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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED CIGAR-BINDER (TYPES 51 AND 52), CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1968–69 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to make certain amendments to the regulations (33 F.R. 15521, as amended) in this subpart for establishing farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties and the records and reports incident thereto for burley, fire-cured, dark air-cured, Virginia sun-cured, cigar binder (types 51 and 52), cigar filler and binder (types 42, 43, 44, 53, 54, and 55), and Maryland tobacco.

(a) The first amendment applies to transfers of allotments for fire-cured, dark air-cured and Virginia sun-cured tobacco. It provides for accepting late-filed applications where the farmer misunderstood the filing requirements as explained to him by the county office.

(b) The second amendment contains the 1968–69 average market prices and the rates of penalty for the 1969–70 marketing year for various kinds of tobacco. Section 314 of the Act provides that the penalty rate shall be 75 per centum of the average market price (calculated to the nearest whole cent) for such kind of tobacco for the immediately preceding marketing year.

(c) The third amendment is clarifying in nature. It provides that floor sweeping tobacco above that authorized (0.24 percent for producers' sales of burley and Maryland tobacco and 0.02 percent of producers' sales for fire-cured, dark air-cured and Virginia sun-cured tobacco) shall be included as leaf account tobacco.

(d) The fourth amendment clarifies the amount of the allotment reduction to be made where a producer on a farm intentionally causes an incorrect acreage determination. The allotment reduction applicable will be the difference between the allotment and the finally determined acreage of tobacco.

Warehousemen need to know the provisions of the third amendment as soon as possible in order to clarify the provisions applicable to floor sweeping tobacco with their bookkeepers before marketings of the current crops of tobacco begin. Farmers and State and county committeemen need to know immediately the rates of penalty applicable to marketings of excess tobacco of the 1969 crop which are set forth in the second amendment. Moreover, the determination of rates of penalty is purely a mathematical calculation. Farmers need to know the amount their next established allotments will be reduced under the fourth amendment if they intentionally cause incorrect measurements of their current year's tobacco acreages. Accordingly, it is hereby found that compliance with the public notice, procedure, and effective date provisions of 5 U.S.C. 553 is impracticable, unnecessary, and contrary to the public interest, and the amendments herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

1. Section 724.70(b) is amended to read as follows:

§ 724.70 Transfer of fire-cured, dark air-cured, and Virginia sun-cured tobacco allotments by lease, sale, or by owner to another of his farms, under section 318 of the act.

* * * * *

(b) *Date for filing application.* Applications shall be filed for transfers to take effect in the current year during the period October 1 of the preceding year and not later than May 1 of the current year. The State committee, with the approval of the Deputy Administrator, may authorize the acceptance of a late-filed application in cases where the State committee determines that the late filing resulted from misunderstanding of the filing requirements after oral discussion between the applicant and a representative of the county committee.

2. Section 724.89 is amended by adding paragraph (d) to read as follows:

§ 724.89 Rate of penalty.

* * * * *

(d)(1) *1968–69 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture, for the 1968–69 marketing year was:

AVERAGE MARKETING PRICE

Kinds of tobacco	Cents per pound
Burley	73.7
Fire-cured (type 21)	46.9
Fire-cured (types 22, 23, 24)	51.1
Dark air-cured	47.4
Virginia sun-cured	53.2
Cigar-filler & binder (types 42, 43, 44, 53, 54, and 55)	36.0
Cigar-binder (types 51 and 52)	59.5

(2) *1969–70 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1969–70 marketing year shall be:

RATE OF PENALTY

Kinds of tobacco	Cents per pound
Burley	55
Fire-cured (type 21)	35
Fire-cured (types 22, 23, 24)	38
Dark air-cured	36
Virginia sun-cured	40
Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)	27
Cigar-binder (types 51 and 52)	45

3. Section 724.91(c) is amended to read as follows:

§ 724.91 Penalties considered to be due from warehousemen, hogshead warehousemen, dealers, buyers and other excluding the producer.

* * * * *

(c) *Leaf account tobacco.* The part or all of any marketing of leaf account tobacco by a warehouseman which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales is in excess of prior leaf account purchases, recognizing and including appropriate adjustments for returned baskets, short baskets and short weights and long baskets and long weights from the Buyers Corrections Account, shall be considered to be a marketing of excess tobacco, unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor sweepings for the season of: (1) 0.24 percent of producers' sales of burley and Maryland tobacco, and (2) 0.02 percent of producers' sales for fire-cured, dark air-cured and Virginia sun-cured tobacco. The penalty thereon shall be paid by the warehouseman.

4. Section 724.95(i) is amended by adding new material at the end thereof to read as follows:

§ 724.95 Producer's records and reports.

* * * * *

(i) *Amount of allotment reduction.* * * * Where it is determined by the county committee, under paragraph (a) of this section, that a producer on a farm intentionally caused an incorrect tobacco acreage determination, the amount of reduction in the allotment for the current year shall be that acreage determined by subtracting the allotment for the year of violation from the finally determined acreage for such year and using the production thereon as the amount of tobacco involved in the violation.

(Secs. 313, 314, 318, 375, 52 Stat. 47, as amended, 48, as amended, 80 Stat. 120, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1313, 1314, 1314d, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 15, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-10021; Filed, Aug. 21, 1969; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 4]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sec. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j) to provide the following changes to the Republication of the Processor Wheat Marketing Certificate Regulations, as amended (33 F.R. 14676, 34 F.R. 5817, 6907, 11412).

1. It replaces references to the Commodity Operations Division with the Grain Division in accordance with an organizational change within ASCS.

2. It makes technical changes in the language relating to certificates purchased by processors. The changes do not, however, alter the dollar and cent cost of the certificates.

3. The conversion factor for malted wheat flour is reinstated as it was inadvertently deleted in the publication of Amendment 3 (34 F.R. 11412) of these regulations.

Since these provisions must be acted on immediately and are needed immediately in the administration of the regulations, and since they do not make changes which result in any added requirements or restrictions, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is unnecessary and contrary to the public interest and that this amendment shall be effective as provided below.

The Republication of the Processor Wheat Marketing Certificate Regulations (34 F.R. 14676) is amended as follows:

1. Section 777.2 is amended by changing the last sentence to read as follows:

§ 777.2 Administration.

* * * Information pertaining to the regulations in this part may be obtained from the Director, Grain Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

2. Section 777.3(l) is amended to read as follows:

§ 777.3 Definitions.

* * * * *

(l) "Director" means the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, or his designee. Any delegations of authority made by the Director, Procurement and Sales Division and Director, Commodity Operations Division, ASCS, under these regulations prior to the effective date of this amendment shall continue in effect until superseded. Any delegations of authority made under these regulations to the Director, Procurement and Sales Division, and the Director, Commodity Operations Division, ASCS, shall continue in effect as delegations to the Director, Grain Division until superseded.

* * * * *

3. Section 777.5(a) is amended by adding the following sentence:

§ 777.5 Applicability of certificate requirements.

(a) *General.* * * * In addition to the foregoing, the cost of domestic certificates shall include interest to the extent provided in other provisions of the regulations in this part.

* * * * *

4. Section 777.10 is amended by changing the first sentence of paragraph (b) and amending paragraphs (e) and (f) to read as follows:

§ 777.10 Wheat marketing certificate (domestic).

* * * * *

(b) *Sale by CCC.* CCC will sell certificates to food processors and others who offer to purchase certificates from CCC and who pay to CCC their cost as may be required by the regulations of this part. * * *

* * * * *

(e) *Balance certificates.* If Form CCC-145 certificates delivered to the commodity office having a cost to processors more than the certificates required to be surrendered, CCC will issue Form CCC-145 certificates to the food processor for the unused balance.

(f) *Purchase by CCC.* Any valid Form CCC-145 certificates legally held by any person will be purchased by CCC if presented for purchase to the Commodity Office.

5. Section 777.11 is amended as follows: Paragraph (b)(2) is amended, subdivisions (i) and (ii) of paragraph (c)(2) are amended, the last sentence of subdivisions (i) and (ii) of paragraph (c)(3) are deleted, and paragraph (e)(2) is amended. As amended, § 777.11 reads as follows:

§ 777.11 Time and manner of acquiring and surrendering certificates.

(a) *General.* Food processors shall acquire certificates and surrender certificates to CCC as provided in paragraphs (b) and (c) of this section and in the manner specified in § 777.10. The number of certificates acquired by the food processor and surrendered to CCC shall be equivalent to the number of bushels of wheat used in processing the food products for which certificates must be acquired and surrendered. Such quantity of wheat shall be determined and reported to CCC as provided in §§ 777.12 to 777.14 on the basis of the weight of wheat used in processing the food products or by application of conversion factors to the weight of food products obtained in the processing operation.

(b) *Undertaking to secure purchase and payment.* Any food processor may market a food product or remove a food product for sale or consumption without first having acquired and surrendered certificates if he enters into the undertaking with CCC provided in this paragraph and complies with such undertaking. The undertaking shall be entered into by filing with the Commodity Office a properly executed "Food Processor Certificate Undertaking," Form CCC-147. The undertaking shall apply to wheat processed into food products in each plant specified in Form CCC-147 beginning with the first day of the processing report period as determined under § 777.12 in which the undertaking was received by the Commodity Office, except that the undertaking shall apply to wheat processed beginning July 1, 1964, if the undertaking is received in the Commodity Office on or before August 25, 1964. If an undertaking has been filed, it shall remain in effect unless the food processor breaches the undertaking in which event it shall terminate at such time as provided in subparagraph (4) of this paragraph, or unless the food processor notifies CCC that he wishes to withdraw the undertaking in which event it shall expire at such time as may be determined by CCC. By filing Form CCC-147 with the Commodity Office, the food processor agrees, in consideration of the right to market food products and to remove food products for sale or consumption without having first acquired and surrendered certificates as follows:

(1) He will acquire certificates from CCC and surrender the certificates for the wheat processed into food products, as required under the regulations of this part on or before the 45th calendar day after the close of the processing report period during which the wheat was processed or such later date as may be approved by the Administrator for good cause shown by the food processor.

(2) If certificates are acquired and surrendered to CCC later than the 15th calendar day after the close of the processing report period during which the wheat was processed, the cost of certificates acquired from CCC shall include interest at the rate of 8 percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates.

(3) If requested by the Administrator, the food processor will furnish a bond or letter of credit in such form and amount and within such period as may be specified by the Administrator to secure the food processor's obligations hereunder.

(4) The food processor's right to market food products and to remove food products for sale or consumption without first having acquired and surrendered certificates is conditioned on his complying with his obligations under the foregoing provisions of this undertaking. If the food processor breaches his undertaking, his right to market food products and to remove food products for sale or consumption without first acquiring and surrendering certificates shall be deemed terminated as of the first day of the reporting period with respect to which the breach occurred.

(c) *Purchase of certificates in absence of undertaking.* (1) Except as provided in paragraph (b) of this section, the food processor must acquire certificates and surrender such certificates to CCC on or before the 15th calendar day after the end of the processing report period, or such later date as may be approved in writing by the Administrator for good cause shown, for all food products sold, or removed for sale or consumption from the processing plant, during the processing report period. (Where reference is made to all food products sold or removed for sale or consumption in this section, it shall be deemed to refer to all food products sold, removed for sale or removed for consumption from the processing plant (whichever occurred first).)

(2) The cost of certificates acquired from CCC shall be as provided in subdivision (i) and (ii) of this subparagraph.

(i) The food processor may acquire certificates from CCC without a charge for interest to the extent that he acquires and surrenders certificates not later than the last day of each processing report period (as determined under § 777.12) to cover the estimated quantity of wheat used in the processing of food products sold or removed for sale or consumption during the report period. If the certificates acquired and surrendered as provided in this subparagraph are equal to 90 percent or more of the certificates required to cover the wheat used in processing food products sold or removed for sale or consumption during the report period, any additional certificates may be acquired from CCC without a charge for interest if acquired and surrendered to CCC not later than the 15th calendar day after the end of the processing report period, or such later date as may be approved in writing by the Administrator for good cause shown. The cost of any certificates purchased from CCC after such date to cover wheat used in processing the food products sold or removed for sale or consumption during the report period shall include interest at 8 percent per annum starting on the first day of the processing report period in which the food products were sold or removed for sale or consumption until the date of surrender of the certificates.

(ii) If the certificates acquired and surrendered to CCC by the food processor as provided in subdivision (i) of this subparagraph are less than 90 percent of the certificates required to cover the wheat used in processing food products sold or removed for sale or consumption during the processing report period, or if the food processor does not acquire and surrender certificates as provided in subdivision (i) of this paragraph, the cost of any certificates purchased from CCC subsequent to the last day of the processing report period to cover the wheat used in processing food products sold or removed for sale or consumption during the processing report period shall include interest at 8 percent per annum from the first day of the report period in which the food products were sold or removed for sale or consumption until the date of surrender of the certificates.

(3) Additional reports in absence of an undertaking:

(i) *Processors reporting on the weight of wheat basis.* Food processors purchasing certificates in accordance with paragraph (c) of this section and reporting the quantity of wheat processed into food products on the basis of the weight of wheat processed shall supplement each Form CCC–160 with a statement showing: (*a*) The quantity (in cwt.) and name of food products processed in the reporting period covered by the form, (*b*) the quantity (in cwt.) and name of food products sold and removed for sale or consumption during such period, (*c*) the reporting period in which the food product(s) specified in (*b*) were processed, and (*d*) the wheat equivalent in bushels of such food product(s) calculated by using the actual conversion factor experienced in the reporting period in which processed (bushels of wheat processed into food products divided by cwt. of food products produced). The processor's Form CCC–160 for the first period not covered by an undertaking shall also include a statement showing the quantity of food products remaining in inventory from the previous reporting period(s) and the wheat equivalent of such product(s). For the purpose of determining the report period in which a food product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis.

(ii) *Processors reporting on the conversion factor basis.* Food processors who purchase certificates in accordance with paragraph (c) of this section and who report the quantity of wheat processed into food products on a food product conversion factor basis shall supplement each Form CCC–159 with a statement showing (*a*) the quantity (in cwt.) and name of food products sold or removed for sale or consumption during the period covered by the form, (*b*) the quantity of wheat used in the production of such food products, (*c*) the conversion factor(s) used in making such determinations, and (*d*) the reporting period in which the food products were processed. The processor's Form CCC–159 for the first period not covered by an undertaking shall include a statement showing the products and the wheat equivalent in bushels of the products in inventory at the beginning of the period. For the purpose of determining the report period in which a food product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis.

(d) *Wheat acquired from CCC for export as flour under GR–262.* The processor of any food products exported in fulfillment of an exporter's obligation to export under GR–262, shall surrender certificates to CCC on such food products as provided in the foregoing paragraphs of this section. A credit will be allowed or certificates issued to the exporter in the manner provided in § 777.7 for the full cost of certificates required to be acquired and surrendered to CCC on such flour.

(e) *Beverage distilled spirits.* In the case of a food processor who ages beverage distilled spirits which he has manufactured from wheat, the beverage distilled spirits are deemed to be removed from the processing plant for consumption for the purpose of these regulations when the spirits are placed in barrels for aging. Certificates shall be acquired and surrendered as provided in paragraph (c) of this section in an amount equivalent to the number of bushels of wheat used on and after July 1, 1964, in processing the beverage distilled spirits, except that a food processor may age beverage distilled spirits manufactured by him from wheat without first having acquired and surrendered certificates if he enters into the undertaking with Commodity Credit Corporation provided in this paragraph and complies with such undertaking. The undertaking shall be entered into by filing with the Commodity Office a properly executed "Food Processor Certificate Undertaking" Form CCC–147. The undertaking shall apply to wheat processed into beverage distilled spirits in each plant specified in such form beginning with the first day of the processing report period specified in the undertaking. By filing Form CCC–147 with the Commodity Office, the food processor agrees in consideration of the right to age beverage distilled spirits manufactured by him from wheat without having first acquired and surrendered certificates as follows:

(1) He will acquire certificates from Commodity Credit Corporation and surrender the certificates for the wheat processed into beverage distilled spirits and placed in a barrel for aging as required under this part, on or before the 45th calendar day after the end of the month in which such barrel of aged

beverage distilled spirits is marketed or removed from the warehouse for sale or consumption or the spirits are removed from such barrel, whichever occurs first, or such later date as may be approved by the Administrator for good cause shown by the food processor. The number of certificates for the wheat used in manufacturing the beverage distilled spirits aged in each barrel shall be determined by dividing (i) the total quantity of wheat used by the processor in manufacturing all the beverage distilled spirits which are produced and placed in barrels for aging in the same marketing year as the particular barrel for which certificates are acquired, by (ii) the total number of barrels of beverage distilled spirits produced and placed in barrels for aging in such marketing year.

(2) If certificates are acquired and surrendered to Commodity Credit Corporation later than the 15th calendar day after the end of the month in which the barrel of aged beverage distilled spirits is marketed or removed from the warehouse for sale or consumption or the spirits are removed from such barrel, whichever occurs first, the cost of certificates acquired from CCC shall include interest at 8 percent per annum starting on the day after such 15th calendar day until the date of surrender of the certificates.

(3) The food processor shall furnish a bond or letter of credit in such form and amount and within such period as may be specified by the Administrator to secure the food processor's obligations hereunder.

(4) The food processor's right to age beverage distilled spirits without first having acquired and surrendered certificates is conditioned on his complying with his obligations under the foregoing provisions of this undertaking. If the food processor breaches his undertaking, his right to age the spirits without first acquiring and surrendering certificates shall be deemed terminated as of the first day of the report period with respect to which the breach occurred.

(f) *Inapplicability of interest.* Interest charges under this section will not apply to the extent it is established to the satisfaction of the Administrator, ASCS, that a delay in the acquisition and surrender of certificates resulted from reliance in good faith upon action or advice of an authorized official of the Department. Any processor who wishes to apply for relief under this section shall submit a request in writing supported by documentary evidence necessary to substantiate the basis on which the application is made.

6. Section 777.12(g) is amended by changing the sixth sentence to read as follows:

§ 777.12 Food processing reports.

* * * * *

(g) *Corrected processing reports.* * * * If such certificates are surrendered to CCC later than the 15th calendar day after the close of the processing report period in which the wheat was processed into the food products, the cost of any certificates acquired from CCC shall include interest at 8 percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates. * * *

* * * * *

7. Section 777.14 is corrected by reinstating the conversion factor for malted wheat flour as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(e) *Conversion factors.* * * *

A—Food product	*B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
Whole wheat flour or graham flour	1.700
Flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction rate operation	2.344
Semolina	2.344
Farina	2.344
Malted wheat flour	2.075

* * * * *

* * * * *

§ 777.16 [Amended]

8. Section 777.16 is amended by replacing the word "value" in the first sentence with the word "cost".

9. Appendix II is amended by changing the first sentence of paragraph 18 to read as follows:

APPENDIX II—INSTRUCTIONS FOR PREPARATION OF PROCESSING REPORT—WEIGHT OF WHEAT BASIS

* * * * *

(18) Enter in Item 7D the cost of wheat marketing certificates (domestic) required. * * *

* * * * *

10. Appendix III is amended by changing the first sentence of paragraph 18 to read as follows:

APPENDIX III—INSTRUCTIONS FOR PREPARATION OF PROCESSING REPORT—CONVERSION FACTOR BASIS

* * * * *

(18) Enter in Item 9D the cost of wheat marketing certificates (domestic) required. * * *

* * * * *

Effective date: This amendment shall be effective beginning with the date it is published in the FEDERAL REGISTER except that the conversion factor for malted wheat flour, inadvertently deleted in the publication of Amendment 3, shall be reinstated with the effective date of such amendment.

Signed at Washington, D.C., on August 18, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-10022; Filed, Aug. 21, 1969; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. D, Q]

PART 204—RESERVES OF MEMBER BANKS

PART 217—INTEREST ON DEPOSITS

Repurchase Agreements on Part Interests in Government and Agency Obligations

1. Effective immediately, § 204.1(f) and § 217.1(f) are amended by striking in clause (2) thereof "(other than a part interest in such obligations)".

2a. The purpose of the amendment is to eliminate the requirement that a member bank must transfer its entire interest in a particular obligation in order for a borrowing by it through a "sale" under repurchase agreement of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof to be classified as a nondeposit borrowing.

b. The amendment, which constitutes a minor relaxation of a recent amendment (published in the FEDERAL REGISTER of July 30, 1969, 34 F.R. 12430) narrowing the scope of permissible nondeposit bank liabilities on repurchase agreements, was adopted by the Board without following the procedures of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective dates. Requiring a bank to transfer its entire interest in a Government or agency obligation in order for its liability to be classified as a nondeposit borrowing can be avoided by the denominational exchange procedures available with respect to such obligations. In the circumstances, the Board found that the time, inconvenience, and cost to both member banks and the Government that would be involved if the recent amendment became fully effective as earlier adopted would be contrary to the public interest.

Adopted: August 15, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-9974; Filed, Aug. 21, 1969; 8:45 a.m.]

[Reg. G]

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

Combined Purchase of Mutual Funds and Insurance

1. Effective immediately § 207.4(f) is amended to read as follows:

§ 207.4 Miscellaneous provisions.

* * * * *

(f) *Combined purchase of mutual funds and insurance.* (1) An extension of purpose credit provided for in a plan, program, or investment contract that is registered with the Securities and Exchange Commission under the Securities Act of 1933 (15 U.S.C. 77) and provides for the acquisition both of a security issued by an investment company described in § 207.2(d)(5) and of an insurance policy or contract shall be subject to all the provisions of this part, except that, where the credit is secured by the security and does not exceed the premium on such policy (plus any applicable interest), the maximum loan value of such security shall be 40 percent of its current market value, as determined by any reasonable method.

(2) Sections 207.1 (c), (d), (f), (g), (h), (i), and (j) shall not apply to any credit extended to a person registered pursuant to § 207.1(a) who extends credit pursuant to subparagraph (1) of this paragraph: *Provided*, That:

(i) The credit extended pursuant to this subparagraph is secured by securities that are issued by an investment company described in § 207.2(d)(5), and are carried for the account of one or more customers under a plan, program, or investment contract described in subparagraph (1) of this paragraph (and the person extending such credit receives written notice from the recipient of the credit to this effect); and

(ii) The provisions of such plan, program, or investment contract conform to the provisions of Rule 15c2-1 of the Securities and Exchange Commission concerning hypothecation of customers' securities (17 CFR 240.15c2-1).

* * * * *

2a. Section 207.4(f) has been amended to add a new subparagraph (2) to permit a person to extend exempt credit, in connection with the wholesale financing of equity funding plans or programs, to persons registered pursuant to § 207.1(a) who extend credit in accordance with § 207.4(f)(1). To qualify for the exemption the credit must be secured by customers' securities which are issued by an investment company described in § 207.2(d)(5), i.e., certain mutual fund shares, pledged in conformity with the provisions of a rule of the Securities and Exchange Commission regarding hypothecation of customers' securities, and accompanied by a statement received by the person extending the credit that such securities are carried for the account of one or more customers under an equity funding plan, program, or investment contract.

b. The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective dates, were not followed in connection with this amendment. The effect of the amendment is to avoid duplication of margin requirements. In the circumstances, the Board found that following such procedures would result in delays that would be contrary to the public interest and serve no useful purpose.

