not contain more than 1.0 per centum of methane.

**§ 45.9-1 Ventilation—split of air.**

In a gassy mine tests for methane gas content in the air as required by section 209(d)(3) shall be made at least every 4 hours during each coal-producing shift and a record kept of such tests.

**§ 45.10 Statutory provisions (sec. 209(d)(5)).**

In a gassy mine, air which has passed by an opening of any unsealed, abandoned area shall not be used to ventilate any active face area in such mine if such air contains 0.25 per centum or more of methane; but if this sentence cannot be complied with in such mine on the effective date of this section, such mine may continue to be operated after such date as it was operated immediately prior to such date, for a reasonable time until future mine development and ventilation of such mine can be changed to comply with this sentence. In no event shall such air be used to ventilate any area in such mine in which men work or travel if such air contains more than 1 per centum of methane. For the purposes of this paragraph, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

**§ 45.10-1 Abandoned areas.**

The term "abandoned area", as used in section 209(d)(5), means sections, panels, and other areas that are not ventilated and examined in the manner required for active underground working places. This term does not include a section, panel, or other area which, although worked out, is so ventilated and examined.

**§ 45.10-2 Reasonable time.**

Since the Act was passed in 1952, a reasonable time has passed for mine development and changes in ventilation to comply with this section. Sixty days after the effective date of this interpretation, no gassy mine shall be permitted

to use air which has passed by any opening of any unsealed, abandoned area to ventilate any active face area if such air contains 0.25 per centum or more of methane.

#### § 45.10-3 Tests for methane.

Tests to determine whether the air contains 0.25 per centum or more of methane required by section 209(d) (5) shall be made with an instrument capable of measuring methane to an accuracy of 0.1 percent or better at least once each coal-producing shift and a record shall be kept of the methane content of the air.

#### § 45.11 Statutory provisions (sec. 209 (d) (6)).

In a gassy mine, air that has passed through an abandoned panel which is inaccessible for inspection, or air that has passed through a similar abandoned area which is inaccessible for inspection, or air which has been used to ventilate a pillar line, or air which has been used to ventilate an area from which the pillars have been removed, shall not be used to ventilate any active face area in such mine; but if this sentence cannot be complied with in such mine on the effective date of this section, such mine may continue to be operated after such date as it was operated immediately prior to such date, for a reasonable time until future mine development and ventilation of such mine can be changed to comply with this sentence. In no event shall such air be used to ventilate any area in such mine in which men work or travel if such air contains more than 1 per centum of methane.

#### § 45.11-1 Air used to ventilate a pillar line.

The phrase "air which has been used to ventilate a pillar line" means air which has been used to ventilate any part of a pillar line.

#### § 45.11-2 Air currents.

(a) A reasonable time has passed for mine development and changes in ventilation to comply with this section.

(b) Thirty days after the effective date of this interpretation, the operator of any gassy mine which uses air to ventilate active face areas, if such air has been used to ventilate a pillar line, shall submit to the Director a transition plan of mine development and changes in ventilation to accomplish compliance with section 209(d) (6). Transition mine development and ventilation changes shall be made and accomplished in accordance with a plan approved by the Director and within such period of time as may be fixed by the Director.

#### § 45.11-3 Inaccessible.

An area is inaccessible for inspection within the meaning of section 209(d) (6) if it cannot be inspected readily during regular operations.

#### § 45.12 Statutory provisions (sec. 209 (d) (7)).

In a gassy mine, within 4 hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift other than those who may be designated to make the examinations prescribed in this paragraph enter the underground areas of such mine, certified persons designated by the operator of such mine to do

so shall make an examination, as prescribed in this paragraph, of such areas. Each person designated to act as such a mine examiner shall be directed to examine a definite underground area of such mine, and, in making his examination, such examiner shall inspect every active working place in such area and make tests therein with a permissible flame safety lamp for accumulations of methane and oxygen deficiency in the air therein; examine seals and doors to determine whether they are functioning properly; inspect and test the roof, face, and rib conditions in the working places and on active roadways and travelways; inspect active roadways, travelways, approaches to abandoned workings and accessible falls in active sections for explosive gas and other hazards; and inspect to determine whether the air in each split is traveling in its proper course and in normal volume. Such mine examiner shall place his initials and the date at or near the face of each place he examines. If such mine examiner, in making his examination, finds a condition which he considers to be dangerous to persons who may enter or be in such area, he shall indicate such dangerous place by posting a "Danger" sign conspicuously at a point which persons entering such dangerous place would be required to pass. No person, other than Federal or State mine inspectors or persons authorized by the mine operator to enter such place for the purpose of eliminating the dangerous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the result of his examination to a person designated by the mine operator to receive such reports, at a designated station on the surface of the premises of the mine or underground, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book kept for such purpose at a place on the surface of the mine designated by the mine operator. No person (other than a certified person designated under this paragraph) shall enter any underground area in a gassy mine, except during a coal-producing shift, unless an examination of such area as prescribed in this paragraph has been made within 12 hours immediately preceding his entrance into such area.

#### § 45.12-1 Coal-producing shift.

The term "coal-producing shift", as used in section 209(d) (7), means any shift during which one or more of the following operations necessary in the production of coal are performed: cutting, blasting, loading, or the haulage of coal from face areas, regardless of whether or not the coal is dumped at a tippie.

#### § 45.12-2 Roadways.

The term "roadways" as used in this section, is another term for "haulage-ways". When the term was inserted, in the Act of 1952, it was, according to usage in the industry at that time, intended to include areas where coal is transported. Today, many mines transport coal on belt conveyors running parallel to such roadways. These conveyors, however, are construed as being included within the term "roadways" and the requirement in section 209(d) (7) that the mine examiners inspect active roadways for explosive gas and other hazards shall include an examination for fire hazards of all areas where belt conveyors are operated and on which coal

is transported. The belt conveyors shall be inspected as frequently as the roadways are.

#### § 45.12-3 Examinations prior to a non-coal-producing shift.

The last sentence of section 209(d) (7) refers primarily to persons entering a mine at idle hours, such as maintenance men, repairmen, and pumpmen. The examination referred to is intended to cover any area in the mine, active or otherwise, in which such persons are required to enter.

#### § 45.12-4 Use of anemometer.

The phrase in this section that the mine examiners "inspect to determine whether the air in such splits is traveling in its proper course and in normal volume" requires that the volume of the air be measured and the direction of flow of the air determined. The volume of air and the course of the air shall be determined with a calibrated anemometer or other device acceptable to the Director.

#### § 45.12-5 Placing of initials and date after examination.

The requirement that "the mine examiner shall place his initials and the date at or near the face of each place he examines" means that he shall place his initials and date not only at the working faces, but at or near all other places he has examined such as seals, approaches to abandoned workings and accessible falls, pumping stations, and at such other places along roadways, travelways and belt conveyors as may be necessary to indicate that the entire length has been examined.

#### § 45.13 Statutory provisions (sec. 209 (d) (9)).

The underground working places in all mines shall be examined for hazards by certified persons designated by the mine operator to do so, at least once during each coal-producing shift, or oftener if necessary for safety. In a gassy mine, such examination shall include tests with a permissible flame safety lamp for methane, and oxygen deficiency. In all underground face workings in a gassy mine where electrically driven equipment is operated, examinations for methane shall be made with a permissible flame safety lamp by a person trained in the use of such lamp before such equipment is taken into or operated in face regions, and frequent examinations for methane shall be made during such operations.

#### § 45.13-1 Hazards.

The first sentence of section 209(d) (9) applies to all underground working places "in all mines." The term "hazards" includes tests for gas in nongassy mines also and such tests shall be conducted.

#### § 45.13-2 Frequent examinations.

The mandate of "frequent examinations" in the third sentence of section 209(d) (9) requires the making of tests for methane content in the air in face regions at least every 20 minutes during each coal-producing shift.

#### § 45.14 Statutory provisions (sec. 209 (e) (1)).

Coal dust, loose coal, and other combustible materials shall not be permitted to

accumulate in dangerous quantities in active underground workings of a mine.

**§ 45.14-1 Accumulations of combustible material.**

"Dangerous quantities" of combustible materials encompasses accumulations that might precipitate or propagate explosions or fires. The provisions of section 209(e) (1) require that excessive and unwarranted accumulations of loose coal, coal dust, and other accumulations of combustible materials be eliminated by removing such accumulations from the mine to the greatest extent practicable. After such removal, the area in which such accumulations existed shall be treated with inert materials to prevent the precipitation or propagation of an explosion or fire.

**§ 45.36 Statutory provisions (sec. 209 (e) (4)).**

In mines partially rock-dusted or in mines that are required to start rock-dusting, haulageways and parallel entries connected thereto by open crosscuts shall be rock-dusted. Back entries shall be rock-dusted for at least 1,000 feet outby the junction with the first active entry. Inby this junction, the rooms, entries, and crosscuts shall be rock-dusted.

**§ 45.36-1 Rock-dusting back entries.**

The rock-dusting of back entries is required only inby a point 1,000 feet outby the junction with the first entry in which coal is being mined in each working section.<sup>2</sup>

**§ 45.40 Statutory provisions (sec. 209 (e) (5)).**

Where rock dust is applied, it shall be distributed upon the top, floor, and sides of all open places and maintained in such quantity that the incombustible content of the combined coal dust, rock dust and other dust will not be less than 65 per centum. Where methane is present in any ventilating current, the 65 per centum of incombustible contents of such combined dust shall be increased 1 per centum for each 0.1 per centum of methane.

**§ 45.40-1 Increase of rock-dusting due to methane.**

The percentage increase of rock-dusting required by section 209(e) (5) applies only to: (a) Face areas that are ventilated by the current in which the methane that necessitates the percentage increase is present and (b) the return airways of such current, except as limited by section 209(e) (4). If the ventilating current in which methane is present is a main return in a mine using a split system of ventilation, a percentage increase in rock-dusting will be required, unless all possible ignition sources are removed in such return. The methane content of an air split shall be tested in the immediate return of that split.

**§ 45.40-2 Application of rock dust wet.**

So long as the percentages of incombustible content specified in section 209 (e) (5) are maintained, rock dust may be

applied wet in the following manner: Wet rock dust shall be limited to rib and roof surfaces in face areas. It shall not be used on the floor or for redusting mine surfaces. In such applications only limestone or marble dust which meets the specifications contained in section 201(a) (11) shall be used; the application shall be at the rate of not less than 3 ounces (weight) of dust per square foot of surface, and shall be by a mixture of not more than 6 to 8 gallons of water with 100 pounds of dust, whether by premixed slurry or by mixing at the nozzle of a hose, to assure that the mixture is not too fluid and that sufficient dust adheres to the surfaces. After the wet rock dust dries, additional dry rock dust shall be applied to all surfaces to meet applicable standards. Wet rock-dusting of ribs and roof does not eliminate the necessity for dry rock-dusting the floor.

**§ 45.44 Statutory provisions (sec. 209 (f) (1)).**

All electric face equipment used in a gassy mine shall be permissible, except that electric face equipment may be used in a gassy mine even though such equipment is not permissible if, before the effective date of this section or the date such mine became a gassy mine, whichever is later, the operator of such mine owned such equipment, or owned the right to use such equipment, or had ordered such equipment. Permissible electric face equipment in use in a gassy mine shall not be replaced by electric face equipment which is not permissible except that (A) permissible and nonpermissible electric face equipment in use in a mine may be interchanged within such mine, and (B) explosion-tested cable-reel locomotives and shuttle cars purchased before permissible cable-reel locomotives and shuttle cars became available, may be used to replace permissible cable-reel locomotives and shuttle cars.

**§ 45.44-1 Electric face equipment.**

The term "electric face equipment" as used in section 209(f) (1) means electric equipment that is installed or used inby the last open crosscut in an entry or a room. Conveyors are considered as face equipment if the electric drive units or their controls including push buttons are installed inby the last open crosscut or in a newly opened place before the first crosscut connection is made.

**§ 45.44-2 Nonpermissible Miller-type plugs.**

Nonpermissible Miller-type plugs may be used for the purpose of sectionalizing trailing cables, only if all plug connections are outby the last open crosscut.

**§ 45.44-3 Replacement components.**

When an item of nonpermissible electric face equipment is being used in a gassy mine pursuant to the provisions of section 209(f) (1), a component used for replacement need not be certified as "explosion proof" under the provisions of part 18 of this chapter.

**§ 45.44-4 Maintenance of permissible equipment.**

The exception in section 209(f) (1) permitting the use of nonpermissible electric face equipment in a gassy mine applies also to any permissible electric face equipment that was rendered non-

permissible by alteration of its electrical parts before the effective date of the Act or before the mine in which it is used became gassy, whichever is later. Permissible equipment shall be maintained in permissible condition and any change or any rebuilding or repair thereof shall conform with the requirements of part 18 of this chapter.

**§ 45.45 Statutory provisions (sec. 209 (h) (7)).**

Every hoist used to transport persons at a mine, other than hoists used in excavating shafts or slopes, shall be equipped with overspeed, overwind, and automatic stop controls unless a second engineer is on duty. Every hoist used to transport such persons shall be equipped with brakes capable of stopping the platform, cage or other device for transporting persons when fully loaded; and with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device for transporting persons, and have a proper margin of safety. Cages or platforms which are used to transport persons in vertical shafts, except cages or platforms which are also used to transport coal, shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Every hoist that is used to transport persons at a mine shall be inspected daily. No engineer shall be required for automatically operated cages or platforms.

**§ 45.45-1 Automatic elevators.**

Automatic elevators used to transport persons, shall be equipped with acceptable safety devices and shall be maintained and inspected in a manner equivalent to that used for hoists, cages, or platforms.

JOHN F. O'LEARY,  
*Director, United States Bureau  
of Mines, Department of the  
Interior.*

JANUARY 17, 1969..

[F.R. Doc. 69-928; Filed, Jan. 23, 1969;  
8:47 a.m.]

**Title 32A—NATIONAL DEFENSE,  
APPENDIX**

**Chapter X—Oil Import Administration,  
Department of the Interior**

[Oil Import Reg. 1 (Rev. 5) Amdt. 15]

**OIL REG. 1—OIL IMPORT  
REGULATION**

**Zone Allocations and Allocations of  
Low Sulphur Residual Fuel Oil—  
District V**

This amendment adds to Oil Import Regulation 1 a new section 27 and a new section 28. The purpose of section 27 is to provide for zone allocations which would authorize the shipment of foreign crude oil and unfinished oils into foreign trade zones located in District V. The purpose of section 28 is to permit residual fuel oil users in District V to meet Federal, State, and local air pollution regulations and to implement authority

<sup>2</sup> Crucible Steel Co. v. Director of the U.S. Bureau of Mines, Federal Coal Mine Safety Board of Review, Docket No. 56-01, Nov. 23, 1955.

granted in subparagraph (5) of paragraph (b) of section 3 of Proclamation 3279, as amended by Proclamation 3794 (32 F.R. 10547). The new section 27 is issued after careful consideration of comments received following the notice of proposed rulemaking published by the Administrator, Oil Import Administration, in the FEDERAL REGISTER for December 11, 1968 (33 F.R. 18377). It has been determined to withhold implementing the proposal with respect to Districts I-IV to allow for further study with respect to these districts.

Since this amendment will further the control of air pollution, it shall become effective immediately upon publication in the FEDERAL REGISTER.

1. A new section 27 reading as follows is added to Oil Import Regulation 1 (Revision 5), as amended:

**Sec. 27 Zone allocations—District V.**

(a) In instances in which the Secretary determines that to do so will be consonant with the objectives of Proclamation 3279, as amended, a zone allocation may be made to a person for feedstocks for refinery capacity or a petrochemical plant which will be established in a foreign trade zone in District V or for such a facility which is established in a foreign trade zone. Such a zone allocation will authorize the person to whom it is made to move quantities of foreign crude oil, or unfinished oils, having a nonprivileged status,<sup>1</sup> into a specific foreign trade zone for processing. A zone allocation will not authorize the transfer of crude oil, unfinished oils, or finished products from a foreign trade zone into customs territory.

(b) A zone allocation may be made for such period of time as the Secretary may determine and shall be subject to such conditions as the Secretary may prescribe.

(c) An application for a zone allocation should be filed with the Administrator. An applicant shall furnish in detail such information as the Administrator may require, including—

- (1) The nature of the facility,
- (2) The location of the facility,
- (3) The products and the quantity of each product to be produced,
- (4) The capital outlay involved,
- (5) The average b/d of feedstock inputs to such facilities,
- (6) The identification of the feedstocks and the source thereof,
- (7) The date that the facility went on stream or is scheduled to go on stream,
- (8) The kinds and quantities of unfinished oils, finished products, or petrochemicals to be exported from the foreign

<sup>1</sup> Privileged foreign merchandise is merchandise which is appraised and taxes determined and duties liquidated thereon upon application for admission of the merchandise into the zone, or at any time thereafter and before the merchandise has been manipulated or manufactured in the zone in a manner which has effected a change in its tariff classification. See 19 CFR 30.6.

trade zone; the kinds and quantities of unfinished oils or finished products which will be transferred from the foreign trade zone to customs territory under allocations made pursuant to sections 9, 11, 13, 25, and 28; the kinds and quantities of products to be shipped in bond from the zone for offshore use; and the kinds and quantities of petrochemicals to be transferred to customs territory from the foreign trade zone.

(d) Crude oil and unfinished oils moved into a foreign trade zone pursuant to a zone allocation made under this section shall remain in a nonprivileged status and shall be processed in a particular zone and facility for which the allocation was made.

(e) When a zone allocation has been made under this section, the Administrator shall issue a license or licenses based on the allocation specifying the quantities of crude oil or unfinished oils which may be moved into the foreign trade zone, and the period of time such license or licenses shall be in effect. The Administrator may amend such licenses.

2. A new section 28 reading as follows is added to Oil Import Regulation 1 (Revision 5), as amended:

**Sec. 28 Allocations of low sulphur residual fuel oil—District V.**

(a) This section provides for the making of allocations of imports into District V of low sulphur residual fuel oil to be used as fuel in District V. As used in this section 28, "low sulphur residual fuel oil" means: (1) residual fuel oil to be used as fuel which is manufactured in a foreign area and which contains not more than five-tenths of 1 percent (0.5%) sulphur by weight, or (2) residual fuel oil to be used as fuel which is manufactured by facilities in a foreign trade zone located in District V and which has a sulphur content not exceeding the percent by weight required by local government requirements.

(b) To be eligible for an allocation of low sulphur residual fuel oil under this section, a person must:

(1) Be in the business in District V of selling residual fuel oil to be used as fuel and have under his management and operational control a deep-water terminal located in District V into which there has been delivered residual fuel oil to be used as fuel which he owned at the time of delivery, such delivery being the first delivery of that oil into a deep-water terminal in District V; or

(2) Be in the business in District V of selling residual fuel oil to be used as fuel and have a throughput agreement (warehouse agreement) with a deep-water terminal operator under which agreement the person has delivered to the terminal residual fuel oil to be used as fuel which he owned when it was so delivered, such delivery being the first delivery of that oil into a deep-water terminal in District V. For the purposes of this section, "throughput agreement" means an agreement which provides for the delivery to a deep-water terminal by a person of residual fuel oil which he

owns and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. A bona fide throughput agreement will be deemed to exist only if the person operating under the agreement owns the oil at the time it is delivered to the terminal and only if that delivery is the first delivery of that oil into a deep-water terminal in District V.

(c) The maximum level of imports of residual fuel oil to be used as fuel into District V for a particular period, January 1 through December 31, shall be the level of imports of that product into District V during the calendar year 1957 as adjusted by the Secretary of the Interior as he may determine to be consonant with the objectives of Proclamation 3279, as amended.

(d) (1) The Administrator shall make allocations and issue licenses to each eligible applicant in District V of such quantities of low sulphur residual fuel oil to be used as fuel as the applicant certifies are required by the applicant to meet his obligations under firm existing contracts between the applicant and customers in District V.

(2) In the event that firm contracts which form the basis of an allocation are terminated or renegotiated, the holder of the allocation shall so advise the Oil Import Administration in writing and the allocation will be correspondingly adjusted.

(e) No allocations made pursuant to this section may be sold, assigned, or otherwise transferred.

STEWART L. UDALL,  
*Secretary of the Interior.*

JANUARY 14, 1969.

[F.R. Doc. 69-942; Filed, Jan. 23, 1969; 8:48 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 957—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO DEBARMENT AND SUSPENSION FROM CONTRACTING

##### Order Relative to Hearing and Modification or Revocation of Orders; Correction

In F.R. Doc. 69-550, published Thursday, January 16, 1969, the following corrections are made:

1. On page 603 the parenthetical reference to § 957.10, appearing under § 957.6(a), should read § 957.9.

2. On page 605 the citation § 957.23, appearing under § 957.27(d), should read § 957.22.

(5 U.S.C. 301, 39 U.S.C. 308a, 309, 501)

TIMOTHY J. MAY,  
*General Counsel.*

JANUARY 17, 1969.

[F.R. Doc. 69-951; Filed, Jan. 23, 1969; 8:49 a.m.]

**Title 43—PUBLIC LANDS:  
INTERIOR**

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

**APPENDIX—PUBLIC LAND ORDERS**

[Public Land Order 4567]

[Utah 6443]

**UTAH**

**Withdrawal for National Forest Administrative Sites and Recreation Areas**

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 national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

**UINTA NATIONAL FOREST  
SALT LAKE MERIDIAN**

*Chicken Creek Campground Site*

T. 15 S., R. 1 E.,  
Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 11, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Tinney Flat Picnic Site*

T. 10 S., R. 2 E.,  
Sec. 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

*Maple Bench Campground*

T. 10 S., R. 2 E.,  
Sec. 10, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Payson Ponderosa Pine Plantation Administrative Site*

T. 10 S., R. 2 E.,  
Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Koholowo Recreation Area*

T. 10 S., R. 2 E.,  
Sec. 33, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Cottonwood Campground Site*

T. 12 S., R. 2 E.,  
Sec. 17, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

*McCune Canyon Ponderosa Pine Plantation*

T. 12 S., R. 2 E.,  
Sec. 20, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Ponderosa Campground Site*

T. 12 S., R. 2 E.,  
Sec. 16, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$   
SW $\frac{1}{4}$ ;  
Sec. 21, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

*Bear Canyon Campground Site*

T. 12 S., R. 2 E.,  
Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

*Black Hawk Recreation Area*

T. 11 S., R. 3 E.,  
Sec. 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of lot 4, N $\frac{1}{2}$   
NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 6, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$  of lot 1.

*Kolob Campground*

T. 7 S., R. 4 E.,  
Sec. 24, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

*Diamond Creek Administrative Site*

T. 8 S., R. 5 E.,  
Sec. 1, lot 4.

*Hawthorne Campground*

T. 8 S., R. 5 E.,  
Sec. 11, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Whiskey Springs Recreation Area*

T. 5 S., R. 6 E.,  
Sec. 6, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

**UINTA MERIDIAN**

*Willow Creek Administrative Site*

T. 5 S., R. 11 W.,  
Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

*Ballard Canyon Campground*

T. 3 S., R. 12 W.,  
Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate 695.65 acres in Juab, Utah, and Wasatch Counties.

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

HARRY R. ANDERSON,  
Assistant Secretary of the Interior.

JANUARY 16, 1969.

[F.R. Doc. 69-912; Filed, Jan. 23, 1969;  
8:46 a.m.]

[Public Land Order 4568]

[Oregon 1295 (Wash.)]

**WASHINGTON**

**Withdrawal for National Forest Recreation Area**

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 national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

**SNOQUALMIE NATIONAL FOREST**

**WILLAMETTE MERIDIAN**

*South Fork Snoqualmie (Alpental)  
Recreation Area*

T. 23 N., R. 10 E.,  
Sec. 24, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 23 N., R. 11 E.,  
Sec. 19, S $\frac{1}{2}$  lot 7 and S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 20, S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 21, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 28, lots 1 to 7, inclusive, NW $\frac{1}{4}$ , and  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 29, lot 1, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 30, lots 1 to 4, inclusive, and E $\frac{1}{2}$ ;  
Sec. 31, E $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 32, lots 1 to 3, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 33, lots 1, 3, and NE $\frac{1}{4}$ .

The areas described aggregate 2,679.56 acres in King County.

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

HARRY R. ANDERSON,  
Assistant Secretary of the Interior.

JANUARY 16, 1969.

[F.R. Doc. 69-913; Filed, Jan. 23, 1969;  
8:46 a.m.]

[Public Land Order 4569]

[New Mexico 1180]

**NEW MEXICO**

**Withdrawal for Buffer Zone**

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 national forest 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 use by the Atomic Energy Commission for research and development:

**PRINCIPAL MERIDIAN  
CIBOLA NATIONAL FOREST**

T. 9 N., R. 4 $\frac{1}{2}$  E.,  
Sec. 12, lots 3, 4, and SE $\frac{1}{4}$ .  
T. 9 N., R. 5 E.,  
Sec. 3, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 4, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;  
Sec. 5, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;  
Sec. 6, lots 15, 16 and 23;  
Sec. 7, lots 5, 6, 7, 9, and 10 to 21, inclusive;  
Secs. 8, 9 and 10;  
Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ ;  
Sec. 17, Tracts A and B HES 414;  
Sec. 18, Tracts A and B HES 413.

The areas described aggregate 4,594.63 acres in Bernalillo County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws, nor does it alter the jurisdiction of the Secretary of Agriculture over the lands for purposes other than research and development by the Atomic Energy Commission. The terms and conditions for utilization of the lands by the Commission will be governed by the memorandum of understanding entered into between the Forest Service, the Atomic Energy Commission, and the Corps of Engineers, U.S. Army, on December 15, 1967, as may be amended or supplemented.

HARRY R. ANDERSON,  
Assistant Secretary of the Interior.

JANUARY 16, 1969.

[F.R. Doc. 69-914; Filed, Jan. 23, 1969;  
8:46 a.m.]

[Public Land Order 4570]

[Oregon 4061 (Wash.)]

**WASHINGTON****Withdrawal for Yakima Firing Center**

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 land is 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 use by the Department of the Army, in connection with the Yakima Firing Center at Fort Lewis, Wash.:

**WILLAMETTE MERIDIAN**

T. 15 N., R. 20 E.,

Sec. 30, that portion lying east of the easterly right-of-way line of the proposed Interstate Highway 82.

The area described aggregates approximately 573.47 acres in Kittitas County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Department of the Army finds the proposed use of the lands will not interfere with the purposes of this withdrawal.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

JANUARY 16, 1969.

[F.R. Doc. 69-915; Filed, Jan. 23, 1969; 8:46 a.m.]

[Public Land Order 4571]

[Sacramento 70]

**CALIFORNIA****Withdrawal for National Forest Recreation Area**

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 national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

**MOUNT DIABLO MERIDIAN****SIERRA NATIONAL FOREST****Lakes Basin Recreation Area**

All or any portion of the following legal subdivisions as may lie within Plumas County:

T. 21 N., R. 11 E.,

Sec. 1;

Sec. 2, N $\frac{1}{2}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ , and all that portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SW $\frac{1}{4}$  lying northeast of the highest contour

line of the divide between the Feather and Yuba Rivers; excepting any portion within lots 42 and 46;

Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$  and all that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying northeast of the highest contour line of the divide between the Feather and Yuba Rivers; excepting therefrom any portion within lots 41 and 46;

Sec. 12, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ , and all that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$  lying north of the highest contour line of the divide between the Feather and Yuba Rivers;

Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$  and all that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying northeast of the highest contour line of the divide between the Feather and Yuba Rivers.

T. 21 N., R. 12 E.,

Sec. 4, SW $\frac{1}{4}$ ;

Sec. 5, excepting therefrom all the land withdrawn by Public Land Order 2971 of March 18, 1963, for a roadside zone, being a strip of land 200 feet wide on each side of the center-line of the Gold Lake County Road;

Sec. 6;

Sec. 7;

Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$  and all that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ W $\frac{1}{2}$  lying west of the highest contour line of the divide between Gray Eagle Creek and Frazier Creek;

Sec. 17, all that portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$  lying west of the highest contour line of the divide between Gray Eagle and Frazier Creeks;

Sec. 18, lots 1 and 2, N $\frac{1}{2}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$  and that portion of lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ NE $\frac{1}{4}$  lying east of the highest contour line of the divide between the Feather and Yuba Rivers and north of the highest contour line of the divide between the Gray Eagle and Frazier Creeks.

T. 22 N., R. 11 E.,

Sec. 35, lots 9 to 12, inclusive, and SW $\frac{1}{4}$ ;

Sec. 36, lots 5 to 16, inclusive.

T. 22 N., R. 12 E.,

Sec. 31;

Sec. 32.

The areas described aggregate 6,860 acres in Plumas County.

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

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

JANUARY 16, 1969.

[F.R. Doc. 69-916; Filed, Jan. 23, 1969; 8:46 a.m.]

[Public Land Order 4572]

[Oregon 2187]

**OREGON****Withdrawal for National Forest Administrative Sites**

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 national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C.

Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

**ROGUE RIVER NATIONAL FOREST****WILLAMETTE MERIDIAN****Imnaha Administrative Site**

T. 33 S., R. 4 E.,

Sec. 15, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

**Lodgepole Administrative Site**

T. 33 S., R. 4 E.,

Sec. 32, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The areas described aggregate 155 acres in Jackson County.

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

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

JANUARY 16, 1969.

[F.R. Doc. 69-917; Filed, Jan. 23, 1969; 8:46 a.m.]

[Public Land Order 4573]

[New Mexico 5710, 5711, 5712, 5713]

**NEW MEXICO****Addition to Lincoln National Forest**

By virtue of the authority contained in the act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in exchanges made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Lincoln National Forest, and hereafter shall be subject to all laws and regulations applicable to said national forest:

**NEW MEXICO PRINCIPAL MERIDIAN**

T. 18 S., R. 11 E.,

Sec. 7, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;Sec. 9, S $\frac{1}{2}$ ;

Sec. 36.

T. 19 S., R. 11 E.,

Sec. 4, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;Sec. 9, N $\frac{1}{2}$ .

The areas described contain 1,928.49 acres in Otero County.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

JANUARY 16, 1969.

[F.R. Doc. 69-918; Filed, Jan. 23, 1969; 8:46 a.m.]

[Public Land Order 4574]

[Nevada 2468]

**NEVADA****Withdrawal for Reclamation Project**

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:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, 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 Dressler Division Dam, Afterbay and Carson Canal of the Wataheamu Division of the Washoe Project:

**MOUNT DIABLO MERIDIAN**

T. 12 N., R. 20 E.,  
Sec. 25, SW $\frac{1}{4}$ , and a portion of the E $\frac{1}{2}$  NW $\frac{1}{4}$ , described as follows:

Commencing at the east quarter corner of sec. 24, thence S., 3,683.15 feet, and west, 2,812.13 feet, to the true point of beginning, which lies on the westerly right-of-way line of Nevada State Highway 395, at a point 150 feet left of Engineers' Station 92-76.27 P.O.C.; thence S. 32° W., 470 feet, along the northwesterly boundary of the Atencio property; thence S. 36°18'30" E., 725.92 feet, along the southwesterly boundary of the Atencio property; thence S., 622.44 feet, to the approximate center of sec. 25; thence west 1,320 feet, to a point which lies in the East Fork of the Carson River; thence N. 34°26'43" E., 784.37 feet, along the approximate center of the river, to a point; thence N. 11°30' E., 520 feet, along the middle of the river, to a point; thence N. 20°30' W., 480 feet, along the middle of the river, to a point; thence east 760 feet, along the southerly boundary of the Hjulmand property, to the true point of beginning; sec. 36, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains approximately 230 acres.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

JANUARY 16, 1969.

[F.R. Doc. 69-919; Filed, Jan. 23, 1969; 8:46 a.m.]

[Public Land Order 4576]

[Wyoming 0317438]

**WYOMING**

**Withdrawal for Department of Air Force Partial Revocation of Public Land Order No. 3775**

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 a Department of the Air Force weather station:

**SIXTH PRINCIPAL MERIDIAN**

T. 32 N., R. 107 W.,  
a. Sec. 2, a portion of lots 3 and 4, described as a continuous strip of land 20.00 feet in width, extending from the point of beginning to a line bearing N. 12°

36'00" E., through the point of termination, with exterior boundaries lying parallel with, and extending 10.00 feet on each side of a centerline, as measured perpendicularly to said centerline, which is more particularly described as follows:

Commencing at a point 27.00 feet N. and 3.00 feet E. of the SW Corner of Lot 7 of said sec. 2:

Thence N. 2°30'30" W., 2,557.00 feet; N. 13°25'00" E., 1,453.60 feet; N. 24°39'00" W., 483.53 feet; N. 5°35'00" E., 181.79 feet, to the point of beginning of said centerline; N. 67°34'00" W., 1,156.61 feet to the point of termination.

Containing approximately 0.53 acre in Sublette County.

b. Sec. 2, a portion of lot 4 described as follows:

Commencing at a point 27.00 feet N., and 3.00 feet E. of the SW Corner of Lot 7 of said sec. 2:

Thence N. 2°30'30" W., 2,557.00 feet; N. 13°25'00" E., 1,453.60 feet; N. 24°30'00" W., 483.53 feet; N. 5°35'00" E., 181.79 feet; N. 67°34'00" W., 1,156.61 feet to the point of beginning of said tract; S. 12°26'00" W., 20.59 feet; N. 77°34'00" W., 50.00 feet; N. 12°26'00" E., 50.00 feet; S. 77°34'00" E., 50.00 feet; S. 12°26'00" W., to the point of beginning.

Containing approximately 0.06 acre in Sublette County.

2. Public Land Order No. 3775 of August 10, 1965, withdrawing lands for a Department of the Air Force weather station, is hereby revoked so far as it affects lands in the following legal subdivisions:

**SIXTH PRINCIPAL MERIDIAN**

T. 32 N., R. 107 W.,  
Sec. 2, lots 1 and 2.

The lands are nonpublic.

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

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

JANUARY 17, 1969.

[F.R. Doc. 69-920; Filed, Jan. 23, 1969; 8:46 a.m.]

[Public Land Order 4577]

[New Mexico 7171]

**NEW MEXICO**

**Addition to National Forest**

By virtue of the authority contained in the act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to valid existing rights, the following described lands acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Lincoln National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

**NEW MEXICO PRINCIPAL MERIDIAN**

T. 17 S., R. 11 E.,  
Sec. 21, S $\frac{1}{2}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ .

The area described contains 160 acres in Otero County.

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

JANUARY 17, 1969.

[F.R. Doc. 69-921; Filed, Jan. 23, 1969; 8:46 a.m.]

[Public Land Order 4578]

[Idaho 2159]

**IDAHO**

**Withdrawal for National Forest Historical Monument**

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 national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

**PAYETTE NATIONAL FOREST**

**BOISE MERIDIAN**

*Natural Monument on Monumental Creek*

T. 20 N., R. 11 E., unsurveyed,  
A tract of land which, when surveyed, will probably be described as sec. 28, S $\frac{1}{2}$  NW $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and which is more particularly described as beginning at the westernmost point on a large boulder imbedded in the west side of the base of the monument, thence west for 300 feet to a point on the west line of the proposed withdrawal, the true point of beginning, thence by metes and bounds, N., 500 feet to corner No. 1; E., 1,200 feet to corner No. 2; S., 1,000 feet to corner No. 3; W., 1,200 feet to corner No. 4; N., 500 feet to the point of beginning.

The area described contains approximately 27.5 acres in Valley County.

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

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

JANUARY 17, 1969.

[F.R. Doc. 69-922; Filed, Jan. 23, 1969; 8:47 a.m.]

[Public Land Order 4579]

[Colorado 0123127]

**COLORADO**

**Withdrawal for National Forest Recreation Areas**

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 national forest lands

are hereby withdrawn from appropriation under the United States mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

GUNNISON NATIONAL FOREST  
SIXTH PRINCIPAL MERIDIAN

*Mysterious Lake Campground*

T. 13 S., R. 83 W.,  
Sec. 17,  $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ ,  $NW\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ ,  $NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ .

*Spring Creek Reservoir Recreation Area*

T. 13 S., R. 83 W.,  
Sec. 31, lot 4.  
T. 13 S., R. 84 W.,  
Sec. 36,  $SE\frac{1}{4}SE\frac{1}{4}$ .  
T. 14 S., R. 83 W.,  
Sec. 6,  $SW\frac{1}{4}NE\frac{1}{4}$ , lots 3, 4, and 5,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 7,  $NE\frac{1}{4}NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ .  
T. 14 S., R. 84 W.,  
Sec. 1, lot 1.

NEW MEXICO PRINCIPAL MERIDIAN

*Black Mesa Experimental Forest and Range (Addition)*

T. 49 N., R. 5 W.,  
Sec. 8,  $SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ,  $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 17,  $W\frac{1}{2}W\frac{1}{2}$ ,  $W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ ,  $NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 18, except H.E.S. #323.

RIO GRANDE NATIONAL FOREST

*Mogote Campground*

T. 33 N., R. 7 E.,  
Sec. 29,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 32,  $NE\frac{1}{4}NE\frac{1}{4}$ ;  
Sec. 33,  $NW\frac{1}{4}NW\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ ,  $W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ .

*South Conejos Campground*

T. 35 N., R. 4 $\frac{1}{2}$  E.,  
Sec. 36, lots 4, 6, and 80 acres lying at the SE corner of Tract 38 and including an area 20 chains in an easterly and westerly direction and 40 chains in a northerly and southerly direction.

*Terrace Reservoir Campground*

T. 36 N., R. 6 E.,  
Sec. 22, lot 4,  $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ .

*Hermit Lakes V. I. S.*

T. 41 N., R. 3 W.,  
Sec. 2,  $SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ .

NEW MEXICO PRINCIPAL MERIDIAN

*Natural Arch Picnic Ground*

T. 41 N., R. 5 E.,  
Sec. 12, lot 8,  $E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ .

*North Crestone Campground*

A strip of national forest land 600 feet wide, 300 feet from each bank of North Crestone Creek through the following legal subdivisions:

T. 44 N., R. 12 E. (unsurveyed),  
Sec. 31,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 32,  $NW\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ , except patented mineral claims.

*Poncha Pass Campground*

T. 48 N., R. 8 E.,  
Sec. 17,  $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 20,  $N\frac{1}{2}NE\frac{1}{4}$ .

*Colorado Highway No. 149 Roadside Zone*

A strip of national forest land 200 feet wide on each side of the center line through the following legal subdivisions:

T. 40 N., R. 2 E.,  
Sec. 2,  $S\frac{1}{2}SW\frac{1}{4}$ ;  
Sec. 3,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 4, lot 2,  $S\frac{1}{2}NE\frac{1}{4}$ ;  
Sec. 12,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ .  
T. 40 N., R. 3 E.,  
Sec. 18, lot 2,  $NE\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 19,  $NW\frac{1}{4}NE\frac{1}{4}$ ;  
Sec. 29,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ .

T. 41 N., R. 1 E.,  
Sec. 6, lot 2;  
Sec. 9,  $SW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 25,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 26,  $SE\frac{1}{4}NE\frac{1}{4}$ ;  
Sec. 36,  $NE\frac{1}{4}NE\frac{1}{4}$ .  
T. 41 N., R. 2 E.,  
Sec. 30, lot 4,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 32,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 33,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ .

*Colorado Highway No. 114 Roadside Zone*

A strip of land 200 feet wide on each side of the centerline through the following legal subdivisions:

T. 45 N., R. 4 E.,  
Sec. 2,  $NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 3, lot 1.  
T. 46 N., R. 4 E.,  
Sec. 28,  $SW\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 29,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
Sec. 30,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 32,  $N\frac{1}{2}NE\frac{1}{4}$ ;  
Sec. 33,  $NW\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 34,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
Sec. 35,  $SW\frac{1}{4}SW\frac{1}{4}$ .

*U.S. Highway No. 160 Roadside Zone*

A strip of national forest land 200 feet wide on each side of the center line through the following legal subdivisions:

T. 37 N., R. 2 E. (unsurveyed),  
Secs. 3, 4, 5, and 8.  
T. 38 N., R. 2 E. (unsurveyed),  
Sec. 3;  
Sec. 4, except the  $SW\frac{1}{4}SE\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 9, except the  $N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ ;  
Sec. 10;  
Secs. 16 and 21;  
Sec. 28, except the  $W\frac{1}{2}SE\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 33, except the  $W\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 34, except the  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ .  
T. 39 N., R. 2 E. (unsurveyed),  
Secs. 24 and 25;  
Sec. 26, except the  $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 34;  
Sec. 35.  
T. 39 N., R. 3 E. (unsurveyed),  
Secs. 3 and 9;  
Sec. 17, except lots 4, 5, and 7, Tract 51, and the east 20 chains of Tract 52;  
Sec. 19;  
Sec. 20, except the east 20 chains of Tract 52.

SAN JUAN NATIONAL FOREST

*Blanco River Campground*

T. 34 N., R. 1 E.,  
Sec. 31, lots 2 and 3.  
T. 34 N., R. 1 W.,  
Sec. 36,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ .

*Blanco Picnic Ground*

T. 34 N., R. 1 W.,  
Sec. 35,  $NE\frac{1}{4}SW\frac{1}{4}$ .

*Devil Creek Camp and Picnic Ground*

T. 34 N., R. 4 W.,  
Sec. 13, lot 8,  $S\frac{1}{2}S\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 14, lot 1,  $S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ .  
T. 34 N., R. 4 W. (south of the Ute line),  
Sec. 3, lots 2, 3, and 4;  
Sec. 4, lots 1 and 2;  
Sec. 9,  $N\frac{1}{2}NE\frac{1}{4}$ .

*San Juan Campground*

T. 36 N., R. 1 W.,  
Sec. 22,  $SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ;  
Sec. 23,  $SW\frac{1}{4}NW\frac{1}{4}$ .

*Wallace Lake Picnic Ground*

T. 36 N., R. 8 W.,  
Sec. 5, lots 2, 3, and 4,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}$ .

*Junction Creek Picnic Ground (Addition)*

T. 36 N., R. 10 W.,  
Sec. 35,  $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ .

*Transfer Park Campground (Addition)*

T. 37 N., R. 7 W. (Unsurveyed),  
Beginning at the NW corner of sec. 30, thence east 10 chains to point of beginning thence east 30 chains to corner No. 2, thence north 40 chains to corner No. 3, thence west 30 chains to corner No. 4, thence south 40 chains to point of beginning.

*Niger Draw Campground*

T. 38 N., R. 12 W.,  
Sec. 4,  $S\frac{1}{2}SE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 9,  $NW\frac{1}{4}NE\frac{1}{4}$ .

*East Hermosa Campground*

T. 39 N., R. 9 W.,  
Sec. 23,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ ,  $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ .

*Montelores Campground*

T. 39 N., R. 11 W.,  
Sec. 15,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 22,  $N\frac{1}{2}NW\frac{1}{4}$ .

SIXTH PRINCIPAL MERIDIAN, COLORADO

WHITE RIVER AND GUNNISON NATIONAL FORESTS

*Bar HL Ranger Station and Administrative Site*

T. 3 S., R. 92 W.,  
Sec. 7,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 8,  $SW\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 17,  $NW\frac{1}{4}NW\frac{1}{4}$ ;  
Sec. 18,  $NE\frac{1}{4}NE\frac{1}{4}$ .

*Lily Lake Ranger Station and Administrative Site*

T. 11 S., R. 88 W.,  
Sec. 20,  $NE\frac{1}{4}NE\frac{1}{4}$ ;  
Sec. 21,  $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ .

*Lost Man Ranger Station and Administrative Site, and Lost Man Campground*

T. 11 S., R. 83 W. (unsurveyed),  
Sec. 2,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ ,  $NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$ .

*Piney Ranger Station and Administrative Site*

T. 3 S., R. 82 W.,  
Sec. 27,  $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ .

*French Creek Powder Cache Site*

T. 5 S., R. 87 W.,  
Sec. 16, lot 8,  $E\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 21, lot 6.

*Thompson Creek Ranger Station and Administrative Site*

T. 9 S., R. 89 W.,  
Sec. 12,  $S\frac{1}{2}NW\frac{1}{4}$ .

*State Highway 133 Roadside Zone*

A strip of national forest land 200 feet on each side of the centerline of State Highway 133 from the White River National Forest Boundary where it crosses the Crystal River south of Carbondale, over McClure Pass to the Gunnison National Forest boundary where it crosses Lee Creek, through the following legal subdivisions:  
 T. 9 S., R. 88 W.,  
 Secs. 9, 16, 20, 21, 29, 32, and 33.  
 T. 10 S., R. 88 W.,  
 Secs. 4, 8, 9, 30, and 31.  
 T. 11 S., R. 88 W.,  
 Sec. 6.  
 T. 11 S., R. 89 W.,  
 Secs. 1 and 12.  
 T. 11 S., R. 89 W.,  
 Secs. 1, 2, 3, 4, 9, and 16.

The areas described aggregate approximately 6,358.34 acres.

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

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

JANUARY 17, 1969.

[F.R. Doc. 69-923; Filed, Jan. 23, 1969;  
 8:47 a.m.]

[Public Land Order 4580]

[I-2110]

**IDAHO**

**Withdrawal of National Forest Recreation Site**

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 national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SALMON NATIONAL FOREST

BOISE MERIDIAN

*State Creek Recreation Area*

T. 26 N., R. 21 E., unsurveyed,  
 In sec. 3, and;  
 T. 27 N., R. 21 E., unsurveyed,  
 In sec. 34, a tract of land described as follows:

Beginning at corner No. 8 of Gold Nugget Placer Claim, MS 3303, identical to corner No. 8 of H.E.S. 94, a granite rock 8 by 8 by 6 inches above ground, with an "X" chiseled on top.

From the initial point by metes and bounds, N. 86°23' W., 1,052.04 feet to corner No. 7 of H.E.S. 94; N. 86°23' W., 472 feet to corner No. 1, USFS brass cap marked USFS COR 1 State Creek; N. 15°22' E., 833.67 feet to corner No. 2, USFS brass cap marked USFS COR 2 State-Creek; N. 8°45' W., 657.66 feet to corner No. 3, USFS brass cap marked USFS COR 3 State Creek; N. 72°29' E., 764.97 feet to corner No. 10, Gold Nugget Placer Claim, MS 3303; S. 7°21' E., 277.62

feet to corner No. 9, Gold Nugget Placer Claim, MS 3303; S. 22°52' E., 1,634.23 feet to corner No. 8, H.E.S. 94, the place of beginning.

The area described aggregates 38.24 acres in Lemhi County, Idaho.

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

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

JANUARY 17, 1969.

[F.R. Doc. 69-924; Filed, Jan. 23, 1969;  
 8:47 a.m.]

[Public Land Order 4581]

[Oregon 3530 (Wash.)]

**WASHINGTON**

**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 land is 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 of the Corps of Engineers, Department of the Army:

WILLAMETTE MERIDIAN

T. 11 N., R. 46 E.,  
 Sec. 19, unsurveyed Dry Gulch Island lying opposite lots 2 and 3.

The area described contains approximately 7.23 acres in Whitman County.

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

HARRY R. ANDERSON,  
*Assistant Secretary of the Interior.*

JANUARY 17, 1969.

[F.R. Doc. 69-925; Filed, Jan. 23, 1969;  
 8:47 a.m.]

[Public Land Order 4583]

**ALASKA**

**Withdrawal for Cape Newenham National Wildlife Refuge**

Whereas, Cape Newenham and adjacent areas possess outstanding wildlife values, including possibly the greatest bird colony on the North American Continent, and important habitat for other terrestrial and marine wildlife, all of which public values should be protected and preserved for present and future generations;

Now, therefore, 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 and the provisions of existing withdrawals, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, except the mining laws (30 U.S.C., Ch. 2), the mineral leasing laws (30 U.S.C., secs. 181, et seq.), and the disposal of materials under the act of July 31, 1947, as amended (30 U.S.C. 601, 604), and reserved for the protection of wildlife and their habitat as the Cape Newenham National Wildlife Refuge:

SEWARD MERIDIAN

All lands, including all offshore islands, within the following protracted townships:

- T. 13 S., R. 74 W., SE ¼.
- T. 13 S., R. 73 W., S ½.
- T. 14 S., R. 74 W., E ½.
- T. 14 S., R. 73 W.
- T. 14 S., R. 72 W., SW ¼.
- T. 15 S., R. 75 W., S ½.
- T. 15 S., Rs. 74 and 73 W.
- T. 15 S., R. 72 W., W ½.
- T. 16 S., Rs. 75 and 74 W.
- T. 16 S., R. 73 W., W ½.
- T. 17 S., Rs. 78, 77, 76, and 75 W.
- T. 17 S., R. 74 W., W ½.
- T. 18 S., Rs. 78, 77, 76, and 75 W.
- T. 18 S., R. 74 W., W ½.
- T. 19 S., Rs. 76 and 75 W.

2. This order shall not affect any area within the boundaries of any native town or village, and should not be construed to abrogate or impair any legal or aboriginal claim or right, if any, of the natives to use the lands, and they may hunt, fish and trap in accordance with applicable law, and carry on any lawful activity.

Signed at 10 a.m. on January 20, 1969.

STEWART L. UDALL,  
*Secretary of the Interior.*

[F.R. Doc. 69-926; Filed, Jan. 23, 1969;  
 8:47 a.m.]

[Public Land Order 4584]

[Fairbanks 012151]

**ALASKA**

**Additions to Clarence Rhode National Wildlife Range**

Whereas, by Public Land Order No. 2213 of December 6, 1960, the Kusko-kwim National Wildlife Range was established in southwestern Alaska, and

Whereas, the name of the range was changed by Public Land Order No. 2253 of January 16, 1961, to the Clarence Rhode National Wildlife Range, and

Whereas, substantial areas of prime waterfowl breeding habitat are adjacent to the existing wildlife range, and

Whereas, the said waterfowl nesting habitat has outstanding value for nesting colonies of white fronted geese, black brant, emperor geese, pintails, whistling swans, and many other species of waterfowl, and

Whereas, in order to preserve and protect the said waterfowl, other wildlife values, and the habitat, it is deemed essential to add the said lands to the Clarence Rhode National Wildlife Range.

Now therefore, 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 and the provisions of existing withdrawals, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, except the mining and mineral leasing laws, and disposals of materials under the act of July 31, 1947, as amended (30 U.S.C. 601, 604), are hereby added to and made a part of the Clarence Rhode National Wildlife Range, and hereafter shall be subject to all laws, rules and regulations applicable to the said national wildlife range:

**NELSON ISLAND UNIT**

**SEWARD MERIDIAN**

All land on Nelson Island including islands in the Kolavinarak and Ninglick Rivers within the following protracted townships:

T. 2 N., R. 89 W.  
T. 3 N., Rs. 88, 89, 90, and 91 W.  
T. 4 N., Rs. 88, 89, 90, and 91 W.  
T. 5 N., Rs. 86, 87, 89, and 90 W.  
T. 6 N., Rs. 86 and 87 W.  
T. 7 N., Rs. 85 and 86 W.  
T. 8 N., Rs. 88, 89, and 90 W.  
T. 9 N., Rs. 86, 87, and 88 W.  
T. 10 N., R. 88 W.

**KOKECHIK RIVER UNIT**

**SEWARD MERIDIAN**

All lands lying adjacent to the Clarence Rhode National Wildlife Range within the following protracted townships:

T. 15 N., Rs. 89, 90, 91, and 92 W., north of the Clarence Rhode National Wildlife Range.  
T. 16 N., Rs. 89, 90, 91, and 92 W., north of the Clarence Rhode National Wildlife Range.  
T. 17 N., Rs. 88, 89, 90, 91, and 92 W.  
T. 18 N., Rs. 88, 89, 90, 91, and 92 W.  
T. 19 N., Rs. 88, 89, 90, and 91 W.

**YUKON UNIT**

All lands of the Yukon River Delta lying northeast of Kwikpak Pass and Kawanak Pass and northwest of Apoon Pass and Okega Pass within the following protracted townships:

**KATEEL RIVER MERIDIAN**

T. 26 S., Rs. 26, 27, 28, 29, and 30 W.  
T. 27 S., Rs. 26, 27, 28, 29, 30, and 31 W.  
T. 28 S., Rs. 26, 27, 28, 29, 30, and 31 W.  
T. 29 S., Rs. 27, 28, 29, and 30 W.

**SEWARD MERIDIAN**

T. 32 N., Rs. 78 and 79 W.  
T. 33 N., Rs. 76, 77, 78, and 79 W.  
T. 34 N., Rs. 76, 77, 78, and 79 W.

2. This order shall not affect any area within the boundaries of any native town or village, and should not be construed to abrogate or impair any legal or aboriginal claim or right, if any, of the natives to use the lands, and they may hunt, fish and trap in accordance with

applicable law, and carry on any lawful activity.

Signed at 10 a.m. on January 20, 1969.

STEWART L. UDALL,  
Secretary of the Interior.

[F.R. Doc. 69-927; Filed, Jan. 23, 1969;  
8:47 a.m.]

## Title 45—PUBLIC WELFARE

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

#### PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Notice of proposed regulations for the programs administered under Titles I, IV—Part A, X, XIV, XVI, or XIX of the Social Security Act with respect to fair hearings—legal services, continuing assistance, was published in the FEDERAL REGISTER on November 30, 1968 (33 F.R. 17853). After consideration of the views presented by interested persons, the regulations as proposed, with a change providing for use of the services of law students, are hereby adopted. Accordingly, a new § 205.10 is added to Part 205, Chapter II of Title 45 of the Code of Federal Regulations as set forth below (effective on the date of publication in the FEDERAL REGISTER):

§ 205.10 Fair hearings: legal services; continuing assistance.

(a) *State plan requirements.* Effective October 1, 1969, a State plan for OAA, AFDC, AB, APTD, AABD, or MA under the Social Security Act must provide that:

(1) When a fair hearing is requested because of termination or reduction of assistance, involving an issue of fact, or of judgment relating to the individual case, between the agency and the appellant, assistance will be continued during the period of the appeal and through the end of the month in which the final decision on the fair hearing is reached. (If assistance has been terminated prior to timely request for fair hearing, assistance will be reinstated.) Where delays are occasioned during the period of the appeal, assistance will be continued if the delay is at the instance of the agency or because of illness of the claimant or for other essential reasons. To the extent that there are other delays at the request of the claimant the agency may but is not required to continue assistance.

(2) The services of lawyers will be made available to welfare applicants and recipients who desire them in fair hearings. This may be done through legal service projects under the Office of Economic Opportunity, Legal Aid, or other organizations making legal services available; or through enabling the appellant to engage an attorney or be assigned an attorney in accordance with the procedures of the local Bar Association; or

through the use of law students acting under the supervision of a law teacher or of a legal services organization. Appropriate fee schedules are established or other methods are developed to assure legal representation when desired. Attorneys on the staff of the welfare agency may not be used to represent the claimant at fair hearings. States are not required to pay to the extent that adequate services are available without cost to the State agency.

(b) *Federal financial participation.* Federal financial participation is available in:

(1) Cost for services of lawyers, under the adult categories to represent welfare clients in fair hearings, at the 75 percent rate, if the State has an approved services plan for the adult categories. The 50 percent rate would be applicable if the State has no approved plan for services in the adult categories.

(2) Cost for services of lawyers, under Title IV, Part A, to represent clients in fair hearings, at the 85 percent rate to July 1, 1969, and at the 75 percent rate thereafter.

(3) Cost for legal services at the applicable rate for clients pursuing judicial review of a fair hearing decision.

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

Dated: January 15, 1969.

JOSEPH H. MEYERS,  
Acting Administrator,  
Social and Rehabilitation Service.

Approved: January 17, 1969.

WILBUR J. COHEN,  
Secretary.

[F.R. Doc. 69-974; Filed, Jan. 23, 1969;  
8:51 a.m.]

#### PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

##### Methods for Determination of Eligibility

Notice of proposed regulations for the programs administered under Title I, IV—Part A, X, XIV, XVI, or XIX of the Social Security Act, with respect to methods for determination of eligibility, was published in the FEDERAL REGISTER on November 20, 1968 (33 F.R. 17189). After consideration of the views presented by interested persons the regulations were changed as follows:

A. The regulation now provides for testing in selected areas in all States and in all categories beginning July 1, 1969.

B. The effective date for Statewide implementation is now predicated upon a favorable determination by the Secretary that the results of such testing warrant implementation. Should a favorable determination result as stated above, the earliest effective dates for implementation are as follows: October 1, 1969, for Old Age Assistance (OAA); January 1, 1970, for Aid to the Blind (AB), Aid to the Permanently and Totally Disabled (APTD), Aid to the Aged,

Blind or Disabled (AABD), and Medical Assistance for the Aged (MA); and April 1, 1970, for Aid to Families with Dependent Children (AFDC).

C. Terminology has been changed to call the system a "Simplified Method" in determining eligibility rather than a "Declaration Method."

D. More specific tolerance levels of error have been established for acceptability of the new method.

E. Reference has been added to identify the action to be taken in situations in which fraud is suspected or identified.

F. The regulation now requires that States submit regular progress reports to the Department of Health, Education, and Welfare.

G. The regulation now requires that States require that recipients make timely and accurate reports of any change in circumstances.

H. The Simplified Form will include in a conspicuous place a statement of penalty in the case of recipient fraud. The Form must be approved by the Federal agency.

I. The regulation requires that States establish and use a Technical Consultation Panel for evaluation of the method. The Secretary of Health, Education, and Welfare will appoint a National Evaluation Committee who shall periodically review the method and recommend necessary change.

Accordingly, the regulations as so amended are hereby codified by adding a new § 205.20 in Part 205, Chapter II of Title 45 of the Code of Federal Regulations to read as follows:

**§ 205.20 Methods for determination of eligibility.**

Under the Social Security Act, State plans for public assistance must provide such methods of administration as are found by the Secretary to be necessary for the proper and efficient operation of the plan. In determinations and redeterminations of eligibility for assistance, and for the amount of assistance, this requires methods directed to the following objectives: Payment of assistance to all individuals who are eligible and denial of assistance to all individuals who are not eligible; procedures which are simple, efficient and economical, allowing the most effective use of limited personnel; and full respect for the rights and dignity of applicants for, and recipients of assistance. The regulations in this section are directed to these purposes.

(a) *Requirements for State plans.* A State plan for OAA, AFDC, AB, APTD, AABD, and MA must provide that:

(1) Effective no later than July 1, 1969, a simplified method for the determination of eligibility must be used on a test basis in selected local units encompassing a significant percentage of the caseload, representative of the existing State public assistance programs from the standpoint of staff, applicants and recipients, and other significant characteristics which will assure an adequate demonstration of the method. At least

one of the local units will be an urban area.

(2) Effective October 1, 1969, in OAA; January 1, 1970, in AB, APTD, AABD, and MA; and April 1, 1970, in AFDC, this method will be in use Statewide for determining initial and continuing eligibility; provided that the Secretary shall determine that the results from the test basis local units implementing the declaration policy on July 1, 1969, support the overall effectiveness of such a policy on a permanent basis.

(3) When under the simplified method, statements of the applicant or recipient are incomplete, unclear, or inconsistent, or where other circumstances in the particular case indicate to a prudent person that further inquiry should be made, and the individual cannot clarify the situation, the State agency will be required to obtain additional substantiation or verification. In such instances, verification is obtained from the individual or the agency's records or from the public records, or with the individual's knowledge and consent, from another source. The simplified method does not apply to eligibility factors for which Federal law or policies require procedures beyond obtaining a client's statement, such as requirements for a professional examination to determine whether an individual is blind, for a professional determination regarding permanent and total disability, for a determination of whether training or employment was refused for "good cause." The simplified method does not exclude the use of data exchange for information about receipt of social security with the Social Security Administration.

(4) Procedures are adopted which are designed to assure that recipients make timely and accurate reports of any change in circumstances which affect their eligibility for assistance or its amount.

(5) When there is evidence that fraud has been practiced in order to obtain assistance, the case must be referred to the appropriate law enforcement official, in accordance with Federal requirements. The agency's method of investigating instances of suspected fraud must respect the legal rights of individuals.

(6) An initial progress report shall be submitted to the Department of Health, Education, and Welfare at the end of the first quarter. This report shall provide information as requested on the progress of the demonstration or implementation of the method including findings on eligibility, ineligibility and extent of entitlement. (For continuing reports, see definitions, paragraph (c) (5) (ii) of this section.)

(b) *Evaluation.* The Secretary of Health, Education, and Welfare shall appoint a National Evaluation Committee composed of prominent citizens representing industry, education, labor, welfare recipients, and other groups who shall review, periodically, results of the operation of the system and recommend to the Secretary any changes considered necessary to improve the method and to assure proper and efficient administration.

(c) *Definitions.* The simplified method means an organized method by which the agency accepts the statements of the applicant for, or recipient of assistance, about facts that are within his knowledge and competence (all facts except those specified in paragraph (a) (3) of this section) as a basis for decisions regarding his eligibility and extent of entitlement. The method includes:

(1) Use of a simplified form for application and redetermination which:

(i) Will provide for the information necessary for the determination of eligibility and extent of entitlement under the State plan;

(ii) Will contain appropriate and conspicuous notice to applicants and recipients, informing them of the penalties for fraud;

(iii) Will be reviewed and approved as specified by the Department of Health, Education, and Welfare after the pretest and at the time of any significant revision;

(2) A testing of the simplified form for initial and redetermination of eligibility prior to full implementation. The testing includes an item-by-item review designed to discover and correct ambiguous language, to ensure that the information requested is relevant, and to ensure that the form has logical sequence. The pretest should show whether applicants and recipients understand what information is being sought and why.

(3) Validation which relates to the procedures adopted in the initial testing of the correctness of the eligibility decisions. The validation process consists of a full field review of samples of local agency case actions made under the simplified method, to determine how reliable the entire method is in actual operation.

(4) Establishment of a State Technical Consultation Panel consisting of interested individuals, including persons from business, labor, universities and assistance recipients. The Panel will carry out a continuous and periodic evaluation of the method, to assure that the method is consistent with proper and efficient administration and contributes to achievement of the objectives of the program.

(5) A method of continuing review on a sampling basis (Quality Control) designed to operate as an effective measurement of the accuracy of decisions on eligibility and extent of entitlement. The sampling design in the simplified method required by the Department of Health, Education, and Welfare will:

(i) Be of sufficient size to identify weaknesses which need correction and to obtain reliable statistical measures of incorrect eligibility decisions in total State caseloads as well as in the caseloads of large urban agencies within the State. To facilitate these objectives, the field investigation in the sample cases is pursued to the point where findings related to eligibility or ineligibility are definitively concluded by independent verification. Each factor of eligibility is substantiated by documentary or other appropriate evidence as correct.

(ii) Provide for reporting controls in which rate of incorrect eligibility decisions and extent of entitlement are reported to the Federal agency at quarterly intervals. Alternate quarterly reports will also include an analysis of the findings of the previous six (6) month period together with appropriate corrective action taken or to be taken.

(iii) Provide for a 3 percent tolerance level on incorrect eligibility decisions. When it is determined that the rate of incorrect eligibility decisions exceeds a 3 percent tolerance level, the State and or large urban agency must conduct a 100 percent verification on those specific factors of eligibility identified as causing the unacceptable incorrect decision rate. This more intensive investigation on specific factors of eligibility will be continued until the Federal agency and the State assess the situation and work out a solution. The system contemplates periodic review and monitoring of operations by the Department of Health, Education, and Welfare.

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

*Effective date.* The regulations in this section are effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 17, 1969.

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

Approved: January 17, 1969.

WILBUR J. COHEN,  
Secretary.

[F.R. Doc. 69-975; Filed, Jan. 23, 1969;  
8:51 a.m.]

## PART 233—COVERAGE AND CONDI- TIONS OF ELIGIBILITY IN FINAN- CIAL ASSISTANCE PROGRAMS

### Dependent Children of Unemployed Fathers

Notice of proposed regulations for the aid to families with dependent children program under Title IV—Part A of the Social Security Act, with respect to dependent children of unemployed fathers, was published in the FEDERAL REGISTER of November 16, 1968 (33 F.R. 17111). After consideration of the views presented by interested persons, such regulations, with a change in the effective date, are hereby adopted. Accordingly, a new § 233.100 is added in Part 233, Chapter II of Title 45 of the Code of Federal Regulations to read as follows:

#### § 233.100 Dependent children of un- employed fathers.

(a) *Requirements for State Plans.* If a State wishes to provide AFDC for children of unemployed fathers, the State plan under Title IV—Part A of the Social Security Act must, except as specified in paragraph (b) of this section:

(1) Include a definition of an unemployed father

(i) Which shall include any father who is employed less than 30 hours a week, or less than three fourths of the

number of hours considered by the industry to be full time for the job, whichever is less, and

(ii) Which may include any father who is employed less than 35 hours a week, or less than the number of hours considered by the industry to be full time for the job, whichever is less.

(2) Include a definition of a dependent child which shall include any child of an unemployed father (as defined by the State pursuant to subparagraph (1) of this paragraph) who would be, except for the fact that his parent is not dead, absent from the home, or incapacitated, a dependent child under the State's plan approved under section 402 of the Act.

(3) Provide for payment of aid with respect to any dependent child (as defined by the State pursuant to subparagraph (2) of this paragraph) when the conditions set forth in subdivisions (i), (ii), and (iii) of this subparagraph are met:

(i) His father has been unemployed for at least 30 days prior to the receipt of such aid.

(ii) Such father has not without good cause, within such 30-day period prior to the receipt of such aid, refused a bona fide offer of employment or training for employment. Before it is determined that a father has refused a bona fide offer of employment or training for employment without good cause, the agency must make a determination that such an offer was actually made. (In the case of offers of employment made through the public employment or manpower agencies, the determination as to whether the offer was bona fide, or whether there was good cause to refuse it, will be made by that office or agency.) The father must be given an opportunity to explain why such offer was not accepted. Questions with respect to the following factors must be resolved:

(a) That there was a definite offer of employment at wages meeting any applicable minimum wage requirements and which are customary for such work in the community;

(b) Any questions as to the father's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and

(c) Any questions of working conditions, such as risks to health, safety, or lack of workman's compensation protection.

(iii) Such father (a) has six or more quarters of work (as defined in subdivision (iv) of this subparagraph), within any 13-calendar-quarter period ending within 1 year prior to the application for such aid, or (b) within such 1-year period, received unemployment compensation under an unemployment compensation law of a State or of the United States, or was qualified under the terms of subdivision (v) of this subparagraph) for such compensation under the State's unemployment compensation law.

(iv) A "quarter of work" with respect to any individual means a period (of 3 consecutive calendar months ending on March 31, June 30, September 30, or December 31) in which he received earned

income of not less than \$50 (or which is a "quarter of coverage" as defined in section 213(a) (2) of the Act), or in which he participated in a community work and training program under section 409 of the Act or any other work and training program subject to the limitations in such section 409, or the work incentive program established under part C of title IV of the Act.

(v) An individual shall be deemed "qualified" for unemployment compensation under the State's unemployment compensation law if he would have been eligible to receive such benefits upon filing application, or he performed work not covered by such law which, if it had been covered, would (together with any covered work he performed) have made him eligible to receive such benefits upon filing application.

(4) Provide for entering into cooperative arrangements with the State agency responsible for administering or supervising the administration of vocational education to assure maximum utilization of available public vocational education services and facilities in the State to encourage the retraining of individuals capable of being retrained.

(5) Provide for the denial of such aid to any such dependent child or the relative specified in section 406(a) (1) of the Act with whom such child is living,

(1) If, and for as long as, such child's father is not currently registered with the public employment offices in the State, and

(ii) With respect to any week for which such child's father receives unemployment compensation under an unemployment compensation law of a State or of the United States.

(6) Provide that within 30 days after the receipt of aid with respect to such children, such unemployed fathers will be referred for participation in the Work Incentive Program, as provided in section 402(a) (19) of the Act and the regulations relating thereto.

(7) Provide, where application for aid with respect to a dependent child (as defined by the State pursuant to subparagraph (2) of this paragraph) is made within 6 months after the effective date of the modification of the State plan in accordance with the provisions in subparagraphs (1) through (6) of this paragraph, that the father of such child will be considered to have met the requirements of subparagraph (3) (iii) of this paragraph if he met such requirements at any time after April 1961 and prior to the date of such application.

(8) Provide, if the approved State plan in effect prior to January 1, 1968, including aid with respect to dependent children of unemployed parents, that for purposes of subparagraph (7) of this paragraph an individual who received such aid under such plan for the last month ending before the effective date of the modification referred to in subparagraph (7) of this section will be considered to have filed application for aid under the plan as modified on the day after such effective date.

(b) *Exception.* Under the law, a State which had in operation an AFDC-Unemployed Parent Program under title IV of the Act at any time during the period October 1-December 31, 1967, is not required prior to July 1, 1969, to include any additional child or family under its approved State plan, by reason of the requirements set forth in paragraph (a) of this section.

(c) *Federal financial participation*  
 (1) Beginning with the effective date of these regulations or effective date of approval of amendments to the State plan pursuant to section 407 of the Act, whichever is later, Federal financial participation is available in payments authorized in accordance with the State plan approved under section 402 of the Act as aid to families with dependent children with respect to a child

(i) Who meets the requirements of section 406(a) (2) of the Act;

(ii) Who is living with any of the relatives specified in section 406(a) (1) of the Act in a place of residence maintained by one or more of such relatives as his (or their) own home;

(iii) Who has been deprived of parental support or care by reason of the fact that his father is employed less than 35 hours a week or less than the number of hours considered by the industry to be full time for the job, whichever is less;

(iv) Whose father (a) has six or more quarters of work (as defined in paragraph (a) (3) (iv) of this section) within any 13-calendar-quarter period ending within 1 year prior to the application for such aid, (b) within such 1-year period, received unemployment compensation under an unemployment compensation law of a State or of the United States, or was qualified (under the terms of paragraph (a) (3) (v) of this section) for such compensation under the State's unemployment compensation law, or (c) is an individual whose application for aid was made within the period referred to in paragraph (a) (7) or (8) of this section and who by virtue of the requirements in such paragraph (a) (7) or (8) would be considered to have met the conditions in subdivision (iv) (a) or (b) of this subparagraph; and

(v) Whose father (a) is currently registered with the public employment offices in the State, and (b) with respect to any week, does not receive unemployment compensation under an unemployment compensation law of a State or of the United States.

(2) The State may not include in its claim for Federal financial participation payments made as aid under the plan with respect to a child who meets the conditions set forth in subparagraph (1) of this paragraph, where such payments were made

(i) For any part of the 30 day period prior to the receipt of such payment, if during such period his father was not unemployed (as defined by the State pursuant to paragraph (a) (1) of this section);

(ii) For such 30-day period, if during such periods his father refused without good cause a bona fide offer of employment or training for employment; and

(iii) For any period beginning with the 31st day after the receipt of such aid, if and for as long as no action is taken during such period to refer his father for participation in the Work Incentive Program as provided in section 402(a) (19) of the Act and the regulations relating thereto.

(Sec. 1102, 49 Stat. 647, Sec. 407, 81 Stat. 882; 42 U.S.C. 1302, 607)

*Effective date.* The regulations in this section shall be effective the first day of the month following their publication in the FEDERAL REGISTER.

Dated: January 10, 1969.

JOSEPH H. MEYERS,  
*Acting Administrator, Social  
 and Rehabilitation Service.*

Approved: January 17, 1969.

WILBUR J. COHEN,  
*Secretary.*

[F.R. Doc. 69-976; Filed, Jan. 23, 1969;  
 8:51 a.m.]

## Title 49—TRANSPORTATION

### Chapter III—Federal Highway Administration, Department of Transportation

#### SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

#### PART 367—CERTIFICATION

Section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) requires every manufacturer or distributor of a motor vehicle or motor vehicle equipment to furnish to a distributor or dealer the certification that the vehicle or equipment item conforms to all applicable Federal motor vehicle safety standards. Section 112(d) of the Act (15 U.S.C. 1401(d)), requires manufacturers to provide to the Secretary of Transportation and to first purchasers such technical data as may be required to carry out the purposes of the Act.

Pursuant to these sections, and to the general rule making authority of section 119 of the Act (15 U.S.C. 1407), notices of proposed rule making concerning the issuance of regulations for the certification of motor vehicles and motor vehicle equipment, and for providing identifying information concerning manufacture, were published in the FEDERAL REGISTER on October 19, and November 1, 1968 (33 F.R. 15559 and 16089). The time for comment was extended by notice of November 20, 1968 (33 F.R. 17189).

Interested persons were given the opportunity to comment on all aspects of the subject. A large number of comments were received, and each has been carefully considered.

Some of the comments indicated a misunderstanding of the applicability of the statutory requirement for certification, particularly in the area of motor vehicle equipment. An "Application" section has therefore been included in the regulation to make clear that this

requirement applies only to manufacturers or distributors who deliver vehicles or equipment to distributors or dealers, and, with regard to equipment, only to manufacturers of those items for which there is an equipment standard (presently Standards Nos. 106, 109, 116, 205, 209, and 211).

The Act defines "manufacturer" to include "importers". It has been determined that, in the maximum number of cases, the certification label should be affixed by the foreign manufacturer, who is in the best position to know the performance characteristics of the vehicle. The joint regulations for the importation of vehicles and equipment (19 CFR 12.80) however, provide that a vehicle or item of equipment offered for importation that does not bear a valid certification label may be admitted if a declaration is filed containing one of the several alternative statements, the most important being that the vehicle is nonconforming but will be brought into conformity (19 CFR 12.80(b) (2) (iii)-(iv)). The notice of proposed rule making would have removed importers from the scope of the regulation, without providing for a method by which importers could certify a previously uncertified vehicle admitted under the above provisions, thus possibly removing this method of importation. The regulation has been revised, therefore, to provide for certification by importers in cases where the imported vehicle or equipment does not bear a label or tag conforming to the requirements of this part.

The notice of proposed rule making provided that the label for vehicles should be of metal or plastic, and be riveted, welded, or bonded to the vehicle. Several comments suggested that these requirements were too restrictive, and would not be effective in ensuring permanency. The intent of the regulation is that the label should remain in place and legible for the life of the vehicle, and not be easily transferable to another vehicle. The provision has accordingly been restated in more general terms. Also, in response to several comments, the regulation has been reworded to include a broader choice of locations, and to allow application for approval of other locations where none of those specified is practicable for a particular vehicle. The minimum type size was reduced for both vehicles and equipment, in response to comments concerning cost and convenience. For equipment, the required statement was also condensed so as to minimize the area needed.

Several comments objected to the requirement of the month and year of manufacture on the label, arguing that this would hamper the sale of vehicles that are not sold soon after manufacture. This argument is necessarily a speculative one. If the information does influence consumer selection of vehicles in some cases, there are considerations in favor of providing the public with this information in making as large and important a purchase as that of an automobile. The requirement will create an important item of consumer information, allowing the public more easily to

determine which of the Federal standards are applicable to a particular vehicle. Additionally, the auto-purchasing and auto-operating public, if aware of applicable standards, can be an important source of defect and nonconformity information.

The requirement of the vehicle identification number on the label, though objected to by some for cost reasons, is important to ensure that labels will not be transferred from a conforming vehicle to a nonconforming one, or to detect such transfers when they occur.

In the notice of proposed rule making, it was stated that an additional requirement, that distributors of vehicles separately certify a vehicle in any case in which they have altered it in such a manner that compliance with applicable standards is affected, was under consideration. No objections were received on this subject. Therefore, this requirement has been included in the regulation.

Several comments on behalf of equipment distributors stated that the labeling requirements would create a hardship to them, because some equipment manufacturers place the certification only on the container of the largest unit shipped, such as a shipping crate, forcing distributors to relabel whenever they "break bulk" for resale of smaller quantities. It has been determined that the burden of certification labeling should be primarily on the manufacturer. The regulation therefore provides that the equipment label shall be placed either directly on the item of equipment or on the smallest container in which each item is packaged. Thus, the only case in which the distributor will have to relabel equipment is that in which he repackages equipment that has been removed from any manufacturer's container.

Several comments objected to the requirement of identifying manufacturers of equipment, on the basis of the industry practice of "private-label" manufacturing, whereby companies (including vehicle manufacturers) sell under their own names aftermarket equipment actually manufactured by other concerns. Some suggested a code system of identification, such as presently used for tires. In light of the fact that there are presently only four equipment standards for which the identification requirement is applicable, and the problems inherent in setting up a comprehensive coding system for equipment items, it is not considered necessary or appropriate to set up such a system at this time.

In consideration of the foregoing, a new Part 367—Certification, is added to Title 49 of the Code of Federal Regulations as set forth below. This regulation is issued under the authority of sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401, 1403, 1407) and the delegation of authority contained in Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.4(c)).

*Effective date.* This part shall be effective for all motor vehicles and motor

vehicle equipment manufactured after August 31, 1969.

Issued on January 17, 1969.

LOWELL K. BRIDWELL,  
Federal Highway Administrator.

#### CERTIFICATION

Sec.	
367.1	Purpose and scope.
367.2	Application.
367.3	Definitions.
367.4	Requirements for manufacturers of motor vehicles.
367.5	Requirements for manufacturers of chassis-cabs.
367.6	Requirements for distributors of motor vehicles.
367.7	Requirements for manufacturers of motor vehicle equipment.
367.8	Requirements for distributors of motor vehicle equipment.

**AUTHORITY:** The provisions of this Part 367 issued under secs. 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401, 1403, 1407) and the delegation of authority contained in Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.4(c)).

#### CERTIFICATION

##### § 367.1 Purpose and scope.

The purpose of this part is to specify the content and location of, and other requirements for, the label or tag to be affixed to motor vehicles and motor vehicle equipment ("equipment") required by section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) ("the Act") and to provide the consumer with information to assist him in determining which of the Federal Motor Vehicle Safety Standards (Part 371 of this chapter) ("Standards") are applicable to the vehicle or equipment.

##### § 367.2 Application.

(a) This part applies to manufacturers and distributors of motor vehicles and equipment to which one or more standards are applicable, who deliver these vehicles or equipment to distributors or dealers for resale.

(b) In the case of imported motor vehicles and equipment, the requirement of affixing a label or tag applies to importers of vehicles or equipment, admitted to the United States under § 12.80 (b) (2) of the joint regulations for importation of motor vehicles and equipment (19 CFR 12.80(b)(2)) to which the required label or tag is not affixed.

##### § 367.3 Definitions.

All terms that are defined in the Act and the rules and standards issued under its authority are used as defined therein.

##### § 367.4 Requirements for manufacturers of motor vehicles.

(a) Each manufacturer of motor vehicles shall affix to each vehicle a label, of the type and in the manner described below, containing the statements specified in paragraph (g) of this section.

(b) The label shall be permanently affixed in such a manner that it cannot be removed without the use of tools and without destroying it.

(c) Except for trailers and motorcycles, the label shall be affixed to either the hinge pillar, door-latch post, or door-facing next to the driver's seating position, or if none of these locations is practicable, to the left side of the instrument panel. If none of these locations is practicable, notification of that fact, together with drawings or photographs showing a suggested alternate location in the same general area, shall be submitted for approval to the Director, National Highway Safety Bureau, Washington, D.C. 20591. The location of the label shall be such that it is easily readable without moving any part of the vehicle except an outer door.

(d) The label for trailers shall be affixed to a location on the forward half of the left side, such that it is easily readable from outside the vehicle without moving any part of the vehicle.

(e) The label for motorcycles shall be affixed to a permanent member of the vehicle as close as is practicable to the intersection of the steering post with the handle bars, in a location such that it is easily readable without moving any part of the vehicle.

(f) The lettering on the label shall be of a color that contrasts with the background of the label.

(g) The label shall contain the following statements, in the English language, lettered in block capitals and numerals not less than 3/32-inch high, in the order shown:

(1) Name of manufacturer. The full corporate or individual name shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents, and the first and middle initials of individuals, may be used. The name of the manufacturer shall be preceded by the words "Manufactured by" or "Mfd by".

(2) Month and year of manufacture. This shall be the time during which work was completed at the place of main assembly of the vehicle. It may be spelled out, as "June 1970", or expressed in numerals, as "6/70".

(3) The statement: This vehicle conforms to all Applicable Federal Motor Vehicle Safety Standards in Effect on the Date of Manufacture Shown Above.

(4) Vehicle identification number.

(5) For multipurpose passenger vehicles, the words, "Type Multipurpose Passenger Vehicle". No type designation is required of other types of vehicle.

##### § 367.5 Requirements for manufacturers of chassis-cabs.

Manufacturers of chassis-cabs shall affix securely to the windshield or side window a label containing the information specified in § 371.13 *Labeling of chassis-cabs*, of this chapter.

##### § 367.6 Requirements for distributors of motor vehicles.

A distributor of a motor vehicle who does not alter the vehicle in a manner that affects compliance with applicable standards may satisfy the certification requirements of the Act by allowing a manufacturer's label that conforms to the requirements of this part to remain

affixed to the vehicle. A distributor of a vehicle who alters a vehicle in a manner that affects compliance with applicable standards shall furnish to a dealer or other distributor to whom he delivers the vehicle a separate certification. The certification shall be on a label as described in § 367.4, except that its contents shall be in the following form:

This Vehicle was Altered by [name of distributor] in [month and year in which alterations were completed] and as Altered it Conforms to All Applicable Federal Motor Vehicle Safety Standards in Effect on the Date of Original Manufacture.

**§ 367.7 Requirements for manufacturers of motor vehicle equipment.**

(a) Except as provided in paragraphs (d) and (e) of this section, each manufacturer of motor vehicle equipment required to conform to an applicable standard shall affix a label or tag to each item of equipment, or to the smallest container in which each item is packaged by the manufacturer. The label or tag shall contain the statements specified in paragraph (c) of this section.

(b) The label or tag shall either be in the form of indelible printing on the equipment or its container, or be affixed in such a manner that it cannot easily be removed. The lettering shall be of a color that contrasts with the color of the label.

(c) The label or tag shall contain the following statements, in the English language, lettered in block capitals and numerals not less than 1/16-inch high, in the order shown:

(1) Name of manufacturer. The full corporate or individual name shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents, and the first and middle initials of individuals, may be used.

(2) Month and year of manufacture. This shall be the time during which manufacture of the item of equipment was completed. It may be spelled out, as "June 1970", or expressed in numerals, as "6/70".

(3) A statement that the item of equipment conforms to applicable enumerated Standards, which may be condensed to the following form: Meets Fed Std 106.

(d) Prime manufacturers of glazing material may comply with paragraphs (a) through (c) of this section or may use certification alternatives established by Standard No. 205.

(e) Manufacturers of new pneumatic tires for use on passenger cars manufactured after 1948 shall comply with this part by meeting the labeling requirements of Standard No. 109.

**§ 367.8 Requirements for distributors of motor vehicle equipment.**

(a) A distributor of equipment to which is affixed, or to the container of which is affixed, a manufacturer's label or tag conforming to this part may satisfy the certification requirements of the Act by allowing the label or tag to remain affixed to the equipment or its container when it is delivered to a dealer or another distributor.

(b) A distributor of equipment who repackages the equipment so that the manufacturer's label or tag is no longer affixed thereto shall affix a label or tag to each item of equipment, or to the smallest container in which each item of equipment is repackaged by the distributor. This label or tag shall conform to § 367.7 and contain the same information as the original manufacturer's label or tag (name of manufacturer, month and year of manufacture, and conformity statement).

[F.R. Doc. 69-1002; Filed, Jan. 23, 1969; 8:53 a.m.]

[Docket No. 20; Notice 4]

**PART 369—REGROOVED TIRES**

The purpose of this amendment is to establish criteria under which regrooved tires may be sold or delivered for introduction into interstate commerce. The regulation allows only tires designed for the regrooving process to be regrooved; specifies dimensional and conditional requirements for the tire after the regrooving process; and sets forth labeling requirements for the tire which is to be regrooved.

Section 204(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1424) provides that no person shall sell, offer for sale, or introduce for sale or delivery for introduction into interstate commerce, any tire or motor vehicle equipped with any tire which has been regrooved but gives the Secretary the authority to permit the sale of regrooved tires and motor vehicles equipped with regrooved tires when the regrooved tires are designed and constructed in a manner consistent with the purposes of the Act.

A notice<sup>1</sup> was published (32 F.R. 11579) affording interested persons an opportunity to present views, information, and data to form the basis for permitting the sale and delivery for introduction into interstate commerce of regrooved tires and motor vehicles equipped with regrooved tires.

After considering the comments, data, information received and the state-of-the-art, a proposed regulation setting forth criteria to govern the regrooving of tires was published (33 F.R. 8603). All comments received have been considered.

As proposed, it was not clear that the definition of regroovable and regrooved tires would allow the regrooving of retreaded tires. Two comments asked whether the regulation would allow the established practice of regrooving a retreaded motor vehicle tire. The Administrator has determined that regrooving

<sup>1</sup> The Notice of Proposed Rule Making appearing in June 12, 1968, issue of the FEDERAL REGISTER (33 F.R. 8603) was issued under 23 CFR 256, Parts of the Code of Federal Regulations relating to motor vehicle safety were transferred to Title 49 by Part II of the FEDERAL REGISTER of Dec. 25, 1968 (33 F.R. 19700).

sound retreaded tires does not affect their level of safety performance. Accordingly, the regulation as issued is clarified so as to allow regrooving of both original tread and retreaded motor vehicle tires. There is presently under consideration a Federal motor vehicle safety standard for retreaded tires. When this standard is established, retreaded tires that are regrooved will have to conform to the retread requirements as well as the regrooved tire regulations.

Section 256.5(a)(3) as contained in the notice of proposed rule making would have required that, after the regrooving process, there be a protective covering of tread material at least 3/32-inch thick over the tire cord. Four comments asked that this requirement be deleted. It was argued that this would require the removal of regrooved tires with "many usable miles" remaining on the tires.

The 3/32-inch undertread requirement is directly comparable to the undertread of a new tire. It is considered necessary that there be 3/32 of an inch of rubber over the cord material as a protection against road hazard damage. Furthermore, this protection is considered essential in order to prevent moisture entering the ply material and subsequently causing deterioration of the tire fabric and ply adhesion. For these reasons, it is concluded that to allow an undertread of less than 3/32 of an inch would not be in the public interest.

One comment argued that a tire would have to be completely cut to determine the thickness of the undertread. Since it is acceptable practice to determine undertread depth by use of an awl and only a very limited degree of expertise is needed to make this measurement without causing damage to the tire, this argument has been rejected.

Section 256.5(a)(4), as contained in the notice of proposed rule making would have required that after regrooving, the tire have a minimum of 90 linear inches of tread edges per linear foot of tire circumference. Four comments requested clarification of this requirement as to whether the original molded tread was to be included in the measurements for this requirement. The initial intent of this requirement was to include only the newly cut grooves. However, after considering the fact that residual existent grooves offer tread edges which contribute to the traction of the tire, the regulation as issued is revised to allow that portion of the original tread pattern of a regroovable tire which is at least as deep as the new regroove depth to be included within the calculation of the 90 linear inches of tread edges required in each foot of tire circumference.

Section 256.5(a)(5) as contained in the notice of proposed rule making would have required that, after regrooving, the groove width be a minimum of 3/16-inch and a maximum of 5/16-inch. Four comments requested clarification whether this requirement applied to the original molded tread pattern as well as the tread pattern created by regrooving. It was not intended that this requirement

apply to the original molded tread pattern and the regulation as issued is revised to make this clear.

One comment pointed out that the use of the term "tractionizing" within § 256.5(b) was too general and that the proper term for crosscutting the tread without rubber removal is "siping." Accordingly, the regulation as issued is revised to reflect this suggestion.

Section 256.7 as contained in the notice of proposed rule making specified certain labeling requirements for regroovable and regrooved tires. Four comments contended that the labeling requirements should not be included within the regulation. Two other comments stated that the proposed labeling was too large and requested smaller size symbols and letters. The Administrator recognizes that several names or brands are used to identify regroovable tires and has therefore determined that concise identification of regroovable tires is needed. For this reason the regulation as issued requires molding on a regroovable tire the word "Regroovable," but permits lettering one-half the size proposed in the notice of proposed rule making. However, with regard to the proposed requirement that each regrooving be indicated on the tire, it was found that such a requirement was not necessary in view of the minimum undertread requirement in the regulation, and that proposed requirement has been deleted.

In consideration of the foregoing, Part 369—Regrooved Tire Regulation set forth below is added to Title 49—Transportation, Chapter III—Federal Highway Administration, Department of Transportation, Subchapter A—Motor Vehicle Safety Regulations. This regulation becomes effective February 28, 1969.

This regulation is issued under authority of sections 119 and 204 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1407 and 1424) and the delegation from the Secretary of Transportation, Part I of the Regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued on January 17, 1969.

LOWELL K. BRIDWELL,  
Federal Highway Administrator.

- Sec.  
369.1 Purpose and scope.  
369.3 Definitions.  
369.5 Applicability.  
369.7 Requirements.  
369.9 Labeling of regroovable tires.

**AUTHORITY:** The provisions of this Part 369 issued under sec. 119, 204, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1407, 1424); 49 CFR 1.4(c)).

#### § 369.1 Purpose and scope.

This part sets forth the conditions under which regrooved and regroovable tires manufactured or regrooved after the effective date of the regulation may be sold, offered for sale, introduced for sale or delivered for introduction into interstate commerce.

#### § 369.3 Definitions.

(a) **Statutory Definitions:** All terms used in this part that are defined in sec-

tion 102 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391) are used as defined in the Act.

(b) **Motor Vehicle Safety Standard Definitions:** Unless otherwise indicated, all terms used in this part that are defined in the Motor Vehicle Safety Standards, Part 371, of this subchapter (hereinafter "The Standards"), are used as defined therein without regard to the applicability of a standard in which a definition is contained.

(c) **"Regroovable tire"** means a tire, either original tread or retread, designed and constructed with sufficient tread material to permit renewal of the tread pattern or the generation of a new tread pattern in a manner which conforms to this part.

(d) **"Regrooved tire"** means a tire, either original tread or retread, on which the tread pattern has been renewed or a new tread has been produced by cutting into the tread of a worn tire to a depth equal to or deeper than the molded original groove depth.

#### § 369.5 Applicability.

(a) **General.** Except as provided in paragraph (b) of this section, this part applies to all motor vehicle regrooved or regroovable tires manufactured or regrooved after the effective date of the regulation.

(b) **Export.** This part does not apply to regrooved or regroovable tires intended solely for export and so labeled or tagged.

#### § 369.7 Requirements.

(a) **Regrooved Tires:** No person shall sell, offer for sale, or introduce for sale or deliver for introduction into interstate commerce regrooved tires produced by removing rubber from the surface of a worn tire tread to generate a new tread pattern unless the tires conform to the requirements set forth below:

(1) The tire being regrooved shall be a regroovable tire;

(2) After regrooving, cord material below the grooves shall have a protective covering of tread material at least  $\frac{3}{32}$ -inch thick.

(3) After regrooving, the new grooves generated into the tread material and any residual original molded tread groove which is at or below the new regrooved groove depth, shall have a minimum of 90 linear inches of tread edges per linear foot of tire circumference;

(4) After regrooving, the new groove width generated into the tread material shall be a minimum of  $\frac{3}{16}$ -inch and a maximum of  $\frac{1}{8}$ -inch;

(5) After regrooving, all new grooves cut into the tread shall provide unobstructed fluid escape passages; and

(6) After regrooving the tire shall not contain any of the following defects, as determined by a visual examination of the tire either mounted on the rim, or dismantled, whichever is applicable:

(i) Cracking which extends to the fabric,

(ii) Groove cracks or wear extending to the fabric, or

(iii) Evidence of ply, tread, or sidewall separation.

(b) Any person who regrooves tires and leases them to owners or operators of motor vehicles and any person who regrooves his own tires for use on motor vehicles is considered to be a person delivering for introduction into interstate commerce within the meaning of this part.

(c) **Siped Tires:** No person shall sell, offer for sale, or introduce for sale or deliver for introduction into interstate commerce siped tires produced by cutting the tread surface of a regrooved or regroovable tire without removing rubber, if the tire cord material is damaged as a result of the siping process, or if the tire is siped deeper than the original, retread, or regrooved groove depth.

#### § 369.9 Labeling of regroovable tires.

(a) **Regroovable Tires.** After August 30, 1969, each tire designed and constructed for regrooving shall be labeled on both sidewalls with the word "Regroovable" molded on or into the tire in raised or recessed letters 0.025 to 0.040 inch. The word "Regroovable" shall be in letters 0.038 to 0.050 inch in height and not less than 4 inches and not more than 6 inches in length. The lettering shall be located in the sidewall of the tire between the maximum section width and the bead in an area which will not be obstructed by the rim flange.

[F.R. Doc. 69-1006; Filed, Jan. 23, 1969; 8:53 a.m.]

[Docket No. 2-16]

### PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

#### Door Locks and Door Retention Components—Passenger Cars, Multipurpose Passenger Vehicles, and Trucks

A proposal to further amend Federal Motor Vehicle Safety Standard No. 206, extending its applicability to multipurpose passenger vehicles and trucks, was published in the FEDERAL REGISTER on December 28, 1967 (32 F.R. 20868).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Their comments and other available information have been carefully considered.

Ejection from passenger cars and trucks, upon impact, has proven to be a primary cause of occupant injury and death. Standard No. 206 was issued to minimize the likelihood of occupants being thrown from passenger cars by providing, among other things, load requirements for door latches and door hinge systems. A study conducted by the Cornell Aeronautical Laboratory disclosed that the rate of occupant ejection from trucks is almost twice that of recent-model passenger cars. Moreover, the study revealed that the rate of severe and fatal injuries among truck drivers who have been thrown from vehicles is four times that of drivers who remained in the vehicle after impact. Extending the requirements of Standard 206 to

trucks and multipurpose passenger vehicle clearly meets the need for motor vehicles safety. This conclusion is concurred in generally by the commenters.

Several changes have been made in the text of the standard from that which appeared in the notice of proposed rule making. The title of the standard has been changed to more accurately describe the items dealt with in the standard. In addition, in response to some of the comments submitted, the category of side doors previously referred to as "hinged doors" has been divided into two new groups—"hinged cargo-type doors" and "hinged doors except cargo-type doors," and separate load requirements and demonstration procedures have been prescribed for each. In light of other comments submitted, the demonstration procedure for "sliding doors" has also been changed for reasons of practicability. Further, a definition of the term "cargo-type doors" has been inserted in the standard. The term "temporary door" referred to and defined in the notice has been deleted. Finally, several other changes have been made for clarification purposes only.

No multipurpose passenger vehicle manufacturer objected to the proposed effective date of this amendment, January 1, 1970. On the other hand, one heavy truck manufacturer specifically objected to the proposed effective date on the ground that additional lead time would be needed to redesign, test, and retool, in order to comply with the amended standard. Several other truck manufacturers also considered the lead time to be insufficient. A January 1, 1972, effective date for trucks was proposed by the aforesaid heavy truck manufacturer. The Administrator concludes that there is merit to his objection. Heavy truck manufacturers will require more time than was originally anticipated to take the steps necessary to comply with the standard. Accordingly, the effective date of this amendment, insofar as trucks are concerned, is extended to January 1, 1972.

In consideration of the foregoing, Federal Motor Vehicle Safety Standard No. 206, as amended, 49 CFR 371.21, is amended to read as set forth below, effective January 1, 1970, for passenger cars and multipurpose passenger vehicles, and January 1, 1972, for trucks.

This rulemaking action is taken under authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority contained in Part I of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.4(c)).

Issued on January 17, 1969.

LOWELL K. BRIDWELL,  
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. 206  
DOOR LOCKS AND DOOR RETENTION COMPONENTS-PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, AND TRUCKS

S1. *Purpose and scope.* This standard specifies requirements for side door locks

and side door retention components including latches, hinges, and other supporting means, to minimize the likelihood of occupants being thrown from the vehicle as a result of impact.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, and trucks.

S3. *Definitions.* "Cargo-Type Door" means a door designed primarily to accommodate cargo loading including, but not limited to, a two-part door that latches to itself.

S4. *Requirements.* Side door components referred to herein shall conform to this standard if any portion of a 90-percentile two-dimensional manikin as described in SAE Practice J826, when positioned at any seating reference point, projects into the door opening area on the side elevation or profile view. Components on doors that are designed to be easily attached to or removed from motor vehicles manufactured for operation without doors need not conform to this standard.

S4.1 *Hinged Doors, Except Cargo-Type Doors.*

S4.1.1 *Door Latches.* Each door latch and striker assembly shall be provided with two positions consisting of—

- (a) A fully latched position; and
- (b) A secondary latched position.

S4.1.1.1 *Longitudinal Load.* The door latch and striker assembly, when in the fully latched position, shall not separate when a longitudinal load of 2,500 pounds is applied. When in the secondary latched position, the door latch and striker assembly shall not separate when a longitudinal load of 1,000 pounds is applied.

S4.1.1.2 *Transverse Load.* The door latch and striker assembly, when in the fully latched position, shall not separate when a transverse load of 2,000 pounds is applied. When in the secondary latched position, the door latch and striker assembly shall not separate when a transverse load of 1,000 pounds is applied.

S4.1.1.3 *Inertia Load.* The door latch shall not disengage from the fully latched position when a longitudinal or transverse inertia load of 30g is applied to the door latch system (including the latch and its actuating mechanism with the locking mechanism disengaged).

S4.1.2 *Door Hinges.* Each door hinge system shall support the door and shall not separate when a longitudinal load of 2,500 pounds is applied. Similarly, each door hinge system shall not separate when a transverse load of 2,000 pounds is applied.

S4.1.3 *Door Locks.* Each door shall be equipped with a locking mechanism with an operating means in the interior of the vehicle.

S4.1.3.1 *Front Door Locks.* When the locking mechanism is engaged, the outside door handle or other outside latch release control shall be inoperative.

S4.1.3.2 *Rear Door Locks.* In passenger cars and multipurpose passenger vehicles, when the locking mechanism is engaged, both the outside and inside door handles or other latch release controls shall be inoperative.

S4.2 *Hinged Cargo-Type Doors.*

S4.2.1 *Door Latches.*

S4.2.1.1 *Longitudinal Load.* Each latch system, when in the latched position, shall not separate when a longitudinal load of 2,500 pounds is applied.

S4.2.1.2 *Transverse Load.* Each latch system, when in the latched position, shall not separate when a transverse load of 2,000 pounds is applied. When more than one latch system is used on a single door, the load requirement may be divided among the total number of latch systems.

S4.2.2 *Door Hinges.* Each door hinge system shall support the door and shall not separate when a longitudinal load of 2,500 pounds is applied, and when a transverse load of 2,000 pounds is applied.

S4.3 *Sliding Doors.* The track and slide combination or other supporting means for each sliding door shall not separate when a total transverse load of 4,000 pounds is applied, with the door in the closed position.

S5. *Demonstration Procedures.*

S5.1 *Hinged Doors, Except Cargo-Type Doors.*

S5.1.1 *Door Latches.*

S5.1.1.1 *Longitudinal and Transverse Loads.* Compliance with paragraphs S4.1.1.1 and S4.1.1.2 shall be demonstrated in accordance with paragraph 4 of Society of Automotive Engineers Recommended Practice J839b, "Passenger Car Side Door Latch Systems," May 1965.

S5.1.1.2 *Inertia Load.* Compliance with S4.1.1.3 shall be demonstrated by approved tests or in accordance with paragraph 5 of SAE Recommended Practice J839b, May 1965.

S5.1.2 *Door Hinges.* Compliance with S4.1.2 shall be demonstrated in accordance with paragraph 4 of SAE Recommended Practice J934, "Vehicle Passenger Door Hinge Systems," July 1965. For piano-type hinges, the hinge spacing requirements of SAE J934 shall not be applicable and arrangement of the test fixture shall be altered as required so that the test load will be applied to the complete hinge.

S5.2 *Hinged Cargo-Type Doors.*

S5.2.1 *Door Latches.* Compliance with S4.2.1 shall be demonstrated in accordance with paragraphs 4.1 and 4.3 of SAE Recommended Practice J839b, "Passenger Car Side Door Latch Systems," May 1965. An equivalent static test fixture may be substituted for that shown in Figure 2 of SAE J839b, if required.

S5.2.2 *Door Hinges.* Compliance with S4.2.2 shall be demonstrated in accordance with paragraph 4 of SAE Recommended Practice J934, "Vehicle Passenger Door Hinge Systems," July 1965. For piano-type hinges, the hinge spacing requirement of SAE J934 shall not be applicable and arrangement of the test fixture shall be altered as required so that the test load will be applied to the complete hinge.

S5.2.3 *Sliding Doors.* Compliance with S4.3 shall be demonstrated by applying an outward transverse load of 2,000 pounds to the load bearing members at the opposite edges of the door (4,000 pounds total). The demonstration may be performed either in the

vehicle or with the door retention components in a bench test fixture.

[F.R. Doc. 69-1003; Filed, Jan. 23, 1969; 8:53 a.m.]

[Docket No. MC-6; Notice No. 68-6]

## PART 394—RECORDING AND REPORTING OF ACCIDENTS

### Accident Reports Confidential

This amendment revokes § 394.1 of Title 49, CFR. Its effect is to make accident reports filed after March 31, 1969, by motor carriers pursuant to Part 394 of the Motor Carrier Safety Regulations available to the public.

A notice of proposed rule making regarding the revocation of § 394.1 (which was then numbered § 294.1) was published in the FEDERAL REGISTER on July 16, 1968 (33 F.R. 10153). A supplemental notice, extending the time to file comments on the proposal to September 23, 1968, was published on August 22, 1968 (33 F.R. 11933). Interested persons have been given the opportunity to participate in the rule making through submission of comments in response to the notice.

In substance, § 394.1 of the Motor Carrier Safety Regulations provides that accident reports filed by carriers are not open to public inspection and may be used in evidence by Federal attorneys in agency proceedings or in suits by or on behalf of the Federal Highway Administration only when, and to the extent that, the Administrator considers such disclosure to be in the public interest. Recent events, most notably the enactment of the Freedom of Information Act (5 U.S.C. 552), have demonstrated that the refusal to permit public access to the accident report files of the Administration is contrary to sound public policy. As President Johnson said when he signed the Act, "a democracy works best when the people have all the information that the security of the Nation permits. \* \* \* freedom of information is so vital that only the national security, not the desire of public officials or private citizens, should determine when it must be restricted." In promulgating the regulations by which the Department implemented the Freedom of Information Act, the Secretary announced that "the policy of the Department will be to make all information available to the public except that which must not be disclosed in the national interest, to protect the right of an individual to personal privacy, or to insure the effective conduct of public business. To this end, the regulation provides that information will be made available to the public even if it falls within one of the exemptions set forth in section 552(b), unless the release of that information would be inconsistent with the purpose of the exemption" (32 F.R. 9284 (1967)).

In general, the bulk of the comments received opposed the proposal. The arguments against revision of the nondisclosure policy embodied in § 394.1 fell into seven broad categories. Those arguments, and the reasons why they were rejected are as follows:

1. The most frequent contention of both motor carriers and their insurers was that the contents of accident reports, if available for public inspection, would be used to the prejudice of carriers in personal injury litigation growing out of the accidents on which the carriers reported. The Administrator has concluded that the Federal Highway Administration should not tailor its regulations on public availability of its files to the conflicting interests of either party to personal injury litigation. The function of determining who must bear the costs or injury or death from highway crashes, and in what circumstances regulated motor carriers are to be held liable for those costs, is vested in the courts. It is for the courts, by fashioning the rules of evidence and discovery, and the legislative authorities, which have power to make and alter evidentiary and discovery rules, to determine the extent to which carriers shall be protected against adverse results in personal injury litigation growing out of statements made in accident reports. As is indicated below, neither the courts nor the Congress have denied plaintiffs in actions against carriers access to accident reports.

2. Section 220(f) of the Interstate Commerce Act, 49 U.S.C. 320(f), provides that motor carrier accident reports shall not be admitted as evidence or used for any other purpose in any suit or action for damages growing out of any matter mentioned in those reports. Opponents of the proposed rule have argued that disclosure of accident reports would defeat the purpose of Congress in conferring a privileged status on the reports. The difficulty with this argument is that it misconstrues the extent to which Congress limited the use of accident reports. Both the text of the statute and its legislative history indicate that it is concerned exclusively with the use of accident reports in lawsuits and in no way limits their public disclosure. If anything, the statute indicates that Congress consciously chose not to extend the privileged status of these documents beyond the judicial forum. In this connection, the Administrator notes that the Federal Railroad Administration, and the Interstate Commerce Commission before it, have always made accident reports filed by railroads available to the public even though those reports are governed by a statute (49 U.S.C. 41) that is virtually identical to section 222(f).

3. Many comments raised the specter that, if accident reports are made public documents, carriers would not be completely candid in disclosing the facts and circumstances surrounding the accidents. It was said that the consequence of public disclosure will be a decline in the utility of the reports as sources of insight into accident causation. There is, of course, no completely reliable empirical basis for evaluating these predictions. The argument that disclosure of accident reports will diminish the candor with which significant information is reported is, however, not a novel one: the identical contention was made to, and rejected by, the Interstate Commerce Commis-

sion when it revised its regulation on availability of motor carrier accident reports to make them available for use by federal attorneys in proceedings instituted by or at the request of the Commission. 83 M.C.C. 607 (1960). The Commission said that "[t]he possibility that reporting carriers will be less than candid in their report of accidents is a contention of protestants based on speculation, and there is nothing in this record to persuade us that this would be a likely result of our adoption of this rule." Id. at 611. Experience under the Commission's rule has not demonstrated that disclosure of the reports under it has caused carriers to provide less, or less useful, information. The experience of other federal agencies, such as the Coast Guard, which make accident reports available to the public, does not support the argument that public availability depreciates the tendency towards full and truthful reporting. Finally, the fact that carriers perform accident investigations and collect information regarding accidents for their own management purposes, coupled with the heavy criminal and civil penalties for filing false reports, suggests that public disclosure will not adversely affect the candor with which information relating to accidents is reported to the Administration.

4. A number of comments objected to the proposals on the ground that public disclosure of accident reports would violate the Department's regulation on public availability of information. (49 CFR Part 7.) Specific provisions of the regulation that have been mentioned are § 7.57(a) (6), which lists motor carrier accident reports covered by section 220 (f) of the Interstate Commerce Act, as one type of record exempt from the mandatory-disclosure rule of the Freedom of Information Act under the latter Act's exemption for matters specifically exempted from disclosure by statute (see 5 U.S.C. 552(b) (3)) and § 7.59(a) (1), which states that the Freedom of Information Act's exemption for trade secrets and privileged or confidential information (U.S.C. 552(b) (4)) includes "information furnished by any person, to the extent that the person furnishing the information would not customarily release it to the public." Reliance on the Department's regulation is misplaced. As the Administrator has noted above, the purpose of that regulation was to implement a congressional determination that a greater degree of public disclosure of information in Federal agency files should exist. It would be improper to construe a regulation having that purpose as restricting administrative discretion to make previously confidential material available to the public. Nor does the regulation, read as a whole, so provide. The exemption of documents from mandatory public disclosure merely authorizes the Administrator to withhold them; it does not compel him to do so if he deems disclosure to be in the public interest. Section 7.51 of the regulation provides that, even though a record is exempt from public inspection, nevertheless the Department will release it, "unless it determines that the release of

that record would be inconsistent with a purpose of" the particular exemption. The Administrator has determined that the exemption of carrier reports found in § 7.57 was intended to be and is limited to the purpose for which Congress enacted section 220(f) of the Interstate Commerce Act, i.e., to preclude the use of such reports in litigation. Similarly, the purpose of § 7.59 would be fully served by preserving the confidentiality of reports filed while § 394.1 of the Motor Carrier Safety Regulations (and its predecessors) was in effect, since those reports were filed under a rule that promised confidentiality. However, no valid purpose of § 7.59 would be served by refusing to release reports filed after the revocation of § 394.1. For these reasons, the Administrator does not intend to apply the revocation of § 394.1 retroactively; reports filed during the period when the relevant regulation required full or partial nondisclosure of accident reports will not be made available to the public.

5. Some comments pointed to the fact that the rule prohibiting public disclosure of carrier accident reports dates from 1936, when the Interstate Commerce Commission first promulgated Motor Carrier Safety Regulations (1 M.C.C. 1 (1936)). The Administrator was urged to give weight to the Commission's decision and to forego any drastic change in the nondisclosure rule in view of the long history of successful operation under that rule. Examination of the Commission's 1936 action discloses that its decision to retain accident reports in confidence was grounded primarily on the absence of any statute prohibiting their use in litigation, 1 M.C.C. at 16. Since that time, Congress has enacted section 220(f) of the Interstate Commerce Act, which prevents the use of motor carrier accident reports in lawsuits arising out of the accidents on which carriers are required to report. Consequently, it appears that the original reason for the nondisclosure rule no longer has any applicability, and that continuation of that rule cannot be justified on historical grounds.

6. Several comments suggested that public disclosure of accident reports might violate the constitutional privilege against self-incrimination of carriers and their employees who are required to file such reports. It is true, of course, that carriers who are individuals and carriers' employees have the right, under the Constitution, to refuse to supply information called for in the accident report form on the ground that it may incriminate them to do so. In recognition of this fact, Congress has authorized the Administrator to grant immunity from prosecution to a person who claims the privilege and thereby to compel him to furnish the information (49 U.S.C. 46). There is, however, nothing in the revocation of § 394.1 which significantly alters this situation. Under § 394.1 accident reports could be released to federal prosecutors for use in criminal prosecutions against carriers and their em-

ployees. Making the reports available to the general public does not introduce any significant additional risk of criminal prosecution. Nor does it change either the right of noncorporate carriers and carriers' employees to invoke the privilege or the necessity for them to do so if they intend to claim it. For these reasons, the Administrator has concluded that the proposed revocation of § 394.1 does not involve a violation of the constitutional privilege against self-incrimination.

7. One comment asked the Administrator to adopt a middle ground between nondisclosure and public availability. This comment suggested that the rule be changed so that accident reports would be more generally available but would not be available to the public at large, either by disclosing reports only to persons who are parties to an accident to which the report relates or by restricting access generally to individuals who have a legitimate interest in reading the reports. The difficulty with this approach is that it is contrary to both the Freedom of Information Act and the executive policy on compliance with the Act. While the prior law on disclosure of information provided that government records be made available only "to persons properly and directly concerned" (Act of June 11, 1946, section 3(c), 60 Stat. 238, 5 U.S.C. 1002(c) (1964)), the present statute prescribes disclosure to "any person" (5 U.S.C. 552(a) (3)). The legislative history of the Act demonstrates that the transmutation was a deliberate effort to abolish the power of Federal agencies to weigh the extent to which a person seeking Federal records is properly motivated or has some valid need for the data. The Attorney General has stated that one of the key concerns behind Congress' passage of the Act and the President's approval of it was "that all individuals have equal rights of access" (Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act iv (June 1967)). The attempt to distinguish, on a case-by-case basis, between persons who have some special need for access to accident reports and those who do not would also impose a heavy administrative burden. For these reasons, the Administrator has rejected the suggestion that he prescribe rules under which the reports would be made available to some members of the public and withheld from others.

In consideration of the foregoing, Part 394 of Title 49, CFR is amended, effective March 31, 1969, by revoking § 394.1. This amendment applies only to carrier accident reports filed after March 31, 1969.

(Secs. 204, 220, and 224, Interstate Commerce Act, 49 U.S.C. 304, 320, 324, and 49 CFR 1.4(c))

Issued on January 17, 1969.

LOWELL K. BRIDWELL,  
Federal Highway Administrator.

[F.R. Doc. 69-1005; Filed, Jan. 23, 1969; 8:53 a.m.]

## Title 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of International Commerce, Department of Commerce

#### SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Regs., Amdt. 15]

#### PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

#### PART 385—TECHNICAL DATA, EXPORTATIONS OF

#### Miscellaneous Amendments

Parts 379 and 385 of the Code of Federal Regulations are amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: January 17, 1969.

RAUER H. MEYER,  
Director, Office of Export Control.

Section 379.1 *General export clearance requirements* is hereby revised to read as follows:

§ 379.1 *General export clearance requirements.*

(a) *Exports by water or air carrier.*

(1) No exporter or his agent, including any carrier, shall place or permit placing on a pier or dock or other place of loading for the purpose of exporting by water or air, load or carry or permit loading or carrying onto an exporting carrier, or present to the Customs Office for inspection and clearance for export, any commodity until:

(i) For shipments requiring a validated export license: A validated license therefor has been presented to the Customs Office, and a related duly executed Shipper's Export Declaration<sup>1</sup> in the requisite number of copies covering such commodity has been presented to, and authenticated by, the Customs Office, and a copy returned to the person presenting it.

(ii) For shipments under a general license: A duly executed Declaration, in the requisite number of copies, consistent with the provisions of an applicable general license, has been presented to, and authenticated by, the Customs Office, and a copy returned to the person presenting it (except as provided in subparagraph (3) of this paragraph). Where the filing of a Declaration is not required, an oral declaration describing the commodity about to be exported and identifying the applicable general license shall be made to the Customs Office at the port of exit.