Adopted: August 13, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-9975; Filed, Aug. 21, 1969; 8:45 a.m.]

[Reg. U]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Combined Purchase of Mutual Funds and Insurance

1. Effective immediately § 221.3(x) is amended to read as follows:

§ 221.3 Miscellaneous provisions.

* * * * *

(x) *Combined purchase of mutual funds and insurance.* (1) An extension of purpose credit provided for in a plan, program, or investment contract that is registered with the Securities and Exchange Commission under the Securities Act of 1933 (15 U.S.C. 77) and provides for the acquisition both of a security issued by an investment company described in paragraph (v)(5) of this section and an insurance policy or contract shall be subject to all the provisions of this part, except that, where the credit is secured by the security and does not exceed the premium on such policy (plus any applicable interest), the maximum loan value of such security shall be 40 percent of its current market value, as determined by any reasonable method.

(2) Sections 221.1 and 221.3(t) shall not apply to any credit extended to a person registered pursuant to § 207.1(a) of this chapter (Regulation G) who extends credit pursuant to § 207.4(f)(1) of this chapter: *Provided*, That:

(i) The credit extended pursuant to this subparagraph is secured by securities that are issued by an investment company described in paragraph (v)(5) of this section, and are carried for the account of one or more customers under a plan, program, or investment contract described in subparagraph (1) of this paragraph (and the bank receives written notice from the recipient of the credit to this effect); and

(ii) The provisions of such plan, program, or investment contract conform to the provisions of Rule 15c2-1 of the Securities and Exchange Commission concerning hypothecation of customer's securities (17 CFR 240.15c2-1).

* * * * *

2a. Section 221.3(x) has been amended to add a new subparagraph (2) to permit a bank to extend exempt credit, in connection with the wholesale financing of equity funding plans or programs, to persons registered pursuant to § 207.1(a) of this chapter (Regulation G) who extend credit in accordance with § 207.4(f)(1). To qualify for the exemption the bank credit must be secured by customers' securities which are issued by an investment company described in § 221.3(v)(5), i.e., mutual fund shares, pledged in conformity with the provisions of a rule of the Securities and Exchange Commission regarding hypothecation of customers' securities, and accompanied by a statement received by the bank, that such securities are carried for the account of one or more customers under an equity funding plan, program, or investment contract.

b. The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective dates, were not followed in connection with this amendment. The effect of the amendment is to avoid duplication of margin requirements. In the circumstances, the Board found that following such procedures would result in delays that would be contrary to the public interest and serve no useful purpose.

Adopted: August 13, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-10000; Filed, Aug. 21, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-CE-36]

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

Alteration of Control Zone and Transition Area

On pages 9568 and 9569 of the FEDERAL REGISTER dated June 18, 1969, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Hibbing, Minn.

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

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

The Chisholm-Hibbing Airport coordinates recited in the Hibbing, Minn., control zone and transition area alteration as "latitude 47°23'20" N., longitude 92° 50'25" W." are changed to read "latitude 47°23'10" N., longitude 92°50'15" W.".

This amendment shall be effective 0901 G.m.t., October 16, 1969.

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

Issued in Kansas City, Mo., on August 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

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

HIBBING, MINN.

Within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'15" W.); within 1½ miles each side of the Hibbing VOR 313° radial, extending from the 5-mile radius zone to the VOR; within 2½ miles each side of the Hibbing VOR 313° radial, extending from the 5-mile radius zone northwest to 19 miles northwest of the VOR; and within 2½ miles each side of the 210° bearing from Chisholm-Hibbing Airport extending from the 5-mile radius zone to 6½ miles southwest of the airport.

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

HIBBING, MINN.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'15" W.); within 2½ miles each side of the Hibbing VOR 313° radial, extending from 19 to 20½ miles northwest of the VOR; and within 3 miles each side of the 070° bearing from Chisholm-Hibbing Airport, extending from the 8½-mile radius area to 13½ miles east of the airport, excluding the portion which overlies the Eveleth, Minn., transition area; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Hibbing VOR 133° radial, extending from the VOR to 18½ miles southeast of the VOR; within 4½ miles northeast and 9½ miles southwest of the Hibbing VOR 313° radial, extending from 9 to 31½ miles northwest of the VOR; within 4½ miles south and 9½ miles north of the 070° bearing from Chisholm-Hibbing Airport, extending from the airport to 24 miles east of the airport; and within 4½ miles northwest and 9½ miles southeast of the 210° bearing from Chisholm-Hibbing Airport, extending from the airport to 18½ miles southwest of the airport, excluding the portion which overlies the Duluth, Minn., transition area.

[F.R. Doc. 69-9991; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-74]

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

Alteration of Control Zone and Transition Area

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

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

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

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

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

BLOOMINGTON, ILL.

Within a 5-mile radius of Bloomington Normal Airport (latitude 40°28'55" N., longitude 88°55'40" W.); and within 2½ miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 5-mile radius zone to 6½ miles northeast, east and northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

BLOOMINGTON, ILL.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Bloomington Normal Airport; and within 3 miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 6½-mile radius area to 8 miles northeast, east and northwest of the VOR.

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

Issued in Kansas City, Mo., on August 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9992; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-37]

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

Alteration of Transition Area

On page 9569 of the FEDERAL REGISTER dated June 18, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Vichy, Mo.

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

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

This amendment shall be effective 0901 G.m.t., October 16, 1969.

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

Issued in Kansas City, Mo., on August 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

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

VICHY, MO.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles each side of the Vichy, Mo., VORTAC 067° radial, extending from the 6½-mile radius area to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the Vichy VORTAC 067° and 247° radials, extending from 4 miles southwest to 18½ miles northeast of the VORTAC; within 8 miles southeast and 6½ miles northwest of the Vichy VORTAC 059° and 239° radials, extending from 7 miles northeast to 24 miles southwest of the VORTAC; and within the arc of a 22½-mile radius circle centered on the Vichy VORTAC, extending from the Vichy VORTAC 239° radial clockwise to the Vichy VORTAC 321° radial.

[F.R. Doc. 69-9993; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-75]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Creston, Iowa.

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

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

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

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

CRESTON, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Creston Municipal Airport (latitude 41° 01'05" N., longitude 94°21'35" W.); and within 3 miles each side of the 171° bearing from Creston Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 171° and 351° bearings from Creston Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 351° bearing from Creston Municipal Airport, extending from the airport to V-65.

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

Issued in Kansas City, Mo., on August 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-9994; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-49]

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

Alteration of Transition Area

On July 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11500) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Ogden, Utah, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 12, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the Ogden, Utah, transition area is amended by deleting all before "* * *: that airspace extending upward from 1,200 feet above the surface * * *" and substituting therefor "That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°27'00" N., on the east by longitude 111°55'00" W., on the south by latitude 41°00'00" N., and on the west by longitude 112°22'00" W., within 4.5 miles southwest and 9.5 miles northeast of the Ogden VORTAC 316° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC:"

[F.R. Doc. 69-9995; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-65]

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

Alteration of Transition Area

On July 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11500), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Morristown, Tenn., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 36°10'50" N., long. 83°22'20" W.), for Moore-Murrell Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

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

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

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

MORRISTOWN, TENN.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Moore-Murrell Airport (lat. 36°10'-50" N., long. 83°22'20" W.); within 4.5 miles northwest and 9.5 miles southeast of the 239° bearing from Morristown RBN (lat. 36°-11'10" N., long. 83°22'00" W.), extending from the 9.5-mile radius area to 18.5 miles southwest of the RBN.

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

Issued in East Point, Ga., on August 13, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-9996; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-34]

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

Designation of Transition Area

On pages 9569 and 9670 of the FEDERAL REGISTER dated June 18, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a transition area at Pipestone, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections concerning the proposed amendment. The one comment received from the Air Traffic Association did not object to the proposal providing the instrument approach procedure at Pipestone, Minn., did not conflict with instrument approach procedures at Sioux Falls, S. Dak., and Brookings, S. Dak.

The Federal Aviation Administration has reviewed the proposal and determined that the instrument approach procedure at Pipestone does not conflict with the instrument approach procedures at Sioux Falls and Brookings.

In view of the foregoing, the proposed amendment is hereby adopted subject to the following change: The Pipestone Municipal Airport coordinates recited in the Pipestone, Minn., transition area designation as "latitude 43°59'05" N., longitude 96°18'00" W., are changed to read "latitude 43°59'10" N., longitude 96°18'05" W.".

This amendment becomes effective 0901 G.m.t., October 16, 1969.

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

Issued in Kansas City, Mo., on August 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

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

PIPESTONE, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pipestone Municipal Airport (latitude 43°59'10" N., longitude 96°18'05" W.); and within 3 miles each side of the 193° bearing from Pipestone Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 013° and 193° bearings from Pipestone Municipal Airport, extending from 5 miles north to 18½ miles south of the airport; and within 5 miles each side of the 013° bearing from Pipestone Municipal Airport, extending from the airport to 12 miles north of the airport.

[F.R. Doc. 69-9997; Filed, Aug. 21, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-66]

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

Designation of Transition Area

On July 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11380), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Shelby, N.C., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat.

35°15'25" N., long. 81°36'00" W.), for Shelby Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

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

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

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

SHELBY, N.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Municipal Airport (lat. 35°15'25" N., long. 81°36'00" W.); within 3 miles each side of the Spartanburg VORTAC 052° radial, extending from the 7-mile radius area to 13 miles northeast of the VORTAC.

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

Issued in East Point, Ga., on August 13, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-9998; Filed, Aug. 21, 1969; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9764; Amdt. 95-183]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, 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 consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective September 18, 1969, as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.41 *Green Federal airway 1* is amended to delete:

United States-Canadian border; Millinocket, Maine, LF/RBN, 6,000.
Millinocket, Maine, LF/RBN; United States-Canadian border; *2,800. *2,100—MOCA.

Section 95.638 *Blue Federal airway 38* is amended by adding:

United States-Canadian border; Annette Island, Alaska, LFR; 5,600.
Annette Island, Alaska, LFR; Guard Island INT, Alaska; 4,700.
Guard Island INT, Alaska; Five Finger, Alaska, LF/RBN; 5,700.

Section 95.1001 *Direct routes—United States* is amended to delete:

Allendale, S.C., VOR; Marlow INT, Ga.; *2,000. *1,700—MOCA.
Allenhurst, Ga., RBN; Vienna, Ga., VOR; *3,500. *1,800—MOCA.
Anniston, Ala., VOR; Lewis INT, Ala.; 3,000.
Anniston, Ala., VOR; Springville INT, Ala.; *3,000. *2,300—MOCA.
Bessemer INT, Ala.; Brookwood, Ala., VOR; *2,500. *2,100—MOCA.
Boone, Tenn., RBN; *Afton INT, Tenn.; **6,000. *5,000—MRA. **4,000—MOCA. Cop 10 BON.
Boone, Tenn., RBN; INT 231 HMV/140 BON; *6,000. *5,000—MOCA. Cop 15 BON.
Boone, Tenn., VOR; INT 231 HMV/133 BON; *6,000. *4,500—MOCA.
Bonne, Tenn., RBN; INT 231 HMV/331 AVL; *7,000. *6,500—MOCA.
Columbus, Miss., VOR; INT 150 UBS/227 TCL; *1,800. *1,600—MOCA. MAA—7,000.
Columbus, Ga., VOR; Seale INT, Ala.; 2,000.
Decatur, Ala., VOR; Fairview INT, Ala.; *3,000. *2,200—MOCA.
Decatur, Ala., VOR; Trinity INT, Ala.; *2,400. *2,000—MOCA.
Dothan, Ala., VOR; Flint INT, Ga.; 2,500.
Eglin, Fla., VOR; Saufley, Fla., VOR; *3,000. *1,500—MOCA.
Florence, S.C., VOR; Planter INT, S.C.; *2,500. *1,400—MOCA.
Franklin INT, Tenn.; Graham, Tenn., VOR; *2,600. *2,500—MOCA.
Gadsden, Ala., VOR; Lehigh INT, Ala.; *3,000. *2,500—MOCA.
Hartselle INT., Ala.; Trinity INT, Ala.; *2,400. *2,000—MOCA.
Huntsville, Ala., VOR; Tuscaloosa, Ala., VOR; *3,000. *2,400—MOCA.
INT 188 HMV/121BON; *Linville INT, N.C.; **7,000. *7,000—MCA—Linville INT, southeastbound. **6,600—MOCA.
INT 231 HMV/133 BON; *Roan Mountain INT, Tenn.; **7,000. *7,000—MCA Roan MTN INT, southbound. **6,000—MOCA.
INT V-56 and CSG LOC; Seale INT, Ala.; 2,000.
INT 131 BNA/040 SYI; Shelbyville, Tenn., VOR; *3,000. *2,400—MOCA.
INT 231 HMV/140 BON; *Unicoi INT, Tenn.; **7,000. *6,500—MCA Unicoi INT, southbound. **6,500—MOCA.
Kennesaw INT, Ga.; Buckhead INT, Ga.; 3,300.
Linville INT, Tenn.; Hickory, N.C., VOR; 8,000.
Nashville, Tenn., VORTAC; INT 221 BNA/157 GHM; 18,000. MAA—45,000.
Redstone, Ala., VOR; Tanner INT, Ala.; *2,600. *2,200—MOCA.
*Silo INT, Colo.; Franktown INT, Colo.; 9,100. *11,200—MCA Silo INT, southwestbound.
Spencer INT, Fla.; Mobile, Ala., VOR; 2,500.

Section 95.1001 *Direct routes—United States* is amended by adding:

*Afton INT, Tenn.; Boone, Tenn., RBN; **6,000. *5,500—MRA. **5,400—MOCA.
Blakely INT, Ga.; Flint INT, Ga.; *2,000. *1,500—MOCA.
Brookwood, Ala., VOR; Bessemer INT, Ala.; *3,000. *2,100—MOCA.
Buckhead INT, Ga.; Kennesaw INT, Ga.; *3,300. *3,000—MOCA.
Decatur, Ala., VOR; Rome, Ga.; VOR; *3,500. *2,800—MOCA.
Fairview INT, Ala.; Decatur, Ala., VOR; *3,000. *2,200—MOCA.
Graham, Tenn., VOR; Franklin INT, Tenn.; *2,800. *2,500—MOCA.
INT 231 M rad, Holston Mountain, Tenn., VOR and 133 M brg, Boone, Tenn., RBN; Boone, Tenn., RBN; *6,000. *5,600—MOCA.
INT 231 M rad, Holston Mountain, Tenn., VOR and 331 M rad, Asheville, N.C., VOR; Boone, Tenn., RBN; *7,000. *6,900—MOCA.
INT 231 M rad, Holston Mountain, Tenn., VOR and 140 M brg, Boone, Tenn., RBN; Boone, Tenn., RBN; *6,000. *5,500—MOCA.
INT 228 M rad, Tuscaloosa, Ala., VOR and 150 M rad, Columbus, Miss., VOR; Columbus, Miss., VOR; *2,000. *1,600—MOCA.
INT 188 M rad, Holston Mountain, Tenn., VOR and 121 M brg, Boone, Tenn., RBN; Hickory, N.C., VOR; 8,000.
Kennedy, N.Y., VOR; INT 265 M rad, Kennedy, N.Y., VOR and 290 M rad, Robbinsville, N.J., VOR; 18,000. MAA—4,000.
Lehigh INT, Ala.; Gadsden, Ala.; 3,000.
Lewis INT, Ala.; Anniston, Ala., VOR; *3,000. *2,600—MOCA.
Marlow INT, Ga.; Allendale, S.C., VOR; *2,000. *1,600—MOCA.
Mobile, Ala., VOR; Spencer INT, Ala.; 2,500.
Muscle Shoals, Ala., VOR; Rome, Ga., VOR; *3,500. *2,800—MOCA.
Newport, Oreg., VORTAC, COP 98 ONP; Pendleton, Oreg., VORTAC; 18,000.
Planter INT, S.C.; Florence, S.C., VOR; *2,500. *1,900—MOCA.
Roan Mountain INT, Tenn.; INT 231 M rad, Holston Mountain, Tenn., VOR and 133 M brg, Boone, Tenn., RBN; *7,000.
Saufley, Fla., VOR Via NUN R-085; Eglin AFB, Fla., VOR via VPS R-315; *2,000. MAA—6,000. *1,500—MOCA.
Shelbyville, Tenn., VOR; INT 131 M rad, Nashville, Tenn., VOR and 040 M rad, Shelbyville, Tenn., VOR; *3,000. *2,400—MOCA.
Springfield INT, Ala.; Anniston, Ala., VOR; *3,000. *2,700—MOCA.
Tanner INT, Ala.; Redstone, Ala., VOR; *2,700. *2,400—MOCA.
Tulsa, Okla., VOR; Page, Okla., VOR; *4,600. MAA—40,000. *3,900—MOCA.
Tuscaloosa, Ala., VOR; Huntsville, Ala., VOR; *3,000. *2,500—MOCA.
Unicoi INT, Tenn.; INT 231 M rad, Holston Mountain, Tenn., VOR and 140 M brg, Boone, Tenn., RBN; *7,000. *6,800—MOCA.
Vienna, Ga., VOR; Allenhurst, Ga., RBN; *3,500. *1,800—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Allendale, S.C., VOR; Steedman INT, S.C.; *2,300. *2,000—MOCA.
Anderson, S.C., VOR; Toccoa, Ga., VOR; *3,500. *2,800—MOCA.
Anniston, Ala., VOR; Graham INT, Ala.; 4,000.
Atlanta, Ga., VOR; Rome, Ga., VOR; *3,000. *2,400—MOCA.
Augusta, Ga., VOR; Salley INT, S.C.; *2,200. *2,100—MOCA.
Boone, Tenn., RBN; INT 188 M rad, Holston Mountain, Tenn., VOR and 121 M brg; Boone, Tenn., RBN; *6,000. *5,000—MOCA.
Boone, Tenn., RBN; Yuma, INT, Tenn.; 4,500.
Carmel, N.Y., VOR; Newtown, INT, Conn; 3,000.
Folsom INT, Ala.; Huntsville, Ala., VOR; *3,000. *2,500—MOCA.
Fort Lauderdale Fla., LF/RBN; New River, INT, Fla., *1,500. *1,400—MOCA.
Gossett INT Ala.; LaGrange, Ga., VOR; *4,000. *2,900—MOCA.
Gulfport, Miss., VOR; Poplarville, INT, Miss.; *2,000. *1,700—MOCA.
Hampshire INT, Tenn.; Nashville, Tenn., VOR; *3,000. *2,500—MOCA.
Hot Springs, Ark., LF/RBN; Malvern INT, Ark.; 2,500.

Newtown INT, Conn.; Litchfield INT, Conn.; 3,000.
Norcross, Ga., VOR; Athens, Ga., VOR; *3,000. *2,300—MOCA.
Norway INT, S.C.; Vance, S.C., VOR; *2,000. *1,700—MOCA.
Union INT, S.C., Charlotte, N.C., VOR; *3,000. *2,200—MOCA.
Vance, S.C., VOR; Overton INT, S.C.; *2,000. *1,400—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read:

Schooner INT, Calif.; Westlake INT, Calif.; 3,600.
*Westlake INT, Calif.; Fillmore, Calif., VORTAC; 4,900. *4,300—MCA Westlake INT, Northbound.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Cofield, N.C., VOR; Deep Creek INT, Va.; *2,000. *1,500—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

*Spokane, Wash., VOR; via N alter.; INT 052 M rad, Spokane, VOR and 271 M rad, Mullan Pass, VOR via N alter.; northeastbound, **#9,000; southwestbound, 8,000. *5,200—MCA Spokane VOR, northeastbound. **7,200—MOCA. #Part time MEA 11,500 northeastbound.
INT 052 M rad, Spokane, VOR and 271 M rad Mullan Pass, VOR via N alter.; Mullan Pass, Idaho, VOR via N alter.; 9,000.
Lone Rock, Wis., VOR; Morey INT, Wis.; *3,000. *2,300—MOCA.
Morey INT, Wis.; Madison, Wis., VOR; *2,800. *2,700—MOCA.
Madison, Wis., VOR; Marshall INT, Wis.; *2,800. *2,200—MOCA.
Marshall INT, Wis.; Milwaukee, Wis., VOR; *2,700. *2,100—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Vance, S.C., VOR; Florence, S.C., VOR; *2,000. *1,900—MOCA.
Florence, S.C., VOR; Pinehurst, N.C., VOR; *2,000. *1,900—MOCA.
Raleigh Durham, N.C., VOR; Harvey INT, Va.; *3,000. *2,000—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Crystal City INT, Mo.; Imperial INT, Mo.; *3,000. *2,600—MOCA.
Imperial INT, Mo.; Meramec INT, Mo.; 2,600.
Meramec INT, Mo.; St. Louis, Mo., VOR; *2,200. *2,000—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Walton INT Kans.; *Florence INT, Kans.; **3,300. *5,000—MRA. **2,800—MOCA.
Florence INT, Kans.; Emporia, Kans., VOR; *3,300. *2,700—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Florence INT, Kans.; via N alter.; Emporia, Kans., VOR via N alter.; *3,300. *2,700—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

*New Waverly INT, Tex., via W alter.; Lufkin, Tex., VOR via W alter.; **4,000. *4,000—MRA. **1,700—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Sioux Falls, S. Dak., VOR via W alter.; Mitchell, S. Dak., VOR via W alter.; 3,300.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Moscow INT, Tenn., via S alter.; *Selmar INT, Tenn., via S alter.; **3,500. *4,000—MRA. **1,700—MOCA.
Stanon INT, Tenn., via N alter.; Jacks Creek, Tenn., VOR via N alter.; *2,300. *2,300. *1,900—MOCA.
Millis INT, Mass., Boston, Mass., VOR; 2,000.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Leming INT, Tex., via E alter.; Bellaire INT, Tex., via E alter.; *2,500. *2,000—MOCA.
Bellaire INT, Tex., via E alter.; San Antonio, Tex., VOR via E alter.; 2,500.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Rex, Ga., VOR; Conyers INT, Ga.; *2,700. *2,200—MOCA.
Conyers INT, Ga.; Madison INT, Ga.; *2,700. *2,000—MOCA.
Madison INT, Ga.; Raytown INT, Ga.; *2,700. *2,500—MOCA.
*Raytown INT, Ga.; Augusta, Ga., VOR; **2,300. *2,500—MRA. **1,900—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended by adding:

McAllen, Tex., VOR; Hargill INT, Tex.; *1,600. *1,500—MOCA.
Hargill INT, Tex.; Mina INT, Tex.; *3,200. *1,400—MOCA. MAA—14,000.
Mina INT, Tex.; Armstrong INT, Tex.; *4,000. *1,400—MOCA.
Armstrong INT, Tex.; Solon INT, Tex.; *4,000. *1,100—MOCA.
Solon INT, Tex.; Pogo INT, Tex.; *1,600. *1,100—MOCA.
Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,400—MOCA.
McAllen, Tex., VOR via S alter.; Harlingen, Tex., VOR via S alter.; *1,600. *1,500—MOCA.
Harlingen, Tex., VOR via S alter.; Raymondville INT, Tex., via S alter.; *1,600. *1,300—MOCA.
Raymondville INT, Tex., via S alter.; Armstrong INT, Tex., via S alter.; *4,000. *1,300—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Clemson INT, S.C., via N alter.; Spartanburg, S.C., VOR via N alter.; *3,000. *2,400—MOCA.
Atlanta, Ga., VOR; Rex, Ga., VOR; 2,300.
Spartanburg, S.C.; Barber INT, N.C.; 3,000.
Rex, Ga., VOR; Russell INT, Ga.; *3,200. *3,000—MOCA.