<sup>1</sup> Shipper's Export Declaration Form 7525-V, may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local Customs Offices, and U.S. Department of Commerce Field Offices (see list on page i). Price of the form is \$1 for a pad of 100.

(2) No carrier shall load or carry any commodity onto an exporting carrier or permit any commodity to be loaded or carried onto an exporting carrier for export by water or air, until such carrier has received its copy of the authenticated Shipper's Export Declaration as provided in § 30.14 of the Census Bureau Foreign Trade Statistics Regulations (15 CFR 30.14).

(3) A shipment to Canada or to Country Group S, T, or V does not require the submission of a Shipper's Export Declaration if the shipment is valued at less than \$100 and is not made under the provisions of General License GLV or a validated export license.<sup>2</sup> As used in this subparagraph (3), a "shipment" is defined as all of the commodities classified under a single seven-digit Schedule B number that are shipped on the same exporting carrier from one exporter to one importer.<sup>3</sup>

(b) *Exports by Mail*—(1) *Shipments requiring a validated license*—(i) *General requirements*. No person shall export any commodity by means of mail, including surface and air parcel post, until:

(a) A validated license therefor has been presented to the Postmaster at the place of mailing, together with a related duly executed Declaration covering the commodity to be so mailed, whether or not required by the regulations of the Bureau of the Census; and

(b) The sender (exporter) has entered the complete validated license number on the address side of the wrapper on the package.

(i) *Partial shipments*. (a) Where more than one shipment is to be made against a validated license, the sender (exporter) shall file the license with a Customs Office (instead of surrendering the license to the Postmaster) and present to such Customs Office for authentication a copy of the Declaration covering each shipment. The authenticated Declaration, in addition to the Declaration required under subparagraph (1) (i) of this paragraph, shall be surrendered to the Postmaster at the time of mailing.

(b) A shipment by mail against a license on file with a Customs Office may be exported on or before the license expiration date indicated by the Customs Office on the authenticated Declaration. Where the mail shipment is not made within this period and the validity period of the export license has been extended by amendment in accordance with the provisions of § 380.2 of this chapter, the exporter shall prepare and present to the Customs Office for authentication a new copy of the Declaration. The new copy shall be clearly marked "Amended," and shall be submitted together with the previously authenticated Declaration. The previously authenticated Declaration will be retained by the Customs Office and

the amended Declaration, if authenticated, will be returned to the exporter for presentation to the Postmaster.

(2) *Shipments under a general license*—(i) *Declaration required*. The sender (exporter) shall present to the Postmaster at the place of mailing a duly executed Declaration for each commercial mail shipment made under a general license from one business concern to another business concern when the shipment consists of a commodity(ies) valued at \$100 or more, unless otherwise set forth in the regulations issued by the Bureau of the Census.

(ii) *Symbol on Declaration*. In preparing the Declaration for presentation to the Postmaster the sender shall place on the form the designation or symbol of the general license under which the commodity(ies) is being exported.

(iii) *Symbol on parcel*. (a) On mail shipments under a general license, the sender (exporter) shall place the general license designation or symbol on the address side of the wrapper of the parcel, followed by the phrase "Export License Not Required." No notation need be made however, if the exported material meets the provisions of General License GTD or GTDR.

(b) The general license symbol and the phrase shall constitute a certification by the sender to the Postmaster and to the Office of Export Control that the shipment is made under the authority of the general license indicated.

(c) The export regulations (including the requirements of General Licenses GTDA and GTDR) remain otherwise fully applicable to exports which require no general license symbol.

1. *Post Office Regulations*. All exports via mail should also conform to the applicable Post Office Department regulations as to size, weight, permissible contents, etc. Such exports are subject to inspection by the Post Office Department and the Bureau of Customs.

2. *Gift Parcels*. If the sender is shipping a gift parcel under the provisions of the general license for gift parcels, he must place the word "Gift" on the customs declaration tag as well as the words "Gift—Export License Not Required" on the address side of the wrapper. In this instance, the word "Gift" is the general license symbol. (See § 371.21 of this chapter.)

3. *Weekly Shipments*. Only one shipment per calendar week of a commodity classified in a single entry on the Commodity Control List may be made by parcel post or mail under General License GLV by one exporter to one importer. (See § 371.10(b) (4) of this chapter.)

4. *Partial Shipments*. The procedures for obtaining separate or additional licenses when making partial shipments by mail are set forth in § 372.5(g) of this chapter.

(c) *Exports by means other than water, air, or mail*. No person shall export any commodity or technical data by means other than by water, air, or mail, until:

(1) A validated license, where required by the provisions of the Export Regulations, has been presented to the Customs Office at the port of exit from the United States, and

(2) (i) A duly executed Declaration together with the related license covering the commodity, except as provided for in § 385.5 of this chapter, has been presented to the Customs Office and authenticated by him prior to inspection.

(ii) Where no validated license is required, a duly executed Declaration consistent with the provisions of an applicable general license shall be presented for authentication, prior to inspection, to the Customs Office at the port of exit. Where the filing of a Declaration is not required, an oral declaration, including a description of the commodity to be exported and the applicable general license, shall be made to the Customs Office at the port of exit.

(d) *Exports to Canada*. No person shall export any commodity to Canada until a duly executed Shipper's Export Declaration consistent with the Bureau of the Census Foreign Trade Statistics Regulations shall have been presented to and authenticated by the Customs Office. Where the Bureau of the Census regulations do not require the filing of a Declaration, or where a delay in the filing of a Declaration is authorized, an oral declaration shall be made to the Customs Office at the port of exit. The oral declaration shall describe the commodities to be exported and shall state that it is for export to Canada.

(e) *Responsibility of licensee and agent*. Under the Export Regulations, the exporter to whom a license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. This responsibility continues even when he acts through a freight forwarder or other forwarding agent.

Section 379.2 *Presentation and use of validated license* is hereby amended to read:

§ 379.2 *Presentation and use of validated license*.<sup>1</sup>

(a) *License valid for shipment from any port*. A license may be used for exports from the United States from any port of exit subject to the jurisdiction of the United States, unless the Office of Export Control shall otherwise provide.

(b) *Signature on license*. The validated Export License document, Form FC-628, presented to the Customs Office or Postmaster, must bear on the reverse side thereof the following signatures:

(1) *Licensee*. At the top left, on the line reading "Signature of licensee", the signature of the licensee, by himself, or for him by a duly authorized officer, employee, or agent.

(2) *Person presenting license*. At the top right, on the line reading "Signature of person presenting license", the signature of the licensee or of an officer or employee of either the licensee or the forwarding agent who is authorized to sign the Declaration accompanying such license. This signature may be affixed either in the Customs Office or elsewhere.

<sup>1</sup> Provisions relating to the export clearance of technical data under a validated license are set forth in § 385.4(f) of this chapter.

<sup>2</sup> This rule is also contained in the foreign trade statistics regulations issued by the Bureau of the Census.

<sup>3</sup> See "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States" published by the Bureau of the Census.

(c) *Filing of license at time of first shipment.* A validated license (except a Project License) must be presented to and filed with the Customs Office before any commodity is loaded, presented for loading, deposited on a dock or other place of loading, or carried onto an exporting carrier. In the case of a shipment to be made by mail, the validated license shall be presented to the Postmaster or to the Customs Office when the Declaration covering the first partial shipment is presented for export under that license.

(d) *Subsequent shipments from port where license is filed.* If a partial shipment is made thereunder, the validated export license will be appropriately endorsed and held by the Customs Office until complete shipment is made or until the license expires. On any subsequent shipment under the license, a duly executed Declaration shall be presented for authentication, as provided in this part.

(e) *Simultaneous or subsequent shipment from another port.*—(1) *Transmittal of approval.* If part of the licensed export is to be made from another port, the licensee shall request the Customs Office holding the license to transmit to the Customs Office at the other intended port of exit authorization to clear the requested shipment(s) under the export license. This request may cover any part of the quantity licensed, and the export may be made in either a single shipment or in any number of partial shipments. The Customs Office holding the license shall record on the back of the license each additional port of exit from which the shipment(s) are to be made and the commodity and quantity to be shipped from each additional port of exit. If any part of the quantity authorized for shipment from another port is not shipped, the licensee or his agent may request an appropriate modification or deletion of the authorization as recorded on the back of the license. Such request shall be submitted in accordance with the following instructions:

(i) *License in possession of Customs Office.* If the license is still in the possession of the Customs Office, the licensee or his agent shall request the Customs Office to which the approval was sent to notify the Customs Office holding the license to make an amendment of his previous endorsement of the intended shipment. This requirement applies whether or not the license would have been completed by the intended shipment.

(ii) *License returned by Customs Office to the Office of Export Control.* If the license has been returned by the Customs Office to the Office of Export Control, an application for a new license may be submitted to the Office of Export Control covering the quantity not shipped, together with a letter explaining the facts and identifying the Customs Office to which the approval was sent.

(2) *Transmittal of license.* As an alternative to the notification procedure set forth above, the Customs Office holding the license is authorized to transmit the license by mail to the Customs Office at another intended port of exit, upon

written request, by the licensee stating that the license will no longer be used at the port at which the license is deposited.

(3) *Exceptions.* The procedure set forth above in this paragraph (e) shall not be applicable to a license which specifies that a shipment is authorized for clearance at a particular port of exit.

(f) *Shipments against expiring license.*—(1) *Commodities ready for loading or laden.* Commodities which are (i) laden aboard the exporting carrier or (ii) ready for lading and located on a pier for the purpose of lading prior to midnight of the expiration date of a license, and not for the purpose of storage, may depart with the vessel even though the vessel does not clear until after the expiration date of the license. Furthermore, where the vessel is expected to be available at the pier for loading in advance of the expiration of the license, but exceptional and unforeseen circumstances delay it, the commodities may be exported without an extension of the validity period of the license, if in the judgment of the Customs Office undue hardship would otherwise result.

(2) *Commodities in transit to port of exit.* Commodities in transit to the port of exit prior to midnight of the date of expiration of the validated license covering the shipment may be cleared for export, at the discretion of the Customs Office, within 5 days following the expiration date of the license if the conditions set forth in paragraph (f) (1) of this section apply to the shipment. The Customs Office may require the exporter to submit a Bill of Lading or other evidence that the shipment was in transit to the port of exit prior to the expiration date of the license and was delayed in transit.

(3) *Other shipments.* A licensed shipment not coming within one of the foregoing provisions may not be exported except by extension of the validity period of the license by the Office of Export Control.

(g) *Reexport under license previously granted.*—(1) *Shipments returned to the United States.* Shipments which are returned to the United States because of failure or inability of the exporting carrier to deliver the shipment at its intended destination may be re-exported to the consignee and destination to which the shipment was originally made without the procurement of a new license; provided that satisfactory evidence of the validity of the original export is submitted to a Customs Office.

(2) *Evidence required.* Such evidence may consist of a copy of the original Declaration or the exporting carrier's outward manifest, or such other evidence as the Customs Office may require. If the commodities are reexported to other than the original consignee, they must be treated as new exports and are subject to current regulations of the Office of Export Control regarding the specific commodity.

(h) *Shipping tolerance.*—(1) *When tolerance is allowed.* A shipping tolerance is allowed over the quantity specified on

a validated export license or on a Customs Office release against the license approved in accordance with paragraph (e) of this section, unless such tolerance is limited or prohibited by the terms of the license or by any of the provisions set forth in paragraphs (h) (2), (3), or (4) of this section.

(2) *Amount of tolerance allowed.*—(i) *Ten percent tolerance.* Except as set forth in subdivision (ii) of this subparagraph, a shipping tolerance of 10 percent is allowed when the quantity called for on the license or a Customs Office release is in the terms set forth below, or if no quantity is specified on the license or release, the tolerance will be allowed on the total price shown for each entry on the license or release:

Avoirdupois ounce.	M (1,000) board feet.
Bale.	Milligram.
Barrel.	Oxford unit.
Bushel.	Pound.
Content pound.	Proof gallon.
Cubic foot.	Short ton (2,000 pounds).
Gallon.	Square foot.
Gram.	Square yard.
Hundredweight (100 pounds).	Troy ounce.
Linear foot.	U.S.P. unit.
Linear yard.	
Long ton (2,240 pounds).	

(ii) *Five percent tolerance.* A shipping tolerance of 5 percent is allowed on the unshipped balance specified on a validated export license for shipments of the following commodities:

<i>Export Control Commodity Number and Commodity Description</i>	
26200	Alloy steel scrap containing 5 percent or more nickel by weight.
28311	Copper ores and concentrates.
28312	Copper matte.
28401	Copper bearing ash and residue.
28401	Nickel bearing residues and dross.
28402	Copper or copper-base alloy waste and scrap.
28403	Other nickel or nickel alloy waste and scrap.
51369	Nickel oxide.
51470	Nickel sulphate.
51470	Master alloys of copper containing 8 percent or more phosphor.
67160	Ferronickel containing 90 percent or less nickel.
68211	Blister copper and other unrefined copper.
68212	Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
68212	Copper-base alloy ingots.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper or copper alloy foil, including paper-backed.
68224	Copper and copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
68226	Tube and pipe fittings of copper or copper-base alloy.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.
68324	Nickel or nickel alloy electroplating anodes.

- 69892 Copper or copper-base alloy articles: (a) Fabricated anodes, and (b) cores (mold inserts).
- 69892 Copper or copper-base alloy castings and forgings.
- 72310 Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
- 72310 Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for gas pressurization for the purpose of withstanding external overpressure or for raising the maximum voltage rating of the cable, or (e) intended for submarine laying.
- 72310 Other coaxial cable.
- 72310 Communications cable containing more than one pair of conductors as follows: (a) submarine cable, or (b) cable containing fluorocarbon polymers or copolymers.
- 72310 Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
- 72310 Other copper or copper-base alloy insulated wire and cable.

(iii) *Tolerance inapplicable.* The tolerance provisions of this section shall not apply to the following units of quantity:

Carat	Pencil gross
Cell	Piece
Dozen	Ream
Gross	Roll
Number	Round
Pack	Square
Pair	Set

(3) *Maximum tolerance allowed.*<sup>1</sup> In all cases, except partial shipments as provided in subparagraph (4) of this paragraph, the tolerance shall be allowed on the basis of the actual quantity (or total price if applicable) stated on the license, or on a Customs Office's release against the license, approved in accordance with paragraph (e) of this section. In no case shall the tolerance exceed 10 percent of the stated quantity (or total price if applicable). For example, if the quantity shown on the license or the release as applicable, is "100,000 bales", not more than 110,000 bales may be exported. Similarly, if no quantity is shown on the license or on the release, as applicable, and the total price for an entry shown thereon is \$50,000, not more than \$55,000 may be exported.

(4) *Partial shipments*—(i) *Tolerance on unshipped balance.* Whenever one or more partial shipments of the licensed commodity has been made, the 5 or 10 percent tolerance, as applicable, is allowed on only the unshipped balance, except as provided in subdivision (ii) of this subparagraph.

(ii) *Tolerance on total quantity.* In the case of shipments of iron and steel products and tin-plate, the tolerance of 10 percent is allowed on the basis of the actual quantity stated on the license or the Customs Office's release.

<sup>1</sup> See § 375.4(d) of this chapter for tolerance provisions relating to shipments under Blanket (BLT) License.

(iii) *Tolerance inapplicable after total shipped.* Where the quantity (or total price if applicable) stated on the license or the Customs Office's release has been shipped, no further shipment may be made under the license or the Customs Office's release.

Section 379.3 *Presentation of shipper's export declaration* is hereby revised to read:

### § 379.3 Presentation of Shipper's Export Declaration.

(a) *Definition of Shipper's Export Declaration.* (1) "Shipper's Export Declaration" or "Declaration" means Shipper's Export Declaration (Commerce Form 7525-V) or Shipper's Export Declaration for Intransit Goods (Commerce Form 7513).<sup>2</sup> The Declarations referred to in these regulations are not Form 2966, the Customs Declaration or Form 2972, Dispatch Note.

(2) The Declaration for intransit goods should be used for all commodities:

(i) Shipped in transit through the United States;

(ii) Transshipped in ports of the United States for foreign countries;

(iii) Exported from General Order Warehouse; or

(iv) Exported from foreign trade zones (unless the Customs Office specifically permits the use of Commerce Form 7525-V).

NOTE: Commerce Form 7513, "Shipper's Export Declaration for Intransit Goods," is required for certain shipments by the provisions of paragraph (a) (1) of this section. However, in accordance with an alternate procedure under the Customs Regulations, and when a validated license is not required, air cargo shipments in bond transiting the United States for export either from the airport of arrival or from another airport may be cleared without the presentation of Form 7513.

Complete details of the alternate procedure are set forth in §§ 6.17 through 6.24 of the Customs Regulations (19 CFR 6.17-6.24), or may be obtained from any Customs Office or the Bureau of Customs, Washington, D.C. 20226.

(b) *When required.* A Declaration shall be presented to the Customs Office at the port of exit, or to the Postmaster at the post office from which the shipment is mailed, in the number of copies specified in paragraph (c) of this section.

(c) *Number of copies to be presented*—

(1) *Where exporting by means other than mail.* Three copies of the Declaration shall be required by the Customs Office at the port of exit, except in cases of shipments to Canada and shipments between the United States and its territories and possessions for which only two copies are required, except as provided in paragraph (c) (3) of this section.

<sup>2</sup> Forms 7525-V and 7513 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and from local Customs Offices.

Form 7525-V may be obtained from U.S. Department of Commerce Field Offices (see list on page 1).

(2) *When mailing.*—(i) *General.* In the case of shipment by mail, one copy of the Declaration shall be presented to the Postmaster at the place of mailing when: (a) The shipment is under a validated license, or (b) the shipment is of a commercial nature and its value is \$100 and over.

(ii) *Partial shipment against a validated license on file.* In addition, as provided in § 379.1(b) (1) (ii), when making a partial mail shipment against a license on file with a Customs Office, the sender (exporter) must present to the Postmaster a copy of the Declaration authenticated by the Customs Office with which the license is filed.

(3) *Additional copies of Declaration.* The Office of Export Control, the Customs Office, or the Postmaster may require, for the purpose of export control, the presentation of additional copies of the Declaration. In all cases where a Declaration is required by the Export Regulations or the Foreign Trade Statistics Regulations, an additional copy of the Declaration shall be presented for exports described:

(i) Exports made under a Project License. The additional copy shall bear in the upper right corner the notation "PL." (See § 374.9(c) (2) of this chapter.)

(ii) Exports from the United States to foreign countries made via Canada. (See § 370.3(h) of this chapter.)

(iii) Exports of any agricultural commodity moving under a validated license to Country Group Y or Z (see § 370.1(g) of this chapter for country groups). The additional copy shall bear in the upper right corner the notation "862."

(iv) Exports of any commodity to replace any defective or unacceptable part or equipment under the provisions of General License GLR. The additional copy shall bear in the upper right corner the notation "854." (See § 371.18(f) (2) of this chapter.)

(v) Temporary exports of video tape to destinations in Country Groups T and V. The additional copy shall bear in the upper right corner the notation "864." (See § 373.57(c) of this chapter.)

(vi) Exports under a validated license of nickel, nickel alloys, and nickel bearing scrap. The additional copy shall bear in the upper right corner the notation "862." (See §§ 373.18 and 373.42 of this chapter.)

(vii) Exports made under General License GTF-F for display at a foreign exhibition or trade fair. The additional copy shall bear, in the upper right corner, the notation "854." (See § 371.17(d) of this chapter.)

(d) *Separate declaration required where shipment is partly under general license and partly under validated license*—(1) *General.* Commodities to be exported under the authority of a general license shall not be combined on the same Declaration with commodities to be exported under a validated license. Separate Declarations must be presented—one to cover the commodities under general license, the other to cover commodities under validated license.

However, a shipment made under authority of two or more general licenses or two or more validated licenses may be combined on the same Declaration.

(2) *Exceptions.* In the case of a shipment consisting of commodities and the containers therefor, where either the commodities only or the containers only require a validated license, both the commodities and the containers shall be entered on the same Declaration.

(e) *Special requirements*—(1) *Special requirements stated on the license.* Where a particular validated license bears on the face thereof a requirement that specified documents or information in addition to that furnished at the time of application be furnished, the licensee shall do so at the time of or prior to presenting the Declaration to the Customs Office. This shall be done by writing on all copies of the Declaration such specified information or attaching to the additional copy of the Shipper's Export Declaration any required documents, unless otherwise indicated on the license.

(2) *Manner of submission of additional information and documents; additional copy of Declaration.* (i) The information required by paragraph (e) (1) of this section shall be set out in columns (9) to (15) on all copies of the Declaration—one copy in addition to, and conforming to, the number of copies otherwise required—to be filed with the Customs Office for authentication. Unless otherwise specified on the face of the license, the documents required shall be attached to the additional copy of the Declaration and need be submitted in one copy only. The documents may be either original or certified copies.

(ii) All statements and documents submitted in accordance with the requirements of a license will be deemed to constitute representations of material facts within the purview of the regulations prohibiting the making of false representations to the Office of Export Control in any export control matter (see § 381.5(b) of this chapter).

(iii) The Customs Office will refuse to authenticate a Declaration in any case where the exporter fails to comply with the special requirements of a validated export license, or does not possess the information or documents requested; unless, prior to presentation of the Declaration, the exporter has informed the Office of Export Control of the specific reason for his inability to comply and the Office of Export Control has in writing waived the requirement. The licensee will attach to and file with the license any letter of waiver in order to effect clearance of the shipment through Customs.

(3) *Optional ports of unloading.* (i) If, prior to the departure of the exporting carrier, an exporter does not know which of several countries in Country Group T, V, or W is the country of ultimate destination of a commodity being exported under General License G-DEST, the exporter may name on the Declaration and Bill of Lading as ultimate destination optional ports of unloading. This

may be done even when more than one foreign country is involved.

(ii) When an export under any general license is shipped in transit through a country other than the country of ultimate destination, the exporter may designate optional ports of unloading in one or more countries, together with the name and address of the intermediate consignee in each of the countries designated. Optional ports of unloading, in all cases, shall be located in a country to which the commodity or technical data may be shipped directly from the United States under the same or another applicable general license.

(iii) In the case of exports made under a validated license, optional ports of unloading in the country of ultimate destination only may be designated on the Declaration and Bill of Lading, unless the export license designates intermediate consignees in one or more countries other than the country of ultimate destination. In the latter case, the optional ports of unloading must be designated as optional intransit points on the Declaration and Bill of Lading in accordance with the validated license. Amendment of the validated license is required if an intermediate consignee in any of the designated countries is not named on the export license, as provided in § 380.2(d) of this chapter.

(iv) In all of the above instances, the Bureau of Customs, in accordance with Customs clearance regulations (section 4.60(a) of Customs Regulations of 1943), requires that the carrier must have other cargo on board to be discharged at one of the optional ports named in each country and such carrier must be cleared accordingly.

(v) In no event does the aforementioned procedure apply to any shipment destined directly or indirectly to Country Group X, Y, or Z. (For shipments to other destinations via Hong Kong, see § 370.9 of this chapter.)

NOTES

1. *Correction Form FT-7403.* In accordance with § 379.5(d) of this chapter, as soon as the exporter ascertains at which port the commodities are to be unloaded, whether located in the country of ultimate destination or in a country of transit, Correction Form FT-7403 should be filed with the Customs Office at the port of exit where the original Declaration was filed. The Correction Form FT-7403 shall specify the actual port of unloading and the name and address of the intermediate consignee, if any, to whom delivery is made. An intermediate consignee must be specified if the port of unloading is located in a country other than the country of ultimate destination. If the export is unloaded at more than one port, Correction Form FT-7403 should indicate the amount (quantity and value) unloaded at each port, and the name and address of each intermediate consignee employed in the transaction.

2. *Filing of Declaration with Manifest.* Bureau of Customs regulations provide that whenever any commodities are to be exported for which a Declaration is required to be filed, the person in command of the exporting carrier, or the owner or agents thereof on his behalf, shall deliver to the Customs Office, together with the carrier's manifest, at the port of clearance all authenticated Declara-

tions executed by or presented to such persons for the purpose of facilitating or effecting the export of such commodities.

(4) *Foreign excess property disposed of by the U.S. Government.* Where a shipment consists of commodities disposed of by U.S. Government agencies under foreign excess property disposal programs, the Declaration shall show in the space provided for the commodity description the following notation: "These commodities are foreign excess property disposed of by the U.S. Government."

Section 379.4 *Authentication of declaration* is hereby revised to read:

§ 379.4 *Authentication of Declaration.*

(a) *Authentication requirement.* All copies of Shipper's Export Declarations which are required to be presented to a Customs Office must be authenticated by the Customs Office at the port of exit (see § 379.3(b)). No Customs Officer shall authenticate a Declaration unless he is satisfied, after comparing it with the applicable validated export license or general license and with such other relevant information as he may have, that:

(1) Export of the commodity(ies) described in such Declaration is authorized under such license;

(2) The statements in such Declaration are identical in all respects with the contents of the validated export license, or with the terms, provisions, and conditions of the general license;

(3) The statements in such Declaration are set forth in such manner as to permit all Customs Officers (or other authorized officials or persons to whom the Declaration may thereafter be exhibited or delivered in connection with the export) to determine whether the said export complies with the contents of the validated export license, or the terms, provisions, and conditions of the general license; and

(4) That the shipment is or will be available for inspection and has not been loaded on an exporting carrier.

(b) *Information required for authentication.* No Declaration shall be authenticated by a Customs Office unless there are set forth in such Declaration, and in all copies thereof required to be presented to the Customs Office:

(1) The name and address of the exporter, who shall be the licensee named in a validated export license or entitled to export under a general license. On a Declaration covering an export under a validated license, the answer to Item 3 shall correspond to the corporation, partnership, or individual named as the applicant-licensee (exporter) on Form FC-419. In the absence of such identity, the export license does not cover the proposed export. However, the answer to Item 3 of Form 7525-V may correspond to the name of the foreign principal shown on Form FC-419 if the corporation, partnership, or individual that is in fact the exporter is not subject to the jurisdiction of the United States.

(2) The name and address of the forwarding agent, if any, duly authorized by the exporter.

(3) The name and address of any intermediate consignee, whether or not named on the license application or on the validated license.

(4) The validated license number or general license symbol which authorizes the shipment described on the Declaration.

(5) All of the other data required to be shown on the Declaration form.

(c) *Schedule B number and commodity description*—(1) *Schedule B number*. The seven digit Schedule B number, as shown in Schedule B (Statistical Classification of Domestic and Foreign Commodities Exported from the United States), shall be entered in column 13 of the Declaration regardless of whether the shipment is moving under a validated or a general license.

(2) *Commodity description for validated license shipments*. (i) The commodity description on the Declaration for a shipment moving under authority of a validated license shall include all of the commodity description shown on the related validated license if none of the commodity description shown on the license is underlined. If part of the description on the license is underlined, only the underlined portions need be included on the Declaration. However, since the commodity description shown on the license will be stated in Commodity Control List terms, it may be inadequate to meet Bureau of the Census statistical requirements. For statistical purposes, the Bureau of the Census requires that the commodity description shall give sufficient detail to permit verification of the Schedule B number assigned. Therefore, the commodity description on the Declaration shall incorporate further detail, in addition to that appearing on the license, whenever such further detail will aid in confirming that the proper Schedule B number is entered on the Declaration (e.g., size, material, or degree of fabrication of the specific commodity).

(ii) Many commodity classification descriptions in Schedule B are followed by instructions such as "Specify by name," "State species," etc. Where such instruction appears, the more specific information called for should be furnished in column 10 of the Declaration, in addition to all other information necessary to verify the Schedule B number assigned. When a single Shipper's Export Declaration covers more than one item classifiable under a single one of the classifications carrying the "Specify by name" or similar requirement, such as "State species" or "Specify type," separate quantities, values, and shipping weights for the individual items are not required. Each item should be separately enumerated in Column (10), except that if more than five items are involved, all classifiable under one Schedule B number, only the five items of greatest value in the classification are required to be separately enumerated.

(3) *Commodity description for general license shipments*. The commodity description on the Declaration for a shipment moving under authority of a

general license shall be in sufficient detail to permit the verification of the seven-digit Schedule B number entered on the Declaration.

(4) *Distinguishing characteristics or specifications*. When shipment of a commodity is being made under a general license and there is another entry on the Commodity Control List for the same type of commodity and under the same Export Control Commodity number, but with different specifications, capacities or other characteristics the Customs Office may, at its discretion, require the exporter to enter the following certification on the Declaration:

Commodity not under validated license control to (name of country); Commodity Control List page No. \_\_\_\_\_ dated \_\_\_\_\_

(d) *Additional information required for commodities moving in transit*. The following additional information shall be set forth on Commerce Form 7513, Shipper's Export Declaration for In-transit Goods:

(1) The name and address of the intermediate consignee in a foreign destination, if any, must be shown below the description of the commodities across columns 1-6;

(2) Underneath the name and address of the intermediate consignee, also within columns 1-6, one of the following statements must be made, whichever is appropriate:

(i) For in-transit shipments of foreign origin merchandise (for definition of "foreign origin," see § 371.9(a) of this chapter):

The merchandise described herein is of foreign origin.

(ii) For intransit shipments of domestic (United States) merchandise:

The merchandise described herein is of the growth, production, or manufacture of the United States.

(iii) For intransit shipments of commodities of U.S. origin excepted under § 371.9(a) (2) of this chapter:

The merchandise described herein is of the growth, production, or manufacture of the United States, but comes within the exception granted by § 371.9(a) (2) of this chapter.

(3) The commodities to be exported shall be described in terms of Schedule B, including the appropriate Schedule B number; and shall be entered in item 4 of the Declaration. If the commodities are transported by other than air, the Schedule W number<sup>1</sup> shall be entered also on the Declaration.

(e) *Statement regarding ultimate destination*. No Declaration shall be authenticated by a Customs Office unless the statement regarding ultimate destination, whenever required, has been entered on all copies of the Declaration as provided in § 379.10(c).

<sup>1</sup>Schedule W numbers, by commodity groupings, are contained in Schedule W, Statistical Classification of U.S. Waterborne Exports and Imports obtainable without charge from the U.S. Department of Commerce, Bureau of the Census, Washington, D.C. 20233.

(f) *Forwarding agent*—(1) *Definition of "forwarding agent"*. For the purpose of this Part 379, a "forwarding agent" is defined as a person authorized by a named exporter to perform for the exporter actual services which facilitate exportation of the commodities or technical data described in the Declaration. These services include preparing the Declaration, attending to clearance of the shipment by submission of documents to the Customs Officers or export control officers, securing cargo space, or delivering the commodities or technical data to the exporting carrier, obtaining Bills of Lading in connection with the exportation, and attending to the formalities of consular invoices, certificates of origin, and other like documents. A "forwarding agent" need not be a person regularly engaged in the freight forwarding business.

(2) *Forwarding agent as true agent*. (i) Unless the exporter shall otherwise state in writing in the power-of-attorney set forth in the Declaration (or in a general power of attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee) filed with the Customs Office, the forwarding agent named by the exporter in the power-of-attorney or other written form shall be deemed to be the true agent of the exporter for export control and customs purposes. However, it is not intended that the power-of-attorney or other authorization designating a forwarding agent should constitute such agent the sole and exclusive forwarding agent of the exporter for all exportations. Exporters may execute powers-of-attorney or other authorization for any and all of the forwarding agents whom they employ.

(ii) Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in the United States) a form of designation on the Declaration which limits the authority granted to the particular transaction involved would be appropriate. The seller may, however, insist that the agent for the foreign buyer apply for the license. (See § 372.4(a) (1) (iv) of this chapter.)

(3) *Form of powers-of-attorney*. (1) The Office of Export Control form, "Power-of-Attorney—Designation of Forwarding Agent" is designed to fix responsibility of the exporter for exports made through a freight forwarder or other forwarding agent. The form (see Supplements S-8 and S-9 for facsimiles) while not mandatory, is suggested since it conforms to usual business practice in establishing agency relationship. However, flexibility in the form is permitted and the exporter may use any written form of designation, provided it is subscribed and sworn to before a notary public or other person authorized to administer oaths, by a duly authorized officer or employee of the licensed exporter. Such authorization shall clearly indicate that the firm or person named is authorized to represent the licensed exporter for export control and customs purposes. The extent of the authority,

as in the power-of-attorney, may be restricted, however, with respect to time, country, commodity, specific license, or other matter. It is also intended to permit the use of such documents to designate one or more employees, or other persons, such as an export manager or agent, to, in turn, appoint as many freight forwarders or other forwarding agents as may be required.

(ii) It is necessary to file the original documents in one port only. Photo copies thereof, certified by the Customs Office of such port, may be transmitted by the forwarding agent to other ports where needed unless the authorization is otherwise specifically limited by the exporter.

(4) *Redelegation of agent's authority.*

(i) A forwarding agent need not have an office at every port of exit. If a forwarding agent signs and swears to a declaration which is intended for clearance of an export through a port where he has no office, he shall furnish to the Customs Office at such port his power-of-attorney or other authorization from the exporter. He shall also furnish to the person who will arrange physically to present the Declaration to the Customs Office, an authorization in writing for that purpose. He may also redelegate to another forwarding agent his authority to sign and swear to Declarations and to present Declarations for authentication at such port; provided that the power-of-attorney or other authorization from the exporter permits such redelegation or there is presented to the Customs Office written evidence of consent of the exporter to such redelegation.

(ii) Proof of the authority of any such person signing a power-of-attorney or other authorization may be required. In general, however, such proof will be required only when there is some reason to doubt the authority of the person involved.

(g) *Signature on Declaration—(1) Who may sign Declaration.*

The signature of the person making the declaration set forth on the Declaration form shall be that of the exporter or the forwarding agent named in the Declaration, or a duly authorized officer or employee of either. In general, such corporate officers as the president, vice president, treasurer, and secretary of a corporation, any partner of a partnership, and any responsible head of any other form of private or quasi-governmental organization will be deemed to have the requisite authority to sign a Declaration. Assistant officers will, in general, be accorded a like assumption. Such employees as export managers who, by their official titles, are apparently vested with power to deal with exportations will also be deemed to have authority to execute the designation appearing on the face of a Declaration and to sign such Declarations. The signature of such person, whether or not that of the exporter or his duly authorized officer or employee, shall constitute a representation by the exporter that all statements made and all information set forth in such Declaration are true and correct. In addition, if the signature is that of the forwarding agent, or his duly authorized

officer or employee, such signature shall constitute a like representation by the forwarding agent.

(2) *Attachment to Declaration.* (i) Additional copies of the Declaration or copies of the continuation sheet form for such Declaration may be used where more space is required to prepare fully a Declaration. In all such cases, the Declaration need be signed on only one Declaration form. The additional copies of sheets must be numbered in sequence and securely attached to the executed Declaration form; and the following statement must be inserted between columns (9) and (15) on the executed Declaration form:

This Declaration consists of this sheet and ----- continuation sheets.

(ii) No portion of any form attached as a continuation sheet shall be torn off or removed.

(h) *Statements on Declaration.* In all cases where a Declaration is presented to a Customs Office or Postmaster, the exporter shall be deemed thereby to represent:

(1) That all statements made and information set forth in the Declaration have been furnished by him or on his behalf for the purpose of effecting an export under the Export Regulations;

(2) That the export of the commodity(ies) described in such Declaration is authorized under the general or validated export license therein identified;

(3) That the statements contained in such Declaration are identical in all respects with the contents of the validated export license or the terms, provisions and conditions of the applicable general license; and

(4) That all of the other terms, provisions, and conditions of the Export Regulations applicable to the export have been met.

(i) *Who may submit Declaration for authentication.*

(1) No person shall submit to the Customs Office for authentication any Declaration unless such person is the licensee or his carrier, the duly authorized forwarding agent of the licensee, or a duly authorized officer or employee of either.

(2) A carrier, not otherwise acting as a forwarding agent, may deliver executed Declarations without specific authorizations therefor.

(j) *Rejection of Declarations.* The Customs Office shall reject any Declaration which does not comply with the provisions of this Part 379.

(k) *Changes, alterations, and amendments of Declaration prior to authentication.*

The Customs Office shall not, except in case of hardship or emergency, authenticate any Declaration showing evidence of change, alteration, or amendment, but shall require a clean copy. Where demonstrated cases of hardship or emergency exist in which the Customs Office finds it desirable to make an exception, the Customs Office may approve

<sup>1</sup> For changes, alterations, amendments of Declaration after authentication, see § 379.5 (b).

on the face of the Declaration specific changes, alterations, or amendments. The duly authorized forwarding agent or carrier for an exporter may insert or correct in Declarations presented by him required items of information peculiarly within his own knowledge, such as the designation of the actual exporting carrier, the actual date of export, or the actual Schedule B number to which the commodity described in the Declaration clearly refers. Nothing herein shall relieve such forwarding agent or carrier, however from liability for any misrepresentation of facts so inserted or corrected. The forwarding agent or carrier making such insertion or correction must specifically identify the same in writing on the face of the Declaration.

Section 379.5 *Use of authenticated Declaration* is hereby revised to read:

§ 379.5 *Use of authenticated Declaration.*

(a) *Authenticated Declaration as export control document.* When duly authenticated by the Customs Office at the port of exit, a Shipper's Export Declaration shall be deemed to be a document, issued pursuant to the Export Regulations, evidencing the existence of a validated export license or permission for an export under an applicable general license. Such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of clearing for export or otherwise facilitating or effecting the export of a commodity(ies) requiring a validated or general export license under the Export Regulations issued pursuant to the Export Control Law.

(b) *Changes, alterations, amendments of authenticated Declarations.*<sup>1</sup> (1) Except as described below, no Declaration used or intended to be used in exporting any commodity(ies) requiring a validated or general export license, shall, at any time after authentication by any Customs Office be changed, altered, or amended in any respect without prior authorization set forth on such authenticated Declaration by the Customs Office.

(2) A forwarding agent, designated on the Declaration or by separate document, may make changes such as changes of weights, measurements, quantities, etc., unless specifically precluded from doing so by the exporter in his designation. Customs Offices are empowered to permit such amendments upon written authorization therefor set forth on such authenticated Declaration. Customs Offices will exercise discretion in allowing amendments of this character. Where the amendments have the effect of converting a Declaration into one for a substantially different shipment, however, a new Declaration will have to be prepared. Unless otherwise limited by the exporter, the power-of-attorney or other authorization given to a forwarding agent is deemed also to authorize him to prepare substitute Declarations reflecting such changes.

<sup>1</sup> For changes of Declaration prior to authentication see § 379.4(k).

(3) Where for any reason an exporting carrier designated in an authenticated Declaration cannot receive the shipment on board, the name and date of departure of another exporting carrier may be substituted by the steamship company, steamship agent, airline, railroad, motor vehicle company, or other person issuing Bills of Lading or similar documents of carriage for the carrier originally named. Due and timely notice of such change shall be given to the Customs Office prior to loading of the shipment onto the substitute carrier and such change is specifically identified in writing on the face of the Declaration by said steamship company, steamship agent, airline, railroad, motor vehicle company, or other person.

(4) In the event that conditions beyond the control of a carrier, named as exporting carrier on a duly executed Declaration prevents the lading of the total cargo covered by the Declaration, such carrier is authorized to prepare and present additional Declarations covering the remainder of the cargo when shipped provided that due and timely notice is given to the Customs Office prior to loading of the remainder of the cargo on a carrier. The original Declaration shall be amended by the carrier, to show the descriptions, quantity and value of the commodity(ies) or technical data actually carried. Subsequent Declarations by the carrier shall be completed in all details and shall contain the following statement:

These commodities or technical data were included, but not shipped, under authenticated Shipper's Export Declaration No. \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_  
(Port) (Date)

(c) Declarations showing unauthorized changes. No person shall take any action to facilitate any export where the authenticated Declaration, which purports to authorize the export and which is exhibited to such person, shows any evidence of change, alteration, or amendment not authorized in writing by the Customs Office. In any such case the person requested to facilitate the export shall report the facts to the nearest Customs Office, and where such authenticated Declaration is in his possession shall surrender it to the Customs Office.

(d) *Correction of authenticated Declarations.* Any item of information contained on an authenticated Declaration filed with the Customs Office shall be corrected in accordance with the facts of the export either by use of Correction Form, Form FT-7403, or directly on the authenticated declaration in accordance with the procedure described below. The acceptance by the Customs Office of such corrections does not imply approval of any act involved in the shipment. Moreover, the signature of the Customs Officer in the space entitled "Certification" on the Correction Form does not imply that he is certifying to the truth or correctness of the information contained on the form.

(1) *Corrections on Declarations.* Corrections shall be made directly on the authenticated Declaration where:

(i) The shipment does not require submission of four copies of the Declaration, and

(ii) The Bureau of the Census copy of the Declaration is still in the possession of the Customs Office.

(2) *Corrections by use of Correction Form.* In all other instances corrections shall be made by use of Correction Form, Form FT-7403. Form FT-7403 shall be submitted, in triplicate, where the shipment is made under a validated license requiring the submission of four copies of the Declaration; or in duplicate where the shipment does not require the submission of four copies of the Declaration. The Correction Form, Form FT-7403, shall be executed by the exporter or his duly authorized agent and submitted to the Customs Office with which the authenticated Declaration was filed.

(e) *Return of unused copies of authenticated Declaration.* All copies of authenticated Declarations not used by an exporter for the purposes for which they are authenticated shall be returned to the Customs Office making the authentication.

(f) *Limitation of effective period of Declaration.* (1) No Declaration shall be authenticated or used to clear for export, or otherwise facilitate or effect, the export of a commodity or technical data requiring a validated or general export license after the expiration of the validity period of the applicable validated license or after the termination of the effective period of the applicable general license, except as provided in § 372.11(d) of this chapter and § 379.2(f).

(2) The validity period of an export license includes any extension provided by any saving clause or regulation.

Section 379.12 *Air cargo clearance at certain ports of origin* is hereby revised to read:

§ 379.12 *Air cargo clearance at certain ports of origin.*

(a) *Scope of procedure.* This section establishes a procedure for the export control clearance of commodities being exported by air as an exception to the requirements set forth in § 379.1(a). Under this procedure exports by air may be cleared for export at either the port of export or at ports of origin designated in paragraph (c) of this section.

(b) *Definition.* For purpose of this § 379.12 the term "port of export" shall mean that port and only that port at which the export will actually be laden aboard the aircraft which will carry it abroad.

(c) *Airports designated as ports of origin.*

Atlanta, Ga.  
Baltimore, Md.  
Boston, Mass.  
Buffalo, N.Y.  
Chicago, Ill.  
Cleveland, Ohio  
Dallas, Tex.  
Detroit, Mich.  
Honolulu, Hawaii  
Houston, Tex.  
Kansas City, Mo.  
Los Angeles, Calif.  
Miami, Fla.  
Minneapolis, Minn.

Newark, N.J.  
New Orleans, La.  
New York, N.Y.  
Oklahoma City, Okla.  
Philadelphia, Pa.  
Port Everglades, Fla.  
Portland, Oreg.  
St. Louis, Mo.  
San Diego, Calif.  
San Francisco, Calif.  
San Juan, P.R.  
Seattle, Wash.  
Tucson, Ariz.

(d) *Clearance procedure at ports of origin—(1) Presentation of export licenses and Declarations.* A person who wishes to clear an air export at a designated port of origin rather than at the port of export shall present copies of the Shipper's Export Declaration, and a validated export license when required, to the Customs Office at the port of origin in accordance with the requirements set forth in this Part 379. In completing the Shipper's Export Declaration, the name of the port of export shall be shown in the space titled "from (U.S. Port of Export)," and the name of the airline which is to carry the commodities or technical data abroad shall be shown in the space titled "Exporting Carrier." If the name of the airline which will carry the commodities abroad is unknown, this information may be omitted at the port of origin and inserted at the port of export by the exporting carrier. Where a Form FT-7403, Export Declaration Correction Form is required by the provisions of § 379.5(d), the form shall be filed in triplicate at the port of origin where the original Declaration was filed and authenticated.

(2) *Authentication and use of Declaration.* All copies of the Shipper's Export Declaration which are required to be presented to the Customs Office must be authenticated by the Customs Office at the port of origin in accordance with the procedure set forth in §§ 379.4 and 379.5. However after authentication of the Declaration, the Customs Office will return the original and one copy of the Declaration to the person who presented the Declaration for authentication. If such person is the domestic carrier, that person shall be responsible for delivering these Declarations to the exporting carrier which will carry the commodities from the United States. If the person who presented the Declaration for authentication is not the domestic carrier, that person shall be responsible for delivering these Declarations to the domestic carrier. The domestic carrier shall in turn be responsible for delivering the Declarations to the exporting carrier which will carry the commodities from the United States.

(e) *Procedure at port of export—(1) Presentation of Declarations.* The exporting carrier shall present the original and duplicate copies of each authenticated Declaration to the Customs Office at the port of export.

(2) *Lost Declarations.* If the original and duplicate copies of the Declaration are lost or mislaid, or are otherwise not available at the port of export, the merchandise shall be detained by the Customs Office at the port of export until

the Declarations, certified by the Customs Office at the port of origin, have been presented to the Customs Office at the port of export.

(3) *Change in port of export or exporting carrier.* Where the port of export or the exporting carrier designated in the Declaration filed at the port of origin is changed, the exporting carrier that is to carry the merchandise from the United States may change the Declaration accordingly.

(4) *Detention and examination of shipments at port of export.* Although the Customs Office at the port of origin has primary responsibility for reviewing the export license and the export Declaration, for authenticating the export Declaration, and for physical examination of the merchandise, the Customs Office at the port of export is authorized to detain a shipment for further review of these documents or for further physical examination of the merchandise in any instance where such action is deemed necessary to assure compliance with the export regulations.

(f) *Effect of other provisions.* Insofar as consistent with the provisions of this section which relate specifically to clearance of air exports at ports of origin, the other provisions of this Part 379 shall apply to exports cleared at ports of origin.

Part 385 is hereby revised to read as follows:

- Sec.
- 385.1 Definitions.
- 385.2 Licenses to export.
- 385.3 General license GTDA: technical data available to all destinations.
- 385.4 General license GTDR: technical data under restriction.
- 385.5 Validated license applications.
- 385.6 Exports under a validated license.
- 385.7 Amendments.
- 385.8 Reexports of technical data and exports of the product manufactured abroad by use of U.S. technical data.
- 385.9 Other applicable provisions.

**AUTHORITY:** The provisions of this Part 385 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.

**§ 385.1 Definitions.<sup>1</sup>**

(a) *Technical data.* "Technical Data" means information of any kind that can be used, or adapted for use, in the design, production, manufacture, utilization, or reconstruction of articles or materials. The data may take a tangible form, such as a blueprint or an operating manual, or they may take an intangible

<sup>1</sup> See § 370.1 of this chapter for definitions of other terms used in this regulation.

<sup>2</sup> The provisions of Part 385 do not apply to "classified" technical data, i.e. technical data which have been officially assigned a security classification (e.g. "top secret", "secret", or "confidential") by an officer or agency of the U.S. Government. The export of classified technical data is controlled by the Office of Munitions Control of the U.S. Department of State or the U.S. Atomic Energy Commission, Washington, D.C.

form such as Model,<sup>3</sup> prototype technical service.

(b) *Export of technical data.*<sup>4,5</sup> (1) Export of technical data. "Export of Technical Data" means (i) an actual shipment or transmission of technical data out of the United States;<sup>6</sup> (ii) any release of technical data in the United States with the knowledge or intent that the data will be shipped or transmitted from the United States to a foreign country; or (iii) any release of technical data of U.S. origin in a foreign country.

(2) Release of Technical Data. Technical data may be released for export through:

(i) Visual inspection by foreign nationals of U.S. origin equipment and facilities;

(ii) Oral exchanges of information in the United States or abroad; and

(iii) The application to situations abroad of personal knowledge or technical experience acquired in the United States.

(c) *Reexport of technical data.* "Re-export of Technical Data" means an actual shipment or transmission from one foreign country to another, or any release of technical data of U.S. origin in a foreign country with the knowledge or intent that the data will be shipped or transmitted to another foreign country. Technical data may be released for reexport through:

(1) Visual inspection of United States origin equipment and facilities abroad;

(2) Oral exchanges of information abroad; and

(3) The application to situations abroad of personal knowledge or technical experience acquired in the United States.

**§ 385.2 Licenses to export.**

Except as provided in § 370.2(a) of this chapter, an export of technical data must be made under either a U.S. Department of Commerce general license or a validated export license. (See §§ 371.1 and 372.2 of this chapter for definitions of "general" and "validated"

<sup>3</sup> Models and prototypes are controlled both as technical data and as commodities. The more restrictive Office of Export Control requirements apply to their exports. See Part 399 of this chapter for the commodity controls.

<sup>4</sup> License applications for, or questions about, the export of technical data relating to commodities which are licensed by government agencies other than the Department of Commerce shall be referred to such other appropriate government agency for consideration (See § 370.5 of this chapter).

<sup>5</sup> Patent attorneys and others are advised to consult the U.S. Patent Office, U.S. Department of Commerce, Washington, D.C. 20231, regarding the U.S. Patent Office regulations concerning the filing of patent applications or amendments in foreign countries. In addition to the regulations issued by the U.S. Patent Office, technical data contained in or related to inventions made in foreign countries or in the United States, are also subject to the U.S. Department of Commerce regulations covering the export of technical data, in the same manner as the export of other types of technical data.

<sup>6</sup> As used in this Part 385, the United States includes its possessions and territories.

licenses.) General Licenses GTDA and GTDR (see §§ 385.3 and 385.4) apply to specific types of exports of technical data. A validated license is required for any export of technical data where these general licenses do not apply, except in the case of certain exports to Canada.<sup>1,2</sup>

**§ 385.3 General license GTDA: Technical data available to all destinations.**

A General License designated GTDA is hereby established authorizing the export to all destinations of technical data described in paragraphs (a), (b), or (c) of this section:

(a) *Data generally available.* Data that have been made generally available to the public in any form, including: Data released orally or visually at open conferences, lectures, trade shows, or other media open to the public; and publications that may be purchased without restrictions at a nominal cost or obtained without cost or are readily available at libraries open to the public. The term "nominal cost" as used above is intended to reflect realistically only the cost of preparing and distributing the publication and not the intrinsic value of the technical data. If the cost is such as to prevent the technical data from being generally available to the public, General License GTDA would not be applicable.

(b) *Scientific or educational data.* (1) Dissemination of information not directly and significantly related to design, production, or utilization in industrial processes, including such dissemination by correspondence, attendance at, or participation in, meetings; or

(2) Instruction in academic institutions and academic laboratories, excluding information that involves research under contract related directly and significantly to design, production, or utilization in industrial processes.

(c) *Patent applications.* Data contained in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office, and provided that the

<sup>1</sup> Only the restriction set forth in § 385.4 (c) apply to exports of technical data for use in Canada. In all other cases, an export of technical data for use in Canada may be made without either a validated or a general license.

<sup>2</sup> Although the Office of Export Control may provide general information or licensing policies regarding the prospects of approval of various types of export control actions, including actions with respect to technical data, normally it will give a formal judgment respecting a specific request for an action only upon the actual submission of a formal application or request setting forth all of the facts relevant to the export transaction and supported by all required documentation.

Advice is always available, however, regarding any question as to the applicability of a general license. Such questions should be submitted by letter to the U.S. Department of Commerce, Office of Export Control (Attention: 866), Washington, D.C. 20230.

patent application has been filed abroad in an "early publication country."<sup>1</sup>

**§ 385.4 General license GTDR: Technical data under restriction.**

A general license designated GTDR is hereby established authorizing the export of technical data that are not exportable under the provisions of General License GTDA, subject to the provisions, restrictions, exclusions, and exceptions set forth below and subject to the written assurance requirement set forth in paragraph (e) of this section.

(a) *Country Group Z restriction.* No technical data may be exported under this general license to Country Group Z.

(b) *Country Group W and Y restrictions.* No technical data may be exported under this general license to Country Group W or Y, except:

(1) Data in such forms as manuals, instruction sheets, or blueprints, provided they are:

(i) Sent as part of a transaction involving, and directly related to, a commodity licensed for export from the United States, or specifically authorized for reexport, to the same consignee and destination to which the commodity was or will be exported;

(ii) Sent no later than one year following the shipment of the commodity to which the technical data are related;

(iii) Of a type delivered with the commodity in accordance with established business practice,

(iv) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity; and

(v) Not related to the production, manufacture, or construction of the commodity.

(2) Technical data supporting a prospective or actual quotation, bid, or offer to sell, lease, or otherwise supply any commodity, plant, service or technical data: *Provided, That:*

(i) The commodity, plant, service or technical data, are not (and are not related to) a commodity identified on the Commodity Control List by the symbol "A" or shown on the U.S. Munitions List;

(ii) The technical data are of a type customarily transmitted with a prospective or actual quotation, bid, or offer (in accordance with established business practice); and

(iii) The export will not disclose the detailed design, production, or manufacture, or the means of reconstruction, of either the quoted item or its product. Similarly, a quotation, bid, or offer for technical data or services must not disclose the detailed technical process involved.

**NOTE:** Neither this authorization nor its use means that the U.S. Government intends, or is committed, to approve an export license application for any commodity, plant, technical data, or service that may be the

subject of the transaction to which such quotation, bid, or offer relates. Exporters are advised to include in any quotations, bids, or offers, and in any contracts entered into pursuant to such quotations, bids, or offers, a provision relieving themselves of liability in the event that an export license (when required) is not approved by the Office of Export Control.

(c) *Technical data restrictions applicable to all destinations.* No technical data<sup>1</sup> (including operating and maintenance instructional material) related to the following may be exported under this general license, and exports of technical data to all destinations, including Canada, require a validated export license:

(1) Commodities to be used for developing or testing nuclear weapons or nuclear explosive devices as described in § 373.7(b) of this chapter.

(2) Maritime (civil) nuclear propulsion plants, their land prototypes, and special facilities for their construction, support, or maintenance, including any machine, device, component, or equipment specifically developed or designed for use in such plants or facilities.

(3) Neutron generators employing the electrostatic acceleration of ions and specially designed parts and accessories for neutron generators.

(4) Porous nickel.

(d) *Restrictions applicable to all destinations except Canada.* No technical data relating to the following other than data described in paragraph (b) of this section,<sup>2</sup> may be exported under this general license, GTDR, and exports of these technical data to all destinations, except Canada,<sup>3</sup> require a validated export license:

(1) Civil Aircraft, civil aircraft equipment, parts, accessories, or components.

(2) The following electronic commodities:

(i) Electrical and electronic instruments, Export Control Commodity No. 72952, specially designed for testing or calibrating the airborne direction finding, navigational, and radar equipment described in Export Control Commodity No. 72499 and 72952.

(ii) Airborne transmitters, receivers, and transceivers, Export Control Commodity No. 72499.

(iii) Airborne direction finding equipment, Export Control Commodity No. 72499.

<sup>1</sup>This restriction does not apply to data included in the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office.

<sup>2</sup>Data included in the foreign filing of a patent is also excluded from the restrictions set forth in this § 385.4(d) if such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office.

<sup>3</sup>Only the restrictions set forth in § 385.4 (c) apply to exports of technical data for use in Canada. In all other cases, an export of technical data for use in Canada may be made without either a validated or a general license. For reexport provisions applicable to Canada and other countries, see § 385.8 (b) and (c).

(iv) Airborne electronic navigation apparatus and airborne radar equipment, Export Control Commodity No. 72952.

(e) *Written assurance requirements—*

(1) *Requirement of written assurance for certain data, services, and materials.*

No export of technical data of the kind described in subdivisions (i), (ii), and (iii) of this subparagraph may be made under the provisions of this General License GTDR until the exporter has received written assurance from the importer that neither the technical data nor the direct product<sup>1</sup> thereof is intended to be shipped, either directly or indirectly, to Country Group W, Y, or Z except as provided in subdivision (iv) of this subparagraph. The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement which restricts disclosure of the technical data to use only in a country other than Country Group W, Y, or Z, and prohibits shipment of the direct product<sup>1</sup> thereof by the licensee to Country Group W, Y, or Z. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained. In addition, this general license is not applicable to any export of technical data of the kind described in subdivisions (i), (ii), and (iii) of this subparagraph if, at the time export of the technical data from the United States, the exporter knows or has reason to believe that the direct product to be manufactured abroad by use of the technical data is intended to be exported or reexported directly or indirectly to Country Group W, Y, or Z.