Section 95.6033 *VOR Federal airway 33* is amended to read in part:

Cofield, N.C., VOR; Surry, INT., Va.; *2,000. *1,400—MOCA.

Section 95.6040 *VOR Federal airway 40* is amended to read in part:

Briggs, Ohio, VOR; Imperial, Pa., VOR; 3,000.

Section 95.6061 *VOR Federal airway 61* is amended to delete:

Wichita Falls, Tex., VOR; Lawton, Okla., VOR; **2,700. **2,300—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Texico, Tex., VOR via S alter.; Spade INT, Tex., via S alter.; *5,700. *5,500—MOCA.
Spade INT, Tex., via S alter.; Lubbock, Tex., VOR via S alter.; 4,700.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Prosper INT, Tex.; Tidwell INT, Tex.; *4,000. *2,200—MOCA.
Tidwell INT, Tex.; Sulphur Springs, Tex., VOR; *2,400. *1,800—MOCA.
Rex, Ga., VOR; Conyers INT, Ga.; *2,700. *2,200-MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to delete:

San Antonio, Tex., VOR; McCoy INT, Tex.; *3,000. *2,300—MOCA.
McCoy INT, Tex.; Three Rivers INT, Tex.; *2,500. *1,900—MOCA.
Three Rivers INT, Tex.; Cartwright INT, Tex.; *2,500. *1,600—MOCA.
Cartwright INT, Tex.; Mathis INT, Tex.; *1,800. *1,500—MOCA.
Mathis INT, Tex.; Corpus Christi, Tex., VOR; *1,700. *1,400—MOCA.
Corpus Christi, Tex., VOR; Pogo INT, Tex.; *1,600. *1,400—MOCA.
Pogo INT, Tex.; Solon INT, Tex.; *1,600. *1,100—MOCA.
Solon INT, Tex.; Armstrong INT, Tex.; *4,000. *1,100—MOCA.
Armstrong INT, Tex.; Mina INT, Tex.; *4,000. *1,400—MOCA.
Mina INT, Tex.; Hargill INT, Tex.; *3,200. *1,400—MOCA. MAA—14,000.
Hargill INT, Tex.; McAllen, Tex., VOR; *1,600. *1,500—MOCA. MAA—14,000.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Crystal City INT, Mo.; Imperial INT, Mo.; *3,000. *2,600—MOCA.
Imperial INT, Mo.; Troy, Ill., VOR; 2,600.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Vienna, Ga., VOR; Allendale, S.C., VOR; *3,000. *1,800—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Maples, Mo., VOR; Farmington, Mo., VOR; *3,500. *2,800—MOCA.
Farmington, Mo., VOR; Centralia, Ill., VOR; *3,000. *2,400—MOCA.
Centralia, Ill., VOR; Bible Grove, Ill., VOR; *2,300. *1,900—MOCA.
Bible Grove, Ill., VOR; INT V-14 and V-72; *2,300. *1,900—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Colorado Springs, Colo., VOR; Elizabeth INT, Colo.; 9,700.
Elizabeth INT, Colo.; Denver, Colo., VOR; 9,000.

Section 95.6083 *VOR Federal airway 83* is amended to read in part:

Colorado Springs, Colo., VOR; Kiowa, Colo., VOR; 9,700.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Vichy, Mo., VOR; Delmar INT, Mo.; *2,900. *2,400—MOCA.
Delmar INT, Mo.; Crystal City INT, Mo.; *3,500. *2,100—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

*Lake George INT, Colo.; **Kiowa, Colo., VOR; 11,800. *13,200—MCA V-95 westbound. *14,400—MCA northbound V-89 for aircraft arriving St. George INT, westbound via V-95. **8,500—MCA Kiowa VOR, southwestbound.

Section 96.6114 *VOR Federal airway 114* is amended to delete:

Converse INT, La.; Montrose INT, La.; *4,500. *1,700—MOCA.
Converse INT, La., via N alter. Montrose INT, La., via N alter.; *4,500. *1,700—MOCA.

Section 95.6120 *VOR Federal airway 120:*

Mitchell, S. Dak., VOR; Sioux Falls, S. Dak., VOR; 3,300.
Mullan Pass, Idaho, VOR; *Charlo INT, Idaho, **10,000. *13,000—MCA Charlo INT, eastbound. *10,000—MCA Charlo INT, westbound. **9,200—MOCA.

Section 95.6132 *VOR Federal airway 132* is amended to read in part:

Walton INT, Kans.; *Florence INT, Kans.; **3,300. *5,000—MRA. **2,800—MOCA.

Section 95.6148 *VOR Federal airway 148* is amended to read in part:

Denver, Colo., VOR; Kiowa, Colo., VOR; 9,000.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Vance, S.C., VOR; Florence, S.C., VOR; *2,000. *1,900—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Corpus Christi, Tex., VOR via W alter.; Mathis *1,700. *1,400—MOCA.
Sinton INT, Tex.; Three Rivers, Tex., VOR; *1,900. *1,500—MOCA.
Corpus Christi, Tex., VOR via W alter.; Mathis INT, Tex.; via W alter.; *1,700. *1,400—MOCA.
Mathis INT, Tex., via W alter.; Cartwright INT, Tex., via W alter.; *1,800. *1,500—MOCA.
Cartwright INT, Tex., via W alter.; Three Rivers, Tex., VOR via W alter.; *1,800. *1,600—MOCA.
Three Rivers, Tex., VOR; McCoy INT, Tex.; *2,000. *1,900—MOCA.
McCoy INT, Tex.; San Antonio, Tex., VOR; *3,000. *2,500—MOCA.
Three Rivers, Tex., VOR via W alter.; Leming INT, Tex., via W alter.; 2,000.
Leming INT, Tex., via W alter.; Bellaire INT, Tex., via W alter.; *2,500. *2,000—MOCA.
Bellaire INT, Tex., via W alter.; San Antonio, Tex., VOR via W alter.; 2,500.

Section 95.6171 *VOR Federal airway 171* is amended to delete:

Louisville, Ky., VOR via N alter.; Livonia INT, Ind., via N alter.; 2,900.
Livonia INT, Ind., via N alter.; Bloomington, Ind., VOR via N alter.; *2,800. *2,200—MOCA.
Bloomington, Ind., VOR via N alter.; Lewis, Ind., VOR via N alter.; *2,800. *2,100—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended by adding:

Louisville, Ky., VOR via E alter.; Livonia INT, Ind., via E alter.; 2,900.
Livonia INT, Ind., via E alter.; Bloomington, Ind., VOR via E alter.; *2,800. *2,200—MOCA.
Bloomington, Ind., VOR via E alter.; Lewis, Ind., VOR via E alter.; *2,800. *2,100—MOCA.

Section 95.6175 *VOR Federal airway 175* is amended by adding:

Vichy, Mo., VOR; Malden, Mo., VOR; *4,000. *2,500—MOCA.

Section 95.6175 *VOR Federal airway 175* is added to read:

Hallsville, Mo., VOR via W alter.; Algoa INT, Mo., via W alter.; 2,800.
Algoa INT, Mo., via W alter.; Vichy, Mo., VOR via W alter.; *2,900. *2,500—MOCA.

Section 95.6175 *VOR Federal airway 175* is amended to read in part:

Hallsville, Mo., VOR; Vichy, Mo., VOR; *2,900. *2,300—MOCA.

Section 95.6178 *VOR Federal airway 178* is amended by adding:

Vichy, Mo., VOR; Farmington, Mo., VOR; *3,000. *2,500—MOCA.

Section 95.6179 *VOR Federal airway 179* is amended by adding:

Centralia, Ill., VOR; INT 010 M rad, Centralia, Ill., VOR and 162 M rad, Vandalia, Ill., VOR; *2,400. *2,100—MOCA.

Int. 010 M rad, Centralia, Ill., VOR and 162 M rad, Vandalia, Ill., VOR; Vandalia, Ill., VOR; *2,400. *1,900—MOCA.
Vandalia, Ill., VOR; Clarksdale INT, Ill.; *2,500. *2,200—MOCA.
Clarksdale INT, Ill.; Capital, Ill., VOR; *2,300. *2,100—MOCA.

Section 95.6185 *VOR Federal airway 185* is amended to read in part:

*Piedmont INT, Tenn., via E alter.; Knoxville, Tenn., VOR via E alter.; 3,000. *4,000—MCA—Piedmont INT, northeastbound.

Section 95.6191 *VOR Federal airway 191* is amended by adding:

Maples, Mo., VOR; Lenox INT, Mo.; *3,000. *2400—MOCA.
Lenox INT, Mo.; Delmar INT, Mo.; *3,000. *2,200—MOCA.
Delmar INT, Mo.; Imperial INT, Mo.; *3,000. *2,600—MOCA.
Imperial INT, Mo.; Troy, Ill., VOR; 2,600.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

Rocky Mount, N.C., VOR; Cofield, N.C., VOR; *1,800. *1,400—MOCA.
Cofield, N.C., VOR; Deep Creek INT, Va.; *2,000. *1,500—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Brookley, Ala., VOR; *Daphne INT, Ala.; **2,000. *2,200—MRA. **1,000—MOCA.
Daphne INT, Ala.; Saufley, Fla., VOR; *2,000. *1,400—MOCA.

Section 95.6211 *VOR Federal airway 211* is amended to read in part:

Durango, Colo., VOR; Mancos INT, Colo.; 11,000.
*Mancos INT, Colo.; Cortez, Colo., VOR; **11,000. *12,000—MCA V-187 northbound. *15,000—MCA northbound V-187 for acft arriving Mancos INT southeastbound via V-211. **10,900—MOCA.

Section 95.6231 *VOR Federal airway 231* is amended to read in part:

*Charlo INT, Idaho; Kalispell, Mont., VOR; #9,800. *11,000—MCA Charlo INT, southbound. #Part time MEA 11,000 southbound.

Section 95.6234 *VOR Federal airway 234* is amended by adding:

Hutchinson, Kans., VOR; Walton INT, Kans.; 4,000.
Walton INT, Kans.; *Florence INT, Kans.; **3,300. *5,000—MRA. **2,800—MOCA.
Florence INT, Kans.; Emporia, Kans., VOR; *3,300. *2,700—MOCA.
Emporia, Kans., VOR; Butler, Mo., VOR; *3,000. *2,600—MOCA.
Butler, Mo., VOR; Vichy, Mo., VOR; *3,200. *2,400—MOCA.
Vichy, Mo., VOR; Delmar INT, Mo.; *2,900. *2,400—MOCA.
Delmar INT, Mo.; Crystal City INT, Mo.; *3,500. *2,100—MOCA.
Crystal City INT, Mo.; Centralia, Mo., VOR; *3,000. *2,000—MOCA.

Section 95.6309 *VOR Federal airway 309* is amended by adding:

United States-Canadian border; Annette Island, Alaska, VOR; 5,600.

Section 95.6313 *VOR Federal airway 313* is amended to read in part:

Centralia, Ill., VOR; INT 010 M rad, Centralia, Ill., VOR and 162 M rad, Vandalia, Ill., VOR; *2,400. *2,100—MOCA.
INT 010 M rad, Centralia, Ill., VOR and 162 M rad, Vandalia, Ill., VOR; Decatur, Ill., VOR; *2,400. *2,100—MOCA.

Section 95.6335 *VOR Federal airway 335* is amended to read in part:

Marion, Ill., VOR; Crystal City INT, Mo.; *3,500. *2,400—MOCA.
Crystal City INT, Mo.; Imperial INT, Mo.; *3,000. *2,600—MOCA.
Imperial INT, Mo.; Meramec INT, Mo.; 2,600.
Meramec INT, Mo.; St. Louis, Mo., VOR; *2,200. *2,000—MOCA.

Section 95.6407 *Hawaii VOR Federal airway 7* is amended by adding:

Kona, Hawaii, VOR; Reef INT, Hawaii; 5,000.
*Reef INT, Hawaii; Moana INT, Hawaii; 2,000. *3,600—MCA Reef INT, southeast-bound.
Moana INT, Hawaii; Lanai, Hawaii, VOR; 4,000.

Section 95.6420 *Hawaii VOR Federal airway 20* is added to read:

Honolulu, Hawaii, VOR; Ono INT, Hawaii, northwest-bound, 4,000; southeast-bound, 2,000.
Ono INT, Hawaii; Pebble INT, Hawaii; 2,000.
Pebble INT, Hawaii; Typhoon INT, Hawaii; 8,000.
Typhoon INT, Hawaii; Robin INT, Hawaii; 3,000.
*Robin INT, Hawaii; Kona, Hawaii, VOR; 5,000. *3,800—MCA Robin INT, southeast-bound.

Section 95.6423 *Hawaii VOR Federal airway 23* is added to read:

Upolu PT, Hawaii, VOR; Firepit INT, Hawaii; 6,000.

Section 95.6429 *VOR Federal airway 429:*

Bible Grove, Ill., VOR; INT V-14 and V-72; *2,300. *1,900—MOCA.

Section 95.6448 *VOR Federal airway 448* is amended to read in part:

*Spokane, Wash., VOR; Clark INT, IDA; northeastbound, **#9,000; southwestbound, 8,000. *5,200—MCA Spokane VOR, northeastbound. **7,200—MOCA. #Part time MEA 11,500 northeastbound.

Section 95.6454 *VOR Federal airway 454* is amended to read in part:

Rex, Ga., VOR; Conyers INT, Ga.; *2,700. *2,200—MOCA.

Conyers INT, Ga.; Madison INT, Ga.; *2,700. *2,000—MOCA.

Section 95.6458 *VOR Federal airway 458* is amended by adding:

Santa Catalina, Calif., VOR; Avalon INT, Calif.; 4,000.

Avalon INT, Calif.; Pacific INT, Calif.; *3,000. *2,000—MOCA.

Pacific INT, Calif.; Oceanside, Calif., VOR; *3,000. *2,400—MOCA.

Oceanside, Calif., VOR; Vista INT, Calif.; eastbound, 4,000. Westbound, 3,000.

Vista INT, Calif.; Julian, Calif., VOR; 7,700.

Imperial, Calif., VOR; Yuma Ariz. VOR; 3000.

Section 95.6536 *VOR Federal airway 536* is amended to read in part:

Pullman, Wash., VOR; Mullan Pass, Idaho, VOR; 9,000.

Section 95.7033 *Jet route No. 33* is added to read:

From, To, MEA, and MAA

Humble, Tex., VORTAC; Greater southwest, Tex., VORTAC; 18,000; 45,000.

Section 95.7034 *Jet route No. 34* is amended to read in part:

Bellaire, Ohio, VORTAC; INT 108 M rad, Bellaire VORTAC and 255 M rad, Westminster, VORTAC; 23,000; 45,000.

Section 95.7513 *Jet route No. 513* is added to read:

Lakehead, Ontario, Canada, VORTAC; Sudbury, Ontario, Canada, VORTAC; #18,000; #45,000. #For that airspace over U.S. Territory.

Section 95.7518 *Jet route No. 518* is amended to read in part:

Cleveland, Ohio, VORTAC; Westminister, Md., VORTAC; 19,000; 45,000.

2. By amending subpart D as follows:

From; To; Distance; From

Section 95.8005 *Jet Routes Changeover Points:*

J–30 is amended to delete:

Appleton, Ohio, VORTAC; Front Royal, Va., VOR; 112; Appleton.

From; To; Changeover point; Distance from

Section 95.8003 *VOR Federal airway changeover points:*

V–18 is amended to delete:

Augusta, Ga., VORTAC; Norway INT, S.C.; 48; Augusta.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on August 14, 1969.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 69–9037; Filed, Aug. 21, 1969; 8:45 a.m.]

[Reg. Docket No. 9747; Amdt. 663]

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:

Greenwood, Miss.—Greenwood-Le Flore, VOR Runway 5, Amdt. 2, 28 Nov. 1968 (established under Subpart C).
Key West, Fla.—Key West International, ADF 1, Amdt. 3, 19 Nov. 1966 (established under Subpart C).
Key West, Fla.—Key West International, VOR–1, Orig., 19 Nov. 1966 (established under Subpart C).

2. 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:

Moses Point, Alaska—Moses Point, LFR–1, Amdt. 10, effective 10 Apr. 1969, canceled, effective 11 Sept. 1969.
Moses Point, Alaska—Moses Point, VOR–1, Amdt. 2, effective 10 Apr. 1969, canceled, effective 11 Sept. 1969.

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

Fort Pierce—St. Lucie County, VOR/DME Runway 14, Amdt. 1, 29 July 1967 (established under Subpart C).

4. 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: 9.5 miles after passing GRW VORTAC.
R 154°, GRW VORTAC CW	R 256°, GRW VORTAC	9-mile Arc	2000	Climbing right turn to 2000' on GRW VORTAC and hold.
R 350°, GRW VORTAC CCW	R 256°, GRW VORTAC	9-mile Arc	2000	
9-mile Arc	GRW VORTAC (NOPT)	R 256°, GRW	1900	Supplementary charting information: Hold W, 1 minute, left turns, 076° Inbnd. Final approach crs intercepts Runway 5 centerline extended at 3000'.

Procedure turn N side of crs, 256° Outbnd, 076° Inbnd, 2000' within 10 miles of GRW VORTAC.
FAF, GRW VORTAC. Final approach crs, 076°. Distance FAF to MAP, 9.5 miles.
Minimum altitude over GRW VORTAC, 1900'; over 5-mile DME Fix, 740'.
MSA: 000°-180°—1800'; 180°-270°—2300'; 270°-360°—1600'.
CAUTION: Terrain 400' MSL 1 mile E of airport.
NOTE: Use Greenwood FSS altimeter setting and weather information.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	740	1	585	740	1	585	740	1	585	740	1¼	585
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	740	1	585	740	1	585	740	1¼	585	740	2	585
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	560	1	405	560	1	405	560	1	405	560	1	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	545	700	1	545	700	1¼	545	720	2	565
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Greenwood; State, Miss.; Airport name, Greenwood-Le Flore; Elev., 155'; Facility, GRW; Procedure No. VOR Runway 5, Amdt. 3; Eff. date, 11 Sept., 69; Sup. Amdt. No. 2; Dated, 28 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.8 miles after passing EYW VORTAC.
EYW NDB	EYW VORTAC	Direct	1500	Turn left, climb to 1500' on R 000° within 15 miles.
EYW, R 040° CCW	EYW, R 308°	8-mile Arc	1500	
8-mile Arc	EYW VORTAC (NOPT)	R 308°	700	Supplementary charting information: Final approach crs to center of airport.

Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 1500' within 10 miles of EYW VORTAC.
FAF, EYW VORTAC. Final approach crs, 128°. Distance FAF to MAP, 2.8 miles.
Minimum altitude over EYW VORTAC, 700'.
MSA: 000°-360°—1400'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	476	480	1	476	480	1¼	476	620	2	616
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Key West; State, Fla.; Airport name, Key West International; Elev., 4'; Facility, EYW; Procedure No. VOR-1, Amdt. 1; Eff. date, 11 Sept. 69; Sup. Amdt. No. Orig.; Dated, 19 Nov. 66

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: 12.5-mile DME Fix.
VRB VORTAC	7-mile DME Fix (NOPT)	VRB, R 150°	1000	Right-climbing turn to 1500' and return to VRB VORTAC via R 163° and hold. Supplementary charting information: Hold W, 1 minute, right turns, 111° Inbnd. Final approach crs to Runway 14.

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 1500' within 10 miles of VRB VORTAC.
Final approach crs, 150°.
Minimum altitude over VRB VORTAC, 1500'; over 7-mile DME Fix, 1000'; over 10.5-mile DME Fix, 800'.
MSA: 000°-090°—1300'; 090°-180°—1600'; 180°-270°—1400'; 270°-360°—1500'.
NOTES: (1) No weather reporting. (2) Use Vero Beach FSS altimeter setting.
*%Night takeoffs and landings authorized on Runways 9/27 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14*	440	1	416	440	1	416	440	1	416		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C*	480	1	456	480	1	456	480	1¼	456		NA	
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Fort Pierce; State, Fla.; Airport name, St. Lucie County; Elev., 24'; Facility, VRB; Procedure No. VOR/DME Runway 14, Amdt. 2; Eff. date, 11 Sept. 69; Sup. Amdt. No. 1; Dated, 29 July 67

5. 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/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: 2.3 miles after passing BRO VORTAC.
R 305°, BRO VORTAC CW	R 062°, BRO VORTAC (NOPT)	7-mile Arc BRO, R 045° lead radial.	1500	Climbing right turn to 1500' direct to BRO VORTAC and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 242° Inbnd. Runway 26, TDZ elevation, 22'.

Procedure turn N side of crs, 062° Outbnd, 242° Inbnd, 1500' within 10 miles of BRO VORTAC.
FAF, BRO VORTAC. Final approach crs, 242°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over BRO VORTAC, 700'.
MSA: 000°-270°—1300'; 270°-360°—2100'.
*Night operations not authorized Runways 08-26.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-26*	340	1	318	340	1	318	340	1	318	340	1	318
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	430	1	398	480	1	458	480	1½	458	580	2	558
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Brownsville; State, Tex.: Airport name, Rio Grande Valley International; Elev., 22'; Facility, BRO; Procedure No. VOR Runway 26, Amdt. 11; Eff. date, 11 Sept. 69; Sup. Amdt. No. 10; Dated, 26 Dec. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing STT VOR.
				If unable to proceed visually to airport upon descent to 1000', turn left climb to 2700' on R 163° within 15 miles of STT VOR, reverse crs direct to STT VOR and hold. Supplementary charting information: Hold N STT VOR, 1 minute, right turns, 186° Inbnd. High terrain N of Runways 9/27 extended. Depict following fixes on AL Chart: Whitefish, Van Dyke, Red Hook, Cruzan, and Culebra.

Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2800' within 10 miles of STT VOR.
Final approach crs (profile) starts at STT VOR reaching MAP at 5 miles, 1000'.
FAF, STT VOR. Final approach crs, 186°. Distance FAF to MAP, 5 miles.
Minimum altitude over STT VOR, 2000'.
MSA: 045°-135°—2800'; 135°-225°—2700'; 225°-045°—2000'.
NOTE: Visual flight required from MAP to airport.
*Circling Categories A, B, C, night 2000-3. All maneuvering for landing or turn after takeoff must be made S of airport.
#Night landing Runway 27 not authorized.
%Takeoff day 1000-2; night 2000-3.
@Day 1000-2; night 2000-3.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C#*	1000	2	989	1000	2	989	1000	2	989	NA
A	@.		T 2-eng. or less—%.				T over 2-eng.—%.			

City, Charlotte Amalie; Island, St. Thomas, V.I.; Airport name, Harry S. Truman; Elev., 11'; Facility, STT; Procedure No. VOR-1, Amdt. 7; Eff. date, 11 Sept. 69; Sup. Amdt. No. 6; Dated, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE VOR/DME—Continued

Terminal Routes				Missed Approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles after passing STX VOR
STX NDB	STX VOR	Direct	2200	Climbing left turn to 2200' direct to STX VOR and hold.
Grouper Int	STX VOR	Direct	2200	Supplementary charting information: Hold E STX VOR, 1 minute, right turns, 257° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold. VASI Runway 9, Runway 27, TDZ elevation, 40'.

Procedure turn N side of crs, 077° Outbnd, 257° Inbnd, 2200' within 10 miles of STX VOR.
FAF, STX VOR. Final approach crs, 257°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over STX VOR, 1500'.
MSA: 000°-180°—1900'; 180°-360°—2200'.
NOTES: (1) Procedure not authorized when control tower not in operation. (2) Sliding scale not authorized. (3) 300' per mile maximum rate of descent on final approach.
*Alternate minimums not authorized when control zone not effective.
@Category D circling authorized only S of centerline extended Runways 9/27.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	740	1	700	740	1	700	740	1¼	700	740	1½	700
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	740	1	680	740	1	680	740	1½	680	740	2	680
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Christiansted; Island, St. Croix, V.I.; Airport name, Alexander Hamilton; Elev., 60'; Facility STX; Procedure No. VOR Runway 27, Amdt. 5; Eff. date, 11 Sept. 69 Sup. Amdt. No. 4; Dated, 3 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing CSG VOR.
Columbus LOM	CSG VOR	Direct	2100	Climbing left turn to 2200' to Geneva Int via 046° bearing from CS LOM and hold; or, when directed by ATC, climbing left turn to 2200' to CSG VOR via R 148° and hold. Hold NW, 1 minute, right turns 148° Inbnd. Supplementary charting information: Geneva Int hold E, 1 minute, right turns, 265° Inbnd. HIRL Runway 5/23. Deplct restricted area R-3002A.

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 2100' within 10 miles of CSG VOR.
FAF, CSG VOR. Final approach crs, 148°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over CSG VOR, 1700'; over Davis Int, 980'.
MSA: 000°-090°-3500'; 090°180°—3300'; 180°-360°—2200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	980	1	583	980	1	583	980	1½	583	980	2	583
	VOR/NDB Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1½	523	960	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397'; Facility, CSG; Procedure No. VOR-1, Amdt. 11; Eff. date, 11 Sept. 69; Sup. Amdt. No. 10; Dated, 12 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

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° Inbnd.

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.
*Night minimums not authorized Runways 1/19.

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	1¼	518	640	2	558
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Farmingdale; State, N.Y.; Airport name, Republic; Elev., 82'; Facility, DPK; Procedure No. VOR-1, Amdt. 2; Eff. date, 11 Sept. 69; Sup. Amdt. No. 1; Dated, 6 Feb. 69

6. 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				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing BR LOM.
HRL VOR	LOM (NOPT)	Direct	1500	Climbing left turn to 1500' direct to BR LOM and hold.
Rio Hondo Int	LOM	Direct	1500	
Fresnos Int	LOM	Direct	1500	Supplementary charting information:
BRO VORTAC	LOM	Direct	1500	Hold NW, 1 minute, left turns, 127° Inbnd.
R 062°, BRO VORTAC CCW	BRO LOC (front crs)	15-mile Arc BRO, R 304°, lead radial.	1500	Runway 13R, TDZ elevation, 17'.
Int 15-mile Arc/BRO LOC front crs	BR LOM (NOPT)	LOC crs	1500	

Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 1500' within 10 miles of BR LOM.
FAF, BR LOM. Final approach crs, 127°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over BR LOM, 1500'.
MSA: 000°-270°—1300'; 270°-360°—2100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	340	1	323	340	1	323	340	1	323	340	1	323
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	420	1	398	480	1	458	480	1¼	458	580	2	558
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22'; Facility, I-BRO; Procedure No. LOC Runway 13R, Amdt. 1; Eff. date, 11 Sept. 69; Sup. Amdt. No. Orig.; Dated, 28 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURES—TYPE LOC—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.5 miles after passing Knob Int.
BNA VORTAC	Knob Int	Direct	2200	Climb to 2200' direct to BM NDB/LOM and hold.
BN NDB/LOM	Knob Int	Direct	2200	Supplementary charting information: Hold S, 1 minute, right turns, 016° Inbnd. HIRL Runways 2L/20R. VASI Runway 20R. Runway 20R, TDZ elevation, 576'.

Procedure turn E side of crs, 016° Outbnd, 196° Inbnd, 2200' within 10 miles of Knob Int.
FAF, Knob Int. Final approach crs, 196°. Distance FAF to MAP, 2.5 miles.
Minimum altitude over Knob Int, 1400'.
NOTES: (1) Aircraft must have both localizer and VOR receivers operating for execution of this approach. (2) ASR.
*Inoperative table does not apply to HIRL Runway 20R.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20R*	980	1	404	980	1	404	980	1	404	980	1	404
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	443	1040	1	463	1040	1¼	463	1160	2	563
A	Standard.			T 2-eng. or less—RVR 24', Runway 2L; Standard all other runways.			T over 2-eng.—RVR 24', Runway 2L; Standard all other runways.					

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597'; Facility, I-BNA; Procedure No. LOC (BC) Runway 20R, Amdt. 5; Eff. date, 11 Sept. 69; Sup. Amdt. No. 4; Dated, 24 Oct. 68

7. 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: 1.2 miles after passing EYW NDB.
EYW VORTAC	EYW NDB	Direct	1500	Climb to 1500' on bearing 066° from NDB within 15 miles.

Procedure turn N side of crs, 267° Outbnd, 087° Inbnd, 1500' within 10 miles of EYW NDB.
FAF, EYW NDB. Final approach crs, 066°. Distance FAF to MAP, 1.2 miles.
Minimum altitude over EYW NDB, 820'.
MSA: 000°-360°—1400'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	476	480	1	476	480	1½	476	620	2	616
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Key West; State, Fla.; Airport name, Key West International; Elev., 4'; Facility, EYW; Procedure No. NDB (ADF) Runway 9, Amdt. 4; Eff. date, 11 Sept. 69; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 19 Nov. 66

8. 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: 9.7 miles after passing BRA NDB.
AVL VORTAC	BRA NDB	Direct	5000	Climb on crs of 340° to Biltmore NDB and continue climb, if necessary in holding pattern S of Biltmore NDB to 5000' or higher as directed by ATC before continuing climb on crs or returning to BRA NDB, or when directed by ATC, climb on crs of 341° from BRA NDB to 8000'.
SPA VORTAC	Tuxedo Int	Direct	5000	
Tuxedo Int	BRA NDB (NOPT)	Direct	5000	
Owen Int	BRA NDB	Direct	5000	
Forest Int	BRA NDB	Direct	5000	

Supplementary charting information:
Hold S, 1 minute, right turns, 340° Inbnd, 5000'.
Chart AVL VORTAC R 256° over OM.
VASI-16.
Runway 34, TDZ elevation, 2140'.

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 5000' within 10 miles of BRA NDB.
FAF, BRA NDB. Final approach crs, 341°. Distance FAF to MAP, 9.7 miles.
Minimum altitude over BRA NDB, 5600'; over OM, 3340'.
MSA: 000°-090°—8700'; 090°-180°—5500'; 180°-270°—7300'; 270°-360°—8400'.
% IFR departure procedures: Climb to 5000', or higher if directed by ATC, via the procedures specified below before continuing on crs:
Runway 34—340° to Biltmore NDB; if necessary, climb in holding pattern until reaching 5000'.
Runway 16—161° track.
#Sliding scale not authorized.
@@Circling E side of airport. Night circling not authorized.
*Inoperative table does not apply to ALS Runway 34.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34*#	3340	1¼	1200	3340	2	1200	3340	2¼	1200	3340	2½	1200
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	3340	2	1179	3340	2	1179	3340	2¼	1179	3340	2½	1179
	NDB/VOR or FM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34*#	2780	1	640	2780	1	640	2780	1¼	640	2780	1½	640
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	3060	2	899	3060	2	899	3060	2	899	3060	2	899
A	1500'-2, Day, Night, not authorized.		T 2-eng.or less—400-1, Runway 34; Standard Runway 16.%				T over 2-eng.—400-¾, Runway 34; Standard Runway 16.%					

City, Asheville; State, N.C.; Airport name, Municipal; Elev., 2161'; Facility BRA; Procedure No. NDB (ADF) Runway 34, Amdt. 6; Eff. date, 11 Sep. 69; Sup. Amdt. No. 5 Dated, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing BR LOM.
HRL VOR	BR LOM (NOPT)	Direct	1500	Climbing left turn to 1500' direct to BR LOM and hold.
Rio Hondo Int	BR LOM	Direct	1500	
Fresnos Int	BR LOM	Direct	1500	
BRO VORTAC	RB LOM	Direct	1500	
R 062° BRO VORTAC CCW	Bearing 307° BR LOM	15-mile Arc BRO, R 304°, lead radial.	1500	
Int 15-mile Arc/ Bearing 307° BR LOM	BR LOM (NOPT)	Bearing 307° BR LOM	1500	

Supplementary charting information:
Hold NW, 1 minute, left turns, 127° Inbnd.
Runway13R, TDZ elevation, 17'.

Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 1500' within 10 miles of BR LOM.
FAF, BR LOM. Final approach crs, 127°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over BR LOM, 1500'.
MSA: 000°-270°—1300'; 270°-360°—2100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	480	1	463	480	1	463	480	1	463	480	1	463
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	458	480	1	458	480	1¼	458	580	2	558
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22'; Facility BR; Procedure No. NDB (ADF) Runway 13R, Amdt. 1; Eff. date, 11 Sept. 69; Sup. Amdt. No. Orig.; Dated, 26 Dec. 68

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing CS LOM.
Columbus VOR	CS LOM	Direct	2200	Climb to 2200' direct to Geneva Int via 046° bearing from CS LOM and hold; or, when directed by ATC, climb to 2200', left turn direct to CS LOM and hold. Hold SW, 1 minute, left turn, 053° Inbnd.
Maryyn Int	CS LOM	Direct	2200	
Geneva Int	CS LOM	Direct	2200	
Seale Int	CS LOM (NOPT)	Direct	2200	
V-568	CS LOM (NOPT)	CS LOM bearing 233°	2200	
				Supplementary charting information: Geneva Int hold E, 1 minute, right turns, 265° Inbnd. HIRL Runways 5/23. Depict restricted area R-3002A. Runway 5, TDZ elevation, 379'.

Procedure turn N side of crs, 233° Outbnd, 053° Inbnd, 2200' within 10 miles of CS LOM.
FAF, CS LOM. Final approach crs, 053°. Distance FAF to MAP, 6 miles.
Minimum altitude over CS LOM, 2200'.
MSA: 000°-090°—3500'; 090°-180°—3300'; 180°-270°—1800'; 270°-360°—2300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	920	1	541	920	1	541	920	1	541	920	1¼	541
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1¼	523	960	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397'; Facility, CS; Procedure No. NDB (ADF) Runway 5, Amdt. 17; Eff. date, 11 Sept. 69; Sup. Amdt. No. 16; Dated, 12 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing BBN NDB.
				Climbing left turn to 1600' direct to BBN NDB and hold. Supplementary charting information: Hold S, 1 minute, right turns, 347° Inbnd.

Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 1600' within 10 miles of BBN NDB.
FAF, BBN NDB. Final approach crs, 347°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over BBN NDB, 800'.
MSA: 000°-090°—1700'; 090°-270°—1400'; 270°-360°—2000'.
NOTES: (1) Radar vectoring. (2) Procedure authorized only during hours control tower is in operation.
*Night minimums not authorized Runways 1/19.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1*	560	1	499	560	1	499	560	1	499	560	1	499
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	560	1	478	560	1	478	560	1¼	478	640	2	558
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Farmingdale; State, N.Y.; Airport name, Republic; Elev., 82'; Facility, BBN; Procedure No. NDB (ADF) Runway 1, Amdt. 7; Eff. date, 11 Sept. 69; Sup. Amdt. No. 6; Dated, 29 Feb. 68

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing NDB.
RMT VOR	PGV NDB	Direct	1600	Make climbing right turn to 1600' return direct to NDB, hold N 192° Inbnd, right turns.
ISO VOR	PGV NDB	Direct	1900	
Zang Int	PGV NDB (NOPT)	Direct	1600	

Supplementary charting information: Antenna 948', 3.5 miles S of airport.

Procedure turn W side of crs, 012° Outbnd, 192° Inbnd, 1600' within 10 miles of PGV NDB.
FAF, PGV NDB. Final approach crs, 192°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over PGV NDB, 1500'.
MSA: 000°-090°—1500'; 090°-270°—2600'; 270°-360°—1600'.
NOTES: (1) Use RMT altimeter setting. (2) Night minimum not authorized on Runways 14/32.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	640	1	615	640	1	615	640	1	615	640	1¼	615
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	615	640	1	615	640	1½	615	780	2	755
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Greenville; State, N.C.; Airport name, Pitt-Greenville; Elev., 25'; Facility, PGV; Procedure No. NDB (ADF) Runway 19, Amdt. 1; Eff. date, 11 Sept. 69; Sup. Amdt. No. Orig.; Dated, 4 Apr. 68

9. 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				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DH, 2440'; LOC 9.7 miles after passing BRA NDB.
AVL VORTAC	BRA NDB	Direct	5000	Climb on crs of 340° to Biltmore NDB and continue climb, if necessary in holding pattern S of Biltmore NDB to 5000' or higher as directed by ATC before continuing climb on crs or returning to BRA NDB, or when directed by ATC, climb on crs of 341° from BRA NDB to 8000'.
Owen Int	BRA NDB	Direct	5000	
SPA VORTAC	Tuxedo Int	Direct	5000	
Tuxedo Int	BRA NDB (NOPT)	Direct	5000	
Forest Int	BRA NDB	Direct	5000	

Supplementary charting information: Hold S, 1 minute, right turns, 340° Inbnd, 5000'.
Back crs unusable. Glide slope unusable below 2310'—VASI-16.
Chart AVL VORTAC R 256° over OM.
Runway 34, TDZ elevation, 2140'.

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 5000' within 10 miles of BRA NDB.
FAF, BRA NDB. Final approach crs, 341°. Distance FAF to MAP, 9.7 miles.
Minimum glide slope interception altitude, 5000'. Glide slope altitude at OM, 3519'; at MM, 2329'.
Distance to runway threshold at OM, 4.7 miles; at MM, 0.6 mile.
MSA: 000°-090°—8700'; 090°-180°—5500'; 180°-270°—7300'; 270°-360°—8400'.
%IFR departure procedures: Climb to 5000', or higher if directed by ATC, via the procedures specified below before continuing on crs:
RUNWAY 34—340° to Biltmore NDB; if necessary, climb in holding pattern until reaching 5000'.
RUNWAY 16—161° track.
#Sliding scale not authorized.
@Circling E side of airport. Night circling not authorized.
*Inoperative table does not apply to HIRL or ALS Runway 34.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-34	2440	¾	300	2440	¾	300	2440	¾	300	2440	¾	300
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	2880	1	719	2880	1	719	2880	1¼	719	2880	2	719
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34*#	2680	1	540	2680	1	540	2680	1	540	2680	1¼	*540
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	2880	1	719	2880	1	719	2880	1¼	719	2880	2	719
A	1000-2.		T 2-eng. or less—400-1, Runway 34; Standard Runway 16.				% T over 2-eng.—400-¾, Runway 34; Standard Runway 16.					

City, Asheville; State, N.C.; Airport name, Municipal; Elev., 2161'; Facility, I-AVL; Procedure No. ILS Runway 34, Amdt. 9; Eff. date, 11 Sept. 69; Sup. Amdt. No. 8; Dated, 17 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 679'; LOC 6 miles after passing CS LOM.
Columbus VOR	CS LOM	Direct	2200	Climb to 2200' direct to Geneva Int via 046° bearing from CS LOM and hold; or, when directed by ATC, climb to 2200', left turn direct to CS LOM and hold
Marvyn Int	CS LOM	Direct	2200	
Geneva Int	CS LOM	Direct	2200	
Seale Int	CS LOM (NOPT)	CSG LOC crs	2200	Hold SW, 1 minute, left turns, 053° Inbd
V-268	CS LOM (NOPT)	CS LOM bearing 233°	2200	Supplementary charting information: Geneva Int hold E, 1 minute, right turns, 265° Inbnd, HIRL Runways 5/23. Depict restricted area R-3002A. Runway 5, TDZ elevation, 379'.

Procedure turn N side of crs, 233° Outbnd, 053° Inbnd, 2200' within 10 miles of CS LOM.
FAF, CS LOM. Final approach crs, 053°, Distance FAF to MAP, 6 miles.
Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2200'; at MM, 620'.
Distance to runway threshold at OM, 6 miles; at MM, 0.6 mile.
MSA: 000°-090°—3500'; 090°-180°—3300'; 180°-270°—1800'; 270°-360°—2300'.
NOTES: (1) Glide slope unusable below 679'. (2) LOC back Crs unusable. (3) Inoperative component table does not apply to HIRL Runway 5.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-5	679	¾	300	679	¾	300	679	¾	300	679	¾	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	820	1	441	820	1	441	820	1	441	820	1	441
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1¼	523	960	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397'; Facility, I-CSG; Procedure No. ILS Runway 5, Amdt. 11; Eff. date, 11 Sept. 69; Sup. Amdt No. 10; Dated, 12 June 69

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on August 7, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-9591; Filed, Aug. 21, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-587]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Standard Passenger Weights Including All Baggage

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of August 1969.

In a notice of proposed rule making dated June 13, 1969 (EDR-165, published at 34 F.R. 9622), Docket 21079, the Board proposed to establish a standard passenger weight of 200 pounds, including all baggage, to be used in reporting passenger ton-miles for domestic, territorial, and international operations.

Interested persons were afforded an opportunity to participate in the rule making. No comments were received. Therefore, the Board adopts the tentative findings set out in EDR-165, and makes final the rule as proposed, with a clarifying modification of the definition of "weight, passenger."[1]

Accordingly, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective January 1, 1970, as follows:

1. Amend section 03—Definitions by revising the definitions of "Ton-mile, passenger" and "Weight, passenger" to read as follows:

Ton-mile, passenger. One ton of passenger weight (including all baggage) transported 1 mile. (See also *Weight, passenger.*)

Weight, passenger. For the purposes of this manual, a standard weight of 200 pounds per passenger (including all baggage) is used for all civil operations and classes of service. Other weights may be prescribed in specific instances upon the initiative of the Board or upon factually supported request by an air carrier.

2. Amend the text for Schedules T-1 and T-2 in section 25—Traffic and Capacity Elements, by revising paragraph (i) and deleting paragraph (j), as follows:

(i) Item 217 "Passenger ton-miles" shall be computed at the standard passenger weight (including all baggage) set forth in section 03 in the definition of "weight, passenger." The prescribed passenger weight may be reviewed from time to time upon request of individual air carriers, or upon the Board's initiative, and other weights may be prescribed in specific instances.

(j) [Deleted.]

3. Amend Schedules T-1, T-1(a), and T-2 of CAB Form 41, which are incorporated herein by reference, by deleting therefrom the item "Excess baggage" under the "Revenue ton-miles" classification.

(Secs. 204(a), 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10005; Filed, Aug. 21, 1969; 8:48 a.m.]

[1] The definition in the notice stated that the standard weight "is used for all operations and classes of service." The definition is revised to insert the word "civil" after "all."

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 31—NONALCOHOLIC BEVERAGES

Soda Water, Identity Standard; Confirmation of Effective Date of Order Adding Optional Ingredients

In the matter of amending the definition and standard of identity for soda water (21 CFR 31.1) to list as optional ingredients fructose, gluconic acid, and gluconate salts of calcium, magnesium, potassium, or sodium:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 26, 1969 (34 F.R. 9867). Accordingly, the amendments promulgated by that order will become effective August 25, 1969.

Dated: August 15, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9977; Filed, Aug. 21, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-874]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Frequency Allocations

In the matter of amendment of Part 2, § 2.106, the Table of Frequency Allocations, of the Commission's rules and regulations, to delete footnote US24.

Order. 1. The Commission has under consideration the above entitled matter.

2. Footnote US24, now applied to the frequency band 54.0–72.0 MHz, reads as follows:

US24 Government fixed stations in the Midway Islands use frequencies in the band 54.0–54.4 Mc/s.; U.S. stations in the broadcasting service will not be authorized to use frequencies in the band 54–60 Mc./s. at any island in the Pacific Ocean west of the Island of Oahu, Hawaii, except within American Samoa; non-Government experimental stations, other than contract developmental stations, will not be authorized to use frequencies in the band 54.0–54.4 Mc./s. at any island in the Pacific Ocean west of the Island of Oahu, Hawaii. This note does not apply to Alaska.

3. The above footnote was designed to accommodate systems employing forward propagation by ionospheric scatter (FPIS) techniques. However, the Commission has been informed that the need for such accommodation no longer exists and that such a need is not expected to recur.

4. Since the footnote was for the benefit of Government stations and we have no reason to believe that any non-Government interested person would wish to oppose its deletion, we find that compliance with the notice and public procedure provisions of section 553 of the Administrative Procedure and Judicial Review Act would be unnecessary and contrary to the public interest: *Accordingly, it is ordered,* That the footnote US24 is deleted from Part 2 of the rules and regulations effective August 22, 1969.

5. Authority for this amendment is contained in sections 4(i), 303 (c), and (r) of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 13, 1969.

Released: August 18, 1969.

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

[F.R. Doc. 69-9966; Filed, Aug. 21, 1969; 8:45 a.m.]

[Docket No. 18541; FCC 69-886]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

In the matter of amendment of § 73.202, table of assignments, FM broadcast stations (Carthage, Miss., Mifflinburg, Pa., Forest City, Iowa, Hampton, S.C., Tylertown, Miss., French Lick, Ind., New Boston, Tex., Breckenridge, Minn., Minocqua, Wis., Charleston, Miss., and Southampton, N.Y.); Docket No. 18541; RM-1396, RM-1398, RM-1401, RM-1410, RM-1411, RM-1412, RM-1415, RM-1419, RM-1421, RM-1430, RM-1433.