(i) Technical data and services listed in (a) of this subdivision below for the plants, processes, and equipment listed in (b) of this subdivision:

(a) Types of technical data and services:

<sup>1</sup>The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data, except that petroleum or chemical products other than molecular sieves or catalysts are not included in this definition. The coverage of the term does not extend to the results of the use of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, but the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products. Conversely, if the technical data are a formula for producing either molecular sieves or catalysts, the foreign-produced molecular sieves and catalysts are included in the definition of direct product.

(1) Proprietary research and the results therefrom;

(2) Processes developed pursuant to research (including technology with regard to component equipment items);

(3) Catalyst production, activation, utilization, reactivation, and recovery;

(4) Plant and equipment design and layout to implement the processes; and

(5) Construction and operation of plant and equipment.

(b) Types of plants and processes: The following plants or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom:<sup>1</sup>

- |                  |                 |
|------------------|-----------------|
| alkylation.      | oxo process.    |
| aromatization.   | ozonolysis.     |
| cracking.        | polymerization. |
| dehydrogenation. | reduction.      |
| desulfurization. | reforming.      |
| halogenation.    | selective       |
| hydrogenation.   | absorption.     |
| isomerization.   | selective       |
| nitration.       | adsorption.     |
| oxidation.       |                 |

(ii) Technical data relating to the following commodities usable in processes listed in subdivision (i) (b) of this subparagraph.

*Export Control Commodity Number and Commodity Description*

- 71120 Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1, and specially designed parts and accessories.
- 71913 Burners for carbon black furnaces, continuous combustion, controlled reaction type; and specially designed parts and attachments.
- 71914 Carbon black furnaces, continuous combustion, controlled reaction type; and specially designed parts and attachments.
- 71919 Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1, and specially designed parts and accessories, n.e.c.
- 71919 Fractionating columns as follows: (a) Having or having provisions for 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1; and specially designed parts and accessories.
- 71919 Equipment, n.e.c., specially designed for use in the following units: (a)

- Solvent processing, (b) fractionating, rectifying and dephlegmatizing, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) aromatization, (h) alkylation, (i) desulfurization, (j) thermal or catalytic cracking, reforming or platforming; and specially designed parts and accessories therefor, n.e.c.
- 71921 Industrial pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fraction; and specially designed parts and attachments therefor.
- 71921 Other industrial pumps having all flow-contact surfaces made of or lined with any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel, or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing more than 3 percent of (i) chromium and molybdenum combined (ii) chromium and tungsten combined or (iii) chromium, molybdenum, and tungsten combined, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement; and specially designed parts and attachments therefor.
- 71922 Axial flow and mixed flow air and gas compressors capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
- 71922 Axial flow and mixed flow air and gas compressors having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1.<sup>1</sup>
- 71922 Centrifugal air and gas compressors having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1.<sup>1</sup>
- 71922 Centrifugal air and gas compressors capable of receiving a power input of 500 horsepower or greater and specifically designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions.
- 71922 Stationary positive displacement air and gas compressors, reciprocating, capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
- 71922 Stationary positive displacement air and gas compressors, reciprocating, over 125 horsepower, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1.<sup>1</sup>
- 71922 Parts and accessories, n.e.c., specially fabricated for compressors included above under Export Control Commodity No. 71922.

- 71923 Separators and collectors, industrial process types, n.e.c., and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1.<sup>1</sup>
- 71980 Mixing and blending machines and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1.<sup>1</sup>
- 71980 Fractionating columns as follows: (a) Having, or having provisions for 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1; and specially designed parts and accessories, n.e.c.
- 71980 Other processing vessels, nonmixing, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1; and specially designed parts and accessories, n.e.c.
- 71980 Pulsation dampeners, and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1.<sup>1</sup>
- 71992 Automatic control or regulating pipe valves having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1.<sup>1</sup>
- 71992 Automatic control or regulating pipe valves specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
- 71992 Pipe valves, brass, bronze, or other nonferrous metals, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1.<sup>1</sup>
- 71992 Pipe valves, brass, bronze, or other nonferrous metals, specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions.
- 71992 Pipe valves, iron or steel, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1.<sup>1</sup>
- 71992 Pipe valves, iron or steel, specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions.
- 71992 Pipe valves, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1.<sup>1</sup>
- 71992 Parts and accessories specially fabricated for valves listed above under Export Control Commodity No. 71992.

<sup>1</sup> The materials applicable to the flow-contact surfaces of this equipment are: (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel, or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement.

<sup>1</sup> See footnote at end of table.

<sup>1</sup> This includes plants, or processes for the production, extraction, and purification of petroleum products, petrochemical products, and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.

(iii) Technical data relating to the following materials and equipment:

(a) Molecular sieves (for example, crystalline calcium aluminosilicate; crystalline sodium aluminosilicate; crystalline alkali metal aluminosilicates, etc.) (Export Control Commodity Nos. 51460, 51470, and 59999);

(b) Pyrolytic graphite (i.e., graphite and doped graphites produced by vapor deposition) in any form (Export Control Commodity No. 66363); semifinished or finished materials or products containing pyrolytic graphite as a standing body, a coating, a lining, or a substrate (Export Control Commodity Nos. 59972, 66363, and 72996);

(c) Electric industrial melting and refining furnaces and metal heat-treating furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, linings, or substrates (Export Control Commodity No. 72992);

(d) Cementing equipment; sidewall coring equipment; blowout preventers; fishing tools incorporating integral moving parts, casing cutters, and casing pullers; drilling control and surveying instruments; safety joints; jars, backoff tools, slip or telescopic joints; pipe and casing tongs, power type; percussion or vibratory attachments for rotary drilling; and drawworks and rotary tables designed for an input of 150 hp. and over (Export Control Commodity No. 71842);

(e) Rotary drill rigs incorporating rotary tables and with draw works designed for an input of 150 hp. and over; and work-over rigs (Export Control Commodity Nos. 71842 and 73203);

(f) Rotary rock drill bits (cone or roller types), and specially designed parts and accessories, n.e.c. (Export Control Commodity Nos. 69524 and 71842);

(g) Gravity meters and specially designed parts and accessories (gravimeters) (Export Control Commodity No. 86191);

(h) Casing head and Christmas-tree assemblies, 2,000 p.s.i. and over, chokes and components; preforming equipment; formation and production testers, and packers; gas lift equipment; and bottom hole pumps; and work-over rigs (Export Control Commodity Nos. 71921, 71980, and 71992);

(i) Well logging instruments and equipment and seismograph equipment except observatory type (Export Control Commodity No. 72952);

(j) Acetal resins (Export Control Commodity No. 58110);

(k) Alpha trioxymethylene (troxane) (Export Control Commodity No. 51208);

(l) Ion exchange resins (Export Control Commodity Nos. 58110 and 58120), as follows:

(1) Copolymers of styrene and divinyl benzene in which the predominant functional groups are either quaternary ammonium derivatives (basic type), or the sulfonic radical (acidic type), (ii) mixed bed formulations consisting principally of resins specified in (i) above, (iii) ion exchange membranes (all types), and (iv) ion exchange liquids;

(m) Rhenium in all forms: concentrates, oxides and compounds, metal and alloys, and metal powders (Export Control Commodity Nos. 28398, 51369, 51470, 68950, and 69899);

(n) Filament winding machines designed for or modified for the manufacture of rigid structural forms by precisely controlled tensioning and positioning of filament yarns, tapes, or rovings; and specially designed parts controls, and accessories, n.e.c. (Export Control Commodity No. 71980);

(o) Alumina, all types, 99 percent purity and over (Export Control Commodity No. 51365);

(p) Silicon carbide, all types, 99 percent purity and over (Export Control Commodity No. 51470);

(q) Phosphor compounds specially prepared for lasers, including but not limited to: neodymium-doped calcium tungstate, dysprosium-doped calcium fluoride, eu-tri-fluoroethenyl acetate, praseodymium-doped lanthanum trifluoride (Export Control Commodity No. 53310);

(r) Voltmeters, with full scale sensitivity of 10 nanovolts or less (Export Control Commodity No. 72952);

(s) Hot or cold isostatic presses; and specially designed parts and accessories (Export Control Commodity No. 71980);

(t) Trimellitic acid and anhydrides; and pyromellitic acid and its dianhydrides (Export Control Commodity No. 51202);

(u) Polyimide-polyamide resins and products made therefrom (Export Control Commodity Nos. 53332, 58120, 59958, 66311, and 89300);

(v) Bonded, brazed, or welded structural sandwich constructions, including cores, face sheets, and attachment materials, manufactured in whole or in part from precipitation hardened stainless steel, beryllium, molybdenum, niobium (columbium), tantalum, titanium, tungsten, and their alloys, or any combination of such materials (Export Control Commodity Nos. 69110 and 69899);

(w) Silica, quartz, carbon, or graphite fibers in all forms (for example, chopped or macerated; filaments, yarns, rovings, and unwoven tapes for winding or weaving purposes; woven fabrics and tapes; nonwoven mats and felts); and compounds or compositions (composites) thereof with laminating resins in crude and semifabricated forms, including molding compositions and molded shapes (Export Control Commodity Nos. 58110, 58120, 59972, 65180, 65380, 65543, 66363, 66494, 72996, and 89300);

(x) Nonflexible fused fiber optic plates or bundles in which the fiber pitch (center to center spacing) is less than 30 microns, and devices containing such plates or bundles (Export Control Commodity Nos. 66420, 66492, 66494, 72930, 86111, 86112, and 89300); and

(y) Transonic (Mach 0.8 to 1.4), supersonic (Mach 1.4 to 5.5), hypersonic (Mach 5.5 to 15), and hypervelocity (above Mach 15) wind tunnels and devices (including hot-shot tunnels, plasma arc tunnels, shock tunnels, gas tunnels, shock tubes, and light gas guns) for simulating environments at Mach 0.8 and above; and specially designed parts and accessories, n.e.c. (Export Control Commodity Nos. 71980, 72952, 86182, 86191, 86193, 86195, 86196, 86197, 86198, and 86199).

(iv) The limitations set forth in subparagraph (1) (i) of this paragraph do not apply to the export of:

(a) Technical data included in an application for the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(b) Technical data supporting a price quotation as described in paragraph (b) (2) of this section.

(2) *Requirement of written assurance for certain additional products and destinations.* (i) Except for technical data requiring a written assurance in accordance with the provisions of subparagraph (1) of this paragraph, and except as provided in paragraph (v) below; no export of technical data relating to the commodities described in this subparagraph (2) may be made under the provisions of this General License GTDR, until the U.S. exporter has received a

written assurance from the foreign importer that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly:

(a) Reexport, directly or indirectly, to Country Group W, Y, or Z, any technical data relating to commodities identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required;

(b) Export, directly or indirectly, to Country Group Z, any direct product<sup>1</sup> of the technical data if such direct product is identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required; or

(c) Export, directly or indirectly, to any destination in Country Group W or Y any direct product<sup>1</sup> of the technical data if such direct product is identified by the symbol "A" in the last column of the Commodity Control List.

(ii) If the direct product<sup>1</sup> of any technical data is a complete plant or any major component of a plant which is capable of producing a commodity identified by the symbol "W" in the column of the Commodity Control List indicating the country group for which a validated license is required, or appears in the U.S. Munitions List, a written assurance by the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) shall be obtained by the U.S. exporter (via the foreign importer), stating that, unless prior authorization is obtained from the Office of Export Control, such person will not knowingly:

(a) Reexport, directly or indirectly, to Country Group W, Y, or Z, the technical data relating to the plant or the major component of a plant;

(b) Export, directly or indirectly, to Country Group Z, the plant or the major component of a plant (depending upon which is the direct product<sup>1</sup> of the technical data) or any product of such plant or of such major component if such product of the plant is identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required, or appears in the U.S. Munitions List; or

(c) Export, directly or indirectly, to Country Group W or Y, the plant or the major component of a plant (depending upon which is the direct product of the technical data) or any product of such plant or of such major component, if such product is identified by the symbol "A" in the last column of the Commodity Control List, or appears in the United States Munitions List.

NOTE: Pursuant to the provisions of Current Export Bulletin 891, effective April 1, 1964, subparagraph (2) (ii) (b) and (c) of this paragraph required certain written as-

<sup>1</sup>The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

surances relating to the disposition of the products of a complete plant or major component of a plant which is the direct product of unpublished technical data of U.S. origin exported under General License GTDR.

Except as to items which are identified in the last column of the Commodity Control List by the symbol "A," and items on the U.S. Munitions List, the effective date of the written assurance requirements for plant products as a condition of using General License GTDR for export of this type of technical data is hereby deferred until further notice, subject to the following limitations:

1. The exporter shall, at least two weeks before the initial export of the technical data, notify the Office of Export Control, by letter, of the facts required to be disclosed in an application for a validated export license covering such technical data; and

2. The exporter shall obtain from the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) a written commitment that he will notify the U.S. Government, directly or through the exporter, whenever he enters into negotiations to export any product of the plant to any destination covered by (b) of this subdivision, when such product is not identified by the symbol "A" in the last column of the Commodity Control List and requires a validated license for export to Country Group W by the information set forth in the column titled "Validated License Required for Country Groups Shown Below." The notification should state the product, quantity, country of destination, and the estimated date of shipment.

Moreover, during the period of deferment, the remaining written assurance requirement of (b) and (c) of this subdivision as to plant products which are identified by the symbol "A" in the last column of the Commodity Control List, or are on the U.S. Munitions List, will be waived if the plant is located in one of the following Cocom countries: Belgium, Canada, Denmark, The Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, The Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

This deferment applies to exports of technical data pursuant to any type of contract or arrangement, including licensing agreements, regardless of whether entered into before or after April 1, 1964.

(iii) The required assurance may be in the form of a letter or other written communication from the importer or, if applicable, the person in control of the distribution of the products of a plant; or the assurance may be incorporated into a licensing agreement which restricts disclosure of the technical data to use only in authorized destinations, and prohibits shipment of the direct product<sup>1</sup> thereof by the licensee to any unauthorized destination. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained.

<sup>1</sup> The term "Direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

(iv) In addition, this general license is not applicable to any export of technical data of the kind described in subparagraph (2) of this paragraph if, at the time of export of the technical data from the United States, the exporter knows or has reason to believe that the direct product<sup>1</sup> to be manufactured abroad by use of the technical data is intended to be exported directly or indirectly to any unauthorized destination.

(v) The limitations set forth in subparagraph (2) of this paragraph do not apply to the export of:

(a) Technical data included in an application for the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(b) Technical data supporting a price quotation as described in paragraph (b) (2) of this section.

NOTE: A written assurance is not required for the export under this General License GTDU of any technical data which do not fall within the description set forth in subparagraph (1) or (2) of this paragraph.

§ 385.5 Validated license applications.

(a) *General.* No technical data, other than that exportable without license to Canada or under general license to other destinations, may be exported from the United States without a validated export license. Such validated export licenses are issued by the Office of Export Control upon receipt of an appropriate export application or reexport request. An application for a technical data license shall consist of:

(1) Form FC-419, Application for Export License, accompanied by

(2) Form FC-420, Application Processing Card, as described in paragraph (d) of this section; and

(3) A letter of explanation described in paragraph (d) of this section.

(b) *Application Form FC-419.* Form FC-419 shall be completed as provided in § 372.5 of this chapter, except that the items for producer or supplier, quantity to be shipped, Export Control Commodity Number, and Processing Number shall be left blank. The commodity description item shall contain a general statement which specifies the technical data (e.g., blueprints, manuals, etc.). In addition, the words "TD License" shall be entered across the top of Form FC-419 immediately above the printed words "United States of America".

(c) *Application Processing Card, Form FC-420.* The Application Processing Card, Form FC-420, shall be completed as provided in § 372.5 of this chapter except that the Export Control Commodity Number, Processing Number, and commodity description shall be omitted and the symbol "TD" shall be entered in the space provided for the Processing Number.

(d) *Letter of explanation.* Each application shall be supported by a comprehensive letter of explanation in duplicate. This letter shall set forth all the facts required to present to the Office of Export Control a complete disclosure

of the transaction including, if applicable, the following:

(1) The identification of all parties to the transaction;

(2) The exact project location where the technical data will be used;

(3) The type of technical data to be exported;

(4) The form in which the export will be made;

(5) The uses for which the data will be employed;

(6) An explanation of the process, product, size, and output capacity of the plant or equipment; and

(7) The availability abroad of comparable foreign technical data.

(e) *Special provisions.* (1) Maritime Nuclear Propulsion Plants and Related Commodities. These special provisions are applicable to technical data relating to maritime (civil) nuclear propulsion plants, their land prototypes, and special facilities for their construction, support, or maintenance, including any machinery, device, component, or equipment specifically developed or designed for use in such plants or facilities. Every application for license to export technical data relating to any of these commodities shall include the following:

(i) A description of the foreign project for which the technical data will be furnished;

(ii) A description of the scope of the proposed services to be offered by the applicant, his consultant(s), and his subcontractor(s), including all the design data which will be disclosed;

(iii) The names, addresses and titles of all personnel of the applicant, his consultant(s) and his subcontractor(s) who will discuss or disclose the technical data or be involved in the design or development of the technical data;

(iv) The beginning and termination dates of the period of time during which the technical data will be discussed or disclosed and a proposed time schedule of the reports which the applicant will submit to the Department of Commerce, detailing the technical data discussed or disclosed during the period of the license;

(v) The following certification:

I(We) certify that if this application is approved, I(we) and any consultants, subcontractors, or other persons employed or retained by us in connection with the project thereby licensed will not discuss with or disclose to others, directly or indirectly, any technical data relating to U.S. naval nuclear propulsion plants. I(We) further certify that I(we) will furnish to the Department of Commerce all reports and information which it may require concerning specific transmittals or disclosures of technical data pursuant to any license granted as a result of this application;

(vi) A statement of the steps which the applicant will take to assure that personnel of the applicant, his consultant(s) and his subcontractor(s) will not discuss or disclose to others technical data relating to U.S. naval nuclear propulsion plants; and

(vii) A written statement of assurance from the foreign importer that unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly export directly or

indirectly to Country Group W, Y, or Z the direct product of the technical data. However, if the U.S. exporter is not able to obtain this statement from the foreign importer, the U.S. exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained.

(2) Nuclear, Aviation, and Electronic Commodities: For all applications for licenses to export to any destination other than Country Group W, Y, or Z technical data relating to any of the commodities in subdivisions (i), (ii), (iii), (iv), or (v) of this subparagraph, an applicant shall attach to the license application a written statement from his foreign importer assuring that unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly reexport the technical data to any destination or export the direct product of the technical data directly or indirectly to Country Group W, Y, or Z. However, if the U.S. exporter is not able to obtain the required statement from his importer the exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained. The special provisions set forth in this paragraph (e) (2) are applicable to technical data concerning the following:

(i) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear tests, as described in § 373.7(b) of this chapter;

(ii) Neutron generators, employing the electrostatic acceleration of ions and designed for operation without an external vacuum system and specially designed parts and accessories for such neutron generators, Export Control Commodity No. 72970;

(iii) Porous Nickel;

(iv) Civil Aircraft, civil aircraft equipment, parts, accessories, or components not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1 of this chapter); and

(v) The following electronic commodities:

(a) Electrical and electronic instruments, Export Control Commodity No. 72952, specially designed for testing or calibrating the airborne direction finding, navigation and radar equipment described in Export Control Commodity No. 72499;

(b) Airborne transmitters, receivers, and transceivers, Export Control Commodity No. 72499;

(c) Airborne direction finding equipment, Export Control Commodity No. 72499; or

(d) Airborne electronic navigation apparatus and airborne radar equipment, Export Control Commodity No. 72952.

(f) *Validity period.* Validated licenses covering exports of technical data will generally be issued for a validity period of twelve (12) months.

#### § 385.6 Exports under a validated license.

(a) *Use of validated licenses.* (1) The validated technical data license need not be presented to the Customs Office or

post office but shall be retained and made available for inspection in accordance with the provisions of § 381.11.

(2) Export licenses shall be returned promptly to the Office of Export Control upon revocation, suspension, or expiration of the validity period. Used licenses shall be returned when fully used. Unused and partially used licenses shall be returned when the exporter determines that will not make any shipment, or any further shipment, thereunder or upon expiration, whichever comes first.

(b) *Reports on exports.* (1) Country Groups S, T, V, or X. With respect to a license used to export technical data to Country Groups S, T, V, or X, when the license is returned, as provided in paragraph (a)(2) of this section, the exporter shall submit a statement indicating:

(i) When the technical data were exported or when the technical services were rendered; and

(ii) Whether the export was total or partial.

(2) Country Groups W or Y. With respect to a license used to export technical data to Country Group W or Y when each shipment is made, the exporter shall submit a statement indicating the following:

(i) When the technical data were exported or when the technical services were rendered;

(ii) Whether the export or service was total or partial;

(iii) The nature of the transaction (e.g., a sale of technical data, performance of technical services, a technical licensing agreement, a technology exchange agreement);

(iv) The nature of the payment received or to be received by the U.S. exporter (e.g., pecuniary or other consideration); and

(v) The actual or estimated price of the technical data exported, or services rendered, or the actual or estimated dollar value of any other consideration received or to be received. (This should include the payment received or to be received for engineering and for any other services when rendered, as well as for the royalty or other payment received or to be received for a design or process authorized to be used.)

#### § 385.7 Amendments.

Requests for amendments shall be made in accordance with the provisions of § 380.2 of this chapter.

#### § 385.8 Reexports of technical data and exports of the product manufactured abroad by use of United States technical data.

(a) *Prohibited exports and reexports.* Unless specifically authorized by the Office of Export Control, or otherwise authorized under the provisions of paragraph (b) of this section, no person in the United States or in a foreign country may:

(1) Reexport any technical data imported from the United States, directly or indirectly, in whole or in part, from the authorized country(ies) of ultimate destination;

(2) Export any technical data from the United States with the knowledge that it is to be reexported, directly or indirectly, in whole or in part, from the authorized country(ies) of ultimate destination; or

(3) Export or reexport to Country Group W, Y, or Z, any foreign produced direct product of U.S. technical data, or any commodity produced by any plant or major component thereof which is a direct product of U.S. technical data, if such direct product or commodity is covered by the provisions of § 385.4(e), or § 385.5(e) (1) or (2).

(b) *Permissive Reexports.* (1) Any technical data which have been exported from the United States may be reexported from any destination to any other destination provided that, at the time of reexport, the technical data may be exported directly from the United States to the new country of destination under General License GTDA or GTDR and provided that all of the requirements and conditions for use of these general licenses have been met.

(2) When the Office of Export Control has specifically authorized the export of a commodity from the United States to a destination in Country Group W or Y or the reexport of a United States origin commodity from any foreign country to a destination in Country Group W or Y, technical data such as manuals, instructional sheets, or blueprints as described in, and subject to the conditions of § 385.4(b) (1) may be sent to the same destination as part of the same transaction without separate specific authorization by the Office of Export Control.

#### (c) Specific authorization to reexport.

(1) Requests for specific authorization to reexport technical data or to export any product thereof as applicable shall be submitted to the Office of Export Control by letter. The letter shall bear the words "Technical Data Reexport Request" immediately below the heading or letterhead. The letter shall contain all of the information required under § 385.5(a) (3).

(2) Any request for extension of such authorization shall similarly be submitted by letter.

(3) Authorization to reexport, if granted, will be issued with a validity period of 12 months on Form IA-L-71 or by means of a letter from the Office of Export Control. Reexport authorization shall be returned promptly to the Office of Export Control upon revocation, suspension, or expiration of the validity period. Used authorizations shall be returned when fully used. Unused and partially used authorizations shall be returned when the person authorized to reexport determines that he shall not make any shipment, or further shipment, thereunder or upon expiration of the authorization, whichever comes first. After the reexport of the technical data have been completed, the Office of Export Control shall also be given a notice in writing indicating:

(i) When the technical data were reexported or when the technical services were rendered; and

(ii) Whether the reexport or service was total or partial.

(4) In addition, if the technical data had been reexported to Country Group W or Y, the written notice shall indicate:

(i) The nature of the transaction (e.g., a sale of technical data, performance of technical services, a technical licensing agreement, a technology exchange agreement, or the rendering of technical services);

(ii) The nature of the payment received, or to be received, by the U.S. exporter (e.g., pecuniary or other consideration); and

(iii) The actual or estimated price of the technical data reexported or services rendered, or the actual or estimated dol-

lar value of any other consideration received or to be received. (This should include the payment received or to be received for engineering and for any other services when rendered, as well as for the royalty or other payment received or to be received for a design or process authorized to be used.)

(d) *Effect of foreign laws.* No authority granted by the U.S. Office of Export Control, or under the provisions of the U.S. Export Regulations, to reexport technical data or export a product thereof shall in any way relieve any person from his responsibility to comply fully with the laws, rules and regulations of the country from which the reexport or export is to be made of any other country having authority over any phase of the

transaction. Conversely, no foreign law, rule, regulation, or authorization in any way relieves any person from his responsibility to obtain such authorization from the U.S. Office of Export Control as may be required by the U.S. Export Regulations.

**§ 385.9 Other applicable provisions.**

As far as maybe consistent with the provisions of this Part 385, all of the other provisions of the Export Regulations shall apply equally to exports of technical data and to applications for licenses and licenses issued under this part.

[F.R. Doc. 69-880; Filed, Jan. 17, 1969; 4:36 p.m.]

# Proposed Rule Making

## DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous  
Drugs

[ 21 CFR Part 320 ]

### DEPRESSANT AND STIMULANT DRUGS

#### Proposed Listing of Methylphenidate and Its Salts as Subject to Control

The Bureau of Narcotics and Dangerous Drugs has recommended, on the basis of its investigations and the recommendations of an advisory committee appointed pursuant to section 511(g) (1) of the Federal Food, Drug, and Cosmetic Act, that the drug set forth below be listed as a "depressant or stimulant" drug within the meaning of section

201(v) of the Act because of its stimulant effect on the central nervous system. Having considered such recommendations, pursuant to the provisions of the Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), it is proposed that § 320.3(c) (2) be amended by alphabetically inserting in the list of drugs a new item, as follows:

#### § 320.3 Listing of drugs defined in section 201(v) of the Act.

\* \* \* \* \*

(c) \* \* \*

(2) Stimulant effect on the central nervous system:

Established name	Some trade and other names
Methylphenidate and its salts...	Methyl a-Phenyl-2-piperidine acetate; a-Phenyl-2-piperidine acetic acid methyl ester; a-Phenyl-a-(2-piperidyl) acetic acid methyl ester; Methyl a-Phenyl-a-(2-piperidyl) acetate; Methylphenidyl Acetate; Ritalin® hydrochloride; Ritalin; Phenidylate; 4311/b; Centedrin; C 43-IIC; Meridil.

All interested persons are invited to submit their views in writing regarding this proposal. Comments concerning any additional trade or other names that may be properly listed for the subject drugs are also invited. Views and comments should be submitted, preferably in quintuplicate, addressed to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW., Washington, D.C. 20537, within 30 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

HENRY L. GIORDANO,  
Acting Director, Bureau of  
Narcotics and Dangerous Drugs.

[F.R. Doc. 69-948; Filed, Jan. 23, 1969;  
8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[ 25 CFR Part 221 ]

### BLACKFEET INDIAN IRRIGATION PROJECT, MONT.

#### Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404-79th Congress, 60 Stat. 238) and authority contained in the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 25 U.S.C. 385; 39 Stat.

142; and 45 Stat. 210; U.S.C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs to the Area Director (10 BIAM3), notice is hereby given of the intention to modify §§ 221.130 and 221.131 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Blackfeet Indian Irrigation Project. This amendment to be effective for the irrigation season of 1969 which begins April 1, 1969 and thereafter until further notice.

#### § 221.130 Basic assessment.

Pursuant to the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387, the basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be delivered under the Blackfeet Indian Irrigation Project, Mont., for the season of 1969 and subsequent years until further notice is hereby fixed at \$3.10 per acre per annum for the delivery of not to exceed one and one-half acre feet of water per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated quota of the available supply.

#### § 221.131 Excess water assessment.

Additional water, when available, may be delivered upon request at the rate of \$1.72 per acre foot or fraction thereof.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may sub-

mit written comments, suggestions, or objections with respect to the proposed amendment to the Area Director, Bureau of Indian Affairs, 316 North 26th Street, Billings, Mont. 59101, within 30 days of publication of this notice in the FEDERAL REGISTER.

JAMES F. CANAN,  
Area Director.

[F.R. Doc. 69-940; Filed, Jan. 23, 1969;  
8:48 a.m.]

[ 25 CFR Part 221 ]

### FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

#### Operation and Maintenance Regulations

JANUARY 16, 1969.

**Basis and Purpose.** This notice is published in the exercise of rule making authority (hereinafter referred to) delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. Pursuant to the authority vested in the Secretary of the Interior by the Acts of March 1, 1907 (34 Stat. 1024), August 1, 1914 (38 Stat. 583), and August 31, 1954 (68 Stat. 1026), notice is hereby given that it is proposed to amend section 221.33 of Part 221 of the Code of Federal Regulations, Title 25—Indians, as set forth below. The purpose of this amendment is to provide a grace period from April 1 to July 1 in which the landowners or water users may pay their assessment without a penalty charge.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 221.33 is amended to read as follows:

#### § 221.33 Payments.

The assessments fixed in § 221.32 shall become due on April 1 of each year and are payable on or before that date. To all assessments against lands in non-Indian ownership and against lands in Indian ownership which do not qualify for free water under § 221.34 remaining unpaid on or after July 1 following the due date there shall be added a penalty of one-half of 1 percent per month or fraction thereof from the due date until paid. No water shall be delivered to any of these lands until the entire irrigation charges have been paid. To qualify Indian owned leased lands for exemption under

§ 221.34, an approved lease must be on file at the Fort Hall Agency.

ROBERT L. BENNETT,  
*Commissioner of Indian Affairs.*

[F.R. Doc. 69-941; Filed, Jan. 23, 1969;  
8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 913]

### HANDLING OF GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

#### Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for 1968-69 Fiscal Period

Consideration is being given to the following proposals submitted by the Interior Grapefruit Marketing Committee, established under the marketing agreement and Order No. 913 (7 CFR Part 913) regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee, during the fiscal period beginning August 1, 1968, and ending July 31, 1969, will amount to \$32,500.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 913.31, be fixed at \$0.005 per standard packed box.

(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.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 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)).

Dated: January 17, 1969.

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

[F.R. Doc. 69-963; Filed, Jan. 23, 1969;  
8:50 a.m.]

## [9 CFR Parts 301, 317, 328]

### MEAT INSPECTION REGULATIONS

#### Postponement of Public Hearings Pertaining to Compositional and Labeling Requirements for Certain Sausage Products

On December 25, 1968, there was published (33 F.R. 19251) an announcement about four oral public hearings to consider proposed amendments to the Federal Meat Inspection Regulations pertaining to frankfurter, wiener, vienna, bologna, garlic bologna, knockwurst, and similar products. The dates and locations of the hearings were contained in the announcement with the first session to be held on February 19, 1969.

Numerous requests have been received from individuals and organizations to postpone the hearings on the basis that additional time is required to complete investigational and research activities being conducted to produce information and data germane to the subject matter of the hearings. In the interest of assuring the collection of maximum relevant information, the Department has agreed to a postponement of the hearings until on or about May 1, 1969. The exact dates and locations of the rescheduled hearings will be announced soon in a FEDERAL REGISTER notice.

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

JANUARY 17, 1969.

[F.R. Doc. 69-1001; Filed, Jan. 23, 1969;  
8:53 a.m.]

## DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 697]

[Administrative Order 605]

### SPECIAL INDUSTRY COMMITTEE IN AMERICAN SAMOA

#### Appointment; Convention; Notice of Hearing

Pursuant to section 5 and section 6(a)(3) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205, 206(a)(3)), and to Reorganization Plan No. 6 of 1950 (3 CFR, 1949-53 Comp., p. 1004), I hereby appoint Special Industry Committee No. 8 for American Samoa. Pursuant to section 6(a)(3) and section 8 of the Act, as amended (29 U.S.C. 206(a)(3), 208) and to Reorganization Plan No. 6 of 1950, I hereby convene this committee, refer to it the question of the minimum wage rate or rates for all industry in American Samoa to be paid under section 6(a)(3) of the Act, as amended, and give notice of the hearing to be held by it.

The Committee shall meet in executive session at 9 a.m., on April 14, 1969, in the Legislative Hall, Pago Pago,

American Samoa, and shall commence its hearing at 1 p.m., on the same date at the same place. The industry committee shall investigate conditions in such industry and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the Committee to perform its duties and functions under the Act.

The committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor the highest minimum rate or rates of wages for such industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industry, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. The committee shall not, however, recommend minimum wage rates in excess of \$1.60 an hour for work which would have been covered by section 6 of the Act if it had been performed prior to the effective date of the Fair Labor Standards Amendments of 1966. Nor shall the committee recommend minimum wage rates in excess of \$1.30 an hour for the period ending January 31, 1970, nor in excess of \$1.45 an hour thereafter, for work brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in such industry than may be determined for other employees in such industry, the committee shall recommend such reasonable classifications within such industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it, under the principles set forth herein, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards.

The Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, shall prepare an economic report containing the information he has assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of Wage and Hour and Public Contracts Division, U.S. Department of Labor, Washington, D.C. 20210, as soon as it is completed. The committee will take official notice of the facts stated in this report. Parties, however, shall be afforded an opportunity to refute such facts by evidence received at the hearing.

The procedure of this industry committee will be governed by the provisions of Title 29, Code of Federal Regulations, Part 511. Copies of this part of the regulations will be available at the Office of the Governor in Pago Pago, American Samoa, and at the National Office of the Wage and Hour and Public Contracts Divisions. The proceedings will be conducted in English but in the event a witness should wish to testify in Samoan, an interpreter will be provided. As a prerequisite to participation as a party, interested persons shall file nine copies of a prehearing statement at the aforementioned Office of the Governor of American Samoa and one copy at the National Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210. Each prehearing statement shall contain the data specified in § 511.8 of the regulations and shall be filed not later than April 4, 1969. If such statements are sent by airmail between American Samoa and the mainland, such filing shall be deemed timely if post-marked within the time provided.

Signed at Washington, D.C., this 17th day of January 1969.

WILLARD WIRTZ,  
Secretary of Labor.

[F.R. Doc. 69-949; Filed, Jan. 23, 1969;  
8:49 a.m.]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 68-SO-64]

### FEDERAL AIRWAY SEGMENTS

#### Proposed Alteration and Extension

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airway Nos. 16 and 57; extend VOR Federal airway No. 49 and alter portions of the Hopkinsville, Ky., and Nashville, Tenn., transition areas.

Interested persons may participate in the proposed rule making by submitting

such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following air-space actions.

1. Realign V-16 north alternate segment from Jacks Creek, Tenn., with a 1,200-foot AGL floor to Nashville via the intersection of the Jacks Creek 049° T (045° M) and the Nashville 238° T (286° M) radials.

2. Extend V-49 airway from Jacks Creek with a 1,200-foot AGL floor direct to Bowling Green, Ky.

3. Realign V-57 segment from Graham, Tenn., with a 1,200-foot AGL floor to Bowling Green via the intersection of the Graham 006° T (003° M) and Bowling Green 230° T (228° M) radials.

4. Realign the southeast boundary of the 1,200-foot portion of the Hopkinsville transition area to be bounded by the northwest boundary of V-49 proposed between Jacks Creek and Bowling Green.

5. Realign the northwest boundary of the 1,200-foot portion of the Nashville transition area to adjust to the southeast boundary of proposed extension of V-49 from Jacks Creek direct to Bowling Green.

These proposed airway extensions would provide a direct airway for instrument flight rule air traffic operating between Jacks Creek and Bowling Green. The realignment of V-16N, V-57 airway segments and the Hopkinsville and Nashville transition areas will permit the control areas of these airspace designations to adjust to the proposed segment of V-49 between Jacks Creek and Bowling Green.

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

Issued in Washington, D.C., on January 14, 1969.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 69-958; Filed, Jan. 23, 1969;  
8:49 a.m.]

[ 14 CFR Parts 71, 73 ]

[Airspace Docket No. 66-SW-38]

## FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND RESTRICTED AREA

### Proposed Alteration and Redesignation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations which would expand and modify restricted area R-3801 Camp Claiborne, La., modify VOR Federal airways V-114/V-114N, remove R-3801 and add R-3801E to the description of the continental control area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Air Force has requested the redesignation and expansion of the Camp Claiborne, La., Restricted Area R-3801 in order to provide airspace to encompass range activities of more advanced weapons systems.

This proposal would return some of the present R-3801 restricted airspace to the public and will expand the remainder of R-3801 to the north and northwest. Aircraft employing special weapons delivery techniques and utilizing the weapons delivery system would pose a potential collision hazard with other aircraft in that the air crews attention is concentrated inside the cockpit and adequate visual surveillance cannot be made by the pilot; therefore, the nature of the operations necessitates expanding R-3801 to encompass this required training activity.

The Air Force has stated that every effort has been made to keep the required airspace to a minimum. In consonance with this effort, the Camp Claiborne range complex has been divided into five subareas in order to provide maximum protection for nonparticipating aircraft while leaving as much airspace as possible for normal use. This action will facilitate call-up of only the areas actually required for a particular type of operation.

The Air Force has agreed to the joint use of these areas by nonparticipating aircraft whenever the range is not being used. Further, the Air Force has assured that appropriate actions and preventive measures would be executed to ensure the safety of persons and property on the ground within the restricted areas.

At present, it is estimated that the peak volume will equal about 384 sorties per week with each sortie lasting 30 minutes. Normally, there would be four aircraft on the range at a time. Aircraft will be confined within the proposed airspace by visual or airborne radar reference to geographical landmarks, constructed "initial points", and run-in lines. The bombs that will be expended in training will consist primarily of inert miniature types. Any full size bombs or training shapes will be of the inert type. The expenditure of inert only and training type ordnance minimizes any danger associated with the utilization of these areas for training purposes.

V-114 main airway segment between Gregg County, Tex., and Alexandria, La., will be realigned via direct radials and V-114 north alternate segment between Shreveport, La., and Alexandria will be realigned via the intersection of the Shreveport 176° T (169° M) and the Alexandria 302° T (295° M) radials. These realigned segments would be redescribed to exclude the airspace within Restricted Area R-3801D. This exclusion will provide a 7-nautical-mile-wide airway (a reduction to 3 nautical miles on the south side of the centerline). This airway width reduction will facilitate air traffic by permitting air traffic to operate along the segments of V-114 and V-114N while the restricted area is being utilized for its designated purposes. Aircraft cleared to operate on VOR Federal airway No. 212 and on Jet Route No. 50 west of Alexandria will be radar vectored around the restricted area when it is in actual use. By letter of agreement between the FAA and the using agency, aircraft could be cleared through the restricted area whenever it is called up but not in actual use.

The description of the continental control area would be modified by deleting R-3801 and substituting one of the subareas as described herein.

In consideration of the foregoing, the FAA proposes the airspace actions as hereinafter set forth:

1. Restricted Area R-3801 would be redesignated as follows:

a. R-3801A *Camp Claiborne, La.*  
Boundaries. Beginning at lat. 31°18'00" N., long. 92°46'30" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°28'00" N., long. 93°15'00" W.; to lat. 31°32'30" N., long. 93°11'50" W.; to point of beginning.

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

Time of use. Continuous.  
Controlling agency. FAA, Houston ARTC Center.

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

b. R-3801B *Camp Claiborne, La.*  
Boundaries. Beginning at lat. 31°15'15" N., long. 92°41'45" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°18'00" N., long. 92°46'30" W.; to point of beginning.

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

Time of use. Continuous.  
Controlling agency. FAA, Houston ARTC Center.

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

c. R-3801C *Camp Claiborne, La.*  
Boundaries. Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°05'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to point of beginning.

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

Time of use. Continuous.  
Controlling agency. FAA, Houston ARTC Center.

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

d. R-3801D *Camp Claiborne, La.*  
Boundaries. Beginning at lat. 31°11'45" N., long. 92°30'15" W.; to lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to lat. 31°17'10" N., long. 92°40'10" W.; to point of beginning.

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

Time of use. Continuous.  
Controlling agency. FAA, Houston ARTC Center.

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

e. R-3801E *Camp Claiborne, La.*  
Boundaries. Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°05'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°15'15" N., long. 92°41'45" W.; to point of beginning.

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

Time of use. Continuous.  
Controlling agency. FAA, Houston ARTC Center.

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

2. Realign V-114 segment from Gregg County direct to Alexandria with a 1,200-foot AGL floor; and V-114N alternate segment from Shreveport to Alexandria with a 1,200-foot AGL floor via intersection of Shreveport 176° T (169° M) and Alexandria 302° T (295° M) radials.

3. Redescribe V-114 to exclude the airspace within R-3801D.

4. The description of the continental control area would be altered by eliminating Restricted Area R-3801 and adding Restricted Area R-3801E.

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

Issued in Washington, D.C., on January 14, 1969.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 69-959; Filed, Jan. 23, 1969; 8:50 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 69-SO-5]

## TRANSITION AREA

## Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Elizabeth City, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Elizabeth City transition area described in § 71.181 (33 F.R. 2137 and 34 F.R. 248) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of CGAS Elizabeth City (lat. 36°15'35" N., long. 76°10'20" W.); within 2 miles each side of the 127° bearing from Weeksville RBN, extending from the 8-mile radius area to 8 miles southeast of the RBN; within 8 miles east and 5 miles west of Elizabeth City VOR 195° radial, extending from the 8-mile radius area to 12 miles south of the VOR, excluding the portion within R-5301B.

The proposed additional extension predicated on the Elizabeth City VOR 195° radial is required to provide adequate controlled airspace protection for IFR aircraft executing the revised VOR-RWY-1 instrument approach procedure in which the procedure turn altitude has been lowered from 1,500 to 1,200 feet above the surface.

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

Issued in East Point, Ga., on January 15, 1969.

GORDON A. WILLIAMS, Jr.,  
Acting Director, Southern Region.

[F.R. Doc. 69-960; Filed, Jan. 23, 1969; 8:50 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 68-SO-98]

**FEDERAL AIRWAY AND DESIGNATED REPORTING POINT****Proposed Revocation**

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would revoke Blue Federal airway No. 48 from Gulfstream INT (INT Bimini, Bahamas, RBN 216° and Portland, Fla., RBN 145° bearings); to Portland RBN. It is also proposed to revoke Gulfstream INT as a designated reporting point.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box

20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

International Route B-8 extends from the Portland RBN to Julius INT (lat. 24°00' N., long. 79°01' W.) and is within Control 1232. Blue 48 is designated via the alignment of B-8 as far southeast as Gulfstream INT. Accordingly, Blue 48 is no longer required for flight planning nor air traffic control purposes and could be revoked. If Blue 48 is revoked, Gulfstream INT would no longer be required for air traffic control purposes and also could be revoked.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 14, 1969.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 69-961; Filed, Jan. 23, 1969;  
8:50 a.m.]

**Federal Highway Administration****[ 49 CFR Part 371 ]**

[Docket No. 2-15; Notice 2]

**CHILD SEATING RESTRAINT SYSTEMS****Federal Motor Vehicle Safety Standards**

Pursuant to sections 103, 112, and 119 of the "National Traffic and Motor Vehicle Safety Act of 1966" (15 U.S.C. 1392, 1401, 1407), the Federal Highway Administration is considering amending § 371.21, of Title 49, CFR, by adding a new Federal Motor Vehicle Safety Standard that would impose minimum requirements for child seating systems for use in passenger cars.

The proposed rule grows out of responses to an Advance Notice of Proposed Rule Making on Child Restraint Systems—Passenger Cars and Multipurpose Passenger Vehicles, which was issued on October 11, 1967 (32 F.R. 14281), as well as study and analysis by the Administration. Extension of the rule to other child restraint systems and to systems for use in multipurpose passenger vehicles, though not now proposed, will remain under consideration.

Interested persons are invited to submit written data, views, or arguments

pertaining to the proposed new rule. Comments must identify Docket No. 2-15 and must be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 6th Street SW., Washington, D.C. 20591. All comments received before the close of business on February 21, 1969, will be considered by the Administrator before he issues a specific rule. All comments will be available in the Rules Docket for examination both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend § 371.21 of Part 371 of Title 49, CFR, effective January 1, 1970, by adding a new Federal Motor Vehicle Safety Standard as set forth below.

Information and comments are particularly invited in regard to the following subjects:

(1) Any problems that may be encountered in complying with the labeling requirements of paragraph S4.1 of the proposed rule as to the printed material to be included on the label, which must be permanently affixed to each system so that the information required by subparagraphs (a) through (d) and (f) through (k) of paragraph S4.1 cannot be separated from the system and lost or mislaid during the lifetime of the system.

(2) Methods of defining the term "rigid component", now found in paragraph S4.9 of the proposed rule, to differentiate more clearly between unyielding materials which are likely to cause injury if contacted with sufficient force by the human body and pliable, yielding materials which do not have that effect.

(3) Methods of describing energy-absorbing materials, the use of which would be mandatory under paragraph S4.9(c) of the proposed rule, in terms of performance characteristics. The description should be sufficiently definitive to preclude the use of such undesirable materials as foam rubber, which have little energy-absorbing capability.

**MOTOR VEHICLE SAFETY STANDARD  
No. \_\_\_\_\_****CHILD SEATING SYSTEMS**

S1. *Purpose and scope.* This standard specifies requirements for child seating systems to minimize the likelihood of death and injury to children in vehicle crashes or sudden stops by ejection from the vehicle, contact with the vehicle interior, or contact with a child seating system.

S2. *Application.* This standard applies to child seating systems for use in passenger cars.

S3. *Definition.* "Child seating system" means an item of motor vehicle equipment for seating and restraining a child being transported in a passenger car.

**S4. Requirements.**

S4.1 *Labeling.* Each child seating system shall have a label permanently affixed to it. The label shall contain the following information in the English language of a size not smaller than 10-point type:

(a) Manufacturer's name;  
 (b) Model number or name;  
 (c) Month and year of manufacture;  
 (d) Place of manufacture;  
 (e) The makes and models of cars and the designated seating positions in which it is recommended for use. Except as provided in S4.1(f) and S4.1(g), if the system is recommended for use in all makes and models of passenger cars and in all designated seating positions (other than the driver's seat), the label may so state without listing all the makes and models and designated seating positions in which it is recommended for use.

(f) Unless, in accordance with S4.1(e), the system is recommended for use only in makes and models of passenger cars that comply with paragraph S3.3 of Motor Vehicle Safety Standard No. 207, the following statement: "This child seating system is not recommended for use on seats in cars manufactured before January 1, 1968, that have hinged or folding seat backs."

(g) Unless the system is a rearward-facing child seating system, the following statement: "This seating system is recommended for use only on forward-facing passenger car seats."

(h) The following statement: "This seating system is recommended for use by one, and only one, child at one time."

(i) The following statement: "This seating system is not recommended for use by a child who weighs more than 50 pounds or less than \_\_\_\_\_ pounds", inserting in the blank space the manufacturer's recommendation of the minimum weight of the child who should occupy the system. The recommended minimum weight shall not be more than 20 pounds.

(j) The following statement: "This seating system is not recommended for use by a child whose height is more than 48 inches or less than \_\_\_\_\_ inches", inserting in the blank space the manufacturer's recommendation of the minimum height of the child who should occupy the system. The recommended minimum height shall not be more than 28 inches.

(k) Instructions for installing and adjusting the system. The instructions shall include step-by-step procedures (which may include diagrams) for installing the system in a passenger car, securing the system with a seat belt assembly, positioning a child in the system, and adjusting the system to fit the child.

S4.2 *Adjustment.* Each child seating system shall be adjustable so that when any child whose weight is 50 pounds or less but not less than the minimum weight, which the manufacturer recommends in accordance with S4.1(i), and whose height is 48 inches or less but not less than the minimum height which the manufacturer recommends in accordance with S4.1(j), is positioned in the system in accordance with the instructions required by S4.1(k), the components of the system which directly restrain the child can be properly positioned, adjusted, and located in accordance with those instructions.

S4.3 *Attachment.* Each child seating system shall be designed and constructed so that—

(a) The system has no provision for attachment to a vehicle seat back by a rigid component; and

(b) When installed in accordance with the instructions required by S4.1(k), the system shall be restrained against forward movement by a type 1 or type 2 seat belt assembly that conforms to Federal Motor Vehicle Safety Standard No. 209, and is installed in accordance with Federal Motor Vehicle Safety Standard No. 210, and shall be restrained against rearward movement.

S4.4 *Distribution of restraint forces.*

S4.4.1 *Forward-facing systems.* The components of each forward-facing child seating system that apply restraining forces directly to the child shall, during forward movement of the child relative to the vehicle in which the system is installed, distribute those forces over both the pelvis and thorax of the child.

S4.4.2 *Rearward-facing systems.*

S4.4.2.1 *Restraint of torso and head.* The components of each rearward-facing child seating system that apply restraining forces directly to the child shall, during forward movement of the child relative to the vehicle in which the system is installed, distribute those forces over both the back of the child's torso and the back of the child's head.

S4.4.2.2 *Restraint of lower legs.* Each rearward-facing child seating system shall be designed and constructed so that, when it is installed in accordance with the instructions required by S4.1(k) and a child is positioned in it in accordance with those instructions, pendular movement of the child's lower legs towards the front of the vehicle is restrained during forward movement of the child relative to the vehicle in which the system is installed.

S4.5 *Head restraint.*

S4.5.1 Except as provided in S4.5.2, each forward-facing child seating system shall limit rearward angular displacement of the child's head relative to the child's torso by a seat back, which extends upward at least 26 inches vertically above the lowest point of the system's seating surface.

S4.5.2 A forward-facing child seating system need not meet the requirements of S4.5.1 if, in accordance with S4.1(e), the system's label recommends it for use only at designated seating positions in makes and models of passenger cars at which the vehicle seat back limits rearward angular displacement of the child's head relative to the child's torso and extends upward at least 26 inches vertically above the lowest point of the system's seating surface when the system is installed in accordance with the instructions required by S4.1(k).

S4.6 *Webbing.* The webbing in each child seating system shall:

(a) Have a minimum width of 1½ inches; and

(b) Meet the requirements for webbing in a Type 3 seat belt assembly specified in paragraphs S4.2(b) through

S4.2(h), of Motor Vehicle Safety Standard No. 209.

S4.7 *Hardware.* The attachment hardware, buckles, retractors, and metallic parts other than attachment hardware of each child seating system shall meet the corrosion resistance requirements for attachment hardware, buckles, retractors, and metallic parts other than attachment hardware of a seat belt assembly specified in paragraph S4.3(a), of Motor Vehicle Safety Standard No. 209.

S4.8 *Release mechanism.* The mechanism for releasing the components of each child seating system that directly restrain the child shall meet the requirements for the buckle of a Type 3 seat belt assembly specified in paragraph S4.3(d), of Motor Vehicle Safety Standard No. 209.

S4.9 *Impact protection.* Any rigid component of a child seating system that, during forward, right-side, left-side, or rearward impact, may be contacted by the torso or head of a child having a weight of 50 pounds and a height of 48 inches who is positioned in the system in accordance with the instructions required by S4.1(k) shall—

(a) Have a minimum width of 1¼ inches;

(b) Have no corner or edge with a radius of less than three-fourths of an inch; and

(c) Be covered with energy-absorbing material having a thickness of at least one-half inch.

S4.10 *Performance.*

S4.10.1 *All child seating systems.* When tested in accordance with S5.1, each child seating system shall—

(a) Retain the torso block or approved equivalent device in the system;

(b) Sustain a static load of 2,000 pounds in the forward direction; and

(c) Restrict forward horizontal movement of the test device reference point to 12 inches or less.

S4.10.2 *Rearward-facing child seating systems.* When tested in accordance with S5.2, each rearward-facing child seating system shall—

(a) Retain the torso block or approved equivalent device in the system;

(b) Sustain a static load of 1,000 pounds in the rearward direction; and

(c) Restrict rearward horizontal movement of the test device reference point to 12 inches or less.

S5. *Demonstration procedures.*

S5.1 *All child seating systems.* The child seating system shall be subjected to a static load using the torso block shown in Figure 6, of Motor Vehicle Safety Standard No. 209, or an approved equivalent device, under the following procedures:

(a) Locate the test device reference point, which represents the pivot center of the child's torso and thigh.

(b) Install the system in accordance with the manufacturer's instructions required by S4.1(k), on a passenger car seat that complies with the recommendations required by S4.1(e).

(c) Position the torso block or approved equivalent device in the system

in accordance with the manufacturer's instructions required by S4.1(k), and adjust the system in accordance with those instructions.

(d) Apply an increasing load to the torso block or approved equivalent device in a forward direction, not more than 15° and not less than 5°, above the horizontal until a load of 2,000 pounds is achieved. The intersection of the load application line and the back surface of the torso block or approved equivalent device shall not be more than 8 inches or less than 6 inches above the bottom surface of the torso block or approved equivalent device. Maintain the 2,000 pound load for 10 seconds.

(e) Measure the horizontal movement of the test device reference point.

S5.2 *Rearward-facing child seating systems.* The rearward-facing child seating system shall be subjected to the demonstration procedure specified in S5.1, except that—

(a) A load of 1,000 pounds shall be achieved; and

(b) The load shall be applied in a rearward direction.

This notice of proposed rule making is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1401, 1407) and the delegation of authority contained in § 1.4(c) of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued on January 17, 1969.

LOWELL K. BRIDWELL,  
Federal Highway Administrator.

[F.R. Doc. 69-1007; Filed, Jan. 23, 1969;  
8:53 a.m.]

[ 49 CFR Part 371 ]

[Docket No. 3-1; Notice No. 2]

FEDERAL MOTOR VEHICLE SAFETY  
STANDARD NO. 301

Fuel Tanks, Fuel Tank Filler Pipes,  
and Fuel Tank Connections—Pas-  
senger Cars

Federal Motor Vehicle Safety Standard No. 301, issued January 31, 1967 (32 F.R. 2416), effective January 1, 1968, specifies requirements for fuel tanks, fuel tank filler pipes, and fuel tank connections for passenger cars. The Administrator of the Federal Highway Administration proposes amending this standard to require that there be no fuel spillage from the fuel system with the fuel tank filled to at least 90 percent of capacity as a result of a maximum deceleration braking stop with either locked wheels or a panic "impending skid" type stop (if the vehicle is equipped with skid-control braking) from a speed of at least 80 miles per hour, or at the vehicle's maximum speed less 5 miles per hour if the vehicle is not designed to attain 80 miles per hour maximum speed, on a level, dry, clean Portland concrete pavement with a conventional broomed or burlap drag surface or other surface of equivalent coefficient of friction.

On October 14, 1967, the Administrator issued an advance notice of proposed rule making (32 F.R. 14278) establishing Docket No. 3-1 to receive comments on extending the requirements of Standard No. 301 to include rear-end longitudinal moving barrier collision tests. These comments have been evaluated. Accordingly, the Administrator proposes amending this standard to require that fuel spillage from a fuel system be limited to 1 ounce by weight with the fuel tank filled to at least 90 percent of capacity as a result of a rear end, moving barrier collision test conducted in accordance with Society of Automotive Engineers Recommended Practice J972 at a speed not less than 20 miles per hour.

The proposed amendments have as their primary purpose the minimization of the possibility of fire in the event of a crash.

With regard to the first proposed amendment, passenger cars are manufactured with a speed capability well in excess of 80 miles per hour and several jurisdictions have posted speed limits of up to 80 miles per hour. Braking from a speed of 80 miles per hour will expose the fuel system to the longest possible high deceleration time within the limits of present legal traveling speeds.

Skid-control brakes are presently available on some passenger cars of domestic and foreign manufacture. Consequently the proposed amendment incorporates an "impending skid" type stop test requirement for vehicles equipped with skid-control braking in order to make allowance for future improvements in motor vehicle braking.

This proposed amendment stems from an investigation conducted by the Federal Highway Administration of an allegation that gasoline spillage had been discovered under conditions of a panic stop in a passenger car of domestic manufacture. This investigation concluded that the allegation was essentially correct, and that the condition ceased to exist when simple modifications were made in the fuel tank venting system of the affected vehicle. Major American and foreign motor vehicle manufacturers canvassed during the investigation indicated that vehicles of their manufacture showed either no spillage or an insignificant spillage of fuel when tested from a speed of 60 miles per hour. The Administrator is proposing this amendment in order to assure that there will be no spillage or an insignificant amount of spillage from a speed of 80 miles per hour. Since the investigation indicated present substantial conformance with the proposed level of performance and since the manufacturer concerned was easily able to remedy the gasoline spillage within a minimum time period, the Administrator believes that good cause is shown that an effective date for this amendment of October 1, 1969, is in the public interest.

With regard to the second proposed amendment, Standard No. 301 is presently addressed to the problem of fuel spillage in front-end collisions. Vehicles should also afford protection against loss and spillage of fuel in order to reduce

the likelihood of fire as an aftermath of rear-end collisions. The Administrator believes that the requirement that no more than one ounce by weight of fuel be discharged in a rear end, moving barrier collision test conducted in accordance with Society of Automotive Engineers Recommended Practice J972 at a speed of no less than 20 miles per hour is reasonable and practicable to meet by an effective date of January 1, 1970, and not later.

In addition the Administrator proposes to combine these amendments with an editorial revision of this Standard that will more clearly delineate the present requirements of S3 and demonstration procedure of S4. It is anticipated that the revision will make no substantive changes in the current requirements.

Requirements for rear end collisions at 30 miles per hour, side collisions and tests to simulate rollover may be proposed at a later date.

Interested persons are invited to participate in the making of the amendments by submitting written data, views, or arguments. Comments should contain supporting statements and data, including cost data, to justify all conclusions and recommendations.

All comments must identify the docket and notice number and be submitted pursuant to the requirements of 49 CFR, 353.11 et seq. (formerly 23 CFR 216.11 et seq.) in 10 copies to Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591, on or before March 11, 1969.

In consideration of the foregoing, it is proposed to amend Federal Motor Vehicle Safety Standard No. 301 to read as follows.

MOTOR VEHICLE SAFETY STANDARD NO. 301  
FUEL TANKS, FUEL TANK FILLER PIPES, AND  
FUEL TANK CONNECTIONS—PASSENGER CARS

S1. *Purpose and scope.* The purpose of this Standard is to minimize fire hazard as a result of collision. It specifies requirements for the integrity and security of fuel tanks, fuel tank filler pipes, and fuel tank connections by indicating spillage limitations in front-end and rear-end collision tests. It also specifies requirements to prevent fuel spillage on a sudden deceleration or panic braking stop.

S2. *Application.* This standard applies to passenger cars.

S3. *Requirements.*

S3.1 When tested in accordance with S4.1(a) and, after December 31, 1969, with S4.1(b):

a. Total amount of fluid discharged during impact: 1 ounce by weight, maximum.

b. Rate of fluid discharged after termination of impact: 1 ounce by weight per minute, maximum.

S3.2 On vehicles manufactured after September 30, 1969, no fuel shall be discharged when tested in accordance with S4.2.

S4. *Demonstration procedures.*

S4.1 With a vehicle having a fuel tank filled to at least 90 percent of capacity with a liquid having substantially similar

viscosity, specific gravity, and interfacial tension as the fuel used to operate the vehicle, (a) a front-end longitudinal barrier collision test shall be conducted at a speed of at least 30 miles per hour in accordance with the Society of Automotive Engineers Recommended Practice J850, "Barrier Collision Test," February 1963; and (b) a rear-end longitudinal barrier collision test shall be conducted at a speed of at least 20 miles per hour in accordance with the Society of Automotive Engineers Recommended Practice J972, "Moving Barrier Collision Test," November 1966.

S4.2 With a lightly loaded vehicle (curb weight of vehicle plus 300 pounds including driver plus instrumentation, with the added weight distributed in the front seat area) having a fuel tank filled to at least 90 percent of capacity, a locked wheels stop or a maximum deceleration impending skid type stop (if the vehicle is equipped with skid control braking) (surface with a skid number of 75 to 85 shall be made on a level, dry pavement as determined by the American Society for Testing and Materials, Method E274 at 40 miles per hour) from a speed of at least 80 miles per hour, or at the vehicle's maximum speed less 5 miles per hour if the vehicle is not designed to attain 80 miles per hour maximum speed.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority contained in Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued on January 17, 1969.

LOWELL K. BRIDWELL,  
Federal Highway Administrator.

[F.R. Doc. 69-1004; Filed, Jan. 23, 1969;  
8:53 a.m.]

### Hazardous Materials Regulations Board

#### [ 49 CFR Part 178 ]

[Docket No. HM-12; Notice No. 68-9]

### TRANSPORTATION OF HAZARDOUS MATERIALS

#### First Public Notice on a Petition for Special Permit

The Department receives scores of requests for special permits each month. Most of the requested permits fall into three categories:

- (1) Permits for one-of-a-kind, emergency, or military shipments.
- (2) Experimental or developmental permits, which develop information for future regulatory action.
- (3) General interest permits, which are based on existing knowledge.

A special permit is a special regulation, a waiver or exemption from some provision of the general regulations. A petition for a special permit is usually evaluated on the basis of information submitted with the petition (49 CFR 170.13) without the benefit of public comment.

The Department issues a special permit when it appears that the waiver or exemption will be in the public interest and will result in an appropriate level of safety.

Special permits can be issued more quickly than the regulations can be amended under normal procedures. As a result, applicants have come to petition for special permits, rather than for amendments to the regulations. Further, industry has come to expect the Department to give priority treatment of petitions for special permits, at the expense of the general regulatory program.

A special permit is usually issued to a single company, giving that company the right to do something which the regulations prevent other companies from doing. If the permit is of general interest, it may give the holder a competitive advantage over similarly situated companies. As competing companies find out about the special permit, they individually petition for the same waiver or exemption. Once the first petition has been evaluated and the permit issued, the Department routinely issues general interest permits to similarly situated companies.

Regulation by special permit gives the first petitioner quicker service than he could get through a change in the regulations. But competing companies do not fare as well. By the time they find out about the special permit and get special permits of their own, usually more time has passed than would have been required to amend the regulation in the first place.

A general interest permit, when issued to all similarly situated companies, is really a disguised amendment to the regulations. This method of regulation has these disadvantages:

1. Safety standards are changed without an opportunity for public comment on the change.
2. Changes in safety standards, issued to individual companies, are not codified and published as a part of the regulations.
3. The procedure wastes industry and government time and manpower.

The Department believes that the disadvantages of regulation by special permit outweigh the advantages. Accordingly, the Department proposes to treat as requests for rule making those petitions for special permits which are clearly within the general interest class. If a petition is without merit, the Department will deny it. If a petition appears to have merit, the Department will issue a notice of proposed rule making, usually with a 30-day comment period, and then, after evaluating the comments, either amend the regulations or deny the petition.

Special permits for experimental, developmental, one-of-a-kind, emergency, and military shipments, would continue to be issued under present procedures. Special permits for radioactive materials and for cryogenic compressed gases would also be handled under the present procedures for the time being.

This is the first such notice under this procedure. Commentors should address themselves to the procedure itself as well as to the merits of this individual proposal.

This notice requests public comment on a proposal by Rocketdyne, a division of North American Rockwell Corp., 6633 Canoga Avenue, Canoga Park, Calif. 91304, to ship anhydrous hydrazine and hydrazine solution in DOT Specification 42D aluminum drums.

Interested persons are invited to give their views on whether the Specification 42D aluminum drum (Hazardous Materials Regulations—Title 49 CFR 178.109) is satisfactory for carriage of anhydrous hydrazine and hydrazine solution. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before February 18, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902 (h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on January 13, 1969.

P. E. TRIMBLE,  
Acting Commandant,  
U.S. Coast Guard.

SAM SCHNEIDER,  
Board Member, for the  
Federal Aviation Administration.

LOWELL K. BRIDWELL,  
Administrator,  
Federal Highway Administration.

A. SCHEFFER LANG,  
Administrator,  
Federal Railroad Administration.

[F.R. Doc. 69-562; Filed, Jan. 15, 1969;  
8:47 a.m.]

NOTE: The above document was also published as a Notice on page 645 of the issue for Thursday, January 16, 1969.

### CIVIL AERONAUTICS BOARD

#### [ 14 CFR Part 298 ]

[Docket No. 20662; EDR-154]

### AIR TAXI OPERATORS GENERAL AND SPECIAL LIMITATIONS ON EXEMPTION

#### Proposed Classification and Exemption

JANUARY 17, 1969.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 298 of the Economic Regulations to

amend § 298.21 (b) and (d) so as to liberalize the authority of air taxi operators to provide service in markets authorized for service by certificated helicopter air carriers. The principal features of the proposed amendment are explained in the attached explanatory statement and the text of the proposed rule is also attached. The amendment is proposed under the authority of sections 204(a) and 416 of the Federal Aviation Act, as amended (72 Stat. 743, 771; 49 U.S.C. 1324, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section of the Board, Washington, D.C. 20428. All relevant matter in communications received on or before February 20, 1969, will be considered by the Board before taking final action. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

EXPLANATORY STATEMENT

At the present time air taxi operators, providing services within the 48 contiguous States, are free to conduct their operations without limitations with regard to pairs of points or frequency of regularity, with a single exception. That exception, set forth in § 298.21 (b) and (d), in effect prohibits direct competition between air taxi operators and air carriers holding certificates authorizing scheduled helicopter passenger service or community center and interairport service. The purpose of the rule, which was originally published in 1952, was to protect the helicopter carriers, which have always been marginal financial operators, from traffic diversion by unregulated carriers who, unencumbered with certificate responsibilities, could otherwise enter the helicopter's markets, weaken or destroy these carriers, and then abandon the markets at will.

The Board believes that the existing services of helicopter carriers should continue to be protected from competition from air taxi operators. On the other hand, each of the helicopter operators possesses certificate and exemption authority which it does not use. In some instances, air taxi operators have entered such markets, thereby filling service voids that were not, or could not economically be, met by the certificated carrier's larger equipment. However, any operations conducted in markets in which the certificated helicopter carriers do not currently provide service as authorized, are subject to be automatically terminated under § 298.21 (b) and (d) in the event that the certificated carrier should choose to exercise its authority. Commencement of such operations can, of course, work hardship on the air taxi

operators, and in the past the Board has given relief in individual situations by exemption.<sup>1</sup> Moreover, the possibility of automatic termination of the air taxi operator's blanket authority undoubtedly deters such carriers from inaugurating services within the authorized area of operation of the certificated carriers, even though the failure of the certificated carriers to provide the necessary service may create a service need that may be economically met by the air taxi operator.

In view of the foregoing considerations, the Board has tentatively determined to amend § 298.21 (b) and (d) so as to preserve the status quo with regard to existing operations of the certificated helicopter carriers.<sup>2</sup> Under the proposed amendments, air taxi operators will be free to provide air transportation services between points which are authorized for service by the certificated carriers, where such carriers were not in fact providing such scheduled service as of December 18, 1968. The cut-off date proposed is the date of issuance of Order 68-12-80, December 18, 1968 in which the Board announced that it was contemplating issuing the instant notice.<sup>3</sup> The proposed rule also incorporates an editorial amendment to identify the protected certificated carriers by name.

PROPOSED RULE

It is proposed to amend § 298.21 (b) and (d) of the Economic Regulation (14 CFR 298.21) to read as follows:

§ 298.21 Scope of service authorized.

(b) *General limitations:* An air taxi operator is prohibited from providing air

<sup>1</sup> Cf. Cable Flying Service, Inc., Order E-26965, June 24, 1968.

<sup>2</sup> In Orders 68-11-71, 68-11-72, Nov. 18, 1968, the Board authorized helicopter service in the Washington-Baltimore area, but determined to permit air taxi interairport service notwithstanding § 298.21. A notice of proposed rule making, EDR-152, Nov. 18, 1968, was issued to implement this determination. Conclusions drawn from both proceedings may be incorporated into one final rule when issued.

<sup>3</sup> On Dec. 3, 1968, the National Air Taxi Conference (NATC) filed a petition for rule making requesting amendments to Part 298 similar to that proposed herein. That petition (Docket 20526) is consolidated into the instant proceeding. Answers to NATC's petition were received from New York Airways, Inc. (NYA), and Air Line Pilots Association, International (ALPA). In its petition NATC has proposed Jan. 1, 1968, as the cut-off date for purposes of determining the services to be protected under § 298.21; to limit protection only where the certificated carrier is providing at least four round trips per day, 5 days a week; to limit application of sec. 21(b) (2) to service provided solely with helicopter or VTOL aircraft; and to delete any reference to "STOL" aircraft in paragraph 21(d). These alternative proposals are deemed to be within the scope of this proceeding and comments thereon are invited. Finally, in issuing the notice of proposed rule making, we do not purport to pass upon the matters set forth in the answers of NYA and ALPA. These persons are invited to submit additional comments in light of the specific proposal set forth in this notice and the consideration expressed above.

transportation, or holding out to the public expressly or by course of conduct that it provides such transportation regularly or with a reasonable degree of regularity.

(1) \* \* \* ; and

(2) between any points served where scheduled passenger service is provided by San Francisco & Oakland Helicopter Airlines, Inc., Los Angeles Airways, Inc., or New York Airways, Inc., in accordance with a certificate of public convenience and necessity or pursuant to exemption order of the Board: *Provided, however,* That the foregoing condition (2) shall apply only with respect to pairs of points served on a regularly scheduled basis by the aforementioned air carriers, as of December 18, 1968.

(d) *Special limitation.* No service by helicopter, STOL or VTOL aircraft shall be offered or performed by an air taxi operator between any two points between which scheduled passenger service is provided by San Francisco & Oakland Helicopter Airlines, Inc., Los Angeles Airways, Inc., or New York Airways, Inc., pursuant to a certificate of public convenience and necessity: *Provided, however,* That this condition shall apply only with respect to pairs of points served on a regularly scheduled basis by the aforementioned air carriers as of December 18, 1968.

[F.R. Doc. 69-996; Filed, Jan. 23, 1969; 8:52 a.m.]

FEDERAL COMMUNICATIONS  
COMMISSION

I 47 CFR Part 73 I

[Docket No. 18424; FCC 69-47]

FM BROADCAST STATIONS  
Table of Assignments; Battle  
Creek, Mich.

In the matter of amendment of § 73.202, table of assignments, FM broadcast stations (Albion, Battle Creek, Fremont, and Zeeland, Mich.); Docket No. 18424, RM-1358.

1. The Commission has under consideration the petition for rule making filed on October 8, 1968, by Don F. Price, Battle Creek, Mich., seeking rule making to assign a second FM channel, 285A, to Battle Creek by one of three plans submitted as follows:

PLAN I\*

(All communities are in Michigan)

City	Channel No.	
	Present	Proposed
Albion.....	244A, 285A	244A
Battle Creek.....	277	277, 285A
Zeeland.....	285A	

PLAN II

Albion.....	244A, 285A	244A
Battle Creek.....	277	277, 285A
Zeeland.....	285A	285A

PLAN III

Albion.....	244A, 285A	244A
Battle Creek.....	277	277, 285A
Fremont.....	257A	257A
Zeeland.....	285A	257A

<sup>1</sup> Subject to selection of a site at Zeeland 65 miles from a suitable site at Battle Creek.

Battle Creek has a population of 44,169 persons and Calhoun County, in which it is located, has a population of 138,858.<sup>1</sup> Battle Creek presently has four aural outlets in operation, consisting of one Class B FM and three AM stations (one unlimited-time, one Class IV, and one daytime-only). In addition to the Battle Creek stations, Calhoun County has two Class A FM assignments at Albion<sup>2</sup> and three AM stations consisting of an unlimited-time at Albion (population 12,749) and a Class IV and daytime-only at Marshall (population 6,736).

2. In support of the request for a second FM assignment in Battle Creek, petitioner states that the projected 1970 population for the city is 48,153; that the proposed concomitant changes required to accomplish the assignment are technically feasible; that the intermixture of Classes A and B channels under circumstances prevailing are warranted and not without precedent; and, finally, petitioner represents that he or the entity of WVOC, Inc.,<sup>3</sup> will file an application for the channel in the event his proposal is adopted. As to the possible preclusion of future needed assignments in other communities, petitioner submits that there would be no areas in which assignments would be precluded on any one of the six adjacent channels. However, we note that Channel 285A could be assigned to Marshall if deleted from Albion as proposed.

3. The petitioner claims that, other than the existing assignment, no Class B channel is available to Battle Creek and that Channel 285A, if deleted from Albion, is the only Class A channel that could be assigned there under the rules. Since Battle Creek and Zeeland are only some 54 miles apart, petitioner submits that unless the Zeeland Channel 285A assignment is either deleted or substituted with Channel 257A from Fremont (Plans I or III), and assuming a site for 285A at the center of Zeeland, it would not be possible to locate the transmitter site at Battle Creek meeting both the minimum spacing requirements and signal intensity over Battle Creek. Petitioner suggests, however, that if a site for Zeeland were restricted to an area about 7 miles northwest thereof, then a site northeast of Battle Creek would make it possible to satisfy all the requirements for both communities (Plan II). Petitioner submits that Plan III, which would substitute another channel for the Zeeland assignment, would be preferable, since it would ease the restrictions on site selections at both Zeeland and Battle Creek. No substitute channel for Fremont is suggested. Plans I and III would require a site about 2 miles from Battle Creek's center in order to meet the standard spacing requirements; Plan II would require a site at least 4 miles from the city.

4. We concur that Plan III appears to be preferable over Plans I and II, except for the fact that no provision is made for replacing the channel proposed to be taken from Fremont. However, we have determined that Plan III could be modified to also assign Channel 285A to Fremont without any further changes in the Table. All channels proposed to be shifted or deleted are unoccupied and unapplied for.

5. We are of the view that sufficient showing has been made in this case to warrant the institution of rule making in order that all interested parties may submit their views and relevant data. Since petitioner's Plans I and II would either involve deleting Channel 285A from Zeeland or imposing a severe limitation on selection of a site for the channel at both Zeeland and Battle Creek, we are restricting our invitation for comments to petitioner's Plan III, except as we are modifying it to provide a replacement channel at Fremont, as follows:

MODIFIED PLAN III

City	Channel No.	
	Present	Proposed
Albion.....	244A, 285A	244A
Battle Creek.....	277	277, 285A
Fremont.....	257A	285A
Zeeland.....	285A	257A

All of the listed communities are within 250 miles of the United States-Canada border and will thus require coordination with the Canadian Government under the terms of existing agreements.

6. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before February 28, 1969, and reply comments on or before March 10, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken.

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

Adopted: January 15, 1969.

Released: January 21, 1969.

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

[F.R. Doc. 69-980; Filed, Jan. 23, 1969; 8:51 a.m.]

[ 47 CFR Part 74 ]

[Docket No. 18397; FCC 69-54]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Clarifying Proposed Development of Communications Technology and Service

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Community Antenna Television Systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rule making and/or legislative proposals, Docket No. 18397.

1. In its order released on January 9, 1969, scheduling oral presentations in this proceeding on February 3-4, 1969 (FCC 69-4), the Commission indicated that it would by further order divide the participants into appropriate groups, allocate a block of time to each group, and specify procedures for allotting time to each party within each group. Preliminarily, it appears that clarification of two matters may assist the parties and enhance the effectiveness of the oral presentations.

2. First, some question has arisen as to the purpose and scope of the oral presentations. The oral presentations are intended to afford interested persons (such as spokesmen for and members of the affected industries, city officials, etc.) an early opportunity to express their views on the matters discussed in Parts III and IV of the rule making. It is anticipated that the interim processing procedures set forth in Part IV will be a focal point of discussion, since they have an immediate impact whereas no action will be taken on the rules proposed in Parts III and IV until after the Commission has received and considered written comments and reply comments. However, interested persons participating in the oral presentations may address themselves to any aspects of Parts III and IV that they choose.

3. The Commission has also received a number of inquiries as to the meaning of the statement in paragraph 51 of the notice of proposed rule making and notice of inquiry issued on December 13, 1968 (FCC 68-1176) that it would entertain and consider, during the pendency of the rule making, requests for waiver of § 74.1107(a) of the existing rules to authorize some distant signal operations within the 35-mile zone of major market stations in accordance with the retransmission consent requirement of the proposed rules. These inquiries relate to the procedures to be followed in requesting such a waiver, the showing to be made, and particularly the nature of the retransmission consent that would be required. We believe that clarification of these aspects would be appropriate here in order to permit the parties to address themselves more meaningfully to this portion of the interim procedures during the oral presentations.

## PROPOSED RULE MAKING

4. As indicated in paragraph 38 of the notice, the Commission does not know how the proposed retransmission consent requirement would operate in actual practice and recognizes that it may not be fully effective or may have drawbacks not now foreseen. It is proposing to grant a few waivers of § 74.1107 of the existing rules in order to gain valuable information concerning the actual operation of systems under the proposed requirement, which might assist it in the resolution of the rule making. It is not contemplated that waivers would be granted on any widescale basis, since this would be tantamount to operation under the proposed rules prior to completion of the requisite statutory procedures for amending the existing rules and a few test operations should suffice to provide the desired information and experience as to how the proposed retransmission consent requirement would actually work, or to show whether such information is obtainable on a test basis.<sup>1</sup> The procedures for seeking such a waiver are those set forth in § 74.1109 of the Commission's rules, 47 CFR 74.1109. The petition for waiver should show how the proposed operation would provide information and experience useful to a resolution of the rule making, why the particular locality is well suited for this purpose, and how the proposal differs from other test operations which have been sought or authorized. The petition for waiver should also contain a showing that the CATV operator has retransmission consent of the originating station on a program by program basis. See proposed § 74.1107(b) ("\* \* \* unless such station has expressly authorized the system to retransmit the program or programs on the signal to be extended"); paragraph 40 of the notice; cf., Report on Rebroadcasting, 17 F.R. 4711, 17 F.R. 10309. In other words, since the proposed retransmission consent requirement is intended to eliminate the unfair competition aspect, a so-called blanket "quit claim" authorization by the originating station (e.g., "authorization insofar as this station can give it") would not be sufficient, but rather there must be express retransmission authorization by the originating station of the program, programs, or series, as appropriate. The determinative factor in the grant of any waiver would be the Commission's assessment of the value of the proposed test to a determination of the issues in this proceeding rather than, for example, the filing date of the petition for waiver. As stated, persons making oral presentations are invited to comment on the foregoing clarification.

5. Accordingly, it is ordered, That the parties are divided into the following

<sup>1</sup> Similarly, in the markets below the top 100, we would authorize only a few appropriate operations on the basis of retransmission consent, again in order to obtain the experience needed to make or facilitate a final decision on this facet of the proceeding. To grant such authorization on any widescale basis would be clearly inappropriate, since it would represent immediate implementation of a proposal, which—while it may well have considerable merit—must, we believe, be evaluated in the light of comments and experience.

groups and are authorized to make oral presentations within the block of time set forth for each group below:

## GROUP I—2 HOURS

FEBRUARY 3, 9:15-11:15 A.M.

National Cable Television Association, Inc. Bruce E. Lovett and Gary L. Christensen, 1634 Eye Street NW., Washington, D.C. 20006.

California Community Television Association (6 witnesses).

Multi-view Systems of Woodland, Inc. Walter Kaitz, Harold R. Farrow, and Anne R. Grupp (Farrow and Grupp), 1506 Latham Square Building, Oakland, Calif. 94612.

Alabama CATV Association. Otto Miller, Tuscaloosa, Ala.

Colorado Community Television Association. John J. Morrissey, Jr., Durang, Colo.

Kentucky CATV Association. William Ewey Gorman, Hazard, Ky.

Mid-America CATV Association. KBTN Cable TV, Inc. Galen O. Gilbert, 116 West Spring, Neosho, Mo.

Pennsylvania Community Antenna Television Association. George J. Barco (Barco and Barco), Meadville, Pa.

New Jersey Communication Association. William J. Keenan, Deiran, N.J.

Cable Television Association of New England. New York State Cable Television Association. Ohio Cable Television Association. Virginia Cable Television Association. Lewis I. Cohen and Morton L. Berfield (Cohen and Berfield), 711 14th Street NW., Washington, D.C. 20005.

Southern CATV Association. Florida CATV Association. Arkansas CATV Association. John D. Matthews (Dow, Lohnes, and Albertson), 1225 Connecticut Avenue NW., Washington, D.C. 20036.

West Virginia and Mid Atlantic Community Television Association (witnesses). Sandford F. Randolph, Post Office Box 250, Clarksburg, W. Va. 26301.

Borough of Wilkinsburg. Dawson A. Mack, Council President. George Gallaher, Chairman of Special Committee for CATV. Richard O. Griffith, Borough Secretary and Manager, 605 Ross Avenue, Wilksburg, Pa. 15221.

Borough of Aliquippa. Clarence D. Neish, Mayor. James Mansueti, President of Council. Stephen Matakovich, Vice President. Frank Atkinson, Councilman, Beaver County, Pa. 15001.

Castle Shannon Borough. Raymond Brannon, President. Eugene Sciuolo, Councilman. Thomas Kerrigan, Vice President. Theodore Kirk, Councilman. Frank J. Rizzo, Secretary, Castle Shannon Borough Municipal Building, 3800 Willow Avenue, Pittsburgh, Pa. 15234.

Borough of Carnegie, Pa. Santo Magliocco, President of Council. Robert H. Nelson, Vice President of Council, Masonic Building, East Main Street and Beechwood Avenue, Carnegie, Pa. Counsel for the Boroughs of Carnegie, Pa., Wilksburg, Pa., Castle Shannon, Pa., and Aliquippa, Pa. Lewis I. Cohen (Cohen and Berfield), 711 14th Street NW., Washington, D.C. 20005.

## GROUP II—2 HOURS

FEBRUARY 3, 11:30 A.M.—12:30 P.M., 2 P.M.—3 P.M.

National Association of Broadcasters. Douglas A. Anello, 1812 K Street NW., Washington, D.C. 20006.

National Association of Educational Broadcasters.

Norman E. Jorgensen, Louis Schwartz, and Robert A. Woods (Krieger & Jorgensen), 1926 Eye Street NW., Washington, D.C. 20006.

Association of Maximum Service Telecasters, Inc., and Stations: WPHL-TV, WNOK-TV, WSPA-TV, KOB-TV, KSTP-TV, WTOG, KFMB-TV, WMBD-TV, WCIA, WFIE-TV, WFRV-TV, WAVE-TV, WMTI-TV, KXTV, KHOU-TV, KOTV, WANE-TV, WISH-TV.

Ernest W. Jennes and Charles A. Miller (Covington & Burling), 701 Union Trust Building, Washington, D.C. 20005.

## GROUP III—2½ HOURS

FEBRUARY 3, 3 P.M.—4 P.M., 4:15 P.M.—5:45 P.M.

Triangle Publications, Inc. (Radio and Television Division).

Coastal Community Antenna Television, Inc. Laurel Cablevision Co.

Twin Cities Cablevision, Inc.

Capitol Cablevision Systems, Inc. Arthur Scheiner and John R. Wilner (Wilner, Scheiner & Greeley), 1343 H Street NW, Washington, D.C. 20005.

Athena Communications Corp.

Cox Cable Communications, Inc.

National Trans-Video, Inc.

Newchannels Corp.

Palmer Broadcasting Co.

Television Communications Corp.

The Jerrold Corp.

John D. Matthews (Dow, Lohnes, and Albertson), 1225 Connecticut Avenue NW, Washington, D.C. 20036.

Midwest Video Corp.

Harry M. Plotkin (Arent, Fox, Kintner, Plotkin, & Kahn), 1100 Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006.

Booth American Co.

Telerama, Inc., and Akron Telerama, Inc.

Paul Dobin and Ronald A. Siegel, Chohn and Marks, 317 Cafritz Building, Washington, D.C. 20006.

Courier Cable Co., Inc.

Aloysius B. McCabe (Kirkland, Ellis, Hodson, Chaffetz, & Masters), 800 World Center Building, Washington, D.C. 20006.

AirCapital Cablevision, Inc.

Dorth L. Coombs, 350 South Fountain, Wichita, Kan.

Smith, Pepper, Shack & L'Heureux.

E. Stratford Smith and Thomas G. Shack, Jr., 1101 17th Street NW., Washington, D.C. 20036.

Teleprompter Corp.

Columbia Cable Systems, Inc.

El Paso Cablevision, Inc.

Commonwealth Cable Television, Inc.

Vumore Video of Colorado, Inc.

Willmar Video, Inc.

Viko, Inc.

Tele-Vue Systems, Inc.

John P. Cole, Jr. (Cole, Zysta, & Raywid), 2011 Eye Street NW., Washington, D.C. 20006.

Telecable Corp.

Jack Kent Cooke, Inc.

New York Central Cable TV, Inc.

Teitron, Inc.

TV Community Services, Inc.

Valley Cablevision Corp.

TeleSystems Corp.

TeleSystems International Corp.

TeleSystems Corp. of N.J.

Oxford Cable TV Corp.

Pioneer Valley Cablevision, Inc.

Bucks County TeleSystems Corp.

Montgomery County TeleSystems Corp.

Crosswicks Industries, Inc.

Jay E. Ricks (Hogan & Hartson), 815 Connecticut Avenue NW., Washington, D.C. 20006.

Robert L. Maupin

Multi-View Systems, Inc.

Omni-Vision, Inc.  
 Arthur Stambler and Jason L. Shrinsky,  
 1737 DeSales Street NW., Washington,  
 D.C. 20036.

Community Television, Inc.  
 TV Pix, Inc.  
 Pala Mesa Cablevision, Inc.  
 Garden Grove Cablevision, Inc.  
 Coastal Carolina Cable TV, Inc.  
 Coeur d'Alene Cablevision, Inc.  
 American Tele-Communications, Inc.  
 Prescott Video, Inc.  
 Cam-Tel Co.  
 Hope Community TV, Inc.  
 Hot Springs Community TV, Inc.  
 Kilgore Video, Inc.  
 Lone Star Television Service, Inc.  
 Michael H. Bader, William J. Potts, Jr., and  
 Henry A. Solomon (Haley, Bader, &  
 Potts), 1735 DeSales Street NW., Wash-  
 ington, D.C. 20036.

Armstrong Utilities, Inc.  
 CATV of Pennsylvania, Inc.  
 Centre Video Corp.  
 Color Cable, Inc.  
 Highland Video Corp.  
 National Cable Television Corp.  
 Steel Valley Cablevision of Alliquippa, Inc.  
 Steel Valley Cablevision of Duquesne, Inc.  
 Television Cable Service, Inc.  
 Tower Cable Systems Corp.  
 Valley Master Cables, Inc.  
 Payette TV Cable Co.  
 Wheeling Antenna Co., Inc.  
 Laurence Cablevision, Inc.  
 Lewis I. Cohen and Morton L. Berfield  
 (Cohen and Berfield), 711 14th Street  
 NW., Washington, D.C. 20005.

Pittman, Lovett, and Hennessey on behalf of  
 several CATV Corporations.  
 Lee G. Lovett, Joseph F. Hennessey, and  
 John N. Papajohn (Pittman, Lovett, &  
 Hennessey), 1819 H Street NW., Wash-  
 ington, D.C. 20006.

GROUP IV—2 Hours  
 FEBRUARY 4, 9-11 A.M.

Taft Broadcasting Co.  
 Bernard Koteen and Alan Y. Naftalin (Ko-  
 teen and Burt), 1000 Vermont Avenue  
 NW., Washington, D.C. 20005.

Triangle Telecasters, Inc.  
 Charles O. Verrill, Jr. (Patton, Blow, Ver-  
 rill, Brand, & Boggs), 1200 17th Street  
 NW., Washington, D.C. 20036.

Steel City Broadcasting Co.  
 Eagle Broadcasting Co.  
 Key Television, Inc.  
 Cimarron Television Corp.  
 Liberty Corp.  
 Nationwide Communications, Inc.  
 Sonderling Broadcasting Corp.  
 Appalachian Broadcasting Corp.  
 D. H. Overmyer Telecasting Co., Inc.  
 Liberty Television, Inc.  
 Indian River Television, Inc.  
 Gross Telecasting, Inc.  
 WBJA-TV, Inc.  
 Mercury Media, Inc.  
 Westport Television, Inc.  
 Broadcast Industries of West Virginia, Inc.  
 Triangle Broadcasting Corp.  
 Phillip Y. Hahn, Jr.  
 Jack P. Blume, Benito Gaguine, Herbert M.  
 Schulkind, and Donald E. Ward (Fly,  
 Shuebruk, Blume, and Gaguine), 1612  
 K Street NW., Washington, D.C. 20006.

All-Channel Television Society  
 Springfield Television Broadcasting Corp.  
 Martin E. Firestone and Michael Finkel-  
 stein (Scharfeld, Bechhoefer, Baron,  
 Finkelstein, & Firestone), Suite 512,  
 1725 K Street NW., Washington, D.C.  
 20006.

Columbia Empire Broadcasting Corp.  
 XYZ Television, Inc.  
 Great Lakes Television Corp.  
 Doubleday Broadcasting Co., Inc.

KUTV, Inc.  
 Golden Empire Broadcasting Co.  
 Washash Valley Broadcasting Corp.  
 Michael Bader, William J. Potts, Jr., and  
 Henry A. Solomon (Haley, Bader, &  
 Potts), 1735 DeSales Street NW., Wash-  
 ington D.C. 20036.

Radio Station WPAY, Inc.  
 Robert M. Booth, Jr. (Booth & Freret),  
 1150 Connecticut Avenue NW., Washing-  
 ton, D.C. 20036.

WPSD-TV.  
 Arthur Stambler, 1737 DeSales Street NW.,  
 Washington, D.C. 20036.

Rust Craft Broadcasting Co.  
 Fred Weber, 114 South Kenyon, Margate,  
 N.J.

GROUP V—1 Hour  
 FEBRUARY 4, 11:15 A.M.—12:15 P.M.

Columbus Broadcasting Co., Inc.  
 Cosmos Broadcasting Corp.  
 Cox Broadcasting Corp.  
 McClatchy Newspapers.  
 Midcontinent Broadcasting Co.  
 Newhouse Broadcasting Corp.  
 Palmer Broadcasting Co.  
 Tribune Publishing Co.  
 Stauffer Publications, Inc.  
 William P. Sims, Jr., John D. Matthews,  
 and Charles J. McKerns (Dow, Hohmes,  
 and Albertson), 1225 Connecticut Avenue  
 NW., Washington, D.C. 20036.

Cypress Communications Corp.  
 W. Randolph Tucker, Chairman.  
 Harry M. Plotkin and George H. Shapiro  
 (Arrent, Fox, Kintner, Plotkin, & Kahn),  
 1100 Federal Bar Building, 1815 H Street  
 NW., Washington, D.C. 20006.

Kansas State Network, Inc.  
 Frontier Broadcasting Co.  
 Bernard Koteen and Alan Y. Naftalin (Ko-  
 teen & Burt), 1000 Vermont Avenue NW.,  
 Washington, D.C. 20005.

KTVB, Inc.  
 John P. Southmayd (Fisher, Wayland, Du-  
 vall, and Southmayd), 1100 Connecticut  
 Avenue NW., Washington, D.C. 20036.

Griffin Coaxial Co-  
 Hirsch Broadcasting Co.  
 George O. Sutton, National Press Building,  
 Washington, D.C.

Storer Broadcasting Co.  
 John E. McCoy and Warren C. Zwicky, 711  
 Madison Building, 1155 15th Street NW.,  
 Washington, D.C. 20005.

GROUP VI—2 Hours  
 FEBRUARY 4, 2-4 P.M.

American Broadcasting Co.  
 James A. McKenna, Jr., and Robert W. Coll  
 (McKenna & Wilkinson), 1705 DeSales  
 Street NW., Washington, D.C. 20036.

Columbia Broadcasting System, Inc.  
 Joseph DeFranco, 2020 M Street NW.,  
 Washington, D.C. 20036.

National Broadcasting Co., Inc.  
 Corydon B. Dunham, 30 Rockefeller Plaza,  
 New York, N.Y. 10020.  
 Howard Monderer, 1725 K Street NW.,  
 Washington, D.C. 20005.

Producers and Distributors of Copyrighted  
 Television Film Programs.  
 Lawrence S. Lesser (Phillips, Nizer, Ben-  
 jamin, Krim, & Bailon), 1625 K Street  
 NW., Washington, D.C. 20006.

Warner Bros.-7 Arts, Inc.  
 Jerome S. Boros (Fly, Shuebruk, Blume,  
 and Gaguine), 1612 K Street NW., Wash-  
 ington, D.C. 20006.

National Association of Theatre Owners, Inc.,  
 and Metropolitan Motion Pictures Thea-  
 tres Association.  
 Marcus Cohn and Ronald A. Siegel (Cohn  
 and Marks), 317 Cafritz Building, Wash-  
 ington, D.C. 20006.

Norton Goodwin, 824 Connecticut Avenue  
 NW., Washington, D.C. 20006.

GROUP VII—1 Hour  
 FEBRUARY 4, 4:15-5:15 P.M.

American Telephone & Telegraph Co.  
 Lewis H. Ulman, 195 Broadway, New York,  
 N.Y. 10007.

CT&E Service Corp.  
 Theodore F. Brophy, George E. Shertzer,  
 and Donald P. McCormack, 730 Third  
 Avenue, New York, N.Y. 10017.

United States Independent Telephone Asso-  
 ciation.  
 Thomas J. O'Reilly (Chadbourne, Parks,  
 Whiteside & Wolf), 1 Farragut Square  
 South, Washington, D.C. 20006.

United Telephone System.  
 Lloyd D. Young (Chadbourne, Parke,  
 Whiteside & Wolf), 1 Farragut Square  
 South, Washington, D.C. 20006.

Warren E. Baker, United Utilities, Inc.,  
 Post Office Box 11315, Plaza Station, Kan-  
 sas City, Mo. 64112.

Microwave Communications, Inc.  
 Frank K. Spain, doing business as Micro-  
 wave Service Co.  
 Alabama Microwave, Inc.  
 Telecommunications, Inc.  
 Telecommunications of Oregon, Inc.  
 Michael Bader, William J. Potts, Jr., and  
 Henry A. Solomon (Haley, Bader &  
 Potts), 1735 DeSales Street NW., Wash-  
 ington, D.C. 20036.

New York-Penn Microwave Corp.  
 Lewis I. Cohen and Morton L. Berfield  
 (Cohen and Berfield), 711 14th Street  
 NW., Washington, D.C. 20005.

Western Microwave, Inc.  
 Richard H. Strodel (Wheeler & Wheeler),  
 Southern Building, 15th and H Streets  
 NW., Washington, D.C. 20005.

GROUP VIII—1 Hour  
 FEBRUARY 4, 5:15-6:15 P.M.

National Association of Regulatory Utility  
 Commissioners.  
 Paul Rodgers, 3327 ICG Building, Post  
 Office Box 684, Washington, D.C. 20044.

Milton J. Shapp.  
 Harry M. Plotkin and George H. Shipiro  
 (Arrent, Fox, Kintner, Plotkin & Kahn),  
 1100 Federal Bar Building, 1815 H Street  
 NW., Washington, D.C. 20006.

United Electrical Radio and Machine Workers  
 of America.  
 Louis Kaplan, International Representa-  
 tive, 5700 North Broad Street, Phila-  
 delphia, Pa.

Westinghouse Broadcasting Co., Inc.  
 Charles C. Woodard, Jr., 90 Park Avenue,  
 New York, N.Y. 10016.

6. *It is further ordered*, That in the  
 event that any timely filed notice of in-  
 tention to appear and participate has  
 been inadvertently overlooked, the Com-  
 mission, either on its own motion or  
 upon request, may by further order sup-  
 plement the parties included in any of  
 the above groups.

7. *It is further ordered*, That within  
 each of the eight groups set forth above,  
 the parties are authorized to specify the  
 time to be allotted each for oral presenta-  
 tions; if agreement as to the allocation of  
 time within each group is reached, the  
 Commission shall be advised of the pro-  
 visions thereof on or before January 29,  
 1969; and if agreement as to allocation  
 of time within any group cannot be

reached, the Commission shall be notified on or before January 29, 1969, and will itself allot a period of time to each of the parties within such group, such allocation to be stated by the Chairman at the commencement of the oral presentations.

8. *It is further ordered*, That the oral presentations will be heard by the Commission in Hearing Room B, Interstate Commerce Commission Building, Constitution Avenue and 12th Street NW., Washington, D.C., commencing at 9 a.m. on February 3, 1969.

Adopted: January 15, 1969.

Released: January 17, 1969.

FEDERAL COMMUNICATIONS  
COMMISSION<sup>2</sup>

[SEAL] BEN F. WAPLE,  
*Secretary.*

[F.R. Doc. 69-981; Filed, Jan. 23, 1969;  
8:51 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Parts 239, 274 ]

[Releases Nos. 33-4939, IC-5565]

### REGISTRATION FORMS FOR MAN- AGEMENT INVESTMENT COMPANIES

#### Proposed Revision of Forms N-8B-1 and N-5

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed revisions of items relating to investment policies in Forms N-8B-1 (17 CFR 274.11) and N-5 (17 CFR 239.24, 274.5) for registration statements of management investment companies.

Form N-8B-1 (17 CFR 274.11) is prescribed for registration statements filed pursuant to section 8(b) of the Investment Company Act of 1940 ("Act") (15 U.S.C. 80a-8) by management investment companies (except those which issue periodic payment plan certificates). Form N-5 (17 CFR 239.24, 274.5) is prescribed for registration statements filed pursuant to section 8(b) of the Act by small business investment companies licensed under the Small Business Investment Act of 1958 and for the registration under the Securities Act of 1933 of securities to be issued by small business investment companies.

Item 4 of the Form N-8B-1 (17 CFR 274.11) and Item 2 of Form N-5 (17 CFR 239.24, 274.5) require the registrant to describe its fundamental policies in respect of the types of activities enumerated in section 8(b)(1) of the Act and any other policies which the registrant deems matters of fundamental policy and elects to treat as such pursuant to sections 8(b)(2) of the Act and 13(a)(3) of the Act (15 U.S.C. 80a-13). Item 5 of Form N-8B-1 (17 CFR 274.11) and

Item 3 of Form N-5 (17 CFR 239.24, 274.5) require the registrant to describe those investment policies which are not described as fundamental policies under Item 4 or 2, as the case may be, indicating which of such investment policies may not be changed without stockholder action. The corresponding items of the two forms with respect to policies are substantially similar.

Section 13(a) of the Act provides that no registered investment company, unless authorized by the vote of a majority of its outstanding voting securities, may deviate from any fundamental policy recited in its registration statement pursuant to section 8(b)(2) of the Act. The present policy items of Forms N-8B-1 (17 CFR 274.11) and N-5 (17 CFR 239.24, 274.5), described above, permit investment companies to recite as non-fundamental any policy matters not enumerated in sections 8(b)(1) and 13(a) of the Act even though such policies may not be changed without shareholder approval.

The Commission has interpreted the term "fundamental" as used in sections 8(b) and 13(a)(3) of the Act to apply to any investment policy which a registrant elects to make subject to shareholder approval. (Brief for the Securities and Exchange Commission, *Amicus Curiae*, *Green v. Brown* (398 F. 2d 1006 (C.A. 2, 1968)).) Accordingly, it would amend the Instructions to investment policy items of Form N-8B-1 (17 CFR 274.11) and N-5 (17 CFR 239.24, 274.5) so as to be consistent with this interpretation.

Item 4 of Form N-8B-1 (17 CFR 274.11) and Item 2 of Form N-5 (17 CFR 239.24, 274.5), both of which are entitled "Fundamental Policies of the Registrant," would be amended by adding Instruction 3 as follows:

3. For purposes of (h), any investment policies which may not be changed without shareholder approval should be included as "fundamental" policies.

Item 5 of Form N-8B-1 (17 CFR 274.11) and Item 3 of Form N-5 (17 CFR 239.24, 274.5) both of which are entitled "Policies with Respect to Security Investments," would be amended by revising the introductory clause as follows:

Describe the investment policy of the registrant with respect to each of the following matters. If any matter listed under this item is set forth in answer to Paragraph (h) of Item 4,<sup>1</sup> reference should be made under the pertinent paragraph of this Item to that answer.

Because investment policies which cannot be changed without shareholder approval are deemed to be "fundamental" regardless of how they have been listed in the investment company's registration statement, companies which have already filed registration statements with the Commission on Forms N-8B-1 (17 CFR 274.11) and N-5 (17 CFR 239.24, 274.5) would not be required to report a change of investment policy if the Commission adopts the revisions pro-

posed in this release. Investment companies which wish to sticker their prospectuses in order to clarify their disclosures with respect to investment policies which may not be changed without shareholder approval may do so in accordance with the procedures contained in Rule 424(c) of the Securities Act of 1933 (17 CFR 230.424).

The proposed revisions of Forms N-5 (17 CFR 239.24, 274.5) and N-8B-1 (17 CFR 274.11) would be adopted pursuant to sections 8(b), 24(a), and 38(a) of the Act (15 U.S.C. 80a-8, 80a-24, 80a-37) and, in the case of Form N-5 (17 CFR 239.24, 274.5) pursuant also to sections 6, 7, 10, and 19(a) of the Securities Act of 1933 (15 U.S.C. 77f, 77g, 77j, 77s.). All interested persons are invited to submit views and comments with respect to the proposed revisions. They should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before January 20, 1969. All such communications would refer to Investment Company Act Release No. 5565 and, except where it is requested that they not be disclosed, they will be available for public inspection.

(Secs. 81(b), 24(a), 38(a), 54 Stat. 803, 825, 841, as amended; Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85, as amended)

By the Commission.

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

DECEMBER 20, 1968.

[F.R. Doc. 69-953; Filed, Jan. 23, 1969;  
8:49 a.m.]

## SMALL BUSINESS ADMINISTRATION

[ 13 CFR Part 107 ]

### SMALL BUSINESS INVESTMENT COMPANIES

#### Guarantee of Loans by Licensees to Disadvantaged Small Business Con- cerns

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended; sections 5 and 7 of the Small Business Act, Public Law 85-536, 72 Stat. 384, as amended; and Title IV of the Economic Opportunity Act of 1964, Public Law 88-452, 78 Stat. 526-7, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 33 F.R. 326 and amended in 33 F.R. 11147 and 33 F.R. 20035, by adding new §§ 107.1501-107.1504. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of Investment, Small Business Administration, Washington, D.C. 20416, within a period of ten (10) days from the date

<sup>2</sup> Commissioner Bartley abstaining from voting.

<sup>1</sup> Refers to Item 4 of the Form N-8B-1 (17 CFR 274.11). The reference is to Item 2 in the case of Form N-5 (17 CFR 239.24, 274.5).

of publication of this notice in the FEDERAL REGISTER.

*Information.* SBA proposes to treat certain loans made by small business investment companies as eligible for guarantees under section 7(a) of the Small Business Act, as amended (15 U.S.C. 636(a)) and under Title IV of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2901 et seq.). SBA will guarantee up to 90 percent of the loans made by Licensees to eligible disadvantaged small business concerns, subject to certain limitations. These amendments would impose no additional burdens or obligations upon Licensees or other parties and would facilitate increased assistance by Licensees to disadvantaged small business concerns.

It is proposed that Part 107 be amended by adding the following new sections:

**SBA GUARANTEE OF LOANS BY LICENSEES TO DISADVANTAGED SMALL BUSINESS CONCERNS**

**§ 107.1501 General.**

In order to encourage the financing of disadvantaged small business concerns by Licensees, SBA will guarantee certain loans by Licensees to such small business concerns under section 7(a) of the Small Business Act, as amended, or Title IV of the Economic Opportunity Act of 1964, as amended.

**§ 107.1502 Applicability.**

In addition to the requirements of § 107.1503, all applicable provisions of the SBA regulations, including the other

provisions of Part 107 as well as Parts 112, 113, and 119 through 122 of this chapter, shall govern loans guaranteed by SBA hereunder.

**§ 107.1503 Conditions of the guarantee.**

(a) The loan must be made to a small business concern which is at least 50 percent owned by a person or persons whose participation in the free enterprise system is hampered because of social and economic disadvantages.

(b) The guaranteed loan must qualify under § 120.2(d) of Part 120 of this chapter (policies for SBA financial assistance) and must be to a small business concern which would qualify for SBA financial assistance under § 121.3-10 of Part 121 of this chapter (size standards for financial assistance by SBA).

(c) SBA guarantees may not exceed 90 percent of the outstanding balance of the loan, together with guaranteed accrued interest. The amount guaranteed under section 7(a) of the Small Business Act may not exceed \$350,000 to any borrower (including affiliates). If the guarantee is under Title IV of the Economic Opportunity Act of 1964, the amount guaranteed may not exceed \$25,000 to any borrower (including affiliates).

(d) The aggregate amount of outstanding SBA guarantees to any Licensee may not exceed such Licensee's private capital and surplus.

(e) No guarantee will be provided where the Licensee has, or has the right to acquire, more than 25 percent equity

ownership of the small business concern.

(f) Loans guaranteed by SBA may be convertible and/or may have stock options or warrants: *Provided, however,* That the SBA guarantee shall not apply to any equity interest. Without prior written SBA approval, a Licensee may not exercise any stock options or warrants or transfer any equity interest in the small concern while such SBA guarantee is outstanding.

(g) SBA will purchase the guaranteed portion of a loan, together with guaranteed accrued interest, only in the event the Borrower has defaulted in payment for not less than 60 days after the due date for such payment. If SBA purchases a guaranteed loan, the Licensee shall pledge to SBA as additional collateral any stock, warrants or stock options in the small concern which it has acquired in connection with the making of such loan.

**§ 107.1504 Application procedure.**

Licensees and small business concerns desiring an SBA guarantee hereunder may obtain from the Office of Investment, Small Business Administration, Washington, D.C. 20416, the necessary forms and instructions. Applications shall be submitted to the Office of Investment, Small Business Administration, Washington, D.C. 20416.

Dated: January 21, 1969.

HOWARD J. SAMUELS,  
*Administrator.*

[F.R. Doc. 69-952; Filed, Jan. 23, 1969; 8:49 a.m.]

# Notices

## INTERSTATE COMMERCE COMMISSION

[Notice 1261]

### MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

JANUARY 17, 1969.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

<sup>1</sup> Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 247), filed January 2, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle; over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 2202 (Sub-No. 364), filed December 26, 1968. Applicant: ROADWAY EXPRESS INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Wichita, Kans., and Springfield, Mo., from Wichita over U.S. Highway 54 to junction Kansas Highway 96, thence over Kansas Highway 96 to Fredonia, Kans., thence over Kansas Highway 47 to junction Kansas Highway 57, thence over Kansas Highway 57 to junction U.S. Highway 69 near Franklin, thence over U.S. Highway 69 to junction U.S. Highway 160, thence over U.S. Highway 160 to Springfield, and return over the same route as an alternate route serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3252 (Sub-No. 52), filed December 27, 1968. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet lap woodpulp*, from Berlin, N.H., to Gilman, Vt. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 13123 (Sub-No. 51), filed December 16, 1968. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) between South Charleston and Washington Court House, Ohio, over Ohio Highway 41 to Washington Court House, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (B) between Xenia and Wilmington, Ohio, over U.S. Highway 68 to Wilmington, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (C) between Cedarville and Sabina, Ohio, over Ohio Highway 72 to Sabina, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (D) between South Charleston and Wilmington, Ohio, over Ohio Highway 41 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 68, thence over U.S. Highway 68 to Wilmington, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (E) between South Charleston and Sabina, Ohio, over Ohio Highway 41 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Ohio Highway 72, thence over Interstate Highway 72 to Sabina, and return over the same route, as an alternate route for operating convenience only, serving, no intermediate points. NOTE: Applicant states the purpose of this application is (1) to conduct pickup and delivery operations at its authorized service points in the area from its new terminal at South Charleston, Ohio, instead of from its old terminals at Dayton and Columbus, Ohio, which have been replaced by said South Charleston, Ohio, terminal, and (2) to

perform line haul operations in connection with a break bulk terminal applicant has established at South Charleston. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 18738 (Sub-No. 37) (Correction), filed December 23, 1968, published in the FEDERAL REGISTER issue of January 16, 1969, and republished as corrected this issue. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Riverdale, Ill. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated panels* faced with stone, marble, granite, or slate, from points in Lawrence and Monroe Counties, Ind., to points in Delaware, Illinois, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: The purpose of this republication is to reflect the origin point which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 25798 (Sub-No. 183), filed December 30, 1968. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Iowa Beef Packers, Inc., at or near Sioux City, Iowa, and Dakota City, Nebr., to points in Alabama, Georgia, and Tennessee, restricted to traffic originating at the above origins. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami or Tampa, Fla.

No. MC 28307 (Sub-No. 17), filed December 19, 1968. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 North Graham, Charlotte, N.C. 28206. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those requiring special equipment), from Charlotte, N.C., over North Carolina Highway 49 to junction of North Carolina Highway 160, thence over North Carolina Highway 160 to junction U.S. Highway 29 (at or near Charlotte, N.C.), and return over the same route, serving all intermediate points, and (2) *general commodities* (except those requiring special vehicles or special equipment for hauling, loading, or unloading or any

special or unusual service in connection therewith), (a) serving the plantsite of Superior Cable Corp., located on Catawba County Road 1848 approximately 6.2 miles north of Terrell, N.C., as an off-route point in connection with applicant's presently authorized route over North Carolina Highway 150, and (b) serving the plantsite of Superior Cable Corp., located on county road 1848 approximately 5 miles south of Catawba, N.C., as an off-route point in connection with applicant's presently authorized route over North Carolina Highway 10. NOTE: By this instant application, applicant seeks to "convert" its certificates of registration in MC 28307, Sub 13 and MC 28307, Sub 14 to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 29566 (Sub-No. 131), filed January 2, 1969. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Austin, Minn., to points in Kansas and Missouri, restricted to traffic originating at the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., destined to points in Kansas and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 32562 (Sub-No. 27), filed December 30, 1968. Applicant: POINT EXPRESS, INC., Box 10185, Charleston, W. Va. 25312. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment, between Cincinnati, Ohio, and Lexington, Ky.: From Cincinnati, over U.S. Highway 25 and over Interstate Highway 75 to Lexington, Ky., and return over the same routes, serving all intermediate points. NOTE: Applicant presently holds authority to serve between Cincinnati, Ohio, and Lexington, Ky., over U.S. Highway 52 to Maysville, Ky., and thence over U.S. Highway 68 to Lexington, Ky. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 41635 (Sub-No. 46) (Amendment), filed November 6, 1968, published in the FEDERAL REGISTER issue of December 5, 1968, and republished as amended this issue. Applicant: DEALERS TRANSPORT COMPANY, a corporation, 1368 Riverside Boulevard, Memphis, Tenn. Applicant's representative: Charles H.

Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 36201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, tractors, bodies, and chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in truckaway service, from points in Jefferson County, Ky., to Detroit and Dearborn, Mich., Cincinnati, Ohio, and Chicago and Hegewisch, Ill., points in Indiana, and points in Clark, Coles, Crawford, Cumberland, Douglas, Edgar, Jasper, and Lawrence Counties, Ill., (2) *automobiles, trucks, trailers, bodies, cabs, and chassis*, in secondary movements, in truckaway service, from points in Jefferson County, Ky., to points in North Carolina, Virginia, and West Virginia, (3) *automobiles, trucks, bodies, cabs, and chassis* (except trailer chassis), new, used, unfinished, or wrecked, in secondary movements, in driveaway service, from points in Jefferson County, Ky., to points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, (4) *automobiles, trucks, bodies, cabs, and chassis* (except trailer chassis), new, used, unfinished, and wrecked, in secondary movements, in truckaway service, from points in Jefferson County, Ky., to points in Alabama, Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, and (5) *automobiles, trucks, and chassis* in initial movements, in truckaway service, from points in Jefferson County, Ky., to points in Oklahoma. NOTE: The authority sought in numbers (1), (2), (3), and (4) above, only seeks a broadening of applicant's secondary rights as authorized in its (Sub-No. 39) certificate from the origin point of Louisville, Ky., to points in Jefferson County, Ky. The authority sought in (5) above, only seeks a broadening of the destination territory as authorized in applicant's (Sub-No. 37) certificate from Quapaw, Okla., to points in Oklahoma. NOTE: Applicant intends to tack the authority sought herein as follows: (1) with its (Sub-No. 35) at points in Arkansas and Mississippi to serve Texarkana, Tex., and (2) with its (Sub-Nos. 38 and 44) at Caddo or Bossier Parishes to serve points in certain Texas counties. The purpose of this republication is to remove the previous tacking restriction, and reflect the above tacking information. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Louisville, Ky.