Second report and order. 1. The Commission has under consideration its notice of proposed rule making issued on May 5, 1969 (FCC 69-475, 34 F.R. 7446), inviting comments on a number of proposals for changes in the FM table of assignments. All proposals were disposed of in a First Report and Order (FCC 69-701), except for RM-1433, Southampton, N.Y. The subject decision concerns the latter petition.

2. On March 25, 1969, Ira Littman of Hewlett, N.Y., a potential FM applicant, filed a petition seeking assignment of channel 237A to Southampton (village), N.Y. Southampton Village, having a 1960 census of 4,582 persons, is an incorporated subdivision of Southampton Town, which had a 1960 population of 26,861. The community is located in the eastern area of Long Island in Suffolk County, which is included in the New York-Northeastern New Jersey standard metropolitan statistical area. It is not, however, included in an urbanized area. At present, Southampton Village has neither an AM nor FM assignment. The petitioner submits that the only facilities east of Riverhead on Long Island (and in Southampton Town) are a daytime-only AM and FM (WLNG AM-FM) combined operation at Sag Harbor.[1]

3. An accompanying engineering statement indicates that assignment of channel 237A may be made in conformity with the separation requirements of the rules, and that the only preclusion that would result would be a limited area east of Southampton for channel 237A, which does not appear to include any community having a population comparable to that of Southampton.

4. In consideration of the above, particularly the showing on the lack of significant preclusion impact on other potential assignments, we are of the opinion that making provisions for a first aural outlet in Southampton is warranted and would serve the public interest. We are therefore adopting the proposed assignment.

5. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered,* That effective September 22, 1969, § 73.202 of the Commission's rules, the FM table of assignments, is amended to read, with respect to the community listed below, as follows:

City	*Channel No.*
Southampton, N.Y.	237A

7. *It is further ordered,* That this proceeding (Docket No. 18541) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 13, 1969.

Released: August 18, 1969.

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

[F.R. Doc. 69-9967; Filed Aug. 21, 1969; 8:45 a.m.]

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[1] Sag Harbor and Southampton Village are both in Southampton Town, some 10 miles from each other. There are no other FM assignment on Long Island east of Riverhead.

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.3 is amended by adding a new entry to the table reading as follows:

§ 1914.3 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Virginia	City of Alexandria.	Four Mile Run.	I 51 510 0000 01	Division of Water Resources, 7th Floor, 911 East Broad Street, Richmond, Va. 23219. Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.	Department of Public Works, City Hall, Alexandria, Va. 22313.	Aug. 22, 1969.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001–4127), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Effective date. This amendment shall be effective as of August 22, 1969.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 69-10024; Filed, Aug. 21, 1969; 8:49 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding a new entry to the table reading as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Virginia	City of Alexandria.	Four Mile Run.	II 51 510 0000 01	Division of Water Resources, 7th Floor, 911 East Broad Street, Richmond, Va. 23219. Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.	Department of Public Works, City Hall, Alexandria, Va. 22313.	Aug. 22, 1969.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001–4127), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Effective date. This amendment shall be effective as of August 22, 1969.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 69-10025; Filed, Aug. 21, 1969; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Wapato Indian Irrigation Project, Wash.

On July 10, 1969, there was published in the daily issue of the FEDERAL REGISTER, Volume 34, Number 131, Page 11424, Notice of Intention to amend § 221.86, Subchapter T, Chapter I of the Code of Federal Regulations Title 25. This section deals with the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Wash. Interested persons were thereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Dale M. Baldwin, Area Director, within 30 days from the date of publication of the notice. One comment was received and given due consideration. It was determined that sufficient justification exists for the proposed rate increase and, accordingly, § 221.86 of Title 25, Code of Federal Regulations, Chapter I, Subchapter T, is amended as follows:

§ 221.86 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Wash., are hereby fixed as follows:

(a) Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385,387), the basic operation and maintenance assessment rates for the calendar year 1970 and subsequent years until further notice are:

(1) Minimum charges for all tracts in noncontiguous single ownership	$9.30
(2) Flat rate upon all farm units or tracts for each assessable acre	9.30
(3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	.50

(b) Pursuant to the provisions of the Act of September 26, 1961 (75 Stat. 680), there shall be assessed and collected, beginning with the calendar year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of $0.20 to defray the cost of replacing a wooden pipeline.

DALE M. BALDWIN,
Area Director.

[F.R. Doc. 69-10016; Filed, Aug. 21, 1969; 8:49 a.m.]

Title 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

On May 7, 1969, a notice of rule making was published in the FEDERAL REGISTER (34 F.R. 7381–7385) which proposed a revision of certain regulations in 30 CFR Part 250. On June 27, 1969, a notice of further rule making was published in the FEDERAL REGISTER (34 F.R. 9932–9934) which proposed the revision of certain additional regulations in 30 CFR Part 250 and the revision and transfer of certain regulations in 43 CFR Part 3380 to 30 CFR Part 250. Both notices invited interested parties to submit written comments, suggestions, or objections, with respect to the proposed amendments, to the Director, Geological Survey, within 30 days of the dates of publication. All such comments, suggestions, and objections received have been carefully considered and certain changes have been made.

In the May 7, 1969, notice § 250.42 (a) and (b) were redesignated as § 250.43 (a) and (b). Section 250.43 (a) and (b), republished, with certain amendments, existing antipollution regulations, formerly § 250.42, as amended by notice of rule making published in the FEDERAL REGISTER, at pages 2503–2504, as a final rule on February 21, 1969. The February 21, 1969, amendment added a new paragraph (b) to § 250.43. The stated purpose of this addition was "to set forth in greater detail the responsibility of lessees for the cost of cleanup and for damages from oil pollution resulting from operations under the Outer Continental Shelf Lands Act."

As a result of comments, suggestions, and objections received, some minor changes are made in § 250.43(a). Comments, suggestions and objections also have been received regarding § 250.43(b). From these it appears that there is confusion and doubt regarding the original intent and purpose of the February 21, 1969, amendment to set forth in greater detail the existing responsibilities of an oil and gas lessee on the Outer Continental Shelf for the control and removal of pollutant, and that the amendment has been misunderstood. Accordingly, to eliminate any doubt or confusion as to the original intent and meaning of the February 21, 1969, interpretive amendment to §§ 250.42 and 250.43(b) is further amended for the purpose of clarification, and a new paragraph (c) is added.

Part 250 of Chapter II of Title 30 of the Code of Federal Regulations is amended as follows, effective at the beginning of the calendar day on which the amendments are published in the FEDERAL REGISTER.

MITCHELL MELICH,
Acting Secretary of the Interior.

AUGUST 18, 1969.

1. The last sentence of § 250.1 is revised. As amended, § 250.1 reads as follows:

§ 250.1 Purpose and authority.

The Outer Continental Shelf Lands Act enacted on August 7, 1953 (67 Stat. 462), referred to in this part as "the act," authorizes the Secretary of the Interior at any time to prescribe and amend such rules and regulations, to be applicable to all operations conducted under a lease issued or maintained under the provisions of the act, as he determines to be necessary and proper to provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein. Subject to the supervisory authority of the Secretary of the Interior, the regulations in this part shall be administered by the Director of the Geological Survey through the Chief, Conservation Division.

2. Section 250.2, paragraph (c) is revised and paragraphs (j) and (k) are added to read as follows:

§ 250.2 Definitions.

* * * * *

(c) *Supervisor.* A representative of the Secretary, under administrative direction of the Director, through the Chief, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or any subordinate of such representative acting under his direction.

* * * * *

(j) *OCS Order.* A formal numbered order issued by the supervisor and available in his office, with the prior approval of the Chief, Conservation Division, Geological Survey, that implements the regulations in this part and applies to operations in a region or a major portion thereof.

(k) *Pollution Contingency Plan.* The National Multi-Agency Oil and Hazardous Materials Pollution Contingency Plan cosigned by the Department of the Interior, Department of Transportation, Department of Defense, Department of Health, Education, and Welfare, and the Office of Emergency Preparedness and administered by the Secretary of the Interior, or any successor plan thereto.

3. Section 250.10 is revised to read as follows:

§ 250.10 Jurisdiction.

Subject to the supervisory authority of the Secretary and the Director, drilling and production operations, handling and measurement of production, determination and collection of rental and royalty, and, in general, all operations conducted on a lease by or on behalf of a lessee are subject to the regulations in this part, and are under the jurisdiction of the supervisor for any region as delineated by the Director.

4. Section 250.11 is revised to read as follows:

§ 250.11 General functions.

The supervisor is authorized and directed to act upon the requests, applications, and notices submitted under the regulations in this part and to require compliance with applicable laws, the lease terms, applicable regulations, and OCS Orders to the end that all operations shall be conducted in a manner which will protect the natural resources of the Outer Continental Shelf and result in the maximum economic recovery of the mineral resources in a manner compatible with sound conservation practices. Subject to the approval of the Chief, Conservation Division, Geological Survey, the supervisor may issue OCS Orders implementing the requirements of the regulations of this part when such implementations apply to an entire region or a major portion thereof. The supervisor may issue written or oral orders to govern lease operations. Oral orders shall be confirmed in writing by the supervisor as promptly as possible. The supervisor may issue other orders, and rules to govern the development and method of production of a pool, field, or area. Prior to the issuance of OCS Orders and other orders and rules, the supervisor may consult with, and receive comments from, lessees, operators, and other interested parties. Before permitting operations on the leased land, the supervisor may require evidence that a lease is in good standing, that the lessee is authorized to conduct operations, and that an acceptable bond has been filed.

5. Paragraph (b) of 43 CFR 3383.5 is redesignated paragraph (e) of 30 CFR 250.12. Section 250.12 is revised to read as follows:

§ 250.12 Regulation of operations.

(a) *Duties of supervisor.* The supervisor in accordance with the regulations in this part shall inspect and regulate all operations and is authorized to issue OCS Orders and other orders and rules necessary for him to effectively supervise operations and to prevent damage to, or waste or, any natural resource, or injury to life or property. The supervisor shall receive, and shall, when in his judgment it is necessary, consult with or solicit advice from lessees, field officials of interested Departments and agencies, including the Fish and Wildlife Service, Federal Water Pollution Control Administration, Bureau of Land Management, Coast Guard, Department of Defense, Corps of Engineers, and representatives of State and local governments.

(b) *Departures from orders.* (1) The supervisor may prescribe or approve in writing, or orally with written confirmation, minor departures from the requirements of OCS Orders and other orders and rules issued pursuant to (a) of this section, when such departures are necessary for the proper control of a well, conservation of natural resources, protection of aquatic life, protection of human health and safety, property, or the environment.

(2) All requests or recommendations for major departures from the requirements of OCS Orders, whether on an individual well or field basis, shall be approved by the Chief, Conservation Division.

(c) *Emergency suspensions.* The supervisor is authorized, either in writing or orally with written confirmation, to suspend any operation, including production, which in his judgment threatens immediate, serious, or irreparable harm or damage to life, including aquatic life, to property, to the leased deposits, to other valuable mineral deposits or to the environment. Such emergency suspension shall continue until in his judgment the threat or danger has terminated.

(d) *Other suspensions.* (1) In addition to the provisions of section 12 (c) and (d) of the act providing for suspension of operations and production, in the interest of conservation the supervisor may direct or, at the request of a lessee, may approve the suspension of operations or production, or both, including the approval of suspension of production for (i) leases on which a well has been drilled and determined by the supervisor to be capable of being produced in paying quantities and thereafter temporarily abandoned or permanently plugged and abandoned to facilitate proper development of the lease, and (ii) leases on which a well has been drilled and determined by the supervisor to be capable of being produced in paying quantities, but which cannot be produced because of the lack of transportation facilities. Suspensions of operations or production, or both, may be approved for an initial period, not exceeding 2 years, and for succeeding periods, not exceeding 1 year each.

(2) As to any leases maintained under section 6 of the act covering minerals in addition to oil and gas, the supervisor may suspend operations separately as to oil and gas or as to any other mineral designated in the suspension, order, or grant.

(3) The supervisor is authorized by written notice to the lessee to suspend any operation, including production, for failure to comply with applicable law, the lease terms, the regulations in this part, OCS orders, or any other written order or rule including orders for filing of reports and well records or logs within the time specified.

(e) *Reduction of rental and royalty.* In order to increase the ultimate recovery of minerals and in the interest of conservation, the Director of the Geological Survey, whenever he determines it necessary to promote development or finds that a lease cannot be successfully operated under the terms provided therein, may reduce the rental, minimum royalty, or royalty on the entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes. An application for any of the above relief shall be filed in triplicate with the Director of the Geological Survey. It must contain the serial number of the lease; the name of the record title holder; a description of the area included in the lease; the number, location, and status of each well that has been drilled; a tabulated statement for each month, covering a period of not less than 6 months prior to the date of filing the application, of the aggregate amount of minerals subject to royalty computed in accordance with the lease and applicable regulations. Every application must also contain a detailed statement of expenses and costs of operating the entire lease and of the income from the sale of any leased products, and all facts tending to show whether the wells or workings can be successfully operated upon the rental or royalty fixed in the lease. Where the application is for a reduction of royalty, full information shall be furnished as to whether royalties or payments out of production are paid to others than the United States, the amounts so paid, and efforts made to reduce them. The applicant must also file agreements of the holders of the lease and of royalty holders to a permanent reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

6. Section 250.17 is revised to read as follows:

§ 250.17 Well locations and spacing.

The supervisor is authorized to approve well locations and well spacing programs necessary for proper development giving consideration to such factors as the location of drilling platforms, the geological and reservoir characteristics of the field, the number of wells that can be economically drilled, the protection of correlative rights, and minimizing unreasonable interference with other uses of the Outer Continental Shelf area.

7. In § 250.18, paragraph (c) is revised and paragraph (d) is added to read as follows:

§ 250.18 Rights of use and easement.

* * * * *

(c) In addition to the rights and privileges granted to a Federal lessee under any lease issued or maintained under the act, the supervisor upon proper application may grant to a holder of a Federal lease or State lease issued by a State which extends the same rights to holders of Federal leases, subject to such reasonable conditions as the supervisor may prescribe, the right of use or an easement to construct and maintain pipelines on areas of the Outer Continental Shelf which are constructed, owned, and maintained by the lessee and used for purposes such as (1) moving production to a central point for gathering, treating, storing, or measuring; (2) delivery of production to a point of sale; (3) delivery of production to a pipeline operated by a transportation company; or (4) moving fluids in connection with lease operations, such as for injection purposes. The supervisor is authorized to approve any reasonable offshore or onshore location as the central or delivery point. Rights of use or easement across areas covered by a mineral lease issued or maintained under the act shall be granted only after the lessee under such lease has been notified by the applicant and afforded a reasonable opportunity to express its views with respect thereto, and any such rights shall be exercised only in a manner so as not to interfere unreasonably with operations of the lessee under such lease. The foregoing right of use and easement shall not apply to pipelines used for transporting oil, gas, or other production after custody has been transferred to a purchaser or carrier as provided for in section 5(c) of the Outer Continental Shelf Lands Act and regulations in 43 CFR 2234.5–3.

(d) Once a right of use or easement has been exercised by the erection of platforms, fixed structures, artificial islands, or pipelines, the right shall continue only so long as they are maintained and are useful for the purpose specified therein, as determined by the supervisor, even beyond the termination of any lease on which they may be situated, and the rights of all subsequent lessees shall be subject to such rights of use and easement by prior lessees. Upon termination by the supervisor of the right of use and easement, the lessee shall remove or otherwise dispose of all platforms, fixed structures, artificial islands, pipelines, and other facilities and restore the premises to the satisfaction of the supervisor; provided, however, that pipelines may be abandoned in place for so long as they do not constitute a navigational or other hazard as determined by the supervisor.

8. Section 250.20 is revoked, § 250.19 is redesignated § 250.20 and a new § 250.19 is added to read as follows:

§ 250.19 Platforms and pipelines.

(a) The supervisor is authorized to approve the design, other features, and plan of installation of all platforms, fixed structures, and artificial islands as a condition of the granting of a right of use or easement under paragraphs (a) or (b) of § 250.18 or authorized under any lease issued or maintained under the act.

(b) The supervisor is authorized to approve the design, other features, and plan of installation of all pipelines for which a right of use or easement has been granted under paragraph (c) of § 250.18 or authorized under any lease issued or maintained under the act, including those portions of such lines which extend onto or traverse areas other than the Outer Continental Shelf.

9. Section 250.30 is revised to read as follows:

§ 250.30 Lease terms, regulations, waste, damage and safety.

The lessee shall comply with the terms of applicable laws and regulations, the lease terms, OCS Orders and other written orders and rules of the supervisor, and with oral orders of the supervisor. All such oral orders shall be effective when issued, and are to be confirmed in writing as provided in § 250.11. The lessee shall take all necessary precautions to prevent damage to or waste of any natural resource or injury to life, or property, or the aquatic life of the seas.

10. Section 250.34 is revised to read as follows:

§ 250.34 Drilling and development programs.

(a) *Exploratory drilling plan.* Prior to commencing each exploratory drilling program on a lease, including the construction of platforms, the lessee shall submit a plan to the supervisor for approval. Each plan for the leased area shall include (1) a description of drilling vessels, platforms, or other structures showing the location, the design, and the major features thereof, including features pertaining to pollution prevention and control; (2) the general location of each well including surface and projected bottom hole location for directionally drilled wells; (3) structural interpretations based on available geological and geophysical data; and (4) such other pertinent data as the supervisor may prescribe.

(b) *Development plan.* Prior to commencing each development program on a lease, the lessee shall submit a plan to the supervisor for approval. The plan shall include all information specified in paragraph (a) of this section in detail.

(c) *Drilling applications.* Prior to commencing drilling operations either under an exploratory or development plan, the lessee shall submit an Application for Permit to Drill (Form 9–331C) to the supervisor for approval. The application shall include the integrated blowout prevention, mud, casing, and cementing program for the well, and shall meet the requirements specified in § 250.41(a), and contain the information specified in § 250.91(a), and shall conform with the approved exploratory or development plan.

(d) *Modifications.* The lessee shall submit: (1) All requests for modifications of an approved exploratory or development plan in writing to the supervisor for approval; and (2) all notices of changes to plans set forth in the approved Application for Permit to Drill on Sundry Notices and Reports on Wells (Form 9–331), except that these requirements shall not relieve the lessee from taking appropriate action to prevent or abate damage, waste, or pollution of any natural resourse or injury to life or property.

11. Sections 250.34(a) through 250.48 are redesignated §§ 250.35 through 250.49, respectively, and § 250.36 (as redesignated) is revised to read as follows:

§ 250.36 Subsequent well operations.

Prior to commencing operations not previously approved, such as deepening, plugging-back, repairing (other than work incidental to ordinary well operations), acidizing or stimulating production by other methods, perforating, sidetracking, squeezing with mud or cement, abandoning, and any similar operation which will alter the condition of a well, the lessee shall submit an application or notice as specified in § 250.91 and 250.92 to the supervisor for approval. This requirement shall not relieve the lessee from taking appropriate action to prevent or abate damage or waste of any natural resource, or injury to life or property.

12. Section 250.38 (as redesignated) is revised to read as follows:

§ 250.38 Well records.

(a) The lessee shall keep for each well at his field headquarters or at other locations conveniently available to the supervisor, accurate and complete records of all well operations including production, drilling, logging, directional well surveys, casing, perforating, safety devices, redrilling, deepening, repairing, cementing, alterations to casing, plugging, and abandoning. The records shall contain a description of any unusual malfunction, condition or problem; all the formations penetrated; the content and character of oil, gas, and other mineral deposits, and water in each formation; the kind, weight, size, grade, and setting depth of casing; and any other pertinent information.

(b) Upon request of the supervisor, the lessee shall immediately transmit copies of records of any of the well operations specified in paragraph (a) of this section; however, in any event the lessee shall, within 30 days after completion of any well, transmit to the supervisor copies of the records of all operations (except logging) in duplicate on or attached to Form 9–330, except that when operations are suspended the lessee shall transmit copies of the records of all operations conducted thereon to the supervisor within 30 days after the supension; and within 30 days after the suspension or completion of any further operations, including those described in § 250.92, the lessee shall transmit to the supervisor copies of the records of such operations in duplicate on or attached to Form 9–330 or Form 9–331, as appropriate.

(c) Upon request by the supervisor, the lessee shall submit paleontological reports identifying microscopic fossils by depth (not the resulting interpretations based upon such identifications) unless washed well samples normally maintained by the lessee for paleontological determinations are made available to the supervisor for inspection.

(d) Upon request of the supervisor, the lessee shall immediately transmit copies (field or final prints of individual runs) of logs or charts of electrical, radioactive, sonic, and other well logging operations and directional well surveys. Composite logs of multiple runs and directional well surveys shall be transmitted to the supervisor in duplicate as soon as available, but not later than 30 days after completion of such operations for each well.

(e) Upon request of and in the manner and form prescribed by the supervisor, the lessee shall furnish copies of the daily drilling report and a plat showing the location, designation, and status of all wells on the leased lands.

(f) Upon request of the supervisor, the lessee shall furnish legible, exact copies of service company reports on cementing, perforating, acidizing, analyses of cores, or other similar services.

(g) The lessee shall submit any other reports and records of operations when required and in the manner and form prescribed by the supervisor.

13. Section 250.41 (as redesignated) is revised to read as follows:

§ 250.41 Control of wells.

(a) *Drilling wells.* The lessee shall take all necessary precautions to keep all wells under control at all times, shall utilize only personnel trained and competent to drill and operate such wells, and shall utilize and maintain materials and high-pressure fittings and equipment necessary to insure the safety of operating conditions and procedures. The design of the integrated casing, cementing, drilling mud, and blowout prevention program shall be based upon sound engineering principles, and must take into account the depths at which various fluid or mineral-bearing formations are expected to be penetrated, and the formation fracture gradients and pressures expected to be encountered, and other pertinent geologic and engineering data and information about the area.

(1) *Well casing and cementing.* The lessee shall case and cement all wells with a sufficient number of strings of casing in a manner necessary to: (i) Prevent release of fluids from any stratum through the well bore (directly or indirectly) into the sea; (ii) prevent communication between separate hydrocarbon-bearing strata (except such strata approved for commingling) and between hydrocarbon and water-bearing strata; (iii) prevent contamination of fresh water strata, gas, or water; (iv) support unconsolidated sediments; and (v) otherwise provide a means of control of the formation pressures and fluids. The lessee shall install casing necessary to withstand collapse, bursting, tensile, and other stresses and the casing shall be cemented in a manner which will anchor and support the casing. Safety factors in casing program design shall be of sufficient magnitude to provide optimum well control while drilling and to assure safe operations for the life of the well. When directed by the supervisor, the lessee shall install structural or drive casing to provide hole stability for the initial drilling operation. A conductor string of casing (the first string run other than any structural or drive casing) must be cemented with a volume of cement sufficient to circulate back to the sea floor; however, if authorized by OCS Order or the supervisor, cement may be washed out or displaced to a specified depth below the sea floor to facilitate casing removal upon well abandonment. All subsequent strings must be securely cemented.