No. MC 51146 (Sub-No. 118), filed December 23, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Donald F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; products produced or distributed by manufacturers and converters of paper and paper products; materials, equipment and supplies used in the manufacture and distribution of the above-described commodities, between points in Wyoming County, Pa., on the one hand, and, on the other,*

Cheboygan, Mich., and Green Bay, Wis. **NOTE:** Applicant states the primary purpose of the application is not to allow tacking. This would be done only as an incidental part of operations if the need arises in the future. This could be done under many of applicants pending and present subs. Applicant further states it does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 119), filed December 30, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from points in Kewaunee County, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Ohio and *equipment, materials, and supplies* used in the manufacture and distribution of the commodities described above, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52465 (Sub-No. 33), filed January 2, 1969. Applicant: RICE TRUCK LINES, a corporation, 1627 Third Street NW., Great Falls, Mont. 59401. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic liquor and alcoholic beverages*, in bulk, in tank vehicles, from points in Jefferson and Nelson Counties, Ky., and Atchison County, Kans., to points in Lewis and Clark County, Mont.; and (2) *wine*, in bulk, in tank vehicles, from points in California to points in Lewis and Clark County, Mont. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at any Montana city.

No. MC 61231 (Sub-No. 41), filed January 6, 1969. Applicant: ACE-ALKIRE FREIGHT LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50305. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards, wallboard, siding, and accessories thereof*, from Dubuque, Iowa, to points in Kansas, Missouri, and Nebraska. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 61403 (Sub-No. 189), filed December 30, 1968. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Baton Rouge, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. **NOTE:** If a hearing is

deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 64994 (Sub-No. 103), filed December 30, 1968. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representatives: E. M. Shireley, Jr. (same address as applicant), and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, telephone directories, directory pages (signatures), directories and periodicals*, from the plant-site of R. R. Donnelley & Sons Co., located at or near the intersection of Illinois Highway 47 and U.S. Highway 66 near Dwight, Ill., to points in Georgia, Indiana, that part of Michigan on and south of Michigan Highway 21, North Carolina, Ohio, South Carolina, Virginia, and Pittsburgh, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64994 (Sub-No. 104), filed December 30, 1968. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp. located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials, equipment and supplies* used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85 to the plant or warehouse sites of Continental Steel Corp. located in Howard County, Ind. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 67361 (Sub-No. 3), filed January 3, 1969. Applicant: GENERAL ROAD TRUCKING CORPORATION, 99 Maura Avenue, Post Office Box 6, East Providence, R.I. 02914. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from Providence, R.I., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont. **NOTE:** Applicant states that any duplication of operating authority is not to be construed as conferring more than one operating right. Applicant further states that there is a possibility of tacking at Providence, R.I. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 70151 (Sub-No. 47) (Clarification), filed November 29, 1968, published FEDERAL REGISTER issue of December 19, 1968, and republished as clarified this issue. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit, Mich. Applicant's representative: Ferdinand Born, 601

Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, commodities in bulk, not including salt in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the new plantsite of Essex Wire Corp. located in Whitley County, Ind., and south on U.S. Highway 30 with entrance from County Road 600E, as an off-route point in connection with applicant's present regular route authority. **NOTE:** The purpose of this republication is to show that the new plantsite of Essex Wire Corp. is located in Whitley County, Ind. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Detroit, Mich.

No. MC 79135 (Sub-No. 42), filed January 6, 1969. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N.Y. 13346. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Delaware, Chanango, Madison, and Otsego Counties, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 82808 (Sub-No. 13), filed December 30, 1968. Applicant: LEWIS R. HUNT AND C. L. HUNT, a partnership, doing business as HUNT AND SON, Box 200, Warrensburg, Mo. 64093. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, farm equipment, and agricultural implement parts and attachments, farm machinery parts and attachments, farm equipment parts and attachments* (except commodities in bulk), from Atherton, Mo., to points in the United States (except Alaska and Hawaii), and (2) *rejected and damaged shipments and materials, supplies, and equipment*, used in the manufacture, processing, sale, and distribution of agricultural implements, farm machinery and farm equipment, from points in the United States (except Alaska and Hawaii), to Atherton, Mo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 89684 (Sub-No. 70), filed December 30, 1968. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West, Salt Lake City, Utah 84110. Applicant's representative: Harry

D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newspapers*, in mixed loads with authorized commodities, from Salt Lake City, Utah, to points in Uinta, Lincoln, Teton, Sublette, and Sweetwater Counties, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 94350 (Sub-No. 208), filed December 12, 1968. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. 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 shipments in truckaway service, from points in Mayes County, Okla., to points in the United States, excluding Flint, Detroit, and Mount Clemens, Mich., also Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 99565 (Sub-No. 7), filed December 30, 1968. Applicant: FORE WAY EXPRESS, INC., 201 South Bellis Street, Wausau, Wis. 54401. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Manawa, Wis., as an off-route point in connection with applicant's regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 102982 (Sub-No. 14), filed December 23, 1968. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sprinkler systems and parts and accessories therefor, and tools, materials, equipment and supplies* used in the sale, packaging, distribution, installation and repair of such systems, parts and accessories, from Monroe, Adams County, Ind., to points in Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *tools, equipment, materials, and supplies* used in the manufacture, sale, packaging, distribution, installation and repair of sprinkler systems and parts and accessories therefor, as well as returned shipments of such systems, parts and accessories, from the States and district

mentioned in (1) above, to Monroe, Adams County, Ind., under contract with Automatic-Sprinkler Corp. of America. NOTE: Applicant holds common carrier authority under MC 125533 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103435 (Sub-No. 207), filed December 26, 1968. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives, blasting materials, agents and supplies*, (1) between points and over the regular route which applicant is certificated for the transportation of general commodities in Docket No. MC 103435 and all effective subs thereto, subject to all route restrictions, if any, as otherwise specified in said certificate, and (2) serving all points not on its regular routes in Washington, Oregon, Idaho, Montana, Wyoming, Utah, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, and Indiana, as off-route points in connection with the applicant's regular route operation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Denver, Colo., or Spokane, Wash.

No. MC 103993 (Sub-No. 367), filed December 26, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structures, outdoor electric substations, or sections thereof; iron or steel; structural angles, bars, beams, plates, and rod, iron or steel; bolts and nuts, and accessories used in the installation thereof*, from Newark, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 103993 (Sub-No. 368), filed December 27, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, from points in Mayes and Creek Counties, Okla., to points in the United States (except Alaska and Hawaii); and (2) *buildings* in sections when transported on wheeled undercarriages, from points in Mayes and Creek Counties, Okla., to points in California, Connecticut, Colorado, Delaware, Idaho, Maine, Montana, Maryland, Massachusetts, Nevada, New Mexico, New Hampshire, New Jersey, New York, North Dakota, North Carolina, Oregon, Penn-

sylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, Wyoming, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 105326 (Sub-No. 7), filed January 2, 1969. Applicant: GREAT LAKES TRUCKING COMPANY, a corporation, 29 Washington Street, Monroe, Mich. 48161. Applicant's representative: Thomas E. Griffin, Fr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) between Monroe, Mich., and Donora, Pa., and (2) between Donora, Pa., on the one hand, and, on the other, points in Michigan, Ohio, and Indiana under continuing contract with Union Camp Corp. and Cleveland Partition Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 106398 (Sub-No. 383), filed January 2, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings* in sections equipped with hitchball connector, from points in Prairie County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 107295 (Sub-No. 153), filed December 27, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, wall systems, and accessories*, from points in Erie County, N.Y., to points in the United States (except Washington, Oregon, California, Arizona, Utah, Nevada, Idaho, Alaska, Hawaii, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin). NOTE: Applicant states tacking possibilities with its MC 107295 when feasible. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 107295 (Sub-No. 155), filed December 30, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842 and Max Stephenson, 301 North 2d Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building sections, panels, components, parts and accessories*, from Canton, Ohio, to points in the United States (except Arkansas, Illinois, Indiana, Iowa, Kentucky, Michi-

gan, Missouri, Ohio, Tennessee, Wisconsin, Alaska, and Hawaii). NOTE: Applicant states tacking possibilities with its existing authority in MC 107295. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 107496 (Sub-No. 699), filed December 31, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., West Memphis, Ark., to points in Texas, Missouri, Arkansas, Louisiana, Wisconsin, Kentucky, Illinois, Tennessee, Mississippi, Alabama, Georgia, Pennsylvania, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 634), filed December 30, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Cantonment, Fla., to points in Nebraska, Iowa, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, West Virginia, Pennsylvania, New York, Virginia, Tennessee, Arkansas, New Jersey, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Montgomery, Ala.

No. MC 108341 (Sub-No. 22), filed December 26, 1968. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon Avenue, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance materials and supplies and quartermaster supplies*, except household goods and commodities in bulk, between military installations or Defense Department establishments in the United States, except Hawaii. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108884 (Sub-No. 16), filed December 26, 1968. Applicant: ROGERS TRANSFER, INC., Route 46, Great Meadows, N.J. 07838. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Watertown, Mass., to those points in that part of Pennsylvania, on and east of U.S. Highway 15. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 113325 (Sub-No. 131), filed January 2, 1969. Applicant: S L A Y TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite of the Monsanto Co., at or near St. Peters, Mo., to Sistersville, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. 113678 (Sub-No. 336), filed December 30, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the John Morrell & Co. plantsite at Ottumwa, Iowa, to points in Ohio, Pennsylvania, Michigan, New York, Maryland, District of Columbia, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, West Virginia, Virginia, New Jersey, and Delaware. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114028 (Sub-No. 14), filed December 30, 1968. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 1717 Maple Street, Dubuque, Iowa 52001. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in containers, from points in Marquette County, Mich., to points in Iowa, and those in Mercer, Henry, Rock Island, Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Ogle, Boone, Henderson, Knox, and Warren Counties, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dubuque, Iowa.

No. MC 114046 (Sub-No. 7), filed December 19, 1968. Applicant: WILLIAM D. FROST AND HERMAN SCHOMER, a partnership, doing business as M & M TRUCKING COMPANY, 715 River Avenue, Iron Mountain, Mich. 49801. Applicant's representative: Robert W. Hansley, 302 First National Bank Building, Escanaba, Mich. 49829. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, (a) from Columbus, Ohio, to Norway, Mich., and to the Lardenoit Distributing Co., located at a point in Wisconsin on U.S. Highway 8 approximately 3 miles east of junction U.S. Highways 8 and 141 near the Michigan-Wisconsin State line, and (b) from Columbus, Ohio, to Republic and St. Ignace, Mich., (2) *empty malt*

*beverage containers*, on return in (a) and (b) above, under contract with Arola Bottling Co., Republic, Mich.; Ryerse Distributing Co., St. Ignace, Mich.; and Lardenoit Distributing Co., Norway, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Escanaba or Lansing, Mich.

No. MC 114457 (Sub-No. 73), filed January 3, 1969. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Macon, Moberly, and Carrollton, Mo., to points in North Dakota (except Fargo), South Dakota, Iowa, Wisconsin, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 115838 (Sub-No. 4), filed December 23, 1968. Applicant: COMMODITY HAULAGE CORPORATION, 149-92 New York Boulevard, Jamaica, N.Y. 10038. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk and commodities requiring special equipment), between McArthur Airport, Islip, Long Island, on the one hand, and on the other, points in Nassau and Suffolk Counties, N.Y., and John F. Kennedy Airport and La Guardia Airport, N.Y., Westchester County Airport, White Plains, N.Y., and Newark Airport, N.J., restricted to shipments having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115841 (Sub-No. 39), filed December 16, 1968. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of Michigan Lloyd J. Harriss Pie Co., Saugatuck, Mich., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and warehouse facilities of Michigan Lloyd J. Harriss Pie Co., Saugatuck, Mich., and destined to the States indicated. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 119399 (Sub-No. 20), filed December 23, 1968. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. 64801. Applicant representative: Roy F. Reed (same address as applicant). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulating material, mineral wool (clay, rock, slag and glass wool) and cement (asbestos, mineral wool and roofing)*, from Joplin, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Wisconsin, and Wyoming, and (2) *equipment, materials and supplies* used or useful in the manufacture or distribution of commodities in (1) above, from points of destination shown in (1) above to Joplin, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Kansas City, Mo.

No. MC 119531 (Sub-No. 104), filed January 3, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, lids, covers, and accessories therefor*, between Evendale, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Tennessee, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123502 (Sub-No. 29), (Correction), filed December 20, 1968, published FEDERAL REGISTER issue of January 9, 1969, and republished as corrected this issue. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative: Theodore Polydoroff, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys, granular refractories, ores and minerals*, in dump vehicles, from Wilmington, Del., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and Washington, D.C.; (2) *alloys, aluminum dross, metal alloys, minerals, ores, scrap metals, smelter residue, and granular refractories*, in dump vehicles, between points in South Carolina on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, and Pennsylvania; and (3) *alloys, metal alloys, minerals, ores, and silicon metals*, in dump vehicles, (a) from Monaca, Pa. to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, North Carolina, South Carolina, Tennessee, Vermont, and to New York, N.Y., and Baltimore, Md.; and (b) from Calvert City, Ky., to Baltimore, Md. NOTE: The purpose of this republication is to include South Carolina as a destination state in (3) (a) which was erroneously omitted. If a hearing is deemed necessary,

applicant requests it be held at Washington, D.C.

No. MC 123819 (Sub-No. 22), filed January 6, 1969. Applicant: ACE FREIGHT LINE, INC., Post Office Box 2103, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Memphis, Tenn., to points in Arkansas, Kentucky, Missouri, Mississippi, Tennessee, and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124154 (Sub-No. 26), filed December 30, 1968. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, Ga. 31702. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, conduit and fittings, and necessary attachments*, from the plantsite of Jackson Tubing Conduit Corporation located in Early County, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: Applicant holds contract carrier authority under MC 117504 (Sub-No. 1), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Albany or Columbus, Ga.

No. MC 125225 (Sub-No. 2), filed December 26, 1968. Applicant: W. M. BROWN, Route 1, Lee, Fla. 32059. Applicant's representative: J. Robert McClure, Jr., 134 West Pensacola Street, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Americus, Ga., to points in Baker, Columbia, Hamilton, Suwannee, Madison, Taylor, Leon, and Gadsden Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee or Jacksonville, Fla.

No. MC 125708 (Sub-No. 104), filed January 2, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Fertilizer equipment, fertilizer implements parts and accessories*, from Atherton, Mo., to points in the United States (except Hawaii and Alaska); and (2) *materials and supplies* used in the manufacture of fertilizer equipment, implement parts and accessories, from points in the United States (except

Alaska and Hawaii) to Atherton, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125808 (Sub-No. 2), filed December 26, 1968. Applicant: AAACON AUTO TRANSPORT INC., 147 West 42d Street, New York, N.Y. 10036. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles*, with or without baggage, personal effects and sporting equipment, in drive-away service, in secondary movements, between points in the United States restricted to shipments having an immediately prior or subsequent movement by freight forwarder, on a freight forwarder bill of lading, or to shipments having a prior movement by rail. NOTE: Applicant states no duplicating authority requested. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126574 (Sub-No. 1), filed December 17, 1968. Applicant: M. L. HATCHER PICK UP AND DELIVERY SERVICE, INC., Post Office Box 7333, Pomona Station, Greensboro, N.C. 27407. Applicant's representative: J. G. Dail, Jr., Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Charlotte, Greensboro, Hickory, Spencer, and Winston-Salem, N.C., on the one hand, and, on the other, points in South Carolina, North Carolina, and Virginia, restricted to the transportation of traffic having a prior or subsequent movement by rail in trailer-on-flatcar service, to or from Charlotte, Greensboro, Hickory, Spencer, or Winston-Salem, N.C. NOTE: Applicant is authorized in its lead docket MC 126574 to transport textile and textile products and supplies used in the manufacture thereof, between Greensboro and Burlington, N.C. Applicant further states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Greensboro, N.C.

No. MC 127215 (Sub-No. 44), filed December 24, 1968. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (1) from points in Illinois to points in Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio; (2) from points in Indiana to points in Illinois, Michigan, Missouri and Ohio; (3) from points in Iowa to points in Illinois, Indiana, Michigan, and Ohio; (4) from points in Kentucky to points in Illinois, Indiana, Michigan, and Ohio; (5) from points in Missouri to points in Illinois, Indiana, and Iowa, and (6) from points in Ohio to points in Illinois, Indiana, and Michigan. NOTE: If a hearing is deemed necessary, appli-

cant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128375 (Sub-No. 26) (Amendment), filed December 9, 1968, published FEDERAL REGISTER issue of December 28, 1968, amended January 2, 1969 and republished as amended this issue. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, contractors' equipment, engines, hoists forms, equipment and supplies*, between Marietta, Ohio, Benton, Ala., Whiskey Bay Bridge Job Site, La., the plantsite and storage facilities of the Dravo Corp., at Pittsburgh and Neville Island, Pa., Newburgh, Ind., Black River Falls Job Site, Wis., and Pineville, N.C., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia; under contract with Dravo Corp. NOTE: The purpose of this republication is to amend the territorial description by adding Pineville, N.C., on the one hand, and points in Colorado and Utah on the other. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128633 (Sub-No. 7), filed December 30, 1968. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, subject to the following restrictions: (1) Said operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Trans World Airlines, and (2) said operations are restricted to shipments having a prior or subsequent movement by aircraft. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129509 (Sub-No. 2), filed December 30, 1968. Applicant: ALBERT A. CLARK AND PERCY F. CLARK, a

partnership, doing business as CLARK BROTHERS, Schuylar, Va. 22969. Applicant's representative: Wilmer B. Hill and Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous sulphate* (copperas), in dump vehicles, from Piney River, Va., to points in West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 129553 (Sub-No. 3), filed December 26, 1968. Applicant: THEODORE TAMMARO, Box 209, Iron, Minn. 55751. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Virginia, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129746 (Sub-No. 1), filed December 30, 1968. Applicant: ARBE TRANSFER CO., INC., 155 First Street, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and pet foods* (except in bulk), from Imperial Warehouse Corp., at Jersey City, N.J., to points in Suffolk County, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129810 (Sub-No. 1), filed December 30, 1968. Applicant: CHARLES CLINE, INC., 1413 East Main, Post Office Box 152, Cushing, Okla. 74023. Applicant's representative: Robert J. Beaver, Post Office Box 324, 924 East Fourth Street, Cushing, Okla. 74023. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter and related dairy products*, from the site of the Burkey Creamery, at Cushing, Okla., to Phoenix, Ariz., Los Angeles and San Francisco, Calif., with the privilege of stopping for repacking in Oklahoma City, Okla., under contract with Burkey Creamery. NOTE: If a hearing is necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 133055 (Sub-No. 1), filed December 26, 1968. Applicant: SAM GORDON, doing business as ATLAS TRANSPORTATION CO., 4207 Whiteside Street, Los Angeles, Calif., 90063. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Los Angeles, Calif. 90057. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum plaster and gypsum wall-board*, from Blue Diamond, Nev., to points in San Bernardino, Riverside, Orange, and Los Angeles Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 133330 (Sub-No. 1), filed December 26, 1968. Applicant: HALVOR

INES, INC., 510 Lonsdale Building, Duluth, Minn. 55802. Applicant's representative: Donald Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402 and Daniel H. Mundt, 700 Torrey Building, Duluth, Minn. 55802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snow throws, lawn mowers, tillers, garden tractors and parts, accessories, advertising and promotional materials therefor*, from Brillion, Wis., and Duluth, Minn., commercial zone to points in North Dakota, Minnesota, and Wisconsin; (2) (a) *snowmobiles, all adaptations thereof, carts or trailers to be towed by or to tow snowmobiles or adaptations, parts, supplies, clothing and advertising materials used or useful in connection with the above, (b) crawler tractors, snow plows, snowmobile buses, adaptations thereof, related accessories, trailers to be towed by or to tow the above, advertising and promotional material, accessories and parts* from points on the United States-Canadian border between the western boundary of Ontario Province and eastern boundary of Quebec Province and Duluth, Minn., commercial zone to points in North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Illinois, Upper Michigan, Missouri, Kansas, Montana, Wyoming, Colorado, New Mexico, and Nebraska; (3) *aqua scooters and adaptations thereof, carts or trailers to be towed by or to tow these articles or adaptations thereof, parts, supplies, advertising material and related clothing*, from points on the United States-Canadian border between the western boundary of Ontario Province and eastern boundary of Quebec Province and the Duluth, Minn., commercial zone to all the United States east of the western border of Montana, Wyoming, New Mexico, and Colorado; and (4) *processed Christmas trees, and advertising and promotional materials and accessories therefor*, from Duluth, Minn., commercial zone to points in the United States (except Alaska and Hawaii); under contract with (1) Halvorson Trees, Inc., and (2) Halvorson Equipment Company, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133378, filed December 23, 1968. Applicant: CHEESE BARN TRUCKING, INC., 1321 Center Street, Tacoma, Wash. 98409. Applicant's representative: Harold T. Hartinger, 600 Rust Building, Tacoma, Wash. 98402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food stuffs* (not in bulk), refrigerated and nonrefrigerated, of the general variety sold by retail food specialty stores, from points in Illinois, Wisconsin, Minnesota, Iowa, to points in Washington, Idaho, and Montana, and *exempt commodities* only on return, under contract with Cheese Barn, Inc., Rodger C. Derby, doing business as Cheese Barn and Robert Anderson, doing business as Hickory Farms of Ohio—Spokane. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle or Tacoma, Wash.

No. MC 133380, filed December 23, 1968. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, N.J. 08110. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the warehouse of River Road Warehouse, Pennsauken, N.J., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, under a continuing contract with River Road Warehouse. NOTE: Applicant holds common carrier authority in MC 59332, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133383, filed January 2, 1969. Applicant: MERCURY TANKLINES LIMITED, Post Office Box 5858, South Edmonton, Alberta, Canada. Applicant's representative: J. F. Meglen, 2822 Third Avenue N., Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, between Schenley, Pa., and ports of entry on the international boundary line between the United States and Canada located at Sweetgrass, Mont., and Portal, N. Dak. NOTE: Applicant holds contract carrier authority under Docket No. MC 125420 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133384, filed December 30, 1968. Applicant: BARBERTON RECON CENTER, INC., 5075 Wooster Road, Barberton, Ohio 44203. Applicant's representative: George A. Clark, 1110 First National Tower, Akron, Ohio 44308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconditioned Chrysler Corporation automobiles*, from Barberton, Ohio, to points in Ohio, West Virginia, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Akron, Cleveland, or Columbus, Ohio.

No. MC 133385, filed December 30, 1968. Applicant: ATLAS CARTAGE COMPANY, INC., 180 Belmont Avenue, Youngstown, Ohio 44503. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers and parts, materials and supplies* used in the manufacture thereof, between Washingtonville, Ohio, on the one hand, and, on the other, points in Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, West Virginia, Maryland, Virginia, Delaware, South Carolina, Florida, Tennessee, Missouri, Illinois, Indiana, District of Columbia, Michigan,

Wisconsin, Iowa, Ohio, Maine, North Carolina, Kentucky, Minnesota, Nebraska, Texas, Oklahoma, Georgia, Kansas, Mississippi, Louisiana, North Dakota, South Dakota, Alabama, and Arkansas, under contract with Go Tag-A-Long Trailer Manufacturing, Inc. NOTE: If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 133386, filed December 30, 1968. Applicant: SUPER SPEED TRANSPORT, INC., Clarenceville, County of Missisquoi, Province of Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bags, from ports of entry on the international boundary line between the United States and Canada in New York, New Hampshire, and Vermont, under contract with Miron Compagnie Limitee. NOTE: Applicant holds temporary common carrier authority in MC-125338 Sub-1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Plattsburgh or Albany, N.Y.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 407), filed December 26, 1968. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in the Township of Dover, Township of Lakewood, Borough of Point Pleasant, Borough of Point Pleasant Beach, City of Asbury Park, Township of Freehold, Borough of Freehold, Township of Matawan, and Borough of Matawan, N.J., and extending to points in the United States and Alaska except New York City, N.Y. NOTE: Applicant holds a broker license under MC 12668. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 133388, filed December 26, 1968. Applicant: THEODORE KEMPEMA AND RAYMOND KEMPEMA, a partnership, doing business as KEMPEMA BROTHERS BUS SERVICE, 1303 Omaha Avenue, Worthington, Minn. 56187. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Nobles and Jackson Counties, Minn., and extending to points in Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wisconsin, Minnesota, Illinois, and points in the Kansas City, Kans.-Mo. commercial zone. NOTE: If a hearing is

deemed necessary, applicant requests it be held at Minneapolis, Minn.

#### APPLICATION OF WATER CARRIER

W-104 (Sub-No. 19), UNION BARGE LINE CORPORATION — Extension — Tampa, filed October 24, 1968. NOTE: On January 16, 1969, a further publication of this application was made in the FEDERAL REGISTER, following the original publication of the matter in the FEDERAL REGISTER, issue of November 7, 1968. The January 16, 1969, publication sets forth an amendment made by applicant which is restrictive in nature, and since the time for filing protests expired December 9, 1968, further protests may not be submitted during the 30 day period following the January 16, 1969, publication.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARINGS HAVE BEEN REQUESTED

No. MC 124078 (Sub-No. 356), filed December 30, 1968. Applicant: SCHWERMANN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Lima, Ohio, to points in Indiana, Kentucky, Michigan, and Ohio. NOTE: Applicant indicates tacking with the authority under MC 124078 Sub-Nos. (163), (210) and (225), at Cleveland, Ohio, Buffington, Ind., and Louisville, Ky., to serve points in New York, Pennsylvania, Illinois, Wisconsin, and Tennessee.

No. MC 133370, filed December 30, 1968. Applicant: ROBERT B. CELLITTI, 249-269 Walnut Street, Sunbury, Pa. 17801. Applicant's representative: James W. Hagar and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, uncrated, crated and containerized, between Sunbury, Pa., on the one hand, and, on the other, points in Pennsylvania on and east of a line running generally north and south through Pennsylvania from the Pennsylvania-New York State line south along U.S. Highway 219 to Grampian, Pa., thence along U.S. Highway 322 to Curwensville, Pa., thence along Pennsylvania Highway 453 to Tyrone, Pa., thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. Restriction: Restricted to shipments having a prior or subsequent movement beyond said points, uncrated, crated, and in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking and decontainerization of such shipments. Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-865; Filed, Jan. 23, 1969;  
8:45 a.m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 21, 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. 41542—*Soda ash to McIntosh, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-7), for interested rail carriers. Rates on soda ash, in bulk in covered hopper cars, as described in the application, in carloads, from Lake Charles and West Lake Charles, La., Corpus Christi, Freeport, and Houston, Tex., to McIntosh, Ala.

Grounds for relief—Market competition.

Tariffs—Supplements 139 and 47 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4773, respectively.

FSA No. 41543—*Fish meal from Saint John and West Saint John, New Brunswick, Canada.* Filed by Southwestern Freight Bureau, agent (No. B-2), for interested rail carriers. Rates on fish meal, in carloads, from Saint John and West Saint John, New Brunswick, Canada, to points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 9 to Canadian Freight Association, agent, tariff ICC 291.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-969; Filed, Jan. 23, 1969;  
8:50 a.m.]

[S.O. 994; ICC Order No. 18-A]

#### PENN CENTRAL CO., AND SOO LINE RAILROAD CO.

##### Relicensing Traffic

Upon further consideration of ICC Order No. 18, (the Penn Central Co. and the Soo Line Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 18 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 2 p.m., January 17, 1969.

It is further ordered, 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., January 17, 1969.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] R. D. PFAHLER,  
Agent.

[F.R. Doc. 69-970; Filed, Jan. 23, 1969;  
8:50 a.m.]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice 280]

JANUARY 21, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70892. By order of January 15, 1969, the Transfer Board approved the transfer to John L. Wood, Watseka, Ill., of the operating rights in certificate No. MC-28089 (Sub-No. 1) issued January 2, 1943, to John E. Wood, Watseka, Ill., authorizing the transportation, over irregular routes, of road rock, crushed stone, sand, gravel, and limestone from points in Newton County, Ind., to points in Iroquois County, Ill. George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641, representative for applicants.

No. MC-FC-70999. By order of January 14, 1969, the Transfer Board approved the transfer to Sampson Hauling Corp., Pavilion, N.Y., of certificate No. MC-112474 issued November 18, 1965, to Rowan Transport, Inc., Jamestown, N.Y., authorizing the transportation of various specified commodities from, to, or between specified points in New York and Pennsylvania. Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701, attorney for applicants.

No. MC-FC-71009. By order of January 15, 1969, the Transfer Board approved the transfer to Hewitt Freight Lines, Inc., Fowler, Ind., of certificate No. MC-105175, issued October 4, 1954, to David S. Hewitt, doing business as Hewitt Freight Lines, Fowler, Ind., authorizing the transportation of: Livestock and poultry, from points in Benton County, Ind., to points in the Chicago, Ill., commercial zone as defined by the Commission; poultry and animal feeds, buttermilk, fertilizer, tile, cement blocks, livestock, and farm implements and parts thereof, from points in the Chicago, Ill., commercial zone as defined by the Commission, to points in Benton County, Ind.; and livestock, from points in Illinois except those in the Chicago, Ill., commercial zone as defined by the Commission, to points in Benton County, Ind. Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-971; Filed, Jan. 23, 1969;  
8:51 a.m.]

## DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous  
Drugs

### STATEMENT OF ORGANIZATION, FUNCTIONS, AND PROCEDURES

#### Miscellaneous Amendments

On October 17, 1968, a notice of organization, functions and procedures of the Bureau of Narcotics and Dangerous Drugs was published in the FEDERAL REGISTER (33 F.R. 15450). In compliance with 5 U.S.C. 552, the previously published notice is hereby amended to accord recent organizational changes: section 1 is amended to read as follows:

SECTION 1. *Central organization and functions—(a) Official Address and Business Hours.* The headquarters office of the Bureau of Narcotics and Dangerous Drugs is at 1405 Eye Street NW., Washington, D.C. 20537. Headquarters and field offices are open each business day from 9 a.m. to 5:30 p.m., unless otherwise posted.

Section 1(e) entitled "Office of Information" is deleted.

Section 2(6) is amended as follows:

\* \* \* \* \*  
Region 5—Miami, Fla. Florida, Georgia, South Carolina, and Puerto Rico.

\* \* \* \* \*  
Region 16—Bangkok, Thailand. Far East.  
Region 17—Rome, Italy. Europe and Middle East.  
Montreal, Canada. Canada.

Section 4 is amended by changing the citation relating to seizures of vehicles, vessels, and aircraft from " \* \* \* under the Act of August 9, 1959, are in 26 CFR Part 153;" to " \* \* \* under the Act of August 9, 1939, are in 21 CFR Part 330:."

*Effective date.* This notice shall be effective when published in the FEDERAL REGISTER.

Dated: January 9, 1969.

JOHN E. INGERSOLL,  
Director, Bureau of  
Narcotics and Dangerous Drugs.

[F.R. Doc. 69-999; Filed, Jan. 23, 1969;  
8:53 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

### ALASKA

#### Notice of Filing of Protraction Diagrams for Northern Alaska

Notice is hereby given that the following approved protraction diagrams, additionally labeled "Official Leasing Map—PLO 3521," will be officially filed in the District and Land Office, Bureau of Land Management, Fairbanks, Alaska, at 10 a.m., on January 24, 1969.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)  
APPROVED MAY 17, 1962

*Umiait Meridian*

Folio No. 2, Sheet No. 3, Tps. 5-8 N., Rs. 17-20 E.  
Folio No. 2, Sheet No. 10, Tps. 1-4 N., Rs. 17-20 E.  
Folio No. 3, Sheet No. 10, Tps. 5-8 N., Rs. 5-8 E.  
Folio No. 3, Sheet No. 11, Tps. 5-8 N., Rs. 1-4 E.  
Folio No. 3, Sheet No. 12, Tps. 1-4 N., Rs. 1-4 E.  
Folio No. 3, Sheet No. 13, Tps. 1-4 N., Rs. 5-8 E.  
Folio No. 10, Sheet No. 1, Tps. 1-4 S., Rs. 1-4 W.  
Folio No. 10, Sheet No. 3, Tps. 5-8 S., Rs. 1-4 W.  
Folio No. 11, Sheet No. 3, Tps. 1-4 S., Rs. 5-8 E.  
Folio No. 11, Sheet No. 4, Tps. 1-4 S., Rs. 1-4 E.  
Folio No. 11, Sheet No. 5, Tps. 5-8 S., Rs. 1-4 E.  
Folio No. 11, Sheet No. 6, Tps. 5-8 S., Rs. 5-8 E.

(1) The foregoing diagrams constitute the official leasing maps required by section 1 of PLO 3521, however, only those lands delineated and described as leasing blocks on the protraction diagrams are available for oil and gas lease.

(a) These diagrams will be used hereafter in lieu of the leasing maps published in 1958, for the administration of leases (subject to conformance) and filing of offers to lease in this area. All offers to lease the above described lands must describe the land applied for by block number in the specified townships as shown on the approved leasing maps. Each leasing block will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR 3128.1.

(b) Certain of the lands shown on Folio No. 3, Sheet No. 12 are classified as a known geologic structure and are subject only to competitive leasing.

(2) These protractions will become the basic record for the description of any State selection applications filed.

(3) Copies of the protraction diagrams listed herein, may be purchased at a cost of \$2 per sheet from the Fairbanks District and Land Office, Bureau of Land Management, 516 Second Avenue (Post Office Box 1150), Fairbanks, Alaska 99701, or at the State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

BURTON W. SILCOCK,  
*State Director.*

JANUARY 16, 1969.

[F.R. Doc. 69-930; Filed, Jan. 23, 1969; 8:47 a.m.]

[A-2936]

**ARIZONA**

**Establishment of Black Canyon Trails Area; Correction**

In F.R. Vol. 34, Doc. 69-300, page 405 of the issue of January 10, 1969, the following correction should be made:

Under T. 9 N., R. 2 E., sec. 22, E $\frac{1}{2}$  was omitted from the land description.

GLENDON E. COLLINS,  
*Acting State Director.*

JANUARY 16, 1969.

[F.R. Doc. 69-929; Filed, Jan. 23, 1969; 8:47 a.m.]

[Serial No. 2319]

**CALIFORNIA**

**Notice of Proposed Withdrawal and Reservation of Lands**

JANUARY 16, 1969.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial No. Sacramento 2319, for the withdrawal of land described below, from appropriation under the mining laws (30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for a three-campground complex for public water-orientated recreation use and a trailer camp along the Scott River.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, E-2807 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN  
KLAMATH NATIONAL FOREST  
*Bridge Flat Trailer Camp*

T. 44 N., R. 11 W.,  
Sec. 21, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate approximately 40 acres in Siskiyou County.

ELIZABETH H. MIDTBY,  
*Chief,*  
*Lands Adjudication Section.*

[F.R. Doc. 69-931; Filed, Jan. 23, 1969; 8:47 a.m.]

[S-572]

**CALIFORNIA**

**Notice of Proposed Amendment to Final Classification of Public Land for Multiple-Use Management; Correction**

The notice appearing in F.R. Doc. 67-14813, pages 20660 and 20661, of the issue of December 21, 1967, is changed as follows:

Paragraph 3: Add the following described lands to provide for their segregation from the mining laws but not the mineral leasing laws, totaling approximately 201.88 acres of public lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA  
EL DORADO COUNTY

All public lands in:  
T. 12 N., R. 10 E.,  
Sec. 7, lots 15, 23, 24, 26, and 29;  
Sec. 17, lots 3 and 15.

All the above lands are found to have high recreational values and require the protection afforded by the above segregations.

For a period of 60 days from the date of publication of this notice of proposed amendment in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed segregation may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630.

A public hearing will be held if sufficient interest is shown.

For the State Director.

H. CURT HAMMIT,  
*District Manager.*

[F.R. Doc. 69-932; Filed, Jan. 23, 1969; 8:47 a.m.]

[S-2404]

**CALIFORNIA**

**Notice of Proposed Classification of Public Lands for Multiple Use Management**

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below. As used herein, "public lands" means any

lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands described in paragraph 4 from appropriation under the mining laws (30 U.S.C. ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. The public lands are located within Alpine and Mono Counties. For the purpose of this proposed classification, the lands have been analyzed in detail and described in documents and on maps available for inspection at the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, and in the Sacramento Land Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825. The overall descriptions of the areas are as follows:

#### MOUNT DIABLO, MERIDIAN, CALIFORNIA

##### All public lands in:

- T. 11 N., R. 19 E.,  
Sec. 25.
- T. 12 N., R. 19 E.,  
Secs. 26 and 35.
- T. 10 N., R. 20 E.,  
Secs. 3 to 15, inclusive, secs. 17, 20, 22, 23,  
and secs. 26 to 29, inclusive.
- T. 11 N., R. 20 E.,  
Secs. 6, 7, 9, 15, 16, 17, secs. 20 to 23, in-  
clusive, sec. 28, and secs. 29 to 32,  
inclusive.
- T. 8 N., R. 21 E.,  
Sec. 1.
- T. 9 N., R. 21 E.,  
Secs. 1, 2, 3, secs. 10 to 14, inclusive, secs.  
23 to 26, inclusive, and secs. 34 and 35.
- T. 10 N., R. 21 E.,  
Secs. 1, 2, and 7.
- T. 8 N., R. 22 E.,  
Secs. 1, 12, 13, 14, 23, 25, 26, 35, and 36.
- T. 9 N., R. 22 E.,  
Secs. 1 to 11, inclusive, secs. 14, 15, 17, 18,  
19, 22, 23, 25, 26, 27, 30, 31, 34, and 35.
- T. 10 N., R. 22 E.,  
Secs. 7, 8, 17, 18, 20, 21, 22, 26, 27, 28, 34,  
35, and 36.
- T. 8 N., R. 23 E.,  
Secs. 3, 4, 9, 10, 15, 18, 19, 21, 22, and secs.  
28 to 32, inclusive.
- T. 9 N., R. 23 E.,  
Secs. 21, 28, and 33.

Except the following public lands:

- T. 10 N., R. 20 E.,  
Sec. 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW diagonal  $\frac{1}{2}$  of  
SE $\frac{1}{4}$ ;  
Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The public lands proposed to be classified aggregate approximately 38,815 acres.

4. As provided in paragraph 2, the following lands are further segregated from appropriation under the mining laws (totaling approximately 2,735 acres):

#### MOUNT DIABLO MERIDIAN, CALIFORNIA

##### All public lands in:

- T. 10 N., R. 20 E.,  
Sec. 3, lots 2 and 3, W $\frac{1}{2}$  lot 9, W $\frac{1}{2}$ E $\frac{1}{2}$  lot  
9, lots 10 to 14, inclusive, W $\frac{1}{2}$ SW $\frac{1}{4}$ , and  
W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 4, lots 5 to 8, inclusive, E $\frac{1}{2}$  lot 9, E $\frac{1}{2}$   
lot 10, E $\frac{1}{2}$  lot 11, lots 17 and 18, and  
S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 8, NE diagonal  $\frac{1}{2}$  of SE $\frac{1}{4}$ ;  
Sec. 9, SW $\frac{1}{4}$ ;  
Sec. 10, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$   
NW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$   
NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 22, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$ .
- T. 11 N., R. 20 E.,  
Sec. 32, W $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 9 N., R. 22 E.,  
Sec. 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 6, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ .
- T. 8 N., R. 23 E.,  
Sec. 29, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 31, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 32, lots 3, 4, 5, and 12, and W $\frac{1}{2}$ SW $\frac{1}{4}$   
SW $\frac{1}{4}$ .

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, or at the public hearing.

6. A public hearing on the proposed classification will be held on Tuesday, February 11, 1969, at 7 p.m., in the county courthouse, Minden, Nev.

For the State Director.

H. CURT HAMMIT,  
District Manager.

[F.R. Doc. 69-933; Filed, Jan. 23, 1969;  
8:47 a.m.]

[Serial No. Sacramento 2320]

#### CALIFORNIA

#### Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 16, 1969.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial No. Sacramento 2320, for the withdrawal of land described below, from appropriation under the mining laws (30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for development of the natural area which contains a limestone cave. The cave has significant potential as a geological formation with scientific interest for future exploration and development as a scenic attraction for public enjoyment. Mining activities would seriously damage or destroy the value of the cave for the proposed use.

For a period of 30 days from the date of publication of this notice, all persons

who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicants, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

HUMBOLDT MERIDIAN  
Klamath National Forest  
Thompson Cave Area

- T. 19 N., R. 7 E.,  
Sec. 35, Lots 1 and 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$ .

The areas described aggregate approximately 156 acres in Siskiyou County.

ELIZABETH H. MIDTBY,  
Chief,  
Lands Adjudication Section.

[F.R. Doc. 69-934; Filed, Jan. 23, 1969;  
8:48 a.m.]

[C-7921]

#### COLORADO

#### Notice of Classification of Public Lands for Multiple-Use Management

JANUARY 16, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple use management. Publication of this notice segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. 334) and from sale under section 2455 of the Re-

vised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used in this order, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (33 F.R. 16679, 16680) or at the public hearing held on December 4, 1968, at Glenwood Springs, Colo. The record showing the comments received and other information is on file and can be examined in the Glenwood Springs District Office, Bureau of Land Management, Room 207, Post Office Building, Post Office Box 1009, Glenwood Springs, Colo. 81601, and in the Land Office, Bureau of Land Management, Room 15019, Federal Building, Denver, Colo. 80202.

## SIXTH PRINCIPAL MERIDIAN, COLORADO

## GARFIELD AND EAGLE COUNTIES

- T. 8 S., R. 86 W.,  
Secs. 3 to 6, inclusive;  
Secs. 8 to 10, inclusive (that portion in Eagle County).
- T. 3 S., R. 87 W.,  
Secs. 2, 3, 10, 11, 14, 15, and 34.
- T. 4 S., R. 87 W.,  
Secs. 2, 3, 14, 15, 22, 27, 28, 33, and 34.
- T. 5 S., R. 87 W.,  
Secs. 3, 10, 15, 22, 27, and 34.
- T. 6 S., R. 87 W.,  
Sec. 3, Lots 1, 2, 3, and 4;  
Secs. 4 to 7, inclusive;  
Secs. 9, 16, 18, 19, 29, 30, and 31.
- T. 7 S., R. 87 W.,  
Secs. 7, 11, 14, 18, 23, 26, 32, and 35.
- T. 8 S., R. 87 W.,  
Sec. 2;  
Secs. 4 to 11, inclusive (that portion in Eagle County).
- T. 5 S., R. 88 W.,  
Sec. 31.
- T. 6 S., R. 88 W.,  
Secs. 17 to 19, inclusive;  
Secs. 25, 26 and 36.
- T. 7 S., R. 88 W.,  
Secs. 1 to 3, inclusive;  
Secs. 7 to 12, inclusive;  
Secs. 15 to 18, inclusive;  
Secs. 20 to 23, inclusive;  
Secs. 26 to 28, inclusive;  
Secs. 30 to 32, inclusive.
- T. 8 S., R. 88 W.,  
Secs. 1, 5, and 6;  
Secs. 7, 8, 9, and 12 (that portion in Garfield County).
- T. 5 S., R. 89 W.,  
Secs. 4 to 9, inclusive;  
Secs. 16 to 21, inclusive;  
Secs. 25 to 36, inclusive.
- T. 6 S., R. 89 W.,  
Secs. 1 to 4, inclusive;  
Secs. 6, 7, and 8;  
Secs. 10 to 19, inclusive;  
Secs. 21 to 24, inclusive;  
Secs. 25, 26, and 28;  
Secs. 30 to 34, inclusive;  
Sec. 36.
- T. 7 S., R. 89 W.,  
Secs. 3 to 7, inclusive;  
Sec. 9;  
Secs. 11 to 13, inclusive;  
Secs. 15 and 16;  
Secs. 24, 25, 35, and 36.

- T. 8 S., R. 89 W.,  
Secs. 1, 2, and 12.
- T. 5 S., R. 89½ W.,  
Secs. 24, 25, and 36.
- T. 5 S., R. 90 W.,  
Secs. 1 to 28, inclusive;  
Sec. 30;  
Sec. 35;  
Sec. 36, NE¼NE¼ and S½.
- T. 6 S., R. 90 W.,  
Sec. 1;  
Sec. 2, Lot 4, NE¼NE¼, S½NW¼, N½SW¼, SE¼SE¼;  
Secs. 3, 4, and 5;  
Secs. 7, 8, and 9;  
Secs. 11, 12, and 13;  
Secs. 15, 21, 22, 25, 27, and 28;  
Secs. 30 to 36, inclusive.
- T. 7 S., R. 90 W.,  
Sec. 1;  
Secs. 4 to 9, inclusive;  
Secs. 12 and 13;  
Secs. 16 and 17;  
Sec. 18, E½NW¼;  
Secs. 24 to 27, inclusive;  
Secs. 34 to 36, inclusive.
- T. 5 S., R. 91 W.,  
Sec. 24.
- T. 6 S., R. 91 W.,  
Secs. 3 and 4;  
Secs. 9 to 15, inclusive;  
Secs. 23, 24, 25, and 36.
- T. 7 S., R. 91 W.,  
Secs. 1 and 12.

The total acres of public lands described aggregate approximately 83,873.25 acres (79,445.25 acres, Garfield County; 4,428 acres, Eagle County).

3. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

J. ELLIOTT HALL,  
Acting State Director.

[F.R. Doc. 69-935; Filed, Jan. 23, 1969;  
8:48 a.m.]

[Serial No. I-1096]

## IDAHO

## Order Providing for Opening of Public Lands; Amendment

JANUARY 17, 1969.

In F.R. Doc. 67-12483, appearing on page 14717 of the issue for October 24, 1967, the following paragraphs are added:

4a. The mineral rights were reserved by the State of Idaho on the following described land included in the multiple-use classification:

- T. 14 S., R. 30 E.,  
Sec. 36, SW¼.
- T. 15 S., R. 30 E.,  
Sec. 36, N½.
- T. 15 S., R. 31 E.,  
Sec. 16, all.
- T. 16 S., R. 30 E.,  
Sec. 16, NW¼, SE¼.

5a. The mineral rights were reserved by the State of Idaho on the following described land:

- T. 15 S., R. 29 E.,  
Sec. 36, all.

ORVAL G. HADLEY,  
Manager, Land Office.

[F.R. Doc. 69-936; Filed, Jan. 23, 1969;  
8:48 a.m.]

[Montana 7867]

## MONTANA

## Notice of Classification

JANUARY 16, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), for lands in Custer County, Mont.

Comments received following publication of the notice of proposed classification (68 F.R. 13203) were favorable, therefore, no changes have been made.

The lands affected by this classification are located in Custer and Prairie Counties and are described as follows:

## PRINCIPAL MERIDIAN, MONTANA

- T. 9 N., R. 53 E.,  
Sec. 12, W½ and N½NE¼.
- T. 9 N., R. 54 E.,  
Sec. 1, all;  
Sec. 4, S½;  
Sec. 7, N½;  
Sec. 8, N½.
- T. 9 N., R. 55 E.,  
Sec. 6, lots 5 and 6;  
Sec. 30, E½;  
Sec. 12, W½ and N½NE¼.

The area described aggregates 2,793.71 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240. (43 CFR 2411.12 (d).)

MARLON C. OSBORNE,  
Acting State Director.

[F.R. Doc. 69-937; Filed, Jan. 23, 1969;  
8:48 a.m.]

[Serial No. N-1575]

## NEVADA

## Notice of Proposed Classification of Public Lands for Multiple Use Management

JANUARY 17, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

## VIRGIN MOUNTAINS

- T. 15 S., R. 71 E.,  
Sec. 20, all.

WHITNEY POCKET AND LONE SANDSTONE  
PETROGLYPHS

T. 16 S., R. 70 E.,  
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 23, SE $\frac{1}{4}$ .

WHITNEY PASS CAMP

T. 16 S., R. 71 E.,  
Sec. 21, S $\frac{1}{2}$ NW $\frac{1}{4}$ .

DEVIL'S THROAT

T. 17 S., R. 70 E.,  
Sec. 26, all.

CEDAR BASIN

T. 19 S., R. 70 E.,  
Sec. 34, S $\frac{1}{2}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ .

SUMMIT SPRINGS

T. 19 S., R. 71 E.,  
Sec. 7, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 18, N $\frac{1}{2}$ NW $\frac{1}{4}$ .

JEAN HIGHWAY REST STOP SCENIC STRIP

T. 26 S., R. 59 E.,  
Sec. 16, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 17, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$   
NE $\frac{1}{4}$ ;  
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$   
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The areas described above aggregate approximately 4,280 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108.

5. A public hearing on the proposed classification will be held on March 5, 1969, at 2 p.m., in the city of North Las Vegas City Hall, 2200 Civic Center Drive, North Las Vegas, Nev. 89030.

For the State Director.

ROLLA E. CHANDLER,  
Land Office Manager, Nevada.

[F.R. Doc. 69-938; Filed, Jan. 23, 1969;  
8:48 a.m.]

[OR 2752]

OREGON

Notice of Classification

JANUARY 16, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g).

The lands affected by this classification are the same as described in the notice of proposed classification published in the FEDERAL REGISTER, OR 2752, October 16, 1968. No protests affecting this exchange have been received.

The lands affected by this classification are located in Malheur County, Oregon, and are described as follows:

WILLAMETTE MERIDIAN

T. 20 S., R. 44 E.,  
Sec. 21, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 27, W $\frac{1}{2}$ E $\frac{1}{2}$  and W $\frac{1}{2}$ ;  
Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 33, E $\frac{1}{2}$ ;  
Sec. 34, W $\frac{1}{2}$ E $\frac{1}{2}$  and W $\frac{1}{2}$ .

T. 20 S., R. 44 E.,  
Sec. 2, lots 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 3, lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
and SE $\frac{1}{4}$ .

Containing 2,632.83 acres.

Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws, including the mining laws, except the form of disposal for which the lands are classified.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

DANIEL P. BAKER,  
Assistant State Director.

[F.R. Doc. 69-939; Filed, Jan. 23, 1969;  
8:48 a.m.]

Bureau of Reclamation

[Public Announcement No. 25, Amdt. 7]

COLUMBIA BASIN PROJECT, WASH.

Public Announcement of the Sale of  
Full-Time Farm Units

Public announcement of the sale of farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Wash., dated October 18, 1956, published in the FEDERAL REGISTER at 21 F.R. 8822, and subsequently amended, is further amended for Farm Unit 96, Irrigation Block 14, by deleting in its entirety sec. 16.d. *Residence Requirements*.

The purchaser now owns a second farm unit which includes a full set of farm buildings. The purpose of this amendment is to waive the residence requirements on his base unit to avoid unnecessary duplication of housing and wells.

N. B. BENNETT, Jr.,  
Acting Commissioner  
of Reclamation.

JANUARY 17, 1969.

[F.R. Doc. 69-944; Filed, Jan. 23, 1969;  
8:48 a.m.]

National Park Service

MORRISTOWN NATIONAL HISTORICAL  
PARK, N.J.

Extension of Boundaries

Whereas the Act of March 2, 1933 (47 Stat. 1421; 16 U.S.C. 409), authorizes the Secretary of the Interior to accept on behalf of the U.S. lands, easements and buildings of Revolutionary War interest in Morris and adjacent counties in New Jersey, as may be donated for the extension of the Morristown National Historical Park; and

Whereas the New Jersey Brigade played a significant role in the American Revolution and its encampment was an important part of the Continental Army's position in the Morristown area during the winter of 1779-80; and

Whereas historical and archeological investigations have confirmed beyond doubt that certain lands located in Somerset County, which adjoins Morris County, were the site of this encampment; and

Whereas the incorporation of the New Jersey Brigade encampment site into the park would significantly enhance its historical value and interpretive potential; and

Whereas the preservation of historic places associated with the American Revolution is a major objective of the forthcoming commemoration of the American Revolution Bicentennial; and

Whereas, in addition to the historic values, the lands comprising the encampment site possess important natural and open space values that merit preservation; and

Whereas the owners of the New Jersey Brigade encampment site have offered to donate it to the United States, and the site so offered is desirable for inclusion in the Morristown National Historical Park:

Now, therefore, I, Stewart L. Udall, Secretary of the Interior by virtue of and pursuant to the authority vested in me by the Act of March 2, 1933 (47 Stat. 1421; 16 U.S.C. 409), do hereby extend the boundaries of the Morristown National Historical Park to include the following described lands:

SOMERSET COUNTY, N.J.

Beginning at a monument on the northeasterly side line of Hardscrabble Road, said monument being the termination of the ninth course of a 61.089 acre tract of land conveyed to Audubon Society of New Jersey by Harry and Bernardine K. Scherman, thence the following three courses running along the northeasterly side line of said road (1) S. 57°30'30", E. 118.77 ft. to a point, thence (2) S. 48°15'30", E. 695.09 ft. to a point, thence (3) S. 79°15'30", E. 247.43 ft. to a point, thence the following four courses along the easterly side line of Hardscrabble Road (4) S. 19°30'30", E. 179.99 ft. to a point, thence (5) S. 39°20'30", E. 90.80 ft. to a point, thence (6) S. 61°13'30", E. 172.89 ft. to a point, thence (7) S. 68°00'30", E. 85.25 ft. to a corner of lands of Harry and Bernardine K. Scherman, thence the following three courses along lands of Harry and Bernardine K. Scherman (8) N. 18°14'30", E. 160.24 ft. to a point, thence (9) N. 7°31'30", W. 334.40 ft. to a point, thence (10) N. 7°37'40", W. 192.49 ft. to a point, said point being the northwesterly corner of lands of Harry and Bernardine K. Scherman, thence (11) still along lands of Harry and Bernardine K. Scherman N. 72°20'50", E. 70.00 ft. to a point and corner of lands to be retained by Audubon Society of New Jersey, thence (12) along land to be retained by Audubon Society of New Jersey N. 11°07', W. 1044.55 ft. to a corner of lands of now or formerly W. R. Cross, thence the following four courses along lands of now or formerly W. R. Cross (13) S. 50°45'30", W. 300.00 ft. to a point, thence (14) S. 47°07'30", W. 140.00 ft. to a point, thence (15) S. 68°17'30", W. 339.05 ft. to a point, thence (16) S. 81°20'30", W. 100.00 ft. to a monument, thence (17) along lands of now or formerly Frank B. Leonard S. 39°54'30", W. 479.11 ft. to the point and place of beginning.

Containing 25,445 acres of land more or less.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed in the city of Washington, District of Columbia, this 17th day of January 1969.

STEWART L. UDALL,  
*Secretary of the Interior.*

[F.R. Doc. 69-948; Filed, Jan. 23, 1969;  
8:48 a.m.]

Office of the Secretary  
**MAR-A-LAGO NATIONAL HISTORIC  
SITE, PALM BEACH, FLA.**

**Order of Designation**

Whereas the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), declares it to be a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the structures and grounds located at 1100 South Ocean Boulevard in Palm Beach, Fla., known as Mar-A-Lago, represent and provide an interesting record of a segment of the architectural, economic, and cultural history of the United States; and

Whereas I have determined that the said Mar-A-Lago properties possess exceptional value in commemorating or illustrating the architectural and cultural history of the United States within the meaning of the Act of August 21, 1935:

Now, therefore, I, Stewart L. Udall, Secretary of the Interior, by virtue of and pursuant to the authority vested in me under the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), do hereby designate the following described lands in Palm Beach, Fla., to be a national historic site having the name "The Mar-A-Lago National Historic Site":

Being all that part of the north 610 feet of the south 1170 feet of Government lot 2 of Sec. 35, T. 43 S., R. 43 E. in the town of Palm Beach, Palm Beach County, Fla., lying West of Ocean Boulevard (S.R. A1A) Right-of-Way and more particularly described as follows, to wit: Beginning at a point in the west face of an existing seawall on the east shore of Lake Worth, which point is 560 feet North of, measured at right angles to, the south line of Government lot 2, of said sec. 35; thence north 6°09'22" west along the west face of said seawall for a distance of 77.32 feet; thence north 10°23'23" east along the west face of said seawall for a distance of 539.50 feet to a point in the south line of Bingham-Copp Tract, a subdivision recorded in Plat Book 18, Page 6, Palm Beach County Public Records; thence run south 88°12'07" east along the south line of said Bingham-Copp Tract for a distance of 1134.10 feet to a point in the westerly R/W Line of Ocean Boulevard (State Road A1A); thence run south 0°09'07" east for a distance of 82.59 feet to a point of curvature; thence run southerly along the arc of a curve concaved to the southwest having a radius of 1412.69 feet and a central angle of 3°03'00" for a distance of 75.20 feet to a point of tangency; thence run south 2°53'53" west for a distance of 176.28 feet to a point of curvature; thence run southwesterly along the arc of a curve concaved to the northwest having a radius of 2869.03 feet and central angle of

2°32'30" for a distance of 127.27 feet to a point of compound curvature; thence continue southwesterly along the arc of a curve, concaved to the northwest having a radius of 158.68 feet and a central angle of 86°26'30" for a distance of 239.38 feet to a point of tangency; thence run north 88°12'07" west along the north line of Southern Boulevard (State Road 80) for a distance of 1040.43 feet to the point of beginning. Containing 16.9793 acres, more or less.