(2) *Drilling mud.* The lessee shall maintain readily accessible for use quantities of mud sufficient to insure well control. The testing procedures, characteristics, and use of drilling mud and the conduct of related drilling procedures shall be such as are necessary to prevent blowouts. Mud testing equipment and mud volume measuring devices shall be

maintained at all times, and mud tests shall be performed frequently and recorded on the driller's log as prescribed by the supervisor.

(3) *Blowout prevention equipment.* The lessee shall install, use, and test blowout preventers and related well-control equipment in a manner necessary to prevent blowouts. Such installation, use and testing must meet the standards or requirements prescribed by the supervisor; provided, however, in no event shall the lessee conduct drilling below the conductor string of casing until the installation of at least one remotely controlled blowout preventer and equipment for circulating drilling fluid to the drilling structure or vessel. Blowout preventers and related well-control equipment shall be pressure tested when installed, after each string of casing is cemented, and at such other times as prescribed by the supervisor. Blowout preventers shall be activated frequently to test for proper functioning as prescribed by the supervisor. All blowout-preventer tests shall be recorded on the drillers log.

(b) *Completed wells.* In the conduct of all its operations, the lessee shall take all steps necessary to prevent blowouts, and the lessee shall immediately take whatever action is required to bring under control any well over which control has been lost. The lessee shall: (1) In wells capable of flowing oil or gas, when required by the supervisor, install and maintain in operating condition storm chokes or similar subsurface safety devices; (2) for producing wells not capable of flowing oil or gas, install and maintain surface safety valves with automatic shutdown controls; and (3) periodically test or inspect such devices or equipment as prescribed by the supervisor.

14. Section 250.43 (as redesignated) is revised to read as follows:

§ 250.43 Pollution and waste disposal.

(a) The lessee shall not pollute land or water or damage the aquatic life of the sea or allow extraneous matter to enter and damage any mineral- or water-bearing formation. The lessee shall dispose of all liquid and nonliquid waste materials as prescribed by the supervisor. All spills or leakage of oil or waste materials shall be recorded by the lessee and, upon request of the supervisor, shall be reported to him. All spills or leakage of a substantial size or quantity, as defined by the supervisor, and those of any size or quantity which cannot be immediately controlled also shall be reported by the lessee without delay to the supervisor and to the Coast Guard and the Regional Director of the Federal Water Pollution Control Administration. All spills or leakage of oil or waste materials of a size or quantity specified by the designee under the pollution contingency plan shall also be reported by the lessee without delay to such designee.

(b) If the waters of the sea are polluted by the drilling or production operations conducted by or on behalf of the lessee, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant, wheresoever found, proximately resulting therefrom shall be at the expense of the lessee. Upon failure of the lessee to control and remove the pollutant the supervisor, in cooperation with other appropriate agencies of the Federal, State and local governments, or in cooperation with the lessee, or both, shall have the right to accomplish the control and removal of the pollutant in accordance with any established contingency plan for combating oil spills or by other means at the cost of the lessee. Such action shall not relieve the lessee of any responsibility as provided herein.

(c) The lessee's liability to third parties, other than for cleaning up the pollutant in accordance with paragraph (b) of this section shall be governed by applicable law.

15. Section 250.45 (as redesignated) is revised to read as follows:

§ 250.45 Accidents, fires, and malfunctions.

In the conduct of all its operations, the lessee shall take all steps necessary to prevent accidents and fires, and the lessee shall immediately notify the supervisor of all serious accidents and all fires on the lease, and shall submit in writing a full report thereon within 10 days. The lessee shall notify the supervisor within 24 hours of any other unusual condition, problem, or malfunction.

16. Section 250.46 (as redesignated) is revised to read as follows:

§ 250.46 Workmanlike operations.

The lessee shall perform all operations in a safe and workmanlike manner and shall maintain equipment for the protection of the lease and its improvements, for the health and safety of all persons, and for the preservation and conservation of the property and the environment. The lessee shall take all necessary precautions to prevent and shall immediately remove any hazardous oil and gas accumulations or other health, safety or fire hazards.

17. Section 250.47 (as redesignated) is revised to read as follows:

§ 250.47 Sales contracts.

The lessee shall file with the supervisor within 30 days after the effective date thereof copies of all contracts for the disposal of lease products. Nothing in any such contract shall be construed or accepted as modifying any of the provisions of the lease, including provisions relating to gas waste, taking royalty in kind, and the method of computing royalties due as based on a minimum valuation and in accordance with the regulations applicable to the lands covered by the contract.

§ 250.48 [Amended]

18. In § 250.48 (as redesignated), the words "not less than 30 days" are changed to read "within 30 days".

19. Sections 3381.1, 3381.2, 3381.3, and 3381.4 of 43 CFR are redesignated §§ 250.50, 250.51, 250.52, 250.53, respectively, of 30 CFR.

§ 250.50, 250.52, 250.53 [Amended]

20. In the second sentence of § 250.50 (as redesignated) the word "Secretary" is changed to read "Director."

21. In paragraph (a) and in the last sentence of paragraph (b) of § 250.52 (as redesignated) the word "Secretary" is changed to read "supervisor."

22. In the first sentence of paragraph (a) and in the last sentence of paragraph (b) of § 250.53 (as redesignated) the word "Secretary" is changed to read "Director."

§ 250.60 [Amended]

23. In the second sentence of § 250.60 the words "positive copies" are changed to read "exact copies".

24. In § 250.65, paragraph (a) is revised to read as follows:

§ 250.65 Royalty on oil.

(a) The royalty on crude oil, including condensates separated from gas without the necessity of a manufacturing process, shall be the percentage of the value or amount of the crude oil produced from the leased lands established by law, regulation, or the provisions of the lease. No deduction shall be made for actual or theoretical transportation losses.

* * * * *

25. Section 250.67 is revised to read as follows:

§ 250.67 Royalty on processed gas and constituent products.

(a) If gas is processed for the recovery of constituent products, a royalty as provided in the lease will accrue on the value or amount of:

(1) All residue gas remaining after processing; and

(2) All natural gasoline, butane, propane, or other products extracted therefrom, subject to deduction of such portion thereof as the supervisor determines to be a reasonable allowance for the cost of processing based upon regional plant practices and costs and other pertinent factors; provided, however, that such reasonable allowance shall not exceed two-thirds of the products extracted unless the Director determines that a greater allowance is in the interest of conservation.

(b) Under no circumstances shall the amount of royalty on the residue gas and extracted products be less than the amount which the supervisor determines would be payable if the gas had been sold without processing.

(c) In determining the value of natural gasoline, the volume of such gasoline shall be adjusted to a standard by a method approved by the supervisor when necessary to adjust volumetric differences between natural gasolines of various specifications.

(d) No allowance shall be made for boosting residue gas or other expenses incidental to marketing.

(e) The lessee, with the approval of the supervisor, may establish a gross value per unit of 1,000 cubic feet of gas on the lease or at the wellhead for the purpose of computing royalty on gas

processed for the recovery of constituent products, provided that the royalty shall not be less than that which would accrue by computing royalties in accordance with the provisions of paragraphs (a) through (d) of this section.

26. Section 250.96 is revoked; §§ 250.91, 250.92, and 250.95 are redesignated 250.92, 250.95, and 250.96, respectively; and a new § 230.91 has been added to read as follows:

§ 250.91 Application for permit to drill, deepen, or plug back.

Applications for permits to drill, deepen, or plug back must be filed in triplicate on Form 9–331C. Prior to commencing such operations approval in writing must be received from the supervisor.

(a) *Application for permit to drill.* (1) The application must give the surface location and projected bottom-hole location in feet from the lease boundaries; elevation of the derrick floor; water depth; depth to which the well is proposed to be drilled; estimated depths to the top of significant markers; depths at which water, oil, gas, and mineral deposits are expected; the proposed blowout prevention and casing program, including the size, weight, grade, and setting depth of casing, and the quantity of cement to be used, together with all other information specified on Form 9–331C. Information also shall be furnished relative to the proposed plan for drilling other wells from the same platform, for coring at specified depths, and for electrical and other logging, together with any other information required by the supervisor.

(2) At least two copies of the application shall be accompanied by: (i) A certified plat drawn to a scale of 2,000 feet to the inch, showing surface and subsurface location of the well to be drilled and all wells theretofore drilled in the vicinity for which information is available, and (ii) information specified in § 250.34 to the extent not included in the application or previously furnished (reference must be made thereto).

(b) *Application for permit to deepen or plug back.* The application must describe fully: (1) The present status of the well including the production string or last string of casing, well depth, present productive zones and productive capability, and other pertinent matters; and (2) the details of the proposed work and the necessity therefor.

27. Section 250.92 (as redesignated) is revised to read as follows:

§ 250.92 Sundry notices and reports on wells.

All notices of intention to fracture treat, acidize, repair, multiple complete, abandon, change plans, and for other similar purposes, and all subsequent reports pertaining to such operations shall be submitted on Form 9–331 in triplicate in accordance with § 250.38(b). Prior to commencing such operations approval must be received from the supervisor in writing.

(a) *Notice of intention to change the condition of a well.* Form 9–331 shall contain a detailed statement of the proposed work for repairing (other than work incidental to ordinary well operation), acidizing or stimulating production by other methods, perforating, sidetracking, squeezing with mud or cement, or commencing any operations that will materially change the approved program for drilling a well or alter the condition of a completed well other than those operations covered by § 250.91.

(b) *Subsequent report of changing the condition of a well.* Form 9–331 shall contain a detailed report of all work done and the results obtained. The report shall set forth the amount and rate of production of oil, gas, and water before and after the work was completed and shall include a complete statement of the dates on which the work was accomplished and the methods employed.

(c) *Notice of intention to abandon well.* Form 9–331 shall contain a detailed statement of the proposed work for abandonment of any well, including a drilling well, a depleted producing well, an injection well, or a dry hole. The statement as to a producible well shall set forth the reasons for abandonment and the amount and date of last production and, as to all wells, shall describe the proposed work, including kind, location, and length of plugs (by depths), and plans for mudding, cementing, shooting, testing, removing casing, and other pertinent information.

(d) *Subsequent report of abandonment.* Form 9–331 shall contain a detailed report of the manner in which the abandonment or plugging work was accomplished, including the nature and quantities of materials used in plugging and the location and extent (by depths) of casing left in the well; and the volume of mud fluid used. If an attempt was made to part any casing, a description of the methods used and results obtained must be included.

§ 250.94 [Amended]

28. In § 250.94 the words "in duplicate" are deleted.

29. Section 250.95 (as redesignated) is revised to read as follows:

§ 250.95 Well completion or recompletion report and log.

All reports and logs of well completions or recompletions shall be submitted on or attached to Form 9–330 in duplicate in accordance with § 250.38(b). The form shall contain a complete and accurate log and report of all operations conducted on the well as specified on the form. Duplicate copies of logs that may have been compiled for geologic information from cores or formation samples shall be filed in addition to the regular log. Geologic markers and all important zones of porosity and contents thereof; cored intervals; and all drill-stem tests, including depth interval tested, cushion used, time tool open, flowing and shut-in pressures, and recoveries shall be shown as provided therefor on Form 9–330 or on attachments thereto. If not previously furnished, duplicate copies of composites of multiple runs of all well bore surveys, including electric, radioactive, sonic and other logs, temperature surveys, and directional surveys shall be attached. (Such copies are in addition to field prints filed pursuant to § 250.38(d).)

30. A new § 250.97 is added to read as follows:

§ 250.97 Public inspection of records.

Geological and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect or until such time as the supervisor determines that release of such information is required and necessary for the proper development of the field or area.

[F.R. Doc. 69–10027; Filed, Aug. 21, 1969; 8:50 a.m.]

PART 250—OUTER CONTINENTAL SHELF OIL AND GAS AND SULPHUR OPERATIONS

Transferring of Certain Regulations

CROSS REFERENCE: For a document transferring certain regulations from Part 3380 of Title 43 to Part 250 of Title 30, see F.R. Doc. 69–10026, *infra*.

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

PART 3380—OUTER CONTINENTAL SHELF MINERAL DEPOSITS

Miscellaneous Amendments

On June 27, 1969, a notice of rule making was published in the FEDERAL REGISTER (34 F.R. 9932–9934) which proposed a revision of certain regulations in 43 CFR Part 3380 and the transfer of certain regulations in 43 CFR Part 3380 to 30 CFR Part 250. The notice invited interested parties to submit written comments, suggestions, or objections, with respect to the proposed amendments, to the Director, Bureau of Land Management, within 30 days of the date of publication. All such comments, suggestions, and objections received have been carefully considered and certain changes have been made.

Part 3380 of Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below and these regulations are effective at the beginning of the calendar day on which these amendments are published in the FEDERAL REGISTER.

MITCHELL MELICH,
Acting Secretary of the Interior.

AUGUST 18, 1969.

Part 3380 of Chapter II of Title 43 of the Code of Federal Regulations is amended as follows:

1. Section 3380.0–3 is revised to read as follows:

§ 3380.0–3 Purpose and authority.

The Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. § 1331 et seq.), referred to in this part as "the act", among other things, authorizes the Secretary of the Interior to issue on a competitive basis leases for oil and gas, sulphur, and other minerals in submerged lands of the Outer Continental Shelf, as defined in section 2 of the act. Subject to the supervisory authority of the Secretary, the regulations in this part shall be administered by the Director, Bureau of Land Management, hereinafter referred to in this part as the Director.

2. The last sentence of § 3380.0–3 is redesignated as a new § 3380.0–4 to read as follows:

§ 3380.0–4 Applicability of public land laws.

The laws and regulations pertaining to the public lands of the United States are not applicable to the submerged lands of the Outer Continental Shelf. Mineral deposits in the submerged lands of the Outer Continental Shelf are subject to disposition only in accordance with the provisions of the act and the regulations promulgated by the Secretary thereunder.

3. Sections 3381.1, 3381.2, 3381.3, and 3381.4 are redesignated §§ 250.50, 250.51, 250.52, and 250.53, respectively, of Chapter II of Title 30 of the Code of Federal Regulations.

4. Section 3381.5 is redesignated § 3385a.2 and is included in a new Subpart 3385a, as hereinafter provided.

5. Sections 3380.2 (a) and (b) are redesignated § 3381.1 (a) and (b), respectively, and § 3380.2(c) is deleted and its content is included in the revision of Subpart 3382, as hereinafter provided.

6. Subpart 3381—Cooperative Conservation Provisions is deleted and a new Subpart 3381 is added as follows:

Subpart 3381—Leasing Areas

§ 3381.1 Leasing maps.

* * * * *

§ 3381.2 Resources evaluation.

From time to time the Director may announce tentative schedules of lease sales of Outer Continental Shelf areas. At such time as an area is initially considered for mineral leasing, or as the need arises, the Director shall request the Director, Geological Survey, to prepare a summary report describing the general geology and potential mineral resources of the area and shall request other interested Federal agencies to prepare reports describing to the extent known any other valuable resources contained within the general area and the potential effect of mineral operations upon the resources or upon the total environment.

§ 3381.3 Nominations of tracts.

In selecting tracts for oil and gas, sulphur, or other mineral leasing, the Director will receive and consider nominations of tracts or requests describing areas and expressing an interest in leasing of minerals, or, from time to time, upon his own motion, upon approval of the Secretary, may issue calls for nominations of tracts for the leasing of minerals in specified areas. Nominations of tracts should be addressed to the Director, with copies to the appropriate Bureau of Land Management field office and the appropriate oil and gas supervisor of the Geological Survey. The Director, Geological Survey, shall submit recommendations to the Director on tract selections and lease terms and conditions.

§ 3381.4 Selection of tracts.

The Director, prior to the final selection of tracts for leasing, either selected on his own motion or nominated pursuant to § 3381.3 of this subpart, shall evaluate fully the potential effect of the leasing program on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during exploration, development and operational phases. To aid him in his evaluation and determinations he shall request and consider the views and recommendations of appropriate Federal agencies, may hold public hearings after appropriate notice, and may consult with State agencies, organizations, industries, and individuals. The Director shall develop special leasing stipulations and conditions when necessary to protect the environment and all other resources, and such special stipulations and conditions shall be contained in the proposed notice of lease offer. The proposed notice of lease offer, together with all views and recommendations received and the Director's findings or actions thereon, shall be submitted to the Secretary for final approval.

§ 3381.5 Notice of lease offer.

Upon approval of the Secretary, the Director shall publish the notice of lease offer at the expense of the United States in the FEDERAL REGISTER, as the official publication, and in other publications as may be desirable. The publication in the FEDERAL REGISTER shall be at least 30 days prior to the date of the sale. The notice shall state the place and time at which bids will be filed, and the place, date, and hour at which bids will be opened. The notice shall contain any special stipulations or conditions which will become a part of any lease issued pursuant to such notice, including stipulations or conditions for the protection of the environment, aquatic life and other resources.

§ 3381.6 Tracts subject to drainage.

Upon direction of the Secretary, the Director, after obtaining the recommendation of the Director, Geological Survey, is authorized to publish on his own motion notices of lease offer of tracts which have been determined by the Director, Geological Survey, to be subject to drainage of their oil and gas deposits from wells on other tracts. The Director may request and consider the views and recommendations of appropriate Federal and State agencies prior to publishing the notice of lease offer. The notice shall be published in accordance with section 3381.5 of this subpart.

7. Section 3382.1 is revised to read as follows:

§ 3382.1 General.

Tracts will be offered for lease by competitive sealed bidding under conditions specified in the notice of lease offer. Each oil and gas lease issued pursuant to section 8 of the act shall cover a compact area not exceeding 5,760 acres.

8. Section 3382.2 is redesignated § 3385a.1 and is included in a new Subpart 3385a, as hereinafter provided. A new § 3382.2 is added as follows:

§ 3382.2 Term.

(a) All oil and gas leases shall be issued for a term of 5 years and so long thereafter as oil or gas may be produced from the leasehold in paying quantities, or drilling or well reworking operations, as approved by the Secretary under § 3385a.1 of this part, are conducted thereon.

(b) All sulphur leases shall be issued for a term of 10 years and so long thereafter as sulphur may be produced from the leasehold in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon.

(c) Other mineral leases shall be issued for such terms as may be prescribed at the time of offering the leases in the notice of lease offer.

§ 3382.3 [Deleted]

9. Section 3382.3 is deleted. Its content is included in a new § 3381.5, as heretofore provided.

10. The first sentence of § 3382.5 is deleted and the following substituted therefor:

§ 3382.5 Award of lease.

Sealed bids received in response to the notice of lease offer shall be opened at the place, date and hour specified in the notice. The opening of bids is for the sole purpose of publicly announcing and recording the bids received and no bids will be accepted or rejected at that time. In accordance with section 8 of the act, leases will be awarded only to the highest responsible qualified bidder. The United States reserves the right and discretion to reject any and all bids received for any tract, regardless of the amount offered. Awards of leases will be made only by written notice from the authorized officer. Such notices shall transmit the lease forms for execution. * * *

11. Section 3383.4 is redesignated § 3385a.3 and is included in a new Subpart 3385a, as hereinafter provided.

12. Paragraph (a) of § 3383.5 is revised as follows:

§ 3383.5 Effect of suspensions on royalty and rental.

(a) In the event that under the provisions of 30 CFR 250.12(c) or (d)(1) the regional oil and gas supervisor of the Geological Survey with respect to any lease directs the suspension of both operations and production, or with respect to a lease on which there is no producible well directs the suspension of operations, no payment of rental or minimum royalty will be required for or during the period of the suspension. In the event that under the provisions of 30 CFR 250.12(d)(1) the supervisor approves, at the request of a lessee, the suspension of operations or production, or both, or under the provisions of 30 CFR 250.12(d)(3) suspends any operation including production, the lessee will not be relieved of the obligation to pay rental, minimum royalty or royalty for or during the period of suspension.

(b) In the event the anniversary date of a lease falls within a period of suspension for which no rental or minimum royalty payments are required under paragraph (a), of this section, the prorated rentals or minimum royalties, if any are due and payable as of the date the suspension period terminates, shall be computed and notice thereof given the lessee. Payment of the amount due shall be made by the lessee within 30 days after receipt of such notice. The anniversary date of a lease will not change by reason of any period of lease suspension or rental or royalty relief resulting therefrom.

13. Paragraph (b) of § 3383.5 is redesignated paragraph (e) of § 250.12 of Chapter II of Title 30 of the Code of Federal Regulations.

§ 3384.1 [Amended]

14. In § 3384.1 in the first sentence the amount "$15,000" is changed to read "$50,000," and in the first and the sixth sentences the amounts "$100,000" are changed to read "$300,000". The words "New Orleans, Louisiana" appearing in the eighth sentence are deleted.

§ 3384.2 [Amended]

15. In § 3384.2 the amount "$100,000" is changed to read "$300,000".

§ 3385.1 [Amended]

16. The second sentence of this section is amended by deleting "Bureau of Land Management, Washington 25, D.C." and substituting therefor "appropriate office of the Bureau of Land Management".

17. A new Subpart 3385a is added as follows:

Subpart 3385a—Extension of Leases

§ 3385a.1 Extension of leases by drilling or well reworking operations.

* * * * *

§ 3385a.2 Directional drilling.

* * * * *

§ 3385a.3 Compensatory payments.

* * * * *

§ 3385a.4 Effect of suspensions on lease term.

In the event that under the provisions of 30 CFR 250.12(c) or (d)(1), the regional oil and gas supervisor of the Geological Survey directs the suspension of either operations or production, or both, with respect to any lease, the term of the lease will be extended by a period equivalent to the period of the suspension. In the event that under the provisions of 30 CFR 250.12(c) or (d)(1), the supervisor approves the suspension of either operations or production, or both, with respect to any lease, the term of the lease will not be deemed to expire so long as the suspension remains in effect.

§ 3386.1 [Amended]

18. The first sentence of this section is amended by deleting the words "Director's office" and substituting therefor "appropriate office of the Bureau of Land Management."

[F.R. Doc. 69-10026; Filed, Aug. 21, 1969; 8:50 a.m.]

PART 3380—OUTER CONTINENTAL SHELF MINERAL DEPOSITS

Miscellaneous Amendments

CROSS REFERENCE: For a document affecting this part, see F.R. Doc. 69-10027, Title 30, Part 250, *supra*.

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on Noxubee National Wildlife Refuge, Miss.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and delineated on maps. Maps are available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree Seventh Building, Atlanta, Ga. 30323.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Squirrels, rabbits, quail, turkey, raccoons and opossum may be hunted in accordance with the following special conditions.