AND the West one-half (W½) of lot 20 and the south 15 feet of the East one-half (E½) of Lot 20 and the South 15 feet of the West one-half (W½) of lot 21, all in Bingham-Copp Tract, a subdivision in the town of Palm Beach, Palm Beach County, Fla., as recorded in Plat Book 18, Page 6, Palm Beach County Public Records. Containing 0.1894 Acres, more or less.

Unless provided otherwise by Act of Congress, no funds appropriated to the Department of the Interior shall be expended for the administration, protection, maintenance, and development of The Mar-A-Lago National Historic Site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed in the city of Washington, District of Columbia, this 16th day of January 1969.

STEWART L. UDALL,  
*Secretary of the Interior.*

[F.R. Doc. 69-945; Filed, Jan. 23, 1969;  
8:48 a.m.]

**SAN CARLOS INDIAN RESERVATION,  
ARIZ.**

**Order for Restoration of Surface  
Rights in Certain Lands**

Whereas, pursuant to the provisions of the Act of June 10, 1896 (29 Stat. 321, 360), the lands described in the Agreement with the Indians of the San Carlos Indian Reservation in Arizona dated February 25, 1896 (29 Stat. 358), commonly known as the San Carlos mineral strip and comprising approximately 232,320 acres, were opened to occupation, location, and purchase under the provisions of the mineral land laws of the United States with the net proceeds from such disposal to be deposited to the credit of the San Carlos Apache Tribe, and,

Whereas, on June 17, 1963, by Secretarial Order 2874 (28 F.R. 6408) all right, title and interest in and to all minerals, oil and gas resources in said lands were restored to the San Carlos Apache Indian Tribe, and,

Whereas, there are now remaining undisposed of within this area surface interests which may be valuable to the Indians of said reservation, and,

Whereas, the San Carlos Tribal Council has petitioned the Secretary to restore to tribal ownership all such undisposed-of surface rights and interests in and to said lands, which the Area Director of the Phoenix Area Office and the Commissioner of Indian Affairs have recommended be granted.

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C.

463, 467), I hereby find that restoration to the San Carlos Apache Indian Tribe of the surface rights in the following described lands will be in the public interest, and the right, title, and interest in and to said surface rights in said lands are hereby restored to tribal ownership for the use and benefit of the San Carlos Apache Tribe of Indians, and are added to and made a part of the existing reservation, subject to any valid existing rights:

The surface rights in those lands within the area comprising the aforesaid San Carlos mineral strip as described in Article I of the aforementioned agreement dated February 25, 1896, and ratified by the Act of June 10, 1896 (29 Stat. 321, 358), and as shown on the plats on file in the Bureau of Land Management.

This order shall not apply to any patented lands or any interest in any patented lands located within the mineral strip.

STEWART L. UDALL,  
*Secretary of the Interior.*

JANUARY 16, 1969.

[F.R. Doc. 69-946; Filed, Jan. 23, 1969;  
8:49 a.m.]

**DEPARTMENT OF HEALTH, EDU-  
CATION, AND WELFARE**

Office of the Secretary

**SUPPLEMENTARY MEDICAL INSUR-  
ANCE PROGRAM FOR JULY 1969  
THROUGH JUNE 1970**

**Statement of Actuarial Assumptions  
and Bases Employed in Arriving at  
Amount of Standard Premium Rate**

On December 31, 1968, announcement was made of the promulgation of the standard premium rate of \$4 a month necessary to finance benefits and related administrative expenses under Part B of title XVIII of the Social Security Act for the period July 1969 through June 1970. The notice of this premium rate was published in the FEDERAL REGISTER for January 7, 1969 (34 F.R. 223).

There follows a statement of actuarial assumptions and bases employed in arriving at the amount of the standard premium rate for the supplementary medical insurance program beginning July 1969. The standard premium rate is that rate which is payable by those who enroll in their initial enrollment period and by those who enroll in a general enrollment period that terminates less than 12 months after the close of their initial enrollment period.

The actuarial determination has been made on the basis of both the actual operating experience under the program and the results of a current continuing sample survey of beneficiaries (which gives certain information more promptly than do the aggregate operations of the program). Operating figures for the 6 months of 1966 are virtually final, but because of the timelag in the submission

of data noted below, figures for 1967 are not yet complete, and figures for 1968 are rather incomplete.

Current figures for cash expenditures under the program are available at all times, but such expenditures do not necessarily reflect accrued liabilities, especially in the early years of a new program and in times of rising prices because of the natural lag in benefit payments, which are not made until well after the date that services were received. Such delay is due to the tendency of enrollees to accumulate a number of bills before submitting a claim, the inherent delays by physicians and enrollees in making requests for payment, and the time required by the carriers to adjudicate and pay claims. There was a balance of \$423 million in the supplementary medical insurance trust fund at the end of October 1968, and the balance at the end of December 1968 is estimated to be about \$440 million (a decline from a peak of \$570 million at the end of March 1967), but there were at that time substantial outstanding liabilities incurred for services rendered earlier in the program.

On the basis of 1966 accrual figures, it is now estimated that, for the first 6 months of the program, benefits and administrative expenses per capita exceeded the income from premiums and matching Government contributions by 2 percent—i.e., 10 cents per month (5 cents each). It is further estimated that the liability of the system for the entire 1½-year period, July 1966–December 1967, was about 7 percent higher than the income from the premiums and the matching Government contribution (as noted below, the subsequent rate increase took this factor into account). In other words, it appears that the \$3 premium for the entire period for which this rate was initially established was about 22 cents short of meeting half the cost for benefits and administrative expenses. About 13 cents of this 22 cents can now be explained by the fact that physicians' fees were higher during this period than had been assumed in setting the premium; the remaining 9 cents arises from the fact that there had apparently been a somewhat greater utilization of services under the program than had been anticipated.

*Rate for April 1968 through June 1969.* Projecting costs of the program for the 15-month period following March 1968 simply at the level of operation in 1966–67 would thus have required approximately an additional 22 cents in the premium rate. Further, in estimating the cost of the program for April 1968 through June 1969, provision was made for the long-term trend toward greater utilization of medical services (including the effects of the discovery and more frequent use of new, highly expensive medical techniques) and the long-range upward trend of the general earnings levels, which was being reflected in higher physicians' fees and administrative expenses.

It was assumed that, in comparing calendar year 1969 with 1968, physicians' fees would increase at an annual rate

of 5 percent, and utilization of medical services by enrollees would increase at an annual rate of 2 percent. Administrative expenses were assumed to represent 9.5 percent of the benefit payments; this figure was based on the actual operating results in 1967, when the average per capita administrative expenses of \$5.6 per month (on a paid basis) represented 9.5 percent of the average per capita benefit costs on an incurred basis. The average interest rate on the invested assets of the trust fund was assumed to be 4.75 percent (the rate applicable to virtually the entire portfolio as of Oct. 31, 1967).

It was estimated that the monthly per capita cost on a calendar-year basis would be \$7.61 for 1968, and \$8.28 for 1969, if the provisions of the 1967 amendments were in effect for this entire period. The cost for the 15-month period beginning April 1968 would average out at \$7.89 a month (half of which is \$3.95). Thus, the promulgated standard premium rate of \$4 per month for the period April 1968 through June 1969 would, according to the estimate underlying the promulgation, allow a margin for contingencies, as required by law.

In addition, the interest earnings of the trust fund would be available as a margin for contingencies and, if not needed to pay benefits and administrative expenses in the current period, would reduce the unfunded liability for the past deficiency in the premium rate. Interest earnings were estimated to be the equivalent of another 10 cents per capita in available income.

*Rate for July 1969 through June 1970.* In estimating the cost of the program for the new premium period ahead, there was an awareness of the long-term trend toward greater utilization of medical services (including the effects of the discovery and more frequent use of new, highly expensive medical techniques) and the long-range upward trend of the general earnings levels, which may be reflected in higher physicians' fees, charges and costs of other providers of services, and administrative expenses.

However, the assumption has been made by the Secretary of Health, Education, and Welfare that physician fees and the charges and costs of other providers of medical services which are recognized by the program for reimbursement purposes will not increase significantly in the next 18 months. It has also been assumed that increases in utilization of physician and other services will not increase significantly in that period. It is anticipated that this result will occur due to both the cooperation of the medical profession in exercising restraint in charges and the new administrative steps that the carriers are taking (a) to maintain physician fees and other cost elements that are considered for reimbursement purposes, as much as possible, at the level currently prevailing and (b) to secure more effective control of utilization.

Considering the apparent adequacy of the present premium rate of \$4 for the period April 1968 through June 1969, and

the interest earnings on the trust fund, then on the basis of the above assumptions the premium rate can be retained at a level of \$4 a month for the period July 1969 through June 1970.

As indicated previously, the program has more than ample funds, on a cash basis, to meet its expected obligations for benefit payments and administrative expenses now and in the period to which the promulgated premium rate applies even if the experience should not be as favorable as the assumptions on which the promulgation is based—and, in fact, even if it is considerably worse than the experience which would result if past trends continued, rather than being altered by the administrative steps which have been announced. However, the resulting trust-fund balances would then be below the level necessary to meet the outstanding accrued obligations for claims, and an appropriate premium-rate increase would be required to restore the actuarial status of the program in accordance with the intent of the law.

Dated: January 18, 1969.

WILBUR J. COHEN,  
Secretary.

[F.R. Doc. 69-978; Filed, Jan. 23, 1969;  
8:51 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 20663; Order 69-1-75]

### NORTH CENTRAL AIRLINES, INC.

#### Increased Rates and Reduced Liability for Silver; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of January 1969.

By tariff revisions<sup>1</sup> bearing a posting date of December 18, 1968, and marked to become effective February 1, 1969, North Central Airlines, Inc. (North Central), proposes to increase its rates and reduce its maximum liability for the transportation of "silver bullion, coined or uncoined." The carrier's proposals are as follows: (1) Transportation rates to be increased from the normal general commodity rates to 200 percent of such rates; (2) the declared value per shipment, which indicates the maximum liability of the carrier unless the shippers pay extra charges, to be reduced from 50 cents per pound but not less than \$50 per shipment to 10 cents per pound but not less than \$10 per shipment; and (3) the rate for excess valuation to be increased from 10 cents to \$2 for each \$100 of such valuation.

In support of its proposals, North Central asserts that the claims expense for silver coins and bullion since April 1968 amounted to \$7,919, exceeding the total revenue for such shipments.

No complaints have been filed.

<sup>1</sup> Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs C.A.B. No. 8 (Agent J. Aniello series) and No. 96.

Upon consideration of all relevant matters, the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

North Central's proposals involve doubling its transportation rates on silver coins and bullion, reducing its maximum liability by 80 percent, and increasing its rates for excess valuation by 1,900 percent. These changes would result in very sharp increases in shipper charges. The carrier, however, presents no data indicating that such charges are justified in relation to its costs. It should be noted, furthermore, that while silver shipments may be subject to certain hazards resulting in high claims, the commodity is, on the other hand, subject to the favorable transportation characteristics of heavy density and lack of perishability.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

*It is ordered, That:*

1. An investigation be instituted to determine whether the exception rating, rates and provisions described in Appendix A attached hereto,<sup>2</sup> and rules, regulations, and practices affecting such exception rating, rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful exception rating, rates and provisions, and rules, regulations, or practices affecting such exception rating, rates and provisions;

2. Pending hearing and decision by the Board, the exception rating, rates and provisions described in Appendix A hereto are suspended and their use deferred to and including May 1, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon North Central Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

[F.R. Doc. 69-997; Filed, Jan. 23, 1969;  
8:52 a.m.]

[Docket 20579]

## AMERICAN AIRLINES, INC., ET AL.

### Notice of Prehearing Conference

Increased general commodity rates for: American Airlines, Inc., Braniff

<sup>2</sup> Filed as part of the original document.

Airways, Inc., The Flying Tiger Line Inc., United Air Lines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 30, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert M. Johnson.

Dated at Washington, D.C., January 21, 1969.

[SEAL] THOMAS L. WRENN,  
Chief Examiner.

[F.R. Doc. 69-998; Filed, Jan. 23, 1969;  
8:53 a.m.]

## CIVIL SERVICE COMMISSION PSYCHOLOGY SERIES

### Notice of Revision of Prescribed Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that the previously approved minimum educational requirements for certain positions in the Psychology Series, GS-180, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

The Psychology Series, GS-180 (all positions GS-5 through GS-15).

*Superseded requirements.* The following material supersedes the material previously published in the FEDERAL REGISTER, 33 F.R. 10537, July 24, 1968.

*Minimum educational requirements.* Candidates for those positions must meet the minimum education requirements appropriate to the specialization in which the position is classified. These are:

A. *Clinical psychologists.* For positions in grades GS-11 and above, satisfactory completion in an accredited college or university of all the requirements for a doctoral degree (Ph. D. or equivalent) directly related to full professional work in clinical psychology, is required.

B. *Counseling psychologists.* For positions in grades GS-9 and above, satisfactory completion in an accredited college or university of 2 full academic years of graduate study directly related to professional work in counseling psychology, or satisfactory completion in an accredited college or university of all the requirements for a master's degree directly related to counseling psychology is required.

C. *Psychologists in all other specializations.* For positions in grades GS-5 and above, completion of a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree, including or supplemented by a total of 24 semester hours in psychology is required.

*Duties.* Psychologists engage in professional research or direct services work relating to the behavior, capacities,

traits, interests, and activities of humans and animals. This work may involve (1) developing scientific principles or laws concerning the relationship of behavior to factors of environment, experience or physiology, or developing practical applications of findings, (2) applying psychological principles, theories, methods or data to practical situations or problems, and (3) providing consultative services or training in psychological principles, theories, methods and techniques.

*Reasons for requirements.* The work of Clinical Psychologists, at full professional performance levels involves research in developing new or refining existing techniques for use in psychodiagnosis and psychotherapy, or work in providing direct psychological diagnosis and treatment to patients with problems of personality, emotional adjustment, or mental illness. This work requires comprehensive knowledge of and experience in the full range of advanced psychological theories, methods, techniques, and practices, of the kind and level represented by completion of extensive and rigorous graduate level course work, research and internship. Thus the required knowledges and skills can only be acquired through successful completion of all the requirements for a doctoral degree (Ph. D. or equivalent) directly related to clinical psychology. This study must have been completed in an accredited educational institution which provides adequate library and internship facilities, and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional education.

The work of Counseling Psychologists at full professional performance levels involves assistance and consultation in matters of appropriate vocational, educational, career, or personal choices and adjustments. This assistance and consultation is provided to persons who are entitled to such services, including persons who are physically and mentally handicapped. This work requires a breadth and depth of knowledge of cultural, and social conditions, and psychological theories and practices. These knowledges and skills are obtainable only through completion of 2 full years of graduate study or the satisfactory completion of all the requirements for a master's degree involving combinations of course work directly related to the field of counseling psychology. This course of study must have been completed in an accredited educational institution which provides adequate library facilities and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional education.

The work of all Psychologist positions involves applying psychological principles, theories, methods or data regarding the behavior, capacities, traits, interests and activities of human or animal organisms to the solution of research or direct services problems. This work involves a knowledge of a broad range of fundamental theory and experimental data. Because of the nature of the work these knowledges and skills can be best

acquired through successful completion of all the requirements for the bachelor's degree with a concentration of course work in psychology. This study must have been completed in an accredited educational institution which provides adequate library and laboratory facilities and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional education.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[F.R. Doc. 69-979; Filed, Jan. 23, 1969;  
8:51 a.m.]

## FEDERAL MARITIME COMMISSION

### SOUTH ATLANTIC & CARIBBEAN LINE, INC., AND EMPACADORA DEL NORTE, S.A.

#### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have 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(s) at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Gerald A. Mallia, Esquire, Ragan & Mason, The Farragut Building, 900 Seventeenth Street NW., Washington, D.C. 20006.

Agreement No. 9741-1, between South Atlantic & Caribbean Line, Inc., and Empacadora Del Norte, S.A., adds ports in the Dominican Republic served by Empacadora Del Norte, S.A., to the basic agreement covering a through billing arrangement for the movement of fresh and frozen meats and frozen fish from ports in Central America to Miami and Jacksonville, Fla., with transshipment at San Juan, P.R., in accordance with the

terms and conditions set forth in the agreement.

Dated: January 21, 1969.

By order of the Federal Maritime Commission,

THOMAS LIST,  
*Secretary.*

[F.R. Doc. 69-990; Filed, Jan. 23, 1969;  
8:52 a.m.]

#### FINANCIAL RESPONSIBILITY TO MEET LIABILITY INCURRED FOR DEATH OR INJURY TO PASSENGERS OR OTHER PERSONS ON VOYAGES

##### Notice of Application for Certificate [Casualty]

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Partenreederei "Gosta Berling."

Dated: January 21, 1969.

THOMAS LIST,  
*Secretary.*

[F.R. Doc. 69-987; Filed, Jan. 23, 1969;  
8:52 a.m.]

#### FINANCIAL RESPONSIBILITY TO MEET LIABILITY INCURRED FOR DEATH OR INJURY TO PASSENGERS OR OTHER PERSONS ON VOYAGES

##### Notice of Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

National Hellenic American Line, S.A., Certificate No. C-1063, Effective date: July 31, 1968.

Marfuerza Compania Maritima, S.A., and Australia Line, S.A., Certificate No. C-1064, Effective date: Sept. 18, 1968.

Wallenius Bremen, G.m.b.H. & Co., KG., Certificate No. C-1065, Effective date: Nov. 12, 1968.

Universal Cruise Line, Inc., Certificate No. C-1066, Effective date: Nov. 19, 1968.

Compagnia Genovese Di Armamento, S.p.A., and Costa Armatori, S.p.A., Certificate No. C-1068, Effective date: Dec. 10, 1968.

Tropical Steamship Cruises, Inc. (formerly Evangeline Steamship Co., S.A.), Certificate No. C-1048, Effective date: Dec. 30, 1968.

Freeport Cruise Lines, Ltd., and Freeport Cruise Lines, Inc., Certificate No. C-1067, Effective date: Dec. 5, 1968.

Costa Armatori, S.p.A., and Princess Cruises Corp., Inc., Certificate No. C-1069, Effective date: Jan. 6, 1969.

Dated: January 21, 1969.

THOMAS LIST,  
*Secretary.*

[F.R. Doc. 69-988; Filed, Jan. 23, 1969;  
8:52 a.m.]

#### INDEMNIFICATION OF PASSENGERS FOR NONPERFORMANCE OF TRANSPORTATION

##### Notice of Issuance of Certificate [Performance]

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of Section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Commodore Cruise Line, Ltd., and Pan Cruise, Inc., Certificate No. P-87, Effective date: July 31, 1968.

National Hellenic American Line, S.A., Certificate No. P-68, Effective date: July 31, 1968.

Princess Cruises Corp., Inc. (Princess Cruises), Certificate No. P-69, Effective date: Sept. 5, 1968.

Marfuerza Compania Maritima, S.A., and Australia Line, S.A., Certificate No. P-70, Effective date: Sept. 18, 1968.

Universal Cruise Line, Inc., Certificate No. P-71, Effective date: Oct. 16, 1968.

Bahama Cruise Line, Inc., Certificate No. P-72, Effective date: Dec. 5, 1968.

Tropical Steamship Cruises, Inc. (formerly Evangeline Steamship Co., S.A.), Certificate No. P-21, Effective date: Dec. 30, 1968.

Dated: January 21, 1969.

THOMAS LIST,  
*Secretary.*

[F.R. Doc. 69-987; Filed, Jan. 23, 1968;  
8:52 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP69-187]

### ALGONQUIN GAS TRANSMISSION CO.

#### Notice of Application

JANUARY 15, 1969.

Take notice that on January 3, 1969, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP69-187 an application pursuant to section 7(c) of the Natural Gas Act for a limited term certificate of public convenience and necessity authorizing the transportation and sale of natural gas to Consolidated Edison Co. of New York, Inc. (Consolidated Edison), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver 5,000 Mcf of natural gas per day on an interruptible basis through an existing delivery point in Peekskill, N.Y. The application states that Consolidated Edison requires this service in order to supply two new industrial customers in Westchester County, N.Y. The proposed sale is for the period February 1, 1969, through October 31, 1969, and will be made pursuant to Applicant's T-1 rate schedule.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 12, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 69-903; Filed, Jan. 23, 1969;  
8:45 a.m.]

[Docket No. CP69-188]

**GREAT RIVER GAS CO., AND PANHANDLE EASTERN PIPE LINE CO.**

**Notice of Application**

JANUARY 15, 1969.

Take notice that on January 7, 1969, Great River Gas Co. (Applicant), Post Office Box 367, Aurora, Ill. 60507, filed in Docket No. CP69-188 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with facilities proposed to be constructed by Applicant and to sell and deliver natural gas for resale to two new industrial customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has received requests for natural gas service from two industrial customers located in Liberty Township, Marion County, Mo., and that the extension of its present facilities to serve these customers would in-

volve significantly greater costs than would be involved in making connection to Respondent's facilities which lie adjacent to the proposed customers' locations. Therefore, Applicant requests that Respondent be ordered to construct the delivery point and to sell and deliver natural gas therefrom to Applicant for resale and distribution.

The total cost of the facilities proposed by Applicant is approximately \$18,000, which cost is to be financed from funds on hand. The estimated third year peak day and annual natural gas requirements for the proposed service are 250 Mcf and 33,600 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 12, 1969.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 69-904; Filed, Jan. 23, 1969;  
8:45 a.m.]

[Docket No. CP69-190]

**CITY OF LORIMOR, IOWA, AND NATURAL GAS PIPELINE CO. OF AMERICA**

**Notice of Application**

JANUARY 15, 1969.

Take notice that on January 9, 1969, the city of Lorimor, Iowa (Applicant), filed in Docket No. CP69-190 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Co. of America (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the community of Lorimor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct, own, and operate a municipal gas distribution system within its town borders. Applicant also proposes to make sales to rural customers situated along the route of the transmission line.

Applicant states that the proposed distribution system will result in substantial economies in fuel cost and greater convenience to users in the community of Lorimor.

Estimated annual and peak day requirements of Applicant for the first 3 years of operation are as follows:

	First year	Second year	Third year
Annual (Mcf) .....	12,315	20,909	29,304
Peak day (Mcf) .....	129	224	319

Total estimated cost of the proposed distribution system and transmission line to be constructed by Applicant is \$150,000. Financing will be provided by

Gas Revenue Bonds to be issued by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 13, 1969.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 69-905; Filed, Jan. 23, 1969;  
8:45 a.m.]

[Docket No. CP69-191]

**MANUFACTURERS LIGHT AND HEAT CO. AND CUMBERLAND AND ALLEGHENY GAS CO.**

**Notice of Application**

JANUARY 16, 1969.

Take notice that on January 10, 1969, The Manufacturers Light and Heat Co. (Manufacturers), and Cumberland and Allegheny Gas Co. (C&A), both at 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP69-191 a joint application pursuant to section 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, construction, and operation of certain natural gas facilities, the establishment of additional points of delivery, the sale of additional volumes of gas, and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants seek the following authorizations:

(1) C&A requests permission to sell and Manufacturers seeks authority to purchase, at net original cost, C&A's northern transmission facilities in West Virginia and Maryland and certain production facilities in Maryland connected thereto. The application states that the proposed acquisition and sale will eliminate the need for extensive construction in replacement of the above-mentioned facilities. The application also states that the net original cost of said facilities as of December 31, 1967, was \$4,409,541.

(2) C&A and Manufacturers request authorization to cancel their present exchange arrangement, Rate Schedule X-1.

(3) Manufacturers requests authorization to establish delivery points with C&A, and to abandon the existing points of exchange between the two companies.

(4) Manufacturers requests authorization to sell to C&A, commencing November 1, 1969, a Total Daily Entitlement of 12,500 Mcf. The application states that the said Entitlement represents the design peak day requirements during the 1969-70 winter season of C&A's northern distribution system.

(5) C&A requests authorization to abandon in place 33.5 miles of 10-inch and 12-inch transmission pipeline and 18.4 miles of other transmission and pro-

duction pipelines. The application states that service to customers will not be affected by the proposed abandonments.

(6) C&A requests authorization to abandon service to Columbia Gas of Maryland, Inc. (Columbia of Maryland).

(7) Manufacturers requests authorization to increase service to Columbia of Maryland by 40,200 Mcf per day commencing November 1, 1969.

(8) Manufacturers requests authorization to establish additional delivery points with Columbia of Maryland.

(9) Manufacturers requests authorization to construct and operate 2.8 miles of 12-inch pipeline looping the 8-inch portion of Line No. 8002 near the Pennsylvania, Maryland border north of Cumberland, Md., extending from Manufacturers' 20-inch Line No. 1804 to the 12-inch portion of Line No. 8002. The estimated cost of said loop is \$300,000. Manufacturers states that said construction is necessary to accommodate the rearrangement of gas flows resulting from the entire project described herein.

(10) Manufacturers requests authorization (a) to construct and operate 7.3 miles of 24-inch pipeline looping Line No. 1570 north of Smithfield Compressor Station in West Virginia, and (b) to install and operate an additional 1,080 horsepower gas turbine compressor unit at Salisbury Compressor Station in Somerset County, Pa. Manufacturers states that the construction is necessary to enable it to transport an additional 24,000 Mcf per day in Contract Demand with United Fuel Gas Co. required as a result of the project described herein. The estimated costs of the pipeline loop and horsepower addition are \$1,198,400 and \$200,000, respectively.

(11) C&A proposes to make additional sales of natural gas to Consolidated Gas Supply Corp. (Consolidated) commencing November 1, 1969. C&A states that said gas will consist of excess production and purchases made available as the result of the project described herein exceeding requirements of the southern portion of C&A's distribution system by approximately 3 million Mcf annually. Consolidated has agreed to purchase said excess volumes from C&A as they become available on a day-to-day basis.

(12) C&A requests authorization to establish a delivery point with Consolidated in Hackers Creek District, Lewis County, W. Va. The estimated cost of this delivery point is \$5,500.

The application states that the sale of the facilities by C&A to Manufacturers will be financed by issuance by Manufacturers of shares of common stock and assumption by Manufacturers of certain debt securities issued by C&A. The application also states that Manufacturers' proposed construction will be financed by sale of notes and/or common stock to its parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the

regulations under the Natural Gas Act (157.10) on or before February 13, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 69-906; Filed, Jan. 23, 1969;  
8:45 a.m.]

[Docket No. CP69-189]

### NATURAL GAS PIPELINE CO. OF AMERICA

#### Notice of Application

JANUARY 15, 1969.

Take notice that on January 8, 1969, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-189 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale and delivery of quantities of natural gas heretofore authorized by the Commission to the Associated Natural Gas Company (Associated), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a new delivery point in Butler County, Mo. The proposed measuring station is required to sell and deliver natural gas to Associated for resale and distribution in the city of Doniphan and the community of Oxy, Ripley County, Mo.

The total estimated cost of the proposed facilities is \$16,100, which cost is to be financed from funds on hand. The estimated third year annual and peak day requirements of natural gas to be delivered through the facilities proposed are 65,200 Mcf and 689 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 13, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 69-907; Filed, Jan. 23, 1969;  
8:45 a.m.]

[Docket No. E-7462]

### NIAGARA MOHAWK POWER CORP.

#### Notice of Application

JANUARY 16, 1969.

Take notice that on December 24, 1968, Niagara Mohawk Power Corp. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act, authorizing the merger into it of Ellicottville Electric Light Co. following the acquisition of all the outstanding common stock of said company, in the total par value of \$5,000. The acquisition is to be accomplished through the issuance and exchange of 8,250 shares \$8 par value common stock of Applicant therefor.

Applicant is incorporated under the laws of the State of New York with its principal business office in Syracuse, N.Y., and is engaged in the electric utility business in 37 counties in upstate New York.

Ellicottville Electric Co. is incorporated under the laws of the State of New York with its principal business office in Ellicottville, N.Y., and is engaged in the electric utility business in the towns of Ellicottville and Great Valley in Cattaraugus County, N.Y. Ellicottville Electric Co., purchases all its electric requirements to serve its approximately 800 customers from Applicant.

Applicant states that the proposed exchange of stock and merger is in the public interest for the following reasons: (1) It will, after merger, make available to Ellicottville's customers, aggregating approximately 800, improved and more adequate facilities for construction, extension, maintenance and operation of said distribution system; (2) it will result in a single integrated transmission and distribution system in said territory and provide more adequate means for obtaining the required capital at reasonable rates for the necessary future expansion and development of said system; (3) it

will afford an integrated electric franchise system in the territory served; (4) the proposed merger will effect economies in operation by elimination of duplication of equipment and personnel; (5) all regular and active employees of Ellicottville will be absorbed and continue in the employ of Applicant.

Any person desiring to be heard or to make protest with reference to said application should on or before February 10, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petition or protest in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-908; Filed, Jan. 23, 1969;  
8:45 a.m.]

[Docket No. G-2978, etc.]

## SUN OIL CO. (DX DIVISION)

### Notice of Petition To Amend

JANUARY 16, 1969.

Take notice that on December 6, 1968, Sun Oil Co. (DX Division) filed in Docket No. G-2978, etc., a petition to amend the orders issuing certificates of public convenience and necessity to Sunray DX Oil Co. pursuant to section 7(c) of the Natural Gas Act by substituting Sun in lieu of Sunray as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition to amend states that Sun merged Sunray effective as of October 25, 1968, and proposes to continue the sales of natural gas heretofore authorized by the Commission to be made by Sunray. Sun has filed a notice of succession to the FPC gas rate schedules of Sunray.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.10 or 1.8) on or before February 14, 1969.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-909; Filed, Jan. 23, 1969;  
8:45 a.m.]

[Docket No. CP69-192]

## TENNESSEE GAS PIPELINE CO.

### Notice of Application

JANUARY 16, 1969.

Take notice that on January 13, 1969, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-192 an application pursuant to section 7(b) and section 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity to construct and operate other facilities, all as more fully set forth in the applica-

tion which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission to abandon in place 0.72 mile of its existing Portland-Winchester 30-inch Line No. 800-1. The line segment to be so abandoned is located in Madison County, Ky., between Tennessee's main line valve 874-1+12.03 to main line valve 874-1+12.75. Applicant also seeks authority to construct and operate 0.83 mile of 30-inch line as a replacement for the segment of pipeline described above to be abandoned.

Applicant states that the proposed abandonment is necessary due to subsequent construction of a school in close proximity to the line and future development anticipated in the area immediately adjacent to the school. Applicant states that the replacement line will be located several hundred feet to the southeast of the line proposed to be abandoned.

Total estimated cost of the new replacement line is \$214,390.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 13, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-910; Filed, Jan. 23, 1969;  
8:46 a.m.]

## INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

### CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRO- DUCED OR MANUFACTURED IN THE UNITED ARAB REPUBLIC

#### Entry or Withdrawal From Warehouse for Consumption

JANUARY 21, 1969.

On November 6, 1968, the Government of the United States, in furtherance of

the objectives of, and under the terms of, the long-term arrangement regarding international trade in cotton textiles, done at Geneva on February 9, 1962, concluded an agreement with the Government of the United Arab Republic further extending provisions of the comprehensive bilateral cotton textile agreement of December 4, 1963, concerning exports of cotton textiles and cotton textile products from the United Arab Republic to the United States.

Among the provisions of the agreement is that applying specific export limitations for the 12-month period which began on October 1, 1968, and extends through September 30, 1969, on cotton textiles in Categories 1/2, 3/4, and 9/26, produced or manufactured in the United Arab Republic. There was published in the FEDERAL REGISTER on December 6, 1968 (33 F.R. 18214) a letter of December 3, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee directing the Commissioner of Customs, effective as soon as possible, to prohibit entry into the United States of cotton textiles in those categories in excess of designated levels of restraint for the 12-month period which began on October 1, 1968. It was provided in that directive, however, that such levels would be adjusted at a future date to reflect " \* \* \* certain shipments made during the period October 1, 1967, through September 30, 1968, \* \* \*."

Accordingly, there is published below a letter of January 17, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs which makes the adjustment referred to above by amending the directive of December 3, 1968, and directing that as soon as possible, and for the 12-month period which began on October 1, 1968, and extends through September 30, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1/2, 3/4, and 9/26, produced or manufactured in the United Arab Republic, be limited to the designated adjusted 12-month levels of restraint.

STANLEY NEHMER,  
Chairman, Interagency Textile  
Administrative Committee  
and Deputy Assistant Secre-  
tary for Resources.

THE SECRETARY OF COMMERCE  
PRESIDENT'S CABINET TEXTILE ADVISORY  
COMMITTEE

JANUARY 17, 1969.

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20226

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on December 3, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee concerning imports of cotton textiles and cotton textile products from the United Arab Republic (33 F.R. 18214).

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile

agreement of November 6, 1968, between the Governments of the United States and the United Arab Republic, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, the levels of restraint provided in the directive of December 3, 1968, for entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1/2, 3/4, and 9/26, produced or manufactured in the United Arab Republic, are hereby amended as follows, to be effective as soon as possible:

Category	Adjusted 12-month level of restraint <sup>1</sup>
1/2-----	1,931,702 pounds (of which not more than 1,721,205 pounds may be in Category 1, and not more than 347,388 pounds in Category 2).
3/4-----	578,813 pounds (of which not more than 60,775 pounds may be in Category 4).
9/26-----	25,699,275 square yards (of which not more than 13,649,011 square yards may be in Category 9, and not more than 15,338,532 square yards in Category 26).

<sup>1</sup>These levels have not been adjusted to reflect entries made on or after Oct. 1, 1968.

The actions taken with respect to the Government of the United Arab Republic and with respect to imports of cotton textiles and cotton textile products from the United Arab Republic have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,  
Secretary of Commerce Chairman,  
President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-986; Filed, Jan. 23, 1969; 8:52 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[70-4689]

### CONSOLIDATED NATURAL GAS CO., AND OHIO NATURAL GAS CO.

#### Notice of Proposed Acquisition of Common Stock of a Nonassociate Public-Utility Company by a Regis- tered Holding Company

JANUARY 17, 1969.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and Ohio Natural Gas Co. ("Ohio Natural"), 1717 East Ninth Street, Cleveland, Ohio 44114, an Ohio corporation recently organized by Consolidated, have filed with this Commission, pursuant to the

Public Utility Holding Company Act of 1935 ("Act"), an application-declaration, and an amendment thereto, regarding the acquisition by Consolidated of all of the common stock of West Ohio Gas Co. ("West Ohio"), a nonassociate public-utility company. Applicants-declarants have designated sections 6(a), 7, 9(a), 10, 12(f), and 12(g) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Consolidated, which is solely a holding company, owns all of the outstanding securities (other than notes payable to banks and a small bond issue) of four public-utility subsidiary companies which distribute natural gas at retail to approximately 1,313,000 residential, commercial, and industrial customers in Ohio, Pennsylvania, and West Virginia. Of these, The East Ohio Gas Co. ("East Ohio") has the largest retail business, serving over 911,000 residential, commercial, and industrial customers in Cleveland and other cities in northeastern Ohio. In addition, Consolidated owns all of the outstanding securities of a natural gas pipeline subsidiary company which sells natural gas to East Ohio and of a subsidiary service company which performs services, at cost, for the Consolidated System. At June 30, 1968, Consolidated and its subsidiary companies had consolidated gas utility plant of \$1,201,381,000, less related reserves for depreciation, depletion, and amortization of \$322,550,000, and for the year then ended, consolidated operating revenues amounting to \$501,094,000.

West Ohio, an Ohio corporation, distributes natural gas at retail to approximately 47,000 residential, commercial, and industrial customers in Lima, Ohio, and 29 other communities in western Ohio. At June 30, 1968, West Ohio had gas utility plant of \$19,080,000, less related reserves for depreciation, depletion, and amortization of \$5,040,000, and for the year then ended, operating revenues amounting to \$13,536,000. The common stock of West Ohio is publicly held and at June 30, 1968, the 997,683 shares outstanding were held by approximately 3,400 stockholders.

The distance between Lima and Cleveland, Ohio, headquarter cities of West Ohio and East Ohio, respectively, is approximately 130 miles, while the nearest points of the two service territories are separated by approximately 70 miles. Between the West Ohio and East Ohio service areas lies only one gas distribution company, Columbia Gas of Ohio, Inc., a subsidiary company of The Columbia Gas System, Inc.

Consolidated, West Ohio, and Ohio Natural have entered into an agreement and plan of reorganization, dated as of September 18, 1968, and West Ohio and Ohio Natural have entered into an agreement of merger dated as of the same date. Pursuant to these agreements, Ohio Natural, an Ohio corporation created solely to facilitate the proposed stock acquisition, will become a wholly owned subsidi-

ary company of Consolidated and will merge into West Ohio, with West Ohio surviving and emerging as a wholly owned subsidiary company of Consolidated. It is proposed that all of the presently outstanding 997,683 shares of common stock of West Ohio will be converted, on the basis of 0.8 of a share of the common stock of Consolidated for each share of the common stock of West Ohio, into 798,146 shares of the common stock of Consolidated.

The application-declaration states that the exchange ratio of 0.8 of a share of Consolidated common stock for each share of West Ohio common stock was the result of arms-length bargaining between the parties. The proposed acquisition has been approved by the respective boards of directors of Consolidated and West Ohio.

The fees and expenses to be incurred by Consolidated in connection with the proposed transaction are estimated at \$72,000, including service charges, at cost, of \$50,000, of Consolidated Natural Gas Service Co., Inc., the wholly owned subsidiary service company of Consolidated, counsel fees of \$10,000, and accountant's fees of \$2,500. The fees and expenses to be incurred by West Ohio in connection with the proposed transactions are estimated at \$60,000 including counsel fees of \$30,000, exchange agent's fees of \$15,000 and accountant's fees of \$4,000. Each corporation will pay its own fees and expenses. The application-declaration states that the Public Utility Commission of Ohio has jurisdiction over the proposed merger of Ohio Natural into West Ohio. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 19, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of Service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice

of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 69-954; Filed, Jan. 23, 1969;  
8:49 a.m.]

### DUMONT CORP.

#### Order Suspending Trading

JANUARY 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stock of Dumont Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 20, 1969, through January 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 69-955; Filed, Jan. 23, 1969;  
8:49 a.m.]

### MAJESTIC CAPITAL CORP.

#### Order Suspending Trading

JANUARY 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., 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 January 20, 1969, through January 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 69-956; Filed, Jan. 23, 1969;  
8:49 a.m.]

### OMEGA EQUITIES CORP.

#### Order Suspending Trading

JANUARY 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omega

Equities Corp., New York, N.Y., 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 January 19, 1969, through January 28, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 69-957; Filed, Jan. 23, 1969;  
8:49 a.m.]

## DEPARTMENT OF LABOR

### Office of the Secretary

[Secretary of Labor's Order No. 2-69]

#### ADMINISTRATOR OF WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

##### Redelegation of Authority Regarding the Fair Labor Standards Act of 1938

1. *Purpose*. To redelegate authority and assign responsibility for the performance of functions assigned to the Assistant Secretary of Labor for Labor-Management Relations by Secretary's Order 17-68 (33 F.R. 15776) as they relate to the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

2. *Background*. The Fair Labor Standards Act of 1938, as amended, establishes wage and hour standards in employments in and affecting interstate commerce and is designed to remedy labor conditions detrimental to the living standards of workers that burden commerce and marketing, constitute unfair competition and lead to labor disputes burdening and obstructing commerce. Procedures for administration and enforcement are incorporated in the Act, delegating authority and assigning responsibility for such procedures to the Secretary of Labor.

Secretary's Order 17-68 assigned certain responsibilities under the Fair Labor Standards Act of 1938, as amended, to the Assistant Secretary for Labor-Management Relations with the authority to redelegate such authority.

3. *Redelegation of Authority and Assignment of Responsibility*. The authority and responsibility for effecting the provisions of the Fair Labor Standards Act of 1938, as amended, which are delegated and assigned by the Secretary of Labor to the Assistant Secretary for Labor-Management Relations are further redelegated and assigned hereby to the Administrator of the Wage and Hour and Public Contracts Divisions. These shall include authority and responsibility for (a) making investigations to ascertain compliance with the Act; (b) issuing rules, regulations, and interpretations with respect to the Act upon the advice

of the Solicitor and orders under the provisions of section 8 of the Act upon the advice of industry committees; (c) recommending the establishment of industry committees and appointees for such committees; (d) directing the attendance of witnesses at hearings and industry committee meetings and providing supporting services for such committees; (e) issuing special certificates in accordance with the provisions of section 14 of the Act; and (f) redelegating authority and assigning responsibility herein described.

4. *Reservation of authority*. The reservations of authority contained in paragraph 4 of Secretary's Order 17-68 are not affected by this redelegation.

5. *Effective date*. This order is effective immediately.

Signed at Washington, D.C., this 17th day of January 1969.

THOMAS R. DONAHUE,  
Assistant Secretary for  
Labor-Management Relations.

[F.R. Doc. 69-966; Filed, Jan. 23, 1969;  
8:50 a.m.]

[Secretary of Labor's Order No. 3-69]

#### ADMINISTRATOR OF WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

##### Redelegation of Authority Regarding Walsh-Healey Public Contracts Act of 1936

1. *Purpose*. To redelegate authority and assign responsibility for the performance of functions assigned to the Assistant Secretary for Labor-Management Relations by Secretary's Order 17-68 (33 F.R. 15776) as they relate to the Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35-45).

2. *Background*. The Walsh-Healey Public Contracts Act, as amended, requires that all contracts let by the United States for the manufacture or furnishing of materials in amounts exceeding \$10,000 contain stipulations respecting eligibility of the contractor as a manufacturer or regular dealer to become a party to such a contract, rates of pay and hours of work for contract affected employees of the contracting party, prohibition against the use of child and convict labor in the execution of contract or affected activities, and the safety and health conditions of the contract affected work sites.

Provision is made for enforcement by withholding contract payments in a sum equal to underpayments of compensation due employees; cancellation and reaward of contracts where violations are found, charging additional cost to the original contractor; 3 years ineligibility from further contracts for those found to have violated the Act; and actions in court to recover underpayments of compensation due.

The Secretary is authorized to make regulations, issue orders, hold hearings and make decisions under the Act and make regulations allowing reasonable

variations, tolerances, and exemptions to and from any or all of its provisions.

Secretary's Order 17-68 assigned certain responsibilities under the Walsh-Healey Public Contracts Act, as amended, to the Assistant Secretary for Labor-Management Relations with the authority to redelegate such authority.

3. *Redelegation of Authority and Assignment of Responsibility.* The Administrator of the Wage and Hour and Public Contracts Divisions shall have the authority and responsibility for: (a) Determining minimum wages pursuant to section 1(b) of the Act; (b) issuing interpretations with respect to the Act and regulations thereunder upon the advice of the Solicitor; (c) authorizing and instituting appropriate investigations and prosecuting inquiries with respect to possible violations of the Act; (d) reviewing findings and decisions of the hearing examiners in administrative enforcement proceedings that relate to his assigned responsibilities and making revised findings, conclusions, and decisions pursuant to section 8 of the Administrative Procedure Act as well as reviewing and modifying recommendations concerning application of the ineligibility list sanction; (e) making exceptions, limitations, variations, tolerances, and exemptions from the provisions of the Act; (f) making disbursements from the deposit fund directly to the underpaid employees from any accrued underpayments withheld under the Act; (g) issuing, amending, or rescinding of such rules and regulations as he may deem to be necessary or advisable to carry out his assigned responsibilities under the Act; and (h) making appropriate arrangements with the contracting agencies pursuant to section 2 of the Act and for their cooperation in carrying out its provisions.

4. *Reservation of Authority.* The reservations of authority contained in paragraph 4 of Secretary's Order 17-68 are not affected by this redelegation.

5. *Effective Date.* This order is effective immediately.

Signed at Washington, D.C., this 17th day of January 1969.

THOMAS R. DONAHUE,  
Assistant Secretary

for Labor-Management Relations.

[F.R. Doc. 69-967; Filed, Jan. 23, 1969; 8:50 a.m.]

[Secretary of Labor's Order No. 4-69]

## ADMINISTRATOR OF WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

### Redelegation of Authority Regarding Arts and Humanities Act of 1965

1. *Purpose.* To redelegate authority and assign responsibility for the performance of functions assigned to the Assistant Secretary for Labor-Management Relations by Secretary's Order 17-68 (33 F.R. 15776) as they relate to the Arts and Humanities Act (20 U.S.C. 951 et seq.).

2. *Background.* The Arts and Humanities Act of 1965 is designed to promote

progress and scholarship in the humanities and the arts in the United States and includes provisions under section 5(c) of the Act for a program of grants-in-aid to groups, or individuals concerned with the arts, for the purpose of enabling them to provide or support projects or productions promoting progress in the arts. Section 5(j) (1) of the Act provides that professional personnel employed on such projects or productions will be paid not less than the minimum compensation as determined by the Secretary to be the prevailing minimum for persons employed in similar activities.

The Secretary is authorized to prescribe standards, regulations, and procedures as he may deem necessary or appropriate to carry out the provisions of section 5(j) of the Act.

Secretary's Order 17-68 assigned certain responsibilities under the Arts and Humanities Act to the Assistant Secretary for Labor-Management Relations with the authority to redelegate such authority.

3. *Redelegation of Authority and Assignment of Responsibility.* The Administrator of the Wage and Hour and Public Contracts Divisions shall have the authority and responsibility for: (a) determining minimum compensation pursuant to section 5(j) (1) of the Act and making determinations on applications for variations thereto; (b) determining the adequacy of assurances as to labor standards within the purview of section 5(j) (1) of the Act, and drafting appropriate assurances for the grantee upon resolution of an application for variations; (c) issuing procedures with respect to section 5(j) (1) of the Act and regulations thereunder upon the advice of the Solicitor; and (d) authorizing and instituting appropriate investigations with respect to possible violations of section 5(j) (1) of the Act.

4. *Reservation of authority.* The reservations of authority contained in paragraph 4 of Secretary's Order 17-68 are not affected by this redelegation.

5. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 17th day of January.

THOMAS R. DONAHUE,  
Assistant Secretary for  
Labor-Management Relations.

[F.R. Doc. 69-968; Filed, Jan. 23, 1969; 8:00 a.m.]

## Wage and Hour Division CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each

certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aaifs Manufacturing Co., Sheldon, Iowa; 10-1-68 to 9-30-69; 10 learners (ladies' corduroy jeans).

H. Alter & Co., Kingston, Pa.; 9-22-68 to 9-21-69 (men's outerwear jackets).

Angier Garment Co., Angier, N.C.; 9-3-68 to 9-2-69 (men's dress shirts).

Anniston Sportswear Corp., Anniston, Ala.; 9-10-68 to 9-9-69 (men's dress trousers).

The Arrow Co., Albertville, Ala.; 9-8-68 to 9-7-69 (men's shirts).

The Bennettsville Co., Bennettsville, S.C.; 9-12-68 to 9-11-69 (ladies' dresses).

Michael Berkowitz Co., Inc., Uniontown, Pa.; 9-12-68 to 9-11-69 (men's, ladies' and women's pajamas).

Glenn Berry Manufacturers, Inc., Commerce, Okla.; 10-2-68 to 10-1-69 (army fatigues).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; 9-11-68 to 9-10-69 (men's dress and play slacks).

Carolina Lingerie Co., Inc., Mocksville, N.C.; 9-30-68 to 9-29-69 (men's pajamas and ladies' blouses).

Columbus Manufacturing Co., Inc., Tabor City, N.C.; 9-16-68 to 9-15-69; 10 learners (boys' and girls' sport shirts).

Continental Manufacturing Co., Knoxville, Iowa; 9-20-68 to 9-19-69 (single pants).

Dotty Dan, Inc., Lamesa, Tex.; 9-16-68 to 9-15-69 (boys' playsuits, slacks, and shirts; girls' playsuits, pants, dresses and blouses).

Detroit Slacks, Inc., Detroit, Ala.; 9-1-68 to 8-31-69 (men's and boys' dress and play slacks).

Dunbrooke Shirt Co., El Dorado Springs, Mo.; 10-1-68 to 9-30-69 (men's sport shirts).

Ephrata Apparel Co., Ephrata, Pa.; 10-6-68 to 10-5-69 (children's dresses).

Eudora Garment Corp., Eudora, Ark.; 9-9-68 to 9-8-69 (washable service apparel).

Evergreen Textiles, Inc., Evergreen, Ala.; 9-13-68 to 9-12-69 (men's dress slacks).

Fairmont Manufacturing Co., Inc., Fairmont, N.C.; 9-14-68 to 9-13-69; 10 learners (ladies' nightgowns and pajamas).

Form-O-Uth Brassiere Co., Inc., doing business as Marie Foundations, McLean, Tex.; 9-30-68 to 9-29-69 (brassieres and girdles).

Gross Galesburg Co., Chariton, Iowa; 9-19-68 to 9-18-69 (men's work jackets and coveralls).

Hagale Garment Manufacturing Co., Reeds Spring, Mo.; 10-10-68 to 10-9-69 (men's and boys' dress pants).

Industrial Garment Manufacturing Co., Palestine, Tex.; 9-12-68 to 9-11-69 (men's work pants).

Johnson Garment Corp., Marshfield, Wis.; 9-27-68 to 9-26-69; 6 learners (men's outerwear jackets).

Kellwood Co., No. 3, Wesson, Miss.; 9-4-68 to 9-3-69 (men's work trousers).

Kellwood Co., Alamo, Tenn.; 10-9-68 to 10-8-69 (women's foundation garments).

Kennebec Manufacturing Co., Inc., Gardiner, Maine; 9-21-68 to 9-20-69 (children's pants).

Kent Sportswear Inc., Curwensville, Pa.; 9-28-68 to 9-27-69 (men's outerwear jackets).

Kent Uniforms, Inc., Burkesville, Ky.; 10-2-68 to 10-1-69 (nurses' and waitresses' uniforms).

Lakawanna Pants Manufacturing Co., Scranton, Pa.; 9-9-68 to 9-8-69 (trousers). Laurel Industrial Garment Manufacturing Co., Laurel, Miss.; 9-20-68 to 9-19-69 (work shirts).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; 9-8-68 to 9-7-69 (men's and boys' dress and play slacks).

Miller Manufacturing Co., Joplin, Mo.; 9-27-68 to 9-26-69 (trousers and shirts).

Miss Mary Fashions, Inc., Carbondale, Pa.; 9-29-68 to 9-28-69; 5 learners (ladies' dresses).

Morehead City Garment Co., Morehead City, N.C.; 9-13-68 to 9-12-69 (men's sport shirts).

Oshkosh B'Gosh, Inc., Columbia, Ky.; 9-24-68 to 9-23-69 (work clothes).

Oshkosh B'Gosh, Inc., Celina, Tenn.; 10-8-68 to 10-7-69 (men's pants and shirts).

Pennsylvania Brassieres Corp., Meyersdale, Pa.; 9-12-68 to 9-11-69 (brassieres).

Relda Apparel Manufacturing Co., Inc., Hughesville, Pa.; 9-1-68 to 8-31-69; 10 learners (women's and misses' dresses).

Ridgely Manufacturing Co., Ridgely, Tenn.; 9-14-68 to 9-13-69 (outerwear jackets).

Rita's Sportswear, Moscow, Pa.; 9-18-68 to 9-17-69 (children's dresses).

Riverside Industries, Inc., Moultrie, Ga.; 9-25-68 to 9-24-69; 10 learners (men's work pants).

Riverside Manufacturing Co., Moultrie, Ga.; 9-25-68 to 9-24-69 (men's work shirts, trousers, and outerwear jackets).

Rowan Industries, Inc., Rockwell, N.C.; 9-3-68 to 9-2-69 (ladies' pajamas and gowns).

Roydon Wear, Inc., McRae, Ga.; 9-12-68 to 9-11-69 (boys' trousers and outerwear shorts).

Saltillo Manufacturing Co., Saltillo, Tenn.; 9-27-68 to 9-26-69 (men's and boys' sport shirts).

Henry I. Siegel Co., Inc., Eloy, Ariz.; 9-28-68 to 9-27-69 (men's and boys' pants).

Henry I. Siegel Co., Inc., Fulton, Ky.; 9-24-68 to 9-23-69 (men's and boy's pants).

Henry I. Siegel Co., Inc., Verona, Miss.; 9-24-68 to 9-23-69 (men's and boys' sport shirts).

The Solomon Co., Collinsville, Ala.; 9-7-68 to 9-6-69; 10 learners (men's slacks and walk shorts).

Southland Manufacturing Co., Inc., Wilmington, N.C.; 10-3-68 to 10-2-69 (men's and boys' dress and sport shirts).

Sportcraft, Inc., McAdoo, Pa.; 9-18-68 to 9-17-69 (girls' ski jackets and jumpers).

Stapleton Garment Co., Stapleton, Ga.; 9-23-68 to 9-22-69 (men's and boys' trousers).

Levi Strauss & Co., Tyler, Tex.; 9-12-68 to 9-11-69 (ladies' jeans).

Sulcraft Manufacturing Co., Inc., Dushore, Pa.; 10-4-68 to 10-3-69 (boys' cotton pajamas).

Sweetwater Manufacturing Co., Sweetwater, Tex.; 9-9-68 to 9-8-69 (ladies' and girls' culottes and pajamas).

Tipton Manufacturing Co., Tipton, Mo.; 9-26-68 to 9-25-69 (men's trousers and slacks).

Tunxis Sportswear Manufacturing Co., Inc., and Laurel Togs, Inc., New London, Conn.; 9-9-68 to 9-8-69; 6 learners (girls' ski jackets and carcoats).

The Van Heusen Co., Fort Payne, Ala.; 9-23-68 to 9-22-69 (boys' dress and sport shirts).

Wendel Garment Co., Inc., Wendell, N.C.; 9-5-68 to 9-4-69 (men's sport shirts).

Westmoreland Manufacturing Co., Westmoreland, Tenn.; 9-21-68 to 9-20-69 (ladies' blouses).

Wilcox Garment Co., Inc., Rochelle, Ga.; 9-16-68 to 9-15-69 (men's shirts).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; 9-14-68 to 9-13-69 (men's and boys' casual clothes).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Michael Berkowitz, Uniontown, Pa.; 9-23-68 to 9-22-69; 40 learners (men's and ladies' pajamas).

Formflex of Arizona, Inc., Phoenix, Ariz.; 9-5-68 to 9-4-69; 15 learners (ladies' girdles).

Lawton Manufacturing Co., Lawton, Okla.; 9-3-68 to 9-2-69; 120 learners (men's and boys' trousers).

The H. D. Lee Co., Inc., Jasper, Ga.; 10-1-68 to 9-31-69; 85 learners (men's and boys' pants).

Malbon, Inc., Hiram, Ga.; 8-27-68 to 2-26-69; 15 learners (ladies' and children's dresses).

Ridgely Manufacturing Co., Ridgely, Tenn.; 9-14-68 to 9-13-69; 35 learners (outerwear jackets).

Robstown Manufacturing Co., Robstown, Tex.; 9-30-68 to 9-29-69; 200 learners (men's and boys' dress trousers).

Shenandoah Textiles, Inc., Bridgewater, Va.; 9-11-68 to 9-10-69; 10 learners (children's ski jackets and snowsuits; skirts, and blouses).

Woolfolk Manufacturing Corp., No. 2, Brema Bluff, Va.; 9-3-68 to 9-2-69; 50 learners (men's and boys' work and dress pants).

Glove Industry Learners Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

The Glove Corp., Heber Springs, Ark.; 9-27-68 to 9-26-69; 20 learners for plant expansion purposes (work gloves).

The Glove Corp., Heber Springs, Ark.; 9-18-68 to 9-17-69; 10 learners for normal labor turnover purposes (work gloves).

Good Luck Glove Co., Vienna, Ill.; 9-1-68 to 8-31-69; 10 learners for normal labor turnover purposes (work gloves).

Monte Glove Co., Inc., Shelbyville, Ind.; 8-28-68 to 8-27-69; 5 learners for normal labor turnover purposes (work gloves).

St. Johnsbury Glovers, Division of Crescendoe Gloves, Inc., St. Johnsbury, Vt.; 9-21-68 to 9-20-69; 10 learners for normal labor turnover purposes (men's and ladies' gloves).