(1) Squirrels and rabbits may be hunted October 4 through October 25, 1969, excluding Sundays, on 42,386 acres, and may continue to be hunted on 24,388 acres until December 28, 1969. Areas open to hunting will be designated by signs.

(2) Quail may be hunted January 4 through February 13, 1970, excluding Sundays.

(3) Turkeys (gobblers only) may be hunted April 4 through April 26, 1970, excluding Sundays.

(4) Raccoons and opossums may be hunted during the periods November 1 through November 21, December 1 through December 25, 1969, and January 3 through February 15, 1970, excluding Sundays. Hunt hours are from sunset to sunrise only.

(5) Fires and cutting of trees are not permitted.

(6) Dogs are permitted during the quail, raccoon, and opossum hunts only.

(7) Turkeys killed must be reported to refuge headquarters.

(8) Raccoons and opossums may be hunted only with .22 caliber rifles or hand guns.

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

White-tailed deer may be hunted in accordance with the following special conditions.

(1) Hunting with guns is permitted November 22 through December 1, 1969, and from December 26, 1969, through January 3, 1970, excluding Sundays.

(2) Bag limits are as follows: November 22 through December 1, 1969, one buck; December 26, 1969, through January 3, 1970, one deer of either sex.

(3) A kill quota of 800 deer is established, 400 of which may be antlerless. The hunt will be terminated if these quotas are reached prior to the above specified closing date.

(4) Shotguns smaller than 20 gauge and rifles .22 caliber and smaller are prohibited.

(5) Shotgun shells containing buckshot smaller than No. 1 are prohibited.

(6) The use of dogs is not permitted.

(7) Fires and cutting of trees is not permitted.

(8) Hunting of deer with long bows is permitted from October 1 through November 3 and November 6 through November 19, 1969. The use of long bows is also permitted during the periods when the refuge is open to hunting deer with guns.

(9) Firearms and crossbows are prohibited during the season established for archery hunting only.

(10) All deer killed must be checked out at one of the designated refuge checking stations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations and are effective through April 30, 1970.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 15, 1969.

[F.R. Doc. 69-9983; Filed, Aug. 21, 1969; 8:46 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Restrictions Applicable to Fishing Vessels

It has been determined by the Director that the incidental catch rate of 30 percent now in effect for purse seiners of 300 tons carrying capacity or less is not sufficiently high to allow those vessels to catch the allotment of 4,000 tons to which they are entitled under the terms of the Inter-American Tropical Tuna Commission's recommendations for 1969. The current yellowfin tuna regulations (§ 280.6(c)) provide for an adjustment to be made in the incidental catch for small purse seiners to assure that the U.S. 4,000-ton allotment is not underutilized. The incidental catch rate for purse seiners of 300 tons' carrying capacity or less is therefore raised to 40 percent. This change in the allowable incidental catch rate will apply to all purse seiners of 300 tons' capacity or less which land fish after the effective date.

In subparagraph (2) of § 280.6(c) the words "thirty percent (30%)" are deleted everywhere they appear in the subparagraph, and they are replaced by the words "forty percent (40%)."

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

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated August 19, 1969.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-10002; Filed, Aug. 21, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 5]

SILICA AEROGEL

Proposed Exemption From Label Declaration

Dow Corning Corp., Midland, Mich. 48640, has proposed an exemption from labeling declaration in fabricated foods of silica aerogel which becomes a component of the food through its use as an adjuvant in the food-defoaming agent dimethylpolysiloxane (21 CFR 121.1099).

Regarding nonstandardized foods, § 121.1099 of the food additive regulations provides that dimethylpolysiloxane meeting prescribed specifications may be used as a defoaming agent in foods, except milk, and § 121.101(d)(8) provides that silica aerogel, as specified, may be used as a "component of antifoaming agents." The submittal from Dow Corning Corp. shows that the weight of the silica aerogel component amounts to less than 5 percent of the dimethylpolysiloxane. The purpose of the proposed regulation is to exercise the authority in the proviso to section 403(i) of the Federal Food, Drug, and Cosmetic Act by exempting silica aerogel from a requirement for label declaration when it is an incidental additive of a fabricated food by reason of having been a component of dimethylpolysiloxane used as a defoaming agent in preparing the food.

Regarding standardized foods, § 10.3 of the food standard regulations permits an ingredient to be used if it is an incidental additive introduced at a nonfunctional and an insignificant level as a result of its deliberate and purposeful addition to another ingredient permitted by the terms of the applicable standard and the presence of such incidental additive in nonstandardized foods has been exempted from label declaration by a part 5 regulation. Accordingly, establishing the part 5 regulation sought for silica aerogel as an incidental additive in nonstandardized foods will permit its use where dimethylpolysiloxane is listed as an optional defoaming agent in certain food standards.

The submittal from Dow Corning Corp. indicates that using silica aerogel with dimethylpolysiloxane is consistent with the § 121.101(d)(8) finding that silica aerogel is generally recognized as safe for use as a component of antifoaming agents. The submittal indicates that the silica aerogel used as a component of dimethylpolysiloxane defoaming agents for processing food would be quantitatively insignificant and nonfunctional in the finished foods. Under these circumstances it is suggested that label declaration of the silica aerogel might be misleading.

Therefore, pursuant to the provisions of the act (secs. 403(i), 701(a), 52 Stat. 1047–48, 1055; 21 U.S.C. 343(i), 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that a new section be added to part 5, as follows:

§ 5._____ **Labeling foods in the production of which dimethylpolysiloxane defoaming agents containing silica aerogel were used.**

Silica aerogel added to dimethylpolysiloxane (defoaming agent complying with the provisions of § 121.1099 of this chapter) is deemed to be an incidental additive and is exempt from label declaration as an ingredient of fabricated foods in which such defoaming agent is used provided the silica aerogel complies with the provisions of § 121.101(d)(8) of this chapter and is present at a level not greater than necessary and at such level as to be quantitatively insignificant and nonfunctional in the finished fabricated foods.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 15, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9978; Filed, Aug. 21, 1969; 8:45 a.m.]

[21 CFR Part 130]

PEER GROUP COMMITTEE REVIEW OF CLINICAL INVESTIGATIONS OF NEW DRUGS IN HUMAN BEINGS

Notice of Proposed Rule Making

To assure that clinical investigations of new drugs on institutionalized human subjects are appropriately supervised in and approved by such institutions and to assure adequate safeguards for the health of human subjects during the most hazardous phases (phase 1 and phase 2) of clinical studies of new drugs, the Commissioner of Food and Drugs proposes that the new-drug regulations be amended as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 130.3 *New drugs for investigational use in human beings; exemptions from section 505(a)* be amended in paragraph (a):

1. Subparagraph (2), Form FD 1571, division 10a, by replacing the second and third sentences with the following: "A general outline of these phases shall be submitted. This shall identify the investigator or investigators, the hospitals, institutions, or research facilities where the clinical pharmacology will be undertaken, and the peer group committee (comprised of sufficient members of varying backgrounds to assure complete and adequate review of research) that will be responsible for initial and continuing review and approval of the experimental project. The outline shall provide assurance that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee), that the investigator will report to the committee for review any emergent problems or proposed procedural changes which may affect the status of the investigation, and that no change will be made without committee approval except where necessary to eliminate apparent immediate hazards. The outline shall state the maximum number of patients or volunteers to be involved and the estimated duration of these early phases of investigation. Modification of the experimental design on the basis of experience gained, made with the approval of the review committee, need be reported to the Food and Drug Administration only in progress reports on these early phases, or in the development of a plan for the clinical trial, phase 3."

2. Subparagraph (2), Form FD 1571, by adding to division 10b a new unit "v" as follows:

v. A description of the peer group committee responsible for initial and continuing review and approval of any clinical trial conducted in a hospital, institution, or research facility, together with assurance that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee), that the investigator will report to the committee for review any emergent problems or proposed procedural changes which may affect the status of the investigation, and that no changes will be made without committee approval except where necessary to eliminate apparent immediate hazards.

3. Subparagraph (12), Form FD 1572, by revising divisions 3 and 5 to read as follows:

3. A description of the peer group committee responsible for initial and continuing

review and approval, together with assurance that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee), that the investigator will report to the committee for review any emergent problems or proposed procedural changes which may affect the status of the investigation, and that no changes will be made without committee approval except where necessary to eliminate apparent immediate hazards.

* * * * *

5. A general outline of the project undertaken. (Modification is permitted on the basis of experience gained, with the approval of the review committee, without advance submission of the amendments to the general outline to the sponsor.)

4. Subparagraph (13), Form FD 1573, by revising division 2 to read as follows:

2a. If any hospital, institution, or research facility is involved, an identification of the same and a description of the peer group committee responsible for initial and continuing review, together with assurance that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee), that the investigator will report to the committee for review any emergent problems or proposed procedural changes which may affect the status of the investigation and that no changes will be made without committee approval except where necessary to eliminate apparent immediate hazards.

b. A description of any clinical laboratory facilities that will be used.

(If this information has been submitted to the sponsor and reported by him on Form FD 1571, reference to the previous submission will be adequate.)

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 15, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9979; Filed, Aug. 21, 1969; 8:46 a.m.]

[21 CFR Part 133]

DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURING, PROCESSING, PACKING, OR HOLDING

Notice of Proposed Rule Making

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501, 701(a), 52 Stat. 1049–50, as amended, 1055; 21 U.S.C. 351, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Part 133 to clarify, strengthen, and make more specific the good manufacturing practice regulations for drugs.

According, it is proposed that §§ 133.1 through 133.14 be revised to read as follows:

§ 133.1 Definitions.

(a) As used in this part, "act" means the Federal Food, Drug, and Cosmetic Act, sections 201–902; 52 Stat. 1052 (21 U.S.C. 321–392), with all amendments thereto.

(b) The definitions and interpretations contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

(c) As used in this part:

(1) The term "medicated feed" means any "complete feed," "feed additive supplement," or "feed additive concentrate," as defined in § 121.200 of this chapter, which feed contains one or more drugs as defined in section 201(g) of the act. Medicated feeds are subject to §§ 133.100–133.110, inclusive.

(2) The term "medicated premix" means a substance that meets the definition in § 121.200 of this chapter for a "feed additive premix," except that it contains one or more drugs as defined in section 201(g) of the act and is intended for manufacturing use in the production of a medicated feed. Medicated premixes are subject to §§ 133.200–133.210, inclusive.

(d) As used in §§ 133.2–133.14 inclusive:

(1) The term "component" (raw material) means any ingredient intended for use in the manufacturing of drugs, including those that may not appear in the finished product.

(2) The term "batch" means a specific homogeneous quantity of a drug produced according to a single manufacturing order during the same cycle of manufacture.

(3) The term "lot" means a batch or any portion of a batch of a drug or, in the case of a drug produced by a continuous process, an amount of drug produced in a unit of time or quantity in a manner that assures its uniformity, and in either case which is identified by a distinctive lot number and has uniform character and quality within specified limits.

(4) The terms "lot number" or "control number" mean any distinctive combination of letters or numbers, or both, by which the complete history of the manufacture, control, packaging, and distribution of a batch or lot of a drug is determined.

(5) The term "active ingredient" means any substance of a drug which is intended to furnish pharmacological activity or other effect in the diagnosis, cure, mitigation, treatment, or prevention of disease or to affect the structure or any function of the body of man or other animals.

(6) The term "inactive ingredient" means any substance other than an "active ingredient" present in a drug.

(7) The term "materials approval unit" means an organizational element having the authority and responsibility to approve or reject raw materials, in-process materials, packaging components, and final products.

(8) The term "strength" means (i) the concentration of a known active drug substance in formulation (for example, w/w, w/v, or unit dose/volume basis) and/or (ii) potency, that is, the specific ability or capacity of the product as indicated by appropriate laboratory tests or by adequately controlled clinical data obtained through the administration of the product in the manner intended to effect a given result(s) (expressed, for example, in terms of units by reference to a standard).

§ 133.2 Current good manufacturing practice.

The criteria in §§ 133.3–133.14, inclusive, shall apply in determining whether the methods used in, or the facilities or controls used for, the manufacture, processing, packing, or holding of a drug conform to or are operated or administered in conformity with current good manufacturing practice to assure that a drug meets the requirements of the act as to safety, and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess, as required by section 501(a)(2)(B) of the act. The regulations in this part permit the use of precision automatic, mechanical, or electronic equipment in the production and control of drugs when adequate inspection and checking procedures are used to assure proper performance.

§ 133.3 Buildings.

Buildings shall be maintained in a clean and orderly manner and shall be of suitable size, construction, and location in relation to surroundings to facilitate adequate cleaning, maintenance, and proper operations for their intended purpose—the manufacturing, processing, packing, labeling, or holding of a drug. The buildings shall:

(a) Provide adequate space for:

(1) Orderly placement of equipment and materials to minimize any risk of mixups between different drugs, drug components, in-process materials, packaging, or labeling, and to minimize the possibility of cross-contamination of one drug by another drug(s).

(2) The receipt, storage, and withholding from use of components pending sampling, identification, and testing prior to release by the materials approval unit for manufacturing or packaging.

(3) The holding of rejected components prior to disposition in such a way as to preclude the possibility of their use in any manufacturing or packaging procedure.

(4) The storage of components approved for use.

(5) Any manufacturing and processing operations performed on the drug.

(6) Any packaging and labeling operations.

(7) Storage of containers, packaging materials, labeling, and finished products.

(8) Control and production-laboratory operations.

(b) Provide adequate lighting, ventilation, and, when necessary for the intended production or control purposes, facilities for adequate air-pressure, microbiological, dust, screening, filtering, humidity, and temperature controls to:

(1) Minimize contamination of products by extraneous adulterants (including cross-contamination of one product by dust or particles of ingredients arising from the manufacture, storage, or handling of another drug).

(2) Minimize dissemination of microorganisms from one area to another.

(c) Provide for adequate locker facilities and hot and cold water washing facilities including soap or detergent, air drier or single service towels, and clean toilet facilities near working areas.

(d) Provide an adequate supply of potable water (PHS standards) under continuous positive pressure in a plumbing system free of defects which could cause or contribute to contamination of the product. Drains shall be of adequate size and, where connected directly to a sewer, shall be equipped with traps to prevent back-siphonage.

(e) Provide suitable housing and space for the care of all laboratory animals.

(f) Provide for safe and sanitary disposal of sewage, trash, and other refuse.

§ 133.4 Equipment.

Equipment used for the manufacture, processing, packing, labeling, holding, testing, or control of drugs shall be maintained in a clean and orderly manner and shall be of suitable design, size, construction, and location in relation to surroundings to facilitate cleaning, maintenance, and operation for its intended purpose. The equipment shall:

(a) Be so constructed that all surfaces that come into contact with a drug shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements.

(b) Be so constructed that any substances required for operation of the equipment, such as lubricants or coolants, do not contact drug products.

(c) Be constructed and installed to facilitate adjustment, disassembly, cleaning, and maintenance as necessary to assure the reliability of control procedures, uniformity of production, and exclusion from drugs or contaminants (for example, pesticides, lubricants), including contaminants from previous and current operations (for example, cross-contamination with penicillin or any other drug).

(d) Be of suitable type, size, and accuracy for any intended testing, measuring, mixing, weighing, or other processing or storage operations.

§ 133.5 Personnel.

(a) The personnel responsible for directing the manufacture and control of the drug shall be adequate in number and background of education and experience to assure that the drug has the safety, identity, strength, quality, and purity that it purports to possess. All personnel shall have capabilities commensurate with their assigned functions, a thorough understanding of the manufacturing or control operations which they perform, the necessary training and experience relating to individual products, and adequate information concerning the reasons for and the application of the pertinent provisions of this part to their respective functions.

(b) Personnel having direct contact with drugs shall have periodic health checks, and shall be free from communicable disease and open lesions on the exposed surface of the body.

§ 133.6 Components (raw materials).

Components used in the manufacture and processing of drugs (including those components that undergo chemical change or are eliminated in the process) shall be withheld from such use until they have been identified, sampled, and tested for conformance with established specifications that are appropriate and adequate, and are released by the materials approval unit. Control of components shall include the following:

(a) Each container of components shall be examined visually for damage or contamination in transit, including examination for breakage of seals when indicated.

(b) An adequate number of samples shall be taken from a representative number of component containers and shall be subjected to one or more identity tests, including at least one laboratory test for identity.

(c) Representative samples of all components shall be appropriately examined, including when indicated microscopic examination, for evidence of filth, insect infestation, or other extraneous contamination.

(d) Representative samples of components particularly liable to contamination with highly toxic substances (for example, heavy metals), as indicated by tests for such substances in monographs of the official compendia, shall be tested to assure that official compendia or other appropriate limits for such impurities are not exceeded.

(e) Representative samples of all components intended to be used as active ingredients shall be tested to determine their strength per unit of weight or measure to assure compliance with adequate specification for such strength.

(f) Representative samples of components subject to microbiological contamination (such as those of animal and botanical origin) shall be subjected to microbiological tests. Such samples shall contain no micro-organisms which are objectionable in view of the intended use of the components.

(g) Approved components shall be appropriately marked and retested as necessary to assure that they conform to appropriate specifications of identity, strength, quality, and purity at time of use. This requires the following:

(1) Approved components are so handled and stored as to guard against their contaminating other drugs by dust or other particles resulting from such handling and storing. Similarly, approved components are so handled and stored as to guard against their being contaminated by other preparations, substances, dust, or other particles resulting from such handling and storing.

(2) Approved components shall be rotated in such a manner that the oldest stock is used first.

(3) Rejected components shall be so marked and held as to preclude the possibility of their use in any manufacturing or processing procedure.

(4) Appropriate records shall be maintained of the name of the supplier, lot number of each component, date and amount received, and examinations and tests performed. Said records shall also show any components rejected and their disposition. An individual inventory record shall be maintained for each component lot showing the amount of component used in each batch of drug manufactured or processed.

(h) A reserve sample of all active ingredients consisting of at least twice the quantity necessary for all required tests of identity, quality, purity, and strength shall be retained for at least 2 years after distribution of the last drug lot incorporating the active ingredient has been completed, or 1 year after the expiration date of this last drug lot incorporating the active ingredient, whichever is shortest.

§ 133.7 Master-formula and batch-production records.

(a) To assure drug batch uniformity, a master-formula record for each drug product and each batch size of such drug product shall be prepared, endorsed, and dated by a competent and responsible individual and shall be independently checked, reconciled, endorsed, and dated by a second competent and responsible individual. Master-formula records shall be retained for a period of at least 2 years after distribution of the last drug batch produced using the master-formula record, or 1 year after the expiration date of this last drug batch, whichever is shortest. The master-formula record shall include:

(1) The name of the product, a description of its dosage form, and a specimen or copy of each label and all other labeling contained in a retail package of the drug. (In private formula production, upon receipt of a written order for a portion of the drug stored in bulk form, a specimen or copy of the label to be used in filling that order shall be attached to the master-formula record prior to the reproduction of the batch records.) Also included shall be copies of the final draft of each label and all other labeling contained in a retail package of the drug and their printing authorization, dated and endorsed by the responsible person or persons approving the draft.

(2) The name and weight or measure of each ingredient per dosage unit or per

unit of weight or measure of the finished drug, and a statement of the total weight or measure of any dosage unit.

(3) A complete list of ingredients designated by names or codes sufficiently specific to indicate any special quality characteristic; an accurate statement of the weight or measure of each ingredient regardless of whether it appears in the finished product, except that reasonable variations may be permitted in the amount of components necessary in the preparation in dosage form provided that the variations are stated in the master formula; an appropriate statement concerning any calculated excess of an ingredient; and appropriate statements of theoretical weight or measure at various stages of processing and a statement of the theoretical yield.

(4) A description of the containers, closures, and packaging, and finishing materials.

(5) Manufacturing and control instructions, procedures, specifications, special notations, and precautions to be followed.

(b) Readily accessible records shall be prepared for each batch of drug produced and shall include complete information relating to the production and control of each such batch. Said records shall be retained for at least 2 years after batch distribution is complete, or 1 year after the batch expiration date, whichever is shortest. The records relating to production, including packaging, labeling, and control of each batch, plus copies of the labeling bearing the lot or control numbers used on the batch, shall be readily available during such retention period. The batch records shall include:

(1) An accurate reproduction of the appropriate master-formula record checked and endorsed by a competent, responsible individual.

(2) Records of each step in the manufacturing, processing, packaging, labeling, testing, and controlling of the batch, including dates, individual major equipment and lines employed, specific identification of each batch of components used, weights or measures of components and products used in course of processing, in-process and laboratory-control results, and the endorsements of the individual actively performing and the individual actively supervising or checking each step in the operation.

(3) A batch number that permits determination of all laboratory-control procedures and results on the batch, and all lot or control numbers appearing on the labeling of drugs from that batch, including copies of the labeling bearing the lot or control numbers used on the final containers of the batch.

(4) A record with complete investigative history of any mixups, errors, and unsatisfactory drug products found during and after drug manufacturing, processing, packaging, labeling, testing, controlling, and distributing of the batch. This investigative history shall be evaluated by competent and responsible personnel and, where indicated, appropriate action shall be taken. Said record shall indicate the evaluation and action.

§ 133.8 Production and control procedures.

Production and control procedures shall include all reasonable precautions, including the following, to assure that the drugs produced have the safety, identity, strength, quality, and purity they purport to possess:

(a) Each critical step in the process, such as the selection, weighing, and measuring of components, the addition of active ingredients during the process, weighing and measuring during various stages of the processing, and the determination of the finished yield, shall be performed by a competent, responsible individual and checked by a second competent, responsible individual; or if such steps in the processing are controlled by precision automatic, mechanical, or electronic equipment, their proper performance is adequately checked by one or more competent, responsible individuals. The written record of the critical steps in the process shall be initialed by the individual performing the critical step and also initialed by the individual charged with checking each critical step.

(b) All containers, lines, and equipment used in producing a batch of drugs shall be distinctly labeled at all times to identify accurately and completely their contents, the stage of processing, and the batch. For equipment and lines, placement of this identification shall include, where applicable, input lines, output lines, and operator controls. All containers, lines, and equipment used in producing a batch of drugs shall be stored and handled in a manner adequate to prevent mixups or contamination with other drugs.

(c) Equipment, utensils, and containers shall be thoroughly cleaned and properly stored and have previous batch identification removed between batches, or at suitable intervals in continuous production operations, to minimize the hazard of contamination with microorganisms and to prevent other contamination and mixups. Equipment being employed for consecutive identical product batches shall be thoroughly cleaned at suitable intervals. All equipment used in the handling of sterile products shall be appropriately cleaned and, when necessary, sterilized prior to use.

(d) Appropriate procedures, such as the following, shall be taken to minimize the hazard of contamination with microorganisms in the production of parenteral drugs, opthalmic solutions, and any other drugs purporting to be sterile:

(1) Filling operations shall be performed with adequate physical segregation from similar operations on any other drugs to avoid cross-contamination.