Wells Lamont Corp., Eupora, Miss.; 8-31-68 to 8-30-69; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Excel Hosiery Mills, Inc., Union, S.C.; 9-17-68 to 9-16-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Fort Payne Hosiery Mills, Inc., Fort Payne, Ala.; 8-24-68 to 8-23-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Morganton Hosiery Mills, Inc., Morganton, N.C.; 10-1-68 to 9-30-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ragan Knitting Co., Inc., Thomasville, N.C.; 9-29-68 to 9-28-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Singer Hosiery Mills, Inc., Thomasville, N.C.; 9-9-68 to 9-8-69; 5 learners for normal labor turnover purposes (seamless).

Warren Hosiery Mills, Wise, N.C.; 9-17-68 to 12-5-68; 15 additional learners for plant expansion purposes (panty hose) (supplemental certificate).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35 as amended).

Beauty Maid Mills, Inc., Statesville, N.C.; 9-9-68 to 9-8-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties, sleepwear, and slippers).

Benham Corp., Scottsboro, Ala.; 10-1-68 to 9-30-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven underwear).

East Tennessee Undergarment Co., Elizabethton, Tenn.; 9-27-68 to 9-26-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's nylon and rayon undergarments).

Junior Form Lingerie Corp., Boswell, Pa.; 9-14-68 to 9-13-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear and pajamas).

Norwich Mills, Inc., Clayton, N.C.; 10-1-68 to 9-30-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit tee shirts and briefs).

Russell Mills, Inc., Alexander City, Ala.; 10-1-68 to 9-30-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit underwear and sleepwear).

Spotlight Co., Inc., Ashdown, Ark.; 9-5-68 to 3-4-69; 25 learners for plant expansion purpose (ladies' lingerie).

Union Underwear Co., Inc., Frankfort, Ky.; 9-23-68 to 9-22-69; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Union Underwear Co., Inc., Frankfort, Ky.; 9-23-68 to 9-22-69; 125 learners for plant expansion purposes (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Caravelle, Inc., Valencia, Rio Piedras, P.R.; 8-14-68 to 2-13-69; 20 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.13 an hour (women's underwear).

Carlita Corp., Hormigueros, P.R.; 4-8-68 to 4-7-69; 13 learners for normal labor turnover purposes in the occupation of stitching machine operating, for a learning period of 480 hours at the rates of 93 cents an hour for the first 240 hours and \$1.04 an hour for the remaining 240 hours (golf and ski gloves).

Carlita Corp., Hormigueros, P.R.; 4-15-68 to 10-14-68; 20 learners for plant expansion purposes in the occupation of stitching machine operating, for a learning period of 480 hours at the rates of \$1.07 an hour for the first 240 hours and \$1.20 an hour for the remaining 240 hours (men's leather dress gloves).

City Club, Inc., Luquillo, P.R.; 8-1-68 to 1-31-69; 19 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1 an hour (men's sport shirts).

City Club, Inc., Rd. No. 3, Luquillo, P.R.; 8-1-68 to 1-31-69; 18 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.13 an hour (women's blouses).

Confecclones Aragon, Inc., Mayaguez, P.R.; 9-1-68 to 8-15-69; 40 learners for plant expansion purposes in the occupations of sewing machine operating, for a learning period of 320 hours at the rate of \$1.13 an hour (dresses, skirts, and women's blouses).

Consolidated Caguas Corp., Caguas, P.R.; 8-14-68 to 8-13-69; 23 learners for normal labor turnover purposes in the occupations of cigar making, packing, each for a learning period of 320 hours at the rates of \$1.26 an hour for the first 160 hours and \$1.36 an hour for the remaining 160 hours (cigars).

Consolidated Cigar Corp., Caguas, P.R.; 8-14-68 to 8-13-69; 64 learners for normal labor turnover purposes in the occupations of cigar making, packing, each for a learning period of 320 hours at the rates of \$1.26 an hour for the first 160 hours and \$1.36 an hour for the remaining 160 hours (cigars).

Consolidated Cigar Corp. of Cayey, No. 21 Cayey, P.R.; 9-18-68 to 9-17-69; 100 learners for normal labor turnover purposes in the occupations of cigar making, packing, each for a learning period of 320 hours at the rates of \$1.26 an hour for the first 160 hours and \$1.36 an hour for the remaining 160 hours (cigars).

Continental Cigar Corp., Gurabo, P.R.; 8-1-68 to 1-31-69; 44 learners for plant expansion purposes in the occupations of cigar machine operating, packing, each for a learning period of 320 hours at the rates of \$1.26 an hour for the first 160 hours and \$1.36 an hour for the remaining 160 hours (cigars).

Isabel Products, Inc., Santa Isabel, P.R.; 9-1-68 to 8-31-69; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.21 an hour (girdles and brassieres).

KSS Industries, Hatillo, P.R.; 9-1-68 to 2-28-69; 30 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.13 an hour (misses' and girls' underwear).

Ginny Lynn Mills, Inc., Quebradillas, P.R.; 8-26-68 to 8-25-69; 6 learners for normal labor turnover purposes in the occupations of: (1) Seaming, examining, and inspecting, each for a learning period of 240 hours at the rate of \$1.01 an hour; (2) folding, for a learning period of 360 hours at the rate of \$1.01 an hour; and (3) mending, pairing, each for a learning period of 720 hours at the rates of \$1.01 an hour for the first 360 hours and \$1.06 an hour for the remaining 360 hours (women's seamless hosiery).

Ginny Lynn Mills, Inc., Quebradillas, P.R.; 8-26-68 to 2-25-69; 32 learners for plant expansion purposes in the occupations of: (1) Seaming, examining, and inspecting, each for a learning period of 240 hours at the rate of \$1.01 an hour; (2) folding, for a learning period of 360 hours at the rate of \$1.01 an hour; and (3) mending, pairing, each for a learning period of 720 hours at the rate of \$1.01 an hour for the first 360 hours and \$1.06 an hour for the remaining 360 hours (women's seamless hosiery).

Perfect Bra Co. of P.R., Inc., Plant No. 2, Aguas Buenas, P.R.; 7-24-68 to 7-23-69; 27 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.21 an hour (brassieres).

Perfect Bra Co. of P.R., Inc., Plant No. 2, Aguas Buenas, P.R.; 7-24-68 to 1-23-69; 35 learners for plant expansion purposes in the occupation of sewing machine operating for a learning period of 320 hours at the rate of \$1.21 an hour (brassieres).

Sabana Grande Manufacturing Corp., Sabana Grande, P.R.; 8-12-68 to 8-11-69; 30 learners for normal labor turnover purposes in the occupations of: (1) Looping, for a learning period of 960 hours at the rate of \$1.01 an hour for the first 480 hours and \$1.06 an hour for the remaining 480 hours; (2) mending, for a learning period of 720 hours at the rates of \$1.01 an hour for the first 360 hours and \$1.06 an hour for the remaining 360 hours; (3) knitting, examining, and inspecting, each for a learning period of 240 hours at the rate of \$1.01 an hour (ladies' seamless hosiery).

St. Lawrence Garment Co., Rio Grande, P.R.; 9-13-68 to 8-12-69; 13 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.13 an hour (ladies' panties).

Tejidos Co., Inc., Albonito, P.R.; 8-26-68 to 8-25-69; 22 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.13 an hour (women's and children's underwear).

Tinto, Inc., Cayey, P.R.; 8-12-68 to 8-11-69; 7 learners for normal labor turnover purposes in the occupation of dyeing machine operating for a learning period of 240 hours at the rate of \$1.17 an hour (sweaters).

Isabela Vieques Corp., Vieques, P.R.; 8-1-68 to 7-31-69; 18 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1 an hour (men's dress shirts).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Adelphian Academy, Holly, Mich.; 9-1-68 to 8-31-69; authorizing the employment of 60 student-workers in the woodworking industry (manufacturing trellises, picnic tables, bird houses, etc.) in the occupations of wood-working machine operator, assembler and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 240 hours at the rates of \$1.40 an hour for the first 120 hours and \$1.45 an hour for the remaining 120 hours.

Andrews University, Berrien Springs, Mich.; 9-1-68 to 8-31-69; authorizing the employment of: (1) 70 student-workers in the book-binding industry in the occupations of book-binder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; (2) 20 student-workers in the printing industry in the occupations of compositor, pressmen, and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours; (3) 105 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.40 for the first 300 hours and \$1.45 an hour for the remaining 300 hours; and (4) 12 student-

workers in the clerical industry in the occupations of bookkeeper, stenographer, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of \$1.40 an hour for the first 240 hours and \$1.45 an hour for the remaining 240 hours.

Campion Academy, Loveland, Colo.; 9-1-68 to 8-31-69; authorizing the employment of 35 student-workers in the broom manufacturing industry in the occupations of broom-maker, stitcher, sorter, mopmaker, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of \$1.40 an hour for the first 180 hours and \$1.45 an hour for the remaining 180 hours.

Enterprise Academy, Enterprise, Kans.; 9-1-68 to 8-31-69; authorizing the employment of 20 student-workers in the printing industry in the occupations of compositor, pressmen, linotype operator, bindery worker and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours.

Forest Lake Academy, Maitland, Fla.; 9-1-68 to 8-31-69; authorizing the employment of 30 student-workers in the bookbinding industry in the occupations of book-binder, bindery worker, sewer, trimmer, backer, cutter, case maker and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours.

Maplewood Academy, Hutchinson, Minn.; 9-1-68 to 8-31-69; authorizing the employment of: (1) 50 student-workers in the book-binding industry in the occupations of book-binder, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; and (2) 2 student-workers in the clerical industry in the occupations of typist, record-keeper and related skilled and semiskilled occupations in the office, for a learning period of 480 hours at the rates of \$1.40 an hour for the first 240 hours and \$1.45 an hour for the remaining 240 hours.

Newbury Park Academy, Newbury Park, Calif.; 9-1-68 to 8-31-69; authorizing the employment of 20 student-workers in the broom manufacturing industry in the occupations of broom maker, sorter, seeder, winder, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of \$1.40 an hour for the first 180 hours and \$1.45 an hour for the remaining 180 hours.

Oak Park Academy, Nevada, Iowa; 9-1-68 to 8-31-69; authorizing the employment of: (1) 16 student-workers in the printing industry in the occupations of compositor, pressmen, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours; and (2) 20 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher and related skilled and semiskilled occupations for a learning period of 360 hours at the rates of \$1.40 an hour for the first 180 hours and \$1.45 an hour for the remaining 180 hours.

Rio Lindo Academy, Healdsburg, Calif.; 9-1-68 to 8-31-69; authorizing the employment of 45 student-workers in the broom manufacturing industry in the occupations of broomcorn sorting and other related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of \$1.40 an hour for the first 180 hours and \$1.45 an hour for the remaining 180 hours.

Sandia View Academy, Sandoval, N. Mex.; 9-1-68 to 8-31-69; authorizing the employ-

ment of 25 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semiskilled occupations including incidental clerical work in shop, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours.

Southern Missionary College, Collegedale, Tenn.; 9-1-68 to 8-31-69; authorizing the employment of: (1) 60 student-workers in the bookbinding industry in the occupations of bookbinder, sewer, casemaker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; (2) 30 student-workers in the broom manufacturing industry in the occupations of winder, sorter, stitcher and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of \$1.40 an hour for the first 180 hours and \$1.45 an hour for the remaining 180 hours; (3) 10 student-workers in the clerical industry in the occupations of typist, filer, stenographer and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of \$1.40 an hour for the first 240 hours and \$1.45 an hour for the remaining 240 hours; and (4) 30 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours.

Southwestern Union College, Keene, Tex.; 9-1-68 to 8-31-69; authorizing the employment of: (1) 5 student-workers in the printing industry in the occupations of compositor, pressman, bindery workers, camera and plate room technician and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours; and (2) 1 student-worker in the clerical industry in the occupations of typist, file clerk, bookkeeper, stenographer, time-keeper and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of \$1.40 an hour for the first 240 hours and \$1.45 an hour for the remaining 240 hours.

Sunnydale Academy, Centralia, Mo.; 9-1-68 to 8-31-69; authorizing the employment of 18 student-workers in the food manufacturing industry in the occupations of food manufacturing in skilled and semiskilled occupations, for a learning period of 300 hours at the rates of \$1.45 an hour for the first 150 hours and \$1.50 an hour for the remaining 150 hours.

Thunderbird Academy, Scottsdale, Ariz.; 9-1-68 to 8-31-69; authorizing the employment of 100 student-workers in the woodworking industry (manufacturing furniture) in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of \$1.45 an hour for the first 300 hours and \$1.50 an hour for the remaining 300 hours.

Union College, Lincoln, Nebr.; 9-1-68 to 8-31-69; authorizing the employment of: (1) 8 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours; (2) 15 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and

\$1.45 an hour for the remaining 300 hours; (3) 30 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; (4) 8 student-workers in the clerical industry in the occupations of bookkeeper, business machine operator, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of \$1.40 an hour for the first 240 hours and \$1.45 an hour for the remaining 240 hours; and (5) 10 student-workers in the broom manufacturing industry in the occupations of broommaker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of \$1.40 an hour for the first 180 hours and \$1.45 an hour for the remaining 180 hours.

Walla Walla College, College Place, Wash.; 9-1-68 to 8-31-69; authorizing the employment of: (1) 6 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations for a learning period of 1,000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours; and (2) 30 student-workers in the bookbinding industry in the occupations of bookbinding, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours.

The student-worker certificates were issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 10th day of January 1969.

ROBERT G. GRONEWALD,  
*Authorized Representative  
of the Administrator.*

[F.R. Doc. 69-950; Filed, Jan. 23, 1969;  
8:49 a.m.]

## DEPARTMENT OF COMMERCE

Business and Defense Services  
Administration

CARNEGIE INSTITUTION OF  
WASHINGTON ET AL.

### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry

of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00282-33-46040. Applicant: Carnegie Institution of Washington, 115 West University Parkway, Baltimore, Md. 21210. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the following projects:

1. To examine gene-sized lengths of native or denatured deoxyribonucleic acid. Strands, 0.01-0.1 microns in length, will be spread on grids by the Kleinschmidt technique and shadowed with metals.

2. To probe the ultrastructure of cellular components in thin sections; to examine the substructure of the nucleolus and chromatin derived from it; and to investigate the development of myofibrils, and nexal "tight-junctions" in differentiating heart cells in culture.

Application received by Commissioner of Customs: November 15, 1968.

Docket No. 69-00302-65-46040. Applicant: University of Maryland, Department of Mechanical Engineering, College Park, Md. 20740. Article: Electron microscope, HU-200E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in studying the configurations of imperfections in metals and alloys so as to arrive at the underlying problems of strength, ductility, brittleness, fracture, creep, fatigue, etc. A significant effort is also being made to study the structures of polymers as well as to problems relating to oxidation. Application received by Commissioner of Customs: November 22, 1968.

Docket No. 69-00308-33-46070. Applicant: Howe Laboratory of Ophthalmology, Harvard Medical School, 243 Charles Street, Boston, Mass. 02114. Article: Scanning electron microscope, Model JSM-2. Manufacturer: Japan Electron

Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in ophthalmic research which includes the following projects:

1. Corneal wound healing, which shows totally different healing mechanisms between the nonvascular and transparent corneal tissue.
2. Glaucoma study, a condition in which intraocular pressure elevates and is the most common cause of blindness.
3. Blood vessel supply, blood vessel disease often cause blindness. Diabetes is the most important among them.

Application received by Commissioner of Customs: November 26, 1968.

Docket No. 69-00311-98-26000. Applicant: School District No. 1, Multnomah County, 546 Northeast 12th Avenue, Portland, Ore. 97208. Article: Dr. Clemenz Standard construction device for the theory of electricity, Model EG ZA/ZT. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used in classes of electricity for teaching the basic theory of electricity. This device teaches the student to construct electrical articles as indicated in the brochure. The advantages of this device are that it teaches electricity by actual practice by the student and gives a basic understanding of the theory underlying the experiments. Application received by Commissioner of Customs: November 29, 1968.

Docket No. 69-00312-88-46095. Applicant: University of Kentucky, Department of Geology, Lexington, Ky. 40506. Article: Microscope, Petrographic, Model Dialux-Pol. Manufacturer: Leitz, West Germany. Intended use of article: The article will be used in a research program dealing with the partition of chemical elements between coexisting minerals. The distribution of elements in selected materials leads to an understanding of the conditions under which the rock or ore formed. Procedurally, polished surfaces are prepared, appropriate grains located and identified with an incident light microscope, and selected grains or portions of grains are analyzed by means of a laser microprobe-emission spectrograph analytical system. Application received by Commissioner of Customs: November 29, 1968.

Docket No. 69-00314-33-46500. Applicant: Sinai Hospital of Baltimore, Inc., Belvedere Avenue at Greenspring, Baltimore, Md. 21215. Article: Ultramicrotome, LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections for electron microscopic observations. Research consists of evaluation of fine structure of tumor cells and cytochemical localization of enzymes. In order to accomplish the experiments it is necessary to have an ultramicrotome with the greatest possible flexibility of operation which can cut long serial sections of equal thickness from 50 angstroms to 2 microns. It should be possible for the operator to easily and rapidly change serial section thickness as needed. Application received by Commissioner of Customs: December 3, 1968.

Docket No. 69-00315-33-46500. Applicant: University of Nebraska, College of Agriculture and Home Economics, Lincoln, Nebr. 68503. Article: Ultramicrotome, LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with microscopic visualization of viral particles in a variety of mammalian tissues having different densities such as intestine and lung. Observations are to be made with both light and electron microscopes, and will of necessity involve the cutting of large areas which are essentially free of sectioning artefacts. The ultrathin sections needed must be prepared in a long series and must be cut in equal thickness throughout. It is imperative that the operator be able to quickly and easily change the cutting thickness with a range of 50 angstroms to 2.0 microns. Application received by Commissioner of Customs: December 3, 1968.

Docket No. 69-00316-00-00530. Applicant: University of Texas, M.D. Anderson Hospital and Tumor Institute, Houston, Tex. 77025. Article: Microwave linear accelerator components. Manufacturer: Compagnie Generale Telegraphie Sans Fil, France. Intended use of article: The articles will be incorporated as components of a high energy medicinal for radiotherapy in accordance with specification prepared and issued by the applicant. Application received by Commissioner of Customs: December 4, 1968.

Docket No. 69-00319-01-07500. Applicant: Oak Ridge Associated Universities, Post Office Box 117, Oak Ridge, Tenn. 37830. Article: Calorimetry Assembly, Model 8721-1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to determine the heats of formation and heats of solution of inorganic compounds to an accuracy of plus or minus 0.01 percent. The proposed system lends itself to such determinations with a degree of relative ease and to a degree of accuracy which cannot be performed with other commercial instrumentation. Application received by Commissioner of Customs: December 6, 1968.

CHARLEY M. DENTON,  
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-892; Filed, Jan. 23, 1969; 8:45 a.m.]

### COLORADO STATE UNIVERSITY ET AL. Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes

for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00320-33-46500. Applicant: Colorado State University, Fort Collins, Colo. 80521. Article: Ultramicrotome, Model LKB 8800A. Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the factors contributing to and influenced by regeneration and aging in vertebrate and invertebrates. A variety of tissues from several species are sectioned ultrathin for observation in the electron microscope. The object of the project is the explanation of those mechanisms promoting and controlling regeneration and aging. A range in section thickness of 50 angstrom units to 2000 angstrom units is required to permit survey studies at the lower magnifications on thicker tissues, and high resolution at the higher magnifications on the ultrathin sections. Application received by Commissioner of Customs: December 6, 1968.

Docket No. 69-00321-33-46500. Applicant: Loyola University (Chicago), Stritch School of Medicine, 1400 South First Avenue, Hines, Ill. 60141. Article: Ultramicrotome, Model LKB 4800 Ultratome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the development of the internal membrane structure in bacteria through an electron microscopic approach. Because of the nature of the studies the ultrathin section needed must be prepared in long series and must be cut in equal thickness throughout. It is imperative that the operator be able to quickly change the cutting thickness anywhere from 50 angstrom units to 2 microns. It is also intended to be used as a teaching instrument in graduate courses in microbial cytology, molecular genetics and electron microscopy. Application received by Commissioner of Customs: December 6, 1968.

Docket No. 69-00322-33-46040. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Electron microscope, Model HU-11E-1. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used for research which includes the following scientific investigations:

1. The events inherent in the immune response, involving penetration and dispersal of antigens, location of natural barriers to antigen dissemination, alteration of barriers by inflammatory processes, analysis of cell population of responding tissue, and hormonal regulation of lymphoid tissue.

2. Electron microscopic study of the uptake of ferritin by the synovial membrane of the rabbit during induced degenerative arthropathy.

3. Electron microscopic investigation of structural expressions of variations of zinc content in the prostrate glands of rats.

Application received by Commissioner of Customs: December 9, 1968.

Docket No. 69-00323-33-46095. Applicant: New York State Department of Mental Hygiene, Institute for Basic Research in Mental Retardation, 1050 Forest Mill Road, Staten Island, N.Y. 10314. Article: Photo microscope II, Model 472180. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used for studies concerning mitotic and meiotic chromosomes. Mitoses are studied with techniques which have been developed during the past few years and are well described in all text books on chromosomes. The study of meiotic chromosomes are carried on with techniques which are not documented. In the mapping of the paditene (the basic operation in the study of meiosis), an extremely sharp focusing resolution is indispensable, and cannot be achieved with domestic instruments. Application received by Commissioner of Customs: December 9, 1968.

Docket No. 69-00325-15-40500. Applicant: Bartol Research Foundation, Whittier Place, Swarthmore, Pa. 19081. Article: Fabry-Perot Etalon plates and reference interferometer. Manufacturer: Scientific Optical Laboratories of Australia, Pty. Ltd., Australia. Intended use of article: The articles will be used as components to an existing servo-controlled interferometer for ultrahigh resolution spectroscopy of stellar light sources. Essentially the research falls among the pioneering entries into the field of spectral resolution in stellar spectra formerly reserved exclusively for solar studies. Application received by Commissioner of Customs: December 9, 1968.

Docket No. 69-00326-01-78030. Applicant: Michigan State University, Department of Chemistry, East Lansing, Mich. 48823. Article: Spectrophotometer, Model 225. Manufacturer: Bodenseewerk Perkin-Elmer & Co. GmbH, West Germany. Intended use of article: The article will be used for high resolution studies of gases and crystals. Among the gaseous molecules to be studied are the hydrogen halides (HX) and methyl halides (CH<sub>3</sub>X) in the regions of the fundamental and overtone vibrations. Simple molecular and ionic crystals will also be studied. In

this case the capabilities for resolving splittings due to intermolecular coupling, and isotopic shifts, will be required. Application received by Commissioner of Customs: December 10, 1968.

Docket No. 69-00327-56-07730. Applicant: University of California, San Diego, Scripps Institution of Oceanography, Post Office Box 109, La Jolla, Calif. 92037. Article: Guinier-Hagg X-Ray Diffraction Instrument, Model XDC-700. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for educational purposes in courses SIO 199, 209, 246, and 264; and in courses AEP 171, 174, and 294. It will also be used extensively in graduate student research in the following areas:

a. Investigation of the lunar material returned to Earth as part of the Apollo program;

b. Research on the structure of manganese concretion minerals on the ocean floor;

c. Research on superconducting compounds. Application received by commissioner of customs: December 11, 1968.

Docket No. 69-00328-98-26000. Applicant: Hawaii Technical School, 1175 Manono Street, Hilo, Hawaii 96720. Article: Dr. Clemenz standard construction device for the theory of electricity, Model EG ZA/ZT B a, B b. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used in classes of electricity for teaching the basic theory of electricity. This device teaches the student to construct electrical articles. The advantage of this device is that it teaches electricity by actual practice by the student and gives a basic understanding of the theory underlying the experiments. Application received by Commissioner of Customs: December 11, 1968.

Docket No. 69-00329-01-10100. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Temperature-jump relaxation spectrometer. Manufacturer: Messanlangen Studiengesellschaft, West Germany. Intended use of article: The article will be used to measure rates of very fast chemical reactions in aqueous solution. This is achieved by making a sudden change of temperature of 6-10° in about one microsecond by discharging a high voltage through the solution and observing the subsequent relaxation of the chemical system to the new equilibrium condition; This technique provides a means for studying some of the most rapid chemical reactions in solution. Application received by Commissioner of Customs: December 12, 1968.

Docket No. 69-00330-33-46040. Applicant: University of Michigan Medical Center, Department of Dermatology, 1405 East Ann Street, Ann Arbor, Mich. 48104. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for research and educational programs. The research program includes work on a repressor molecule called the epidermal chalone. This molecule has been isolated by aqueous extraction of

epidermis and sucrose gradient ultracentrifugation. Currently, an antibody preparation to this molecule, conjugated with horseradish peroxidase, will be used to follow the course and site of the molecule in tissue. The article is intended to be used to locate the repressor in normal, cancerous, and hyperplastic epidermis. The educational program is intended to include a 3-month rotation in the electron microscopy laboratory in a training program for physicians. Application received by Commissioner of Customs: December 12, 1968.

CHARLEY N. DENTON,  
Assistant Administrator for Industry Operations Business and Defense Services Administration.

[F.R. Doc. 69-893; Filed, Jan. 23, 1969; 8:45 a.m.]

### MASSACHUSETTS GENERAL HOSPITAL Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00121-33-46040. Applicant: Massachusetts General Hospital, Surgical Research Laboratory of Ultrastructure, Fruit Street, Boston, Mass. 02114. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics, N.V.D., The Netherlands. Intended use of article: The article will be used for research programs that are concerned with morphology of cell systems at the tissue and macromolecular levels. The proposed research programs and studies are as follows:

a. The ultrastructural morphology of lymphatic capillaries during the normal and the inflammatory states.

b. Studies on the precise nature in which these filaments are bound to the lymphatic endothelial plasma membrane.

c. Histochemical identification of substances associated with the cell surfaces of lymphatic endothelial cells will be studied at the ultrastructural level.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (May 10, 1968). Reasons: The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts. The only domestic electron microscope

available prior to July 1, 1968 was the Model EMU-4 manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages of the foreign article offers optimum contrast for thin unstained biological specimens. The research program with which the foreign article is intended to be used involves experiments on unstained specimens. Therefore, the lower accelerating voltages of the foreign article are pertinent.

For this reason, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,  
Assistant Administrator for In-  
dustry Operations, Business  
and Defense Services Admin-  
istration.

[F.R. Doc. 69-894; Filed, Jan. 23, 1969;  
8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18418, 18419; FCC 69-27]

### MINERAL KING BROADCASTERS AND ARTHUR NERSASIAN

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Clyde B. Love and W. R. Patton, doing business as Mineral King Broadcasters, Tulare, Calif., Requests: 106.7 mc, No. 294; 870 w(H), 870 w(V), 2530 feet, Docket No. 18418, File No. BPH-6516; Arthur Nersasian, Tulare, Calif., Requests: 106.7 mc, No. 294; 852 w; 2526 feet, Docket No. 18419, File No. BPH-6554; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Full comparison of the programming proposals is warranted, when one applicant proposes predominantly specialized programming and the other general market programming—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Arthur Nersasian proposes predominantly religiously oriented programming and Mineral King Broadcasters, general market programming. Therefore,

the programming proposals of the applicants may be compared under the standard comparative issue.

3. Neither applicant would be able to provide a 3.16 mv/m signal to the entire city of Tulare, Calif., as required by § 73.315(a) of the Commission's rules. Both propose essentially the same facilities as previously utilized by the licensee of Station KDFR (FM) and for which waiver of this provision had already been granted. Under these circumstances, we have determined that waiver of this provision for either applicant would be appropriate.

4. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

5. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

6. *It is further ordered*, That the provisions of § 73.315(a) of the Commission's rules are waived to permit a signal level of less than 3.16 mv/m over the entire city of Tulare, Calif.

7. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 9, 1969.

Released: January 17, 1969.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 69-983; Filed, Jan. 23, 1969;  
8:51 a.m.]

<sup>1</sup> Commissioner Johnson concurring in the result.

[Docket No. 18417; File No. BALH-1039;  
FCC 69-25]

### ASSIGNMENT OF LICENSE OF FM STA- TION WFMT, CHICAGO, ILL., FROM GALE BROADCASTING CO., INC., TO WGN CONTINENTAL FM CO.

#### Memorandum Opinion and Order Designating Application for Hear- ing on Stated Issues

1. We have before us for consideration: (a) Opinion of the U.S. Court of Appeals for the District of Columbia Circuit dated July 30, 1968, setting aside the Commission's action of March 27, 1968, which granted the above-entitled assignment and remanding the case for further proceedings;<sup>1</sup> (b) the assignment application itself; (c) motion filed on March 26, 1968, by Mrs. Robin DeGrazia and Peter Senn, joined in by 14 other individual listeners and the Citizens Committee to save WFMT(FM);<sup>2</sup> (d) our action of March 27, 1968, which granted consent to the assignment of license; and (e) "Petition to Reaffirm Grant of Assignment Applications," and responsive pleadings thereto, as well as amendments to DeGrazia-Senn motion of March 26, 1968.

2. Even though the DeGrazia-Senn Motion had not come to our attention prior to the time of our action on March 27, 1968, granting the WFMT application, the matters raised therein affect the public interest and all such questions were considered when we made the grant. However, in light of the Court's order, we have considered anew the pleadings before us in order to determine what course would best serve the public interest.

3. In their pleadings<sup>3</sup> and information submitted to the Commission, the Petitioners raised the following matters: (a) Whether such a grant would cause Chicago to lose the "fine arts" programming that Station WFMT offered; (b) that the assignee does not require Station WFMT as a "fine arts" station since it can operate its existing AM station in Chicago as a "fine arts" station; (c) that a commercial FM station, as the assignee proposes, is not suitable for an FM "fine arts" program format; (d) whether there will be created a concentration of communications properties and facilities in WGN and its affiliates; (e) whether owners of AM radio stations may acquire FM radio properties in the same area or city.

4. We will consider first the matters raised in items (a), (b), and (c) which deal with programming, and then items (d) and (e) which concern the issue of concentration of control.

<sup>1</sup> Mrs. Burton Joseph, et al. v. F.C.C., F. 2d (1968), rehearing denied, Sept. 25, 1968.

<sup>2</sup> It is not clear whether the Citizens Committee is composed of the 14 individual listeners also mentioned.

<sup>3</sup> Contentions (b) and (c) which are listed below were raised for the first time in a pleading filed on Oct. 22, 1968, and are therefore subject to being stricken. We will nevertheless consider them fully.

## PROGRAMING MATTERS

5. We see no merit to the contention that a grant to WGN would cause Chicago to lose the fine arts programing that WFMT has offered. In its application for renewal of license filed September 5, 1967, the assignor stated that Station WFMT " \* \* \* is the only fine arts station in this area." [Chicago]. In its "Description of Illustrative Programing," it showed that it carried classical and folk music, poetry readings, short character pieces, complete concerts from music festivals and from radio services around the world, etc. The Commission granted its application for renewal of license on November 24, 1967, to a period ending December 1, 1970.

6. On November 6, 1967, the application to assign the license and equipment of Station WFMT to WGN Continental FM Co. was filed. In its reasons for sale, the assignor stated as follows:

"Gale Broadcasting Co., Inc., the licensee of FM Broadcast Station WFMT, is a corporation wholly owned by Mr. Bernard Jacobs, who has been the General Manager of Station WFMT for more than 10 years. Mr. Jacobs has become seriously disabled by a chronic and debilitating disease, multiple sclerosis, and is, therefore, physically unable to continue to devote the time and attention required for the management of the station.

Assignor believes that the continued operation of the station in the public interest requires an assignment to an organization with sufficient experience and resources to continue the highest quality of programing; and for this reason, assignor has agreed to transfer the station to WGN Continental FM Co., a subsidiary of WGN Continental Broadcasting Co., subject to the approval of the Federal Communications Commission."

We now turn to the assignee's portion of the assignment application.

7. WGN Programing Commitments: In its portion of the assignment application, WGN represented in part as follows:

" \* \* \* Station WFMT has earned a reputation for programing of the highest quality and for service to its audience which is unmatched in the field of FM broadcasting \* \* \* Applicant plans to make no changes in the fine arts programing format of Station WFMT, and plans to operate the station with substantially the same staff as is presently employed. In addition to continuing the existing program service, applicant is also in a position to add services and facilities to those now available to the station. For example, the news sources of Station WFMT will be expanded by the addition of news services from the WGN Washington News Bureau and the WGN News Bureau which is maintained in the State Capitol at Springfield. \* \* \* Also, Station WFMT will have available to it the benefit of the experience of WGN Continental Broadcasting Co. in public affairs programing \* \* \*"

8. These representations clearly articulate that the assignee intends to con-

tinue operating WFMT as a fine arts station in Chicago. Therefore, it is difficult to understand petitioners' argument in this regard. We find it totally without merit.

9. Petitioners' argument that the assignee can operate its existing AM station as a "fine arts" station and, therefore, does not require Station WFMT for this purpose misses the point. The question before the Commission is whether a grant of the assignment application is in the public interest. Moreover, WGN-AM is now a Class I-A (clear channel) 50 kw omnidirectional station operating on 720 kc. With its 0.5 mv/m groundwave contour (primary service) it covers at least 65 percent of Illinois, 60 percent of Indiana, 30 percent of Wisconsin, and 20 percent of Michigan. WGN also provides more extensive secondary service at night since there is presently no other station operating on this frequency nighttime in North America. It is clearly reasonable for a licensee to reach the judgment that a facility of this kind should not be employed as a "fine arts" station catering to the entertainment desires of a limited local audience.

10. Petitioners also argue that a commercial FM station such as that which assignee proposes is not suitable for an FM "fine arts" program format. The argument is not supported by any facts. Station WFMT-FM is allocated to Chicago as a commercial FM station. It like many other commercial stations in the United States, offers a group of programs under what WFMT calls a "fine arts" format. In these circumstances, as in the instances of commercial AM and FM stations generally, the Commission has found 18 minutes of commercial time per hour is the industry norm. The licenses of stations proposing reasonable amounts of commercial time are regularly renewed. In any event, the assignee's commercial proposal is not substantially different than the assignor's. According to the information contained in the assignor's renewal application filed September 5, 1967, and incorporated by reference in the subject assignment application, the assignee's commercial practices were as follows:

"The station allows a maximum of 4 minutes of advertising in any hour and an average of only 3 minutes per hour over any broadcast day \* \* \*"

The assignee's commercial practices proposal is as follows:

Applicant proposes that station WFMT will continue to maintain a policy of restricting commercial matter broadcast to a maximum of 4 minutes per 60-minute segment (6.7).

In keeping with its responsibility to operate the Station in the public interest, Applicant will periodically review the operation of the Station. If, as a result of these reviews, Applicant should develop new programs or increase weekly broadcast time or add new features consistent with the programing policies set forth in this application, Applicant may also institute a policy of broadcasting increased amounts of commercial matter in connection with such programing. In any event, during the forthcoming license period, Applicant foresees no likelihood of instituting programing in which more than 6 minutes of commercial matter will be broadcast in any 60-minute segment.

In view of the above, we find that the petitioners' argument herein is not valid. It is apparent that the heart of the Petition was a fear that the assignee would change the WFMT programing from a "fine arts" format to some other, but we have representation after representation from the assignee to the contrary. These statements have not been controverted, and we see no reason to disbelieve them. On the basis of our review of all the foregoing, we conclude that there are no substantial questions of fact which warrant exploring the assignee's proposed programing in an evidentiary hearing.

## THE CONCENTRATION OF CONTROL ISSUE

11. Petitioners also argue that the above-captioned application raises an issue of concentration of communications properties and facilities in WGN and its facilities. Additionally, they raise the question whether owners of AM radio stations may acquire an FM radio station such as WFMT and whether a single firm may own two full-time radio stations in the same area or city.

12. There is no question but that the public interest is furthered by a policy which provides the "widest possible dissemination of information from diverse and antagonistic sources" and guards against undue concentration of control over communications media.<sup>4</sup> The issue is, as the Court observed in this case, a "sensitive" one. And in an action contemporaneous with the grant of this application, we evidenced our concern as to whether such assignments are generally in the public interest by adopting a notice of proposed rule making which would prohibit such an acquisition in the future as on its face being contrary to the public interest.<sup>5</sup> The Court observed when it remanded the case that this fact was "not conclusive, since an agency may change its standards prospectively,"<sup>6</sup> but it stated also that this "power is not in derogation of the duty to change them retrospectively when that better furthers the overall public interest." (Slip Op. p. 9). Petitioners contend that a grant here would not further the public interest and have sought a hearing to establish their claim. Having reviewed the application for assignment in light of the Court's opinion and the pleadings which have been filed by the parties, we are of the view that petitioners should be afforded that opportunity. Accordingly, we propose to

<sup>4</sup> Associated Press v. United States, 326 U.S. 1, 20 (1945); Scripps-Howard Radio, Inc. v. F.C.C., 89 U.S. App. D.C. 13, 19, 189 F. 2d 677, 683, cert. denied, 342 U.S. 830 (1951).

<sup>5</sup> The proposed rule would preclude grant of a license for a standard broadcast station to a party who already owns or controls an FM or television station in the market; for an FM broadcast station to a party who already owns or controls an unlimited time standard broadcast or television station in the market; and for a television broadcast station to a party who already owns or controls an unlimited time-standard broadcast or an FM broadcast station in the market. FCC Docket No. 18110, 33 F.R. 5315 (1968).

<sup>6</sup> The notice provided that applications then on file would be processed in accordance with existing standards.

designate the concentration of control question for exploration in an evidentiary hearing. Petitioners will have the burden of proceeding with the introduction of evidence, with the ultimate burden of proof resting with the applicant.

#### INTERIM OPERATION

13. Finally, there remains the question of operating authority pending the outcome of the proceedings ordered herein.<sup>7</sup> The station's license was assigned on April 29, 1968, pursuant to our authorization. No request for a stay of the assignment was presented to us or to the Court, and WGN has been operating the facility since April in conformance with the representations made to us in its application. No question of the character of the assignee is involved, WGN being a long-time licensee whose qualifications are well-known to the Commission. On the other hand, Mr. Bernard Jacobs, who has been General Manager of Station WFMT for more than 10 years and who wholly owned the former licensee corporation, Gale Broadcasting Co., Inc., has become seriously disabled by a chronic and debilitating disease and states that he cannot resume active control of the station. For this reason, restoration of the status quo ante is not a feasible alternative. Under all of these circumstances, we have decided that the public interest will be served by maintaining the existing situation while this proceeding is being conducted on an expedited basis (see concluding paragraph). Cf. 47 U.S.C. 154(i), 309(f).<sup>8</sup> We feel that whatever the final outcome, and we stress that this is an open question, maintaining the status quo while exploring the concentration of control issue will in the short run (i.e., while the case is pending before us) cause no detriment to the public interest since the Chicago area is served by an abundance of mass media.<sup>9</sup> The alternative, restoring the station to an entity whose owner and long-time operating head is no longer physically able to conduct its affairs, seems plainly undesirable.

In the circumstances we find in accordance with section 409(a) of the Communications Act that due and timely execution of our functions requires that the record be certified to the Commission for decision. In view of our action maintaining the status quo with respect to the station's operation, we believe it is imperative, for the reasons discussed in the preceding paragraph,

<sup>7</sup> All parties appear to agree that maintenance of the station's program service is desirable.

<sup>8</sup> We have ordered that the case be expedited so that it may be conducted within the time period specified in section 309(f) of the Act.

<sup>9</sup> In Chicago itself, there are six operating commercial-TV stations; 16 commercial AM stations and 13 commercial FM—stations other than WFMT, and in the metropolitan statistical area, there are 86 AM, FM, and TV operating stations. See Radio Television News Directors Association, et al. v. United States of America and F.C.C., 14 R.R. 2d 2043.

that the case be decided promptly. In addition, the issue to be decided appears to turn basically on policy considerations rather than on controverted issues of fact and, as evidenced by the notice of rule making, our multiple ownership rules and policies are undergoing re-examination. For these reasons also it is appropriate that we dispense with an examiner's initial decision and consider the case directly once the record is closed.

In view of all of the foregoing, *It is ordered*, That the above-captioned application be designated for hearing on the following issue:

To determine whether a grant of the application of WGN Continental FM Co. for assignment of the license of WFMT (FM), Chicago, Ill., will result in undue concentration of control in contravention of § 73.240 of the Commission's rules and of the Commission's diversification policy underlying said rules.

*It is further ordered*, That WGN Continental FM Co. continue its operation of Station WFMT(FM), Chicago, Ill., until the conclusion of this proceeding.

*It is further ordered*, That the burden of proceeding with the introduction of evidence shall be on petitioners, and that the burden of proof shall be on the applicant.

*It is further ordered*, That such hearing shall be expedited by the hearing examiner, and that upon completion of the hearing, the matter be certified to the Commission for a final decision.

*It is further ordered*, That the hearing shall be held in Chicago, Ill., at a time and place to be specified in a subsequent order.

*It is further ordered*, That the Applicant shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 9, 1969.

Released: January 17, 1969.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>10</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 69-984; Filed, Jan. 23, 1969;  
8:51 a.m.]

[Docket No. 18420; File No. BMPCT-6836;  
FCC 69-30]

### CHANNEL 16 OF RHODE ISLAND, INC. (WNET)

#### Order Designating Application for Oral Argument

1. The Commission has before it for consideration (a) the above-captioned application (BMPCT-6836) of Channel 16 of Rhode Island, Inc. (Channel 16),

<sup>10</sup> Commissioners Robert E. Lee and Wadsworth dissenting. Commissioner Johnson concurring in the result.

permittee of Television Broadcast Station WNET, Channel 16, Providence, R.I., for an extension of time within which to complete construction; (b) a "Petition to Dismiss with Prejudice and/or Deny", the above-captioned application, filed July 10, 1968, by Vision Cable Company of Rhode Island, Inc. (Vision Cable); (c) a "Motion to Strike Petition to Dismiss with Prejudice and/or Deny", filed July 30, 1968, by Channel 16.

2. Under sections 309(d) (1), 309(b), and 309(c) (2) (D) of the Communications Act of 1934, as amended, a petition to deny does not lie against an application for an extension of time within which to complete construction. Consequently, the petition to deny filed by Vision Cable must be dismissed. However, we will consider the pleading as an informal objection, pursuant to § 1.587 of the Commission's rules.<sup>1</sup>

3. On June 17, 1965, following the oral arguments regarding the "Idle UHF" stations, the Commission in its memorandum opinion and order, Joe L. Smith, Jr., et al., FCC 65-528, 5 RR. 2d 582, granted, *inter alia*, Television Broadcast Station WNET a 6-month extension of time within which to complete construction following Commission action on its application for modification of construction permit to make changes in the station's facilities, provided that such an application was filed within 2 months following the release of the order. At the oral argument, Channel 16 made an express representation to the Commission that the station would be operative within 6 months of a grant of its modification application. On August 27, 1965, an application (BMPCT-6154) was filed for changes in the station's facilities and this application was amended on November 7, 1967, and on January 12, 1968, to request certain changes in the proposed facilities. During the pendency of this application, an application (BTC-4921) was filed on October 8, 1965, for voluntary acquisition of positive control of the permittee corporation by Harold C. Arcaro through the purchase of stock from John M. Dunne and this application was granted on October 20, 1965. Subsequently, the modification application was granted on January 25, 1968, and the construction permit, under the terms of the Commission's order of June 17, 1965, was extended until July 25, 1968.

4. On June 12, 1968, the above-captioned application (BMPCT-6836) was filed for an extension of time within which to complete construction of Station WNET. In support of its request, Channel 16 alleges that uncertainty as to what action the Commission will take in connection with the pending proposal of Vision Cable to carry certain Massachusetts television signals on proposed CATV systems in Providence and other Rhode Island cities has caused Channel 16 to delay its plans for the comple-

<sup>1</sup> In its pleading, Vision Cable asserts that WNET has not demonstrated due diligence in the construction of the station and WNET has not complied with its prior unconditional commitment to build the station.

tion of construction of Station WNET. It is argued that since Station WNET once suffered heavy financial losses by reason of increased local VHF competition in the Providence market, it would be unfair and contrary to the public interest to require the present expenditure of a large amount of money to place Station WNET on the air at a time when the Commission has left open the possibility that after such facilities have been constructed, it would permit Vision Cable and/or other CATV systems in Station WNET's service area to carry the programs of distant stations.<sup>2</sup> In further support of its extension request, the permittee alleges that Mr. Arcaro, the controlling stockholder, has personally purchased an additional twenty acres adjoining the station's present site in order to construct a 1,000-foot tower; that he has had conferences with prospective managers for the station for the purpose of hiring personnel to operate the station and that he has communicated with several companies for the purpose of obtaining their financial participation in order to minimize the risk involved and that such efforts have not been successful. In this connection, Channel 16 asserts that if the construction permit is extended for about 1 year, Mr. Arcaro will attempt to reorganize the corporation in an effort to go public. Moreover, the permittee alleges that RCA has advised Mr. Arcaro that it could not have the station's equipment completely installed and ready to operate by June 25, 1968, and that RCA would not proceed with the delivery of equipment until Mr. Arcaro personally endorsed the equipment contract.

5. On July 31, 1968, the Commission advised Channel 16 that the foregoing sequence of events raised a question concerning the permittee's failure to exercise due diligence in the construction of the station. Specifically, the permittee was advised that it appeared that delay in construction had been due not to any difficulty in the procurement of equipment or to an inability to complete construction because of reasons beyond the permittee's control, but rather to the permittee's voluntary decision to postpone construction because of economic and other considerations. Channel 16 was also advised that its contention that it should be permitted to delay construction of the station until the Com-

<sup>2</sup>In a memorandum opinion and order Vision Cable Company of Rhode Island, Inc., Docket No. 18317, 14 FCC 2d 654, released Sept. 17, 1968, the Commission designated for hearing the proposals of Vision Cable to operate its CATV systems in and around Providence, R.I. One of the issues specified in the order was to determine the effects of current and proposed CATV service in the Providence area upon existing, proposed and potential television broadcast stations in the market. Channel 16 was made a party to the proceeding. However, under the procedure adopted by the Commission in its notice of proposed rule making and notice of inquiry in Docket No. 18397, FCC 68-1176, released Dec. 13, 1968, all top 100 market hearing proceedings, including footnote 69 proceedings such as the Providence proceeding are to be halted.

mission resolved the request of Vision Cable to operate a CATV system in Providence was contrary to the permittee's prior express representation that construction of the station would be completed within 6 months after a grant of the application for changes in the station's facilities. The Commission's letter concluded that a grant of the application would not be warranted and that in the event that Channel 16 notified the Commission that it wished to proceed with the prosecution of its application, it would, at the most, be entitled to an oral argument to determine whether the failure to complete construction was due to causes not under its control, or whether the permittee could make the requisite showing of other matters sufficient to justify the extension, within the meaning of section 319 (b) of the Communications Act of 1934, as amended, and section 1.534(a) of the Commission's rules. The permittee was also advised that it could request a full evidentiary hearing, a grant of which would depend upon a showing of other factors requiring a factual resolution.

6. In its response to the Commission's letter, Channel 16 states that it desires to proceed with the prosecution of its application and that it recently purchased equipment from RCA having a total purchase price of \$762,800 and that Mr. Arcaro personally guaranteed payment and made a down payment of \$15,256 or 2 percent of the total purchase price. Furthermore, Channel 16 asserts that it is entitled to a full evidentiary hearing with respect to its extension application since the question of whether Vision Cable's proposed CATV systems might have a deleterious impact on the development of UHF service by Channel 16 or other UHF stations is a matter requiring factual resolution.

7. We have carefully considered the response submitted by Channel 16, and are of the view that the permittee has neither supported its request for a grant of its extension application nor its request for a fully evidentiary hearing on the question of an extension of its construction permit. Channel 16 has failed to demonstrate that it has been diligent in proceeding with the construction of Station WNET or that it has been prevented from completing construction by causes not under its control. Moreover, it appears that the delay in construction has been due to the permittee's voluntary decision to postpone construction because of economic considerations. A permittee who voluntarily postpones construction because of economic factors is exercising his independent business judgment and such postponement is clearly due to causes under the permittee's control. Channel 16 states that it is entitled to a full evidentiary hearing in order to determine whether Vision Cable's proposed CATV systems might stifle the development of UHF service by Channel 16. We do not agree. It is apparent that Channel 16 views the pendency of the CATV proposals as a new factor or a factor beyond its control which would justify a delay in construction of Station WNET until there has been a resolution of Vision Cable's proposal. However,

Channel 16 was aware of the pendency of the proposals when, at the time of the grant of its modification application (BMPCT-6154) in January 1968, it reaffirmed its prior unconditional commitment to complete construction within 6 months or by July 1968. Under these circumstances, we believe that Channel 16 is only entitled to an oral argument on the question of whether the failure to complete construction was due to causes not under the permittee's control or that the reasons stated are sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

*It is ordered.* That the above-captioned application of Channel 16 of Rhode Island, Inc., is designated for oral argument before the Commission en banc in Washington, D.C., at 10 a.m. on February 24, 1969, on the following issue.

To determine whether the reasons advanced by Channel 16 of Rhode Island, Inc., in support of its request for an extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

*It is further ordered.* That, to avail itself of the opportunity to be heard, the applicant, in person, or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission an original and nineteen (19) copies of a written appearance stating an intention to appear on the date set for the oral argument and present arguments on the issue specified, and shall have until ten (10) days prior to oral argument to file a brief or memoranda of law.

*It is further ordered.* That, the petition to dismiss with prejudice and/or deny, filed by Vision Cable Company of Rhode Island, Inc., is dismissed, and when considered as an informal objection is denied.

Adopted: January 9, 1969.

Released: January 17, 1969.

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

[F.R. Doc. 69-985; Filed, Jan. 23, 1969;  
8:51 a.m.]

## DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

HAIR OF CERTAIN ANIMALS, COTTON  
AND SILK WASTE AND CARPET  
WOOL IMPORTATION FROM  
COUNTRIES NOT IN THE AUTHOR-  
IZED TRADE TERRITORY

Applications for Licenses

Licenses under the Foreign Assets  
Control Regulations (31 CFR 500.101-

500.808) for the importation of the following commodities produced in the U.S.S.R. or Outer Mongolia will be issued during 1969 in the same aggregate quantities as in previous years. These quantities, based on importations during the period 1946 through 1951, are as follows:

	Pounds
Badger hair.....	200
Carpet wool.....	1,800,000
Cotton waste.....	4,550,000
Goat hair.....	610,000
Horse-mane hair.....	660,000
Horse tail hair.....	70,000
Silk waste.....	435,000
Yak hair.....	525,000

Licenses will be issued to any person, and will not be limited to persons with a previous history of importation. The following conditions will apply:

(1) Applications must be filed before September 1, 1969, and must be accompanied by a copy of a firm contract with the seller, subject only to the obtaining of the necessary license.

(2) No one applicant will be licensed to import more than 25 percent of the total quota for any one commodity. However, more than one contract can be entered into by any applicant, up to the 25-percent limit.

(3) Licenses will be nontransferable and imports may be made only in the name of and for the account of the licensee.

(4) The contract must provide for shipment from the U.S.S.R. If the contract is with a seller in a third country any license issued will require that the goods be shipped directly from the U.S.S.R. to the United States or, if not, that they remain in continuous carriers' custody during the entire period of transshipment.

Licenses will be valid until the date of shipment specified in the contract and will be extended to permit Customs entry and transactions under a letter of credit for goods shipped pursuant to the contract.

Applications for licenses must be filed in duplicate on Form TFAC-1 with the Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045. Applications will be considered in the order in which they are received. Persons applying for a license to import more than one commodity should file a separate application for each such commodity.

Since for one reason or another some licenses may expire unused or the full quota of a commodity may not be applied for by qualified applicants (i.e., by persons who have not reached the 25-percent limit) announcement will be made in the FEDERAL REGISTER on September 15, 1969, of any balances still available for licensing. At that time any person may apply for any portion of an available balance irrespective of the fact that he may have already received li-

censes to import as much as 25 percent of the quota. Applications for licenses filed after September 15, 1969, are subject to all conditions set forth above other than the 25 percent limit.

Additional information and license application forms may be obtained from the Federal Reserve Bank of New York or from the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220.

[SEAL] MARGARET W. SCHWARTZ,  
*Director,*  
*Office of Foreign Assets Control.*

[F.R. Doc. 69-1034; Filed, Jan. 23, 1969;  
8:53 a.m.]

### Internal Revenue Service

[Order No. 67 (Rev. 6)]

#### AUTHORIZED PERSONS

#### Delegation Order Regarding Signing the Commissioner's Name or on His Behalf

Pursuant to authority vested in me by Treasury Department Order No. 150-68; all outstanding authorizations to sign the name of, or on behalf of, Sheldon S. Cohen, Commissioner of Internal Revenue, are hereby amended to authorize the signing of the name of, or on behalf of, William H. Smith, Acting Commissioner of Internal Revenue, effective 12:01 a.m., January 21, 1969.

This order supersedes Delegation Order No. 67 (Rev. 5), issued January 26, 1965.

[SEAL] WILLIAM H. SMITH,  
*Acting Commissioner.*

[F.R. Doc. 69-993; Filed, Jan. 23, 1969;  
8:52 a.m.]

[Order No. 102, Amdt. 1]

#### CHIEF, NATIONAL OFFICE BRANCH, PERSONNEL DIVISION ET AL.

#### Delegation of Authority in Employee-Management Relation Matters

Paragraph B of Order No. 102 is revised to read as follows:

B. Except for employees of the IRS Data Center, the Chief, National Office Branch, Personnel Division, is authorized:

Paragraphs E, E(1), and E(3) of Order No. 102 are revised to read as follows:

E. District Directors, Service Center Directors, and the Director, IRS Data Center, are authorized:

(1) To identify and establish units upon request for exclusive recognition of district, service center, or data-center employees within the guidelines contained in the IR-Manual;

(3) To consult, as appropriate, with recognized employee organizations and to approve agreements where exclusive

recognition has been granted for district, service center, or data center employees;

[SEAL] SHELDON S. COHEN,  
*Commissioner.*

[F.R. Doc. 69-992; Filed, Jan. 23, 1969;  
8:52 a.m.]

### Office of the Secretary

[Treasury Department Order 150-68]

#### DEPUTY COMMISSIONER TO SERVE AS ACTING COMMISSIONER

#### Designation

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, Deputy Commissioner of Internal Revenue William E. Smith is designated, effective 12:01 a.m., January 21, 1969, to serve as Acting Commissioner of Internal Revenue, with authority to perform all functions, without limitation, now authorized to be performed by the Commissioner of Internal Revenue. Mr. Smith will continue to serve in this capacity until a new Commissioner of Internal Revenue has been appointed and assumes the duties of the office.

Dated: January 17, 1969.

[SEAL] JOSEPH W. BARR,  
*Secretary of the Treasury.*

[F.R. Doc. 69-995; Filed, Jan. 23, 1969;  
8:52 a.m.]

#### DEPARTMENTAL HEADS OF BUREAUS AND OFFICES

#### Delegation of Authority To Waive Claims for Erroneous Payments to Employees

By virtue of the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and by virtue of the authority vested in me as Assistant Secretary for Administration by Treasury Department Order No. 190, Revision 5, there is hereby delegated to heads of bureaus and offices in the Department the authority of the Secretary of the Treasury, under Public Law 90-616, October 21, 1968, 80 Stat. 495, and the regulations of the Comptroller General in 4 CFR Part 201, 33 F.R. 20001, December 31, 1968, as corrected, 34 F.R. 303, January 9, 1969, to waive in whole or in part erroneous payments of pay to Treasury employees aggregating not more than \$500, in conformity with the limitations and standards set forth in the aforesaid act and regulations.

This authority may be delegated by the head of the bureau or office only to a deputy or assistant head of that bureau or office.

Dated: January 15, 1969.

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

[F.R. Doc. 69-994; Filed, Jan. 23, 1969;  
8:52 a.m.]

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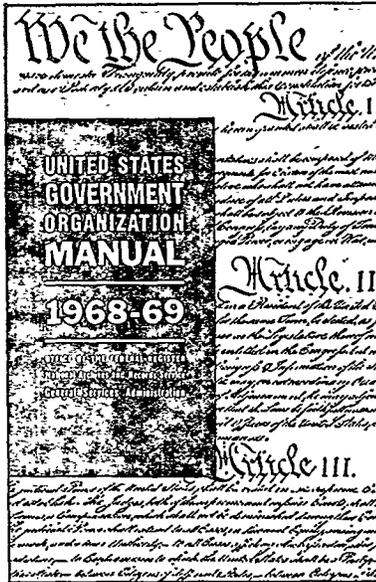
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U.S.  
GOVERNMENT  
ORGANIZATION  
KNOW YOUR GOVERNMENT  
manual  
1968  
1969



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