(2) Proper control of air movement and air filtration prior to entry and discharge shall be provided in all sterile areas to minimize microbiological contamination, particulate matter, and cross-contamination of one drug with another.

(e) Appropriate procedures shall be taken to minimize the hazard of cross-contamination of nonpenicillin products by penicillin in those establishments that manufacture, store, or handle penicillin as well as nonpenicillin products.

(f) To assure the uniformity and integrity of products, there shall be adequate in-process controls, such as checking the weights and disintegration time of tablets, the fill of liquids, the adequacy of mixing, the homogeneity of suspensions, and the clarity of solutions. Such in-process testing shall be done at appropriate intervals during each individual operation, when practicable, using readily accessible, adequate, and suitable equipment. A written record of all such tests shall be maintained, including the date and time of each test, the product name and batch number, the quantity tested, the results, and the initials of the person performing the test.

(g) Competent and responsible personnel shall check actual against theoretical yield of each batch of drug, or at appropriate intervals in continuous production operations, and in the event of any significant unexplained discrepancies shall prevent distribution of the batch in question and other associated batches of drugs that may have been involved. A satisfactory explanation for any significant discrepancy between theoretical and actual yields shall be entered on the batch record and signed by the person who investigated the discrepancy. This record shall also contain a statement on criteria used in accepting or rejecting such a batch.

(h) In-process batches of drugs found unacceptable to the firm shall be held until a determination as to their disposition has been made. Appropriate records shall be maintained which reflect the reason(s) for unacceptability and the ultimate disposition of this material.

(i) Certifiable antibiotics and insulin are to be withheld from distribution until the certification certificate is actually received unless exempted by Part 144 of this chapter. All other drugs shall be withheld from distribution until released by the materials approval unit on the basis of satisfactory control tests.

(j) Returned goods shall be so identified and held. If the condition of the container, carton, or labeling is such as to cast doubt on the identity, strength, quality, or purity of the drug, the returned goods shall be destroyed or subjected to the complete protocol of testing (to assure that the material will meet all appropriate standards and specifications) before being returned to stock for warehouse distribution or repacking. No returned goods shall be reprocessed unless they have been found by appropriate tests not to have undergone any significant physical, chemical, or microbiological degradation and not to have become contaminated with extraneous substances or filth. Records of returned goods shall be maintained and shall indicate the amount returned, date, and actual disposition of the product, such as reprocessed, destroyed, or returned to stock.

§ 133.9 Product containers.

Suitable specifications, test methods, cleaning procedures, and, when indicated, sterilization procedures shall be used to assure that containers, closures, and other component parts of drug packages are suitable for their intended use. The container shall comply with applicable compendial requirements when used for an official product. Containers, closures, and other component parts of drug packages shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements, and shall provide adequate protection against deterioration or contamination of the drug. Containers, closures, and other component parts of drug packages shall be handled and stored in a manner to protect them from contamination and deterioration and to avoid mixups.

§ 133.10 Packaging and labeling.

Packaging and labeling operations shall be adequately controlled: To assure that only those drug products that have met the standards and specifications established in the master-formula records shall be distributed; to prevent mixups between drugs during the filling, packaging, and labeling operations; to assure that correct labels and labeling are employed for the drug; and to identify the finished product with a lot or control number that permits determination of the history of the manufacture and control of the batch. The lot or control number shall be identified as such on the label. An hour, day, or shift code is appropriate as a lot or control number for the drug products manufactured or processed in continuous production equipment. Packaging and labeling operations shall:

(a) Be separated (physically or spatially) from operations on any other drugs in a manner adequate to avoid mixups. Two or more packaging and/or labeling operations having drugs, containers, or labeling similar in appearance shall not be in process simultaneously on adjacent or nearby lines unless these operations are separated by a physical barrier.

(b) Provide for an inspection of the facilities prior to use to assure that all other drugs and previously used labeling have been removed.

(c) Include the following labeling controls:

(1) The holding of labels and package labeling upon receipt plus review and proofing against an approved final copy by a competent, responsible individual to assure that they are accurate in respect to identity, content, and conformity with the approved copy before release to inventory.

(2) The maintenance and storage of each type label and package labeling representing different products, strengths, or dosage forms in separate compartments, drawers, or containers suitably identified. Said compartments, drawers, or containers shall have prominently affixed to them a specimen of the label or labeling they contain or some other adequate means of identification to avoid mixups.

(3) A perpetual check of current labels and package labeling. Stocks of outdated and obsolete labels and other package labeling shall be destroyed.

(4) Restrict access to labels and package labeling storage areas to persons responsible for them.

(d) Provide strict control of the package labeling issued for use with the drug. Such issue shall be carefully checked by a competent, responsible person for identity and conformity to the labeling specified in the batch production records. Said records shall identify the labeling and the quantities issued and used and shall reasonably reconcile any discrepancy between the quantity of drug finished and the quantities of labeling issued. All excess package labeling bearing lot or control numbers shall be destroyed. In the event of any significant, unexplained discrepancy, distribution of the batch in question and other associated batches of the drugs that may have been involved in such discrepancy shall be prevented. A statement regarding the discrepancy, the facts underlying the discrepancy, an explanation as determined by appropriate investigation, and the resultant action shall also be entered on the batch record of the batch or batches in question and shall be signed by a competent, responsible individual.

(e) Provide for adequate examination and laboratory testing of an adequate number of representative samples of finished products after packaging and labeling to safeguard against any error in the finishing operations and to prevent distribution of any batch until all specified tests have been met. Manufacturers, however, may perform adequate examination of an adequate number of representative samples of their finished drug products after packaging and labeling in lieu of laboratory testing in the case of, and only in the case of, those tablet or capsule dosage forms of drugs which, in addition to having had all necessary laboratory tests on the bulk (but unpackaged drug), are not similar in physical appearance to any other final dosage form product found within that manufacturing establishment. Repackers who, in accordance with the practice of the trade, repack tablet or capsule dosage forms of drugs in substantial quantities at establishments other than those where originally processed or packed may meet these requirements of adequate examination and laboratory testing by complying with all of the following conditions:

(1) The drug received by the repacker in bulk containers is readily distinguishable visually from all other drugs in his possession and in the possession of the supplier of the drug.

(2) The repacker has in his possession, and in good faith relies on, a valid guarantee or undertaking (referred to in section 303(c)(2) of the act) from the manufacturer of the bulk drug setting forth that at the time of delivery to the repacker said drug complied with the act.

(3) A labeled sample package of the drug, for which the manufacturer furnishes protocol(s) of laboratory tests showing that the drug meets appropriate standards of identity, strength, quality, and purity, and which sample package bears a label identical (except for the quantity of contents statement) to the label on the bulk package of the capsules or tablets, is shipped by the manufacturer to the repacker for comparison with the appearance and labeling of the article in the bulk container. Such sample package contains at least twice the quantity of drug required to conduct all the tests performed on the batch of the drug. The sample package and a sufficient number of finished labeled containers of the repacked drug to contain at least as much drug as contained in the sample package are to be retained for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is shortest.

(4) Prior to repacking, a visual comparison is conducted by a competent, responsible person to assure that the drug to be repacked from bulk is identical in appearance to that in the sample package and that the labeling of the bulk package and the sample package show the same drug identity and composition.

(5) The repacker labels the drug with a suitable expiration date (in accordance with the stability requirements of § 133.13) to assure that the drug meets appropriate standards of identity, strength, quality, and purity at time of use.

(6) The label of the repacked drug bears a lot or control number and the repacker maintains records for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is the shortest, from which the lot or control number of the bulk drug used in the repacking can be ascertained.

(f) Gang printing of cut labels or cartons should be avoided, especially when the labels or cartons for different products or different strengths of the same product are of the same size and have identical or similar format and/or color schemes.

§ 133.11 Laboratory controls.

Laboratory controls shall include the establishment of scientifically sound and appropriate specifications, standards, and test procedures (for example, identity, weight variation, disintegration, homogeneity) to assure that components, drug preparations in the course of processing, and finished products conform to appropriate standards of identity, strength, quality, and purity. Laboratory controls shall include:

(a) The establishment of master records containing appropriate specifications for the acceptance of each lot of components, containers, and closures used in drug production and packaging and a description of the sampling and testing procedures used for them. Said

samples shall be representative and adequately identified. Such records shall also provide for appropriate retesting of components, containers, and closures subject to deterioration.

(b) A reserve sample of all active ingredients and all components which appear in significant quantities in the finished drug product. These reserve samples shall consist of at least twice the quantities necessary to perform all required tests. Said sample shall be retained for at least 2 years after distribution of the last drug lot incorporating such active ingredient or component has been completed, or 1 year after the expiration date of this last drug lot incorporating such active ingredient or component, whichever is shortest.

(c) The establishment of master records, when needed, containing specifications and a description of sampling and testing procedures for in-process drug preparations. Such samples shall be adequately representative and properly marked.

(d) The establishment of master records containing a description of sampling procedures, testing procedures, and appropriate specifications for finished drug products. Such samples shall be adequately representative and properly marked.

(e) Adequate provision for checking the identity and strength for all active ingredients of drug products and for assuring:

(1) Compliance with satisfactory criteria for assuring sterility of drugs purporting to be sterile.

(2) Compliance with satisfactory criteria of nonpyrogenicity as required by an official compendium or as indicated by the manner in which the drug is to be used.

(3) Freedom of ophthalmic ointments from foreign particles, such as metal, plastic, or other harsh and abrasive substances, to the extent possible under current good manufacturing practice.

(4) That the drug release pattern of sustained release products is tested by laboratory methods used in establishing appropriate specifications related to clinical safety and effectiveness to assure conformance to such specifications.

(5) That all components are adequately tested to conform to such specifications, for example particle size, as are necessary to assure reasonably uniform rates of absorption, biological availability, and the stability of the drug products.

(f) Adequate provision for auditing the reliability, accuracy, precision, and performance of laboratory test procedures and laboratory instruments used.

(g) A properly identified reserve sample (including at least two labeled containers of the final dosage form) of at least twice the quantity of the finished drug lot required to conduct all appropriate tests performed shall be retained for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is shortest. The reserve sample need not contain units for sterility testing and pyrogens. Identification of this sample shall include the labeling used on the finished product.

(h) Provision for retaining complete records of all data, including analytical raw data, concerning laboratory tests performed, including the dates and endorsements of individuals obtaining the samples, making the tests, releasing lots (component and finished material) from storage, and provision for specifically relating the tests to each batch or lot of drug, component, and animals to which they apply. Such records shall be retained for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is shortest, except for stability data as provided for by § 133.13(f).

(i) Provision that firms which manufacture nonpenicillin products, including certifiable antibiotic products, on the same premises or use the same equipment as that used for manufacturing penicillin products or that operate under any circumstances that may reasonably be regarded as conducive to contamination of other drugs by penicillin, shall test such nonpenicillin products to determine whether any have become cross-contaminated by penicillin. Such products shall not be marketed if intended for use by man and the product is contaminated with an amount of penicillin equivalent to 0.05 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for parenteral administration, or an amount of penicillin equivalent to 0.5 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for oral use.

(j) Provision that animals used in laboratory tests and procedures shall be adequately housed, fed, and maintained under suitable conditions of temperature and humidity. They shall be identified and records maintained as to use and date and time of use.

(k) Adequate regular retesting and recording of results on products and components subject to deterioration.

§ 133.12 Finished-goods warehouse control distribution records.

Finished-goods warehouse control and distribution records shall include an adequate perpetual inventory control system or other suitable system for warehoused finished goods so that the distribution of each lot of drug, identified by lot or control number, can be readily determined to facilitate its recall, if necessary, from all consignees of the manufacturer or repacker. Records within the system shall contain the name and address of the consignee, date and quantity shipped, and lot or control number of the drug. Records shall be retained for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is shortest. Finished-goods warehouse control shall also include a system whereby the oldest approved stock is distributed first, whenever possible, to assure the quality of the product. (For regulations relating to manufacturing and distribution records of controlled drugs subject to Drug Abuse Control Amendments of 1965, see § 320.16, Chapter II, Title 21.)

§ 133.13 Stability.

There shall be assurance of the stability of components, drug preparations in the course of processing, and finished drugs. The stability shall be:

(a) Determined by reliable, meaningful, and specific test methods.

(b) Determined on products in the containers in which they are marketed to assure, among other things, that the container is not reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements.

(c) Determined on any solution of a drug product which is to be prepared, as directed in its labeling, at the time of dispensing.

(d) Determined in relation to specifications necessary to assure reasonably uniform rates of absorption and the biological availability of the drug product as well as in relation to the specifications for composition and physical characteristics of the drug product.

(e) Expressed as an expiration date with related conditions of storage on the drug label. When the drug is marketed in the dry state for use in preparing a solution or suspension, the labeling shall bear an expiration period for such solution or suspension as well as an expiration date for the dry product. Expiration dates and periods shall be justified by (1) readily available data from stability studies or (2) readily available data showing that samples from each marketed batch of the drug are laboratory tested at appropriate intervals so that any batch of drug that falls below its professed standards of safety, identity, strength, quality, or purity prior to the expiration date is recalled from channels of distribution. Expiration dates, including the redating of drug products, shall be calculated from the time of inception of the latest set of pertinent laboratory tests. An expiration date shall assure that the drug maintains its safety, identity, strength, quality, and purity until that date if related conditions of storage are met.

(f) Records shall be maintained of the expiration dates and periods used in the labeling of each batch or lot of drug and said records shall be maintained for at least 2 years after drug distribution has been completed or 1 year after the drug's expiration date, whichever is shortest.

§ 133.14 Complaint files.

Records shall be maintained of all written or verbal complaints regarding each product. Complaints shall be evaluated by competent and responsible personnel and, where indicated, appropriate action shall be taken. The record shall indicate the evaluation and action. Said complaint files shall be maintained for at least 2 years after drug distribution has been completed, or 1 year after the drug's expiration date, whichever is shortest.

Any interested person may, within 60 days from the date of publication of this

notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 13, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-9980; Filed, Aug. 21, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Parts 503, 510]

[General Orders 4, 22; Docket No. 69-41]

FEES FOR SERVICES; LICENSE FEE

Notice of Proposed Rule Making

Notice is hereby given that pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and section 43, Shipping Act, 1916 (46 U.S.C. 841(a)), and in accordance with the Act of August 31, 1951 (31 U.S.C. 483(a)), as implemented by the Bureau of the Budget Circular No. A-25 dated September 23, 1959, the Federal Maritime Commission is considering the revision of certain existing charges to recover the costs of services, as set forth below.

A recent evaluation, taking into consideration estimated direct and indirect costs to the Government in accordance with criteria established by the Bureau of the Budget, indicates that an increase in the fee schedule is warranted and is hereby proposed for the following services.

In paragraph (a) of § 503.43 *Fees for services* in General Order 22 (46 CFR 503.43) the rate for copying of records and documents is proposed to be increased from 25 cents per page to 30 cents per page.

In paragraph (b) of § 503.43 the rate for certification and validation with the Federal Maritime Commission seal is proposed to be increased from $1 to $2.

In paragraph (c)(1) § 503.43 the rate for records search by clerical personnel is proposed to be increased from $4 per person per hour to $4.50 per person per hour.

In paragraph (c)(3) of § 503.43 the minimum charge for record search is proposed to be deleted with the understanding that charges for records search will not be imposed for the first one-half hour.

In paragraph (f) of § 510.5 *Requirements for licensing*, in General Order 4 (46 CFR 510.5) the freight forwarder application fee of $100 is proposed to be increased to $125.

Interested persons may submit comments pertaining to this proposal by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days of publication of this notice in the FEDERAL REGISTER an original and 15 copies of their views or comments.

In the absence of comments, the Commission intends to adopt the proposed changes to be effective October 1, 1969.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-10011; Filed, Aug. 21, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[U-8977]

UTAH

Order Providing for Opening of Public Lands

AUGUST 14, 1969.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), title to the following described lands has been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 43 S., R. 16 W.,
Sec. 15, lot 1 (except 8 acres owned by another party described as follows: Beginning at a point 820 feet south of the northwest corner of lot 1, sec. 15, T. 43 S., R. 16 W., SLM, running thence east 500 feet; thence south 45° west approximately 325 feet to the meander line on the north side of the Virgin River; thence southwesterly along the meander line to the southwest corner of lot 1, thence north approximately 630 feet to beginning), lot 2, SE¼SW¼, NW¼SE¼;

The areas described aggregate 168.20 acres.

2. The lands are located in Washington County 4 miles southwest of St. George, Utah. The topography varies from eroded hills and draws to nearly flat river bottom land. The lands are semiarid in character and are not suitable for farming. They have values for watershed, grazing, wildlife, and recreation, which can best be managed under principles of multiple-use.

3. The United States did not acquire the mineral rights.

4. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands will at 10 a.m., on September 22, 1969, be opened to application, petition and selection. All valid applications received at or prior to 10 a.m. on September 22, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning these lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

J. E. KEOGH,
Acting State Director.

[F.R. Doc. 69-9984; Filed, Aug. 21, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

GREENVILLE LIVESTOCK, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below:

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ILLINOIS	
Greenville Livestock Auction Company, Greenville, Dec. 27, 1961.	Greenville Livestock, Inc., Aug. 1, 1969.
MICHIGAN	
Alpena Livestock Commission Co., Alpena, Apr. 25, 1959.	Alpena Livestock Commission Co., Inc., July 1, 1967.
SOUTH DAKOTA	
Britton Sales Pavilion, Britton, May 18, 1959.	Marshall Livestock Auction Co., Aug. 15, 1969.
Sioux Falls Livestock Auction Company, Inc., Sioux Falls, June 9, 1959.	Kramer's Stockyards, Apr. 25, 1969.
UTAH	
Vernal Livestock Auction Co., Vernal, Oct. 23, 1959.	Vernal Livestock Auction, Incorporated, Sept. 1, 1968.
WYOMING	
Lusk Livestock Commission Company, Lusk, Feb. 17, 1940.	Lusk Livestock Exchange Co., July 25, 1969.

Done at Washington, D.C., this 15th day of August 1969.

G. H. HOOPER, *Chief,*
Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-10023; Filed, Aug. 21, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NORWICH PHARMACAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (35-319V) has been filed by The Norwich Pharmacal Co., Norwich, N.Y. 13815, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use in chicken feed of a combination drug containing buquinolate, 3-nitro-4-hydroxyphenylarsonic acid, and bacitracin methylene disalicylate (1) for the prevention of coccidiosis caused by specified organisms, (2) for stimulating growth and improving feed efficiency, and (3) for pigmentation in broiler chickens.

Dated: August 15, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-9981; Filed, Aug. 21, 1969; 8:46 a.m.]

2,6-DICHLORO-4-NITROANILINE

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of The Upjohn Co., Kalamazoo, Mich. 49001, a temporary tolerance of 10 parts per million is established for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity grapes resulting from both preharvest and postharvest applications. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the fungicide will be used in accordance with the temporary permit issued by the U.S.

Department of Agriculture. Distribution will be under The Upjohn Co. name.

This temporary tolerance expires August 14, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-9982; Filed, Aug. 21, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Toledo Edison Co., 420 Madison Avenue, Toledo, Ohio 43601, and The Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, Ohio 44101, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended have filed an application dated August 1, 1969, for a construction permit and facility license to authorize construction and operation of a pressurized water nuclear reactor on the applicants' approximately 900-acre site on the southwest shore of Lake Erie, about 21 miles east of Toledo and about 9 miles northwest of Port Clinton, in Ottawa County, Ohio.

The proposed reactor, designated by the applicants as the Davis-Besse Nuclear Power Station (the station), is designed for initial operation at approximately 2,633 megawatts thermal, with a net electrical output of approximately 872 megawatts.

The Toledo Edison Co. and The Cleveland Electric Illuminating Co. as tenants in common will share undivided ownership of the station and the site, with each sharing the costs of construction and operation of the station. Toledo Edison will have complete responsibility for the design, installation and operation of the facility.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of August 1969.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 69-10001; Filed, Aug. 21, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21044; Order 69-8-93]

ALLEGHENY AIRLINES, INC.

Certificate of Public Convenience and Necessity; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of August 1969.

On May 27, 1969, Allegheny Airlines, Inc. (Allegheny), filed a petition requesting the Board to issue an order to show cause why its certificate of public convenience and necessity for Route 97 should not be amended so as to delete Bloomington, Ind., as an intermediate point on segment 15, and to delete, as no longer necessary or appropriate, condition (14), a long-haul condition for segment 15.[1]

In support of its petition, Allegheny states that: deletion of Bloomington from segment 15 would affect only Bloomington-Louisville service;[2] traffic in the 81-mile Bloomington-Louisville market has been de minimis;[3] Allegheny's net loss from serving Bloomington on segment 15 is $30,551;[4] there will be no adverse effect on any other carrier[5] since Allegheny already holds nonstop authority in the market;[6] and with the deletion of Bloomington, condition (14) would serve no purpose.

No objections have been received.

Upon consideration of Allegheny's application and other relevant matters, we have decided to grant Allegheny's request for an order to show cause proposing to amend its certificate so as to delete Bloomington as an intermediate point on segment 15 and to delete condition (14). We tentatively find and conclude that the public convenience and necessity require the above-described amendment of Allegheny's certificate.

In support of our proposed ultimate finding, we tentatively conclude as follows: That deletion of Bloomington as an intermediate point on Allegheny's segment 15 would not affect service between Bloomington and its major community of interest, Chicago; that the only market which would be affected by the deletion is the Bloomington-Louisville market, a small market; that the proposed certificate amendment would permit Allegheny, a subsidized carrier, to discontinue a service which has been both unpatronized and uneconomical, while affording the carrier increased operational flexibility; that the certification of Allegheny for unrestricted authority in the Indianapolis-Louisville market will not have a significant adverse financial impact on any other carrier; and that if the proposed deletion is made condition (14) of Allegheny's certificate for Route 97 will have no purpose and should also be deleted.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. Any objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause on or before September 8, 1969, why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Allegheny Airlines, Inc., for Route 97 so as to delete Bloomington, Ind., as an intermediate point on segment 15 and to delete condition (14);

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[7]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the following persons who are hereby made parties to this proceeding: Al-

[1] Condition (14) requires Allegheny to serve both Louisville and Indianapolis, the terminals of segment 15, on segment 15 flights scheduled to serve Bloomington.

[2] Segment 15 extends from Indianapolis to Bloomington to Louisville. Allegheny also has Indianapolis-Bloomington authority on segment 10.

[3] During May, 1969, Allegheny provided service 5 days a week between Indianapolis, Bloomington, and Louisville, and averaged only 4.6 passengers on the Bloomington-Louisville leg.

[4] Allegheny holds this authority on a subsidy-ineligible basis.

[5] Three unrestricted carriers, Delta, Eastern, and Ozark, provide service in the Louisville-Indianapolis market.

[6] Allegheny may provide nonstop service between Indianapolis and Louisville after offering two round trips daily with a required stop at Bloomington.

[7] All motions and/or petitions for reconsideration shall be filed within the period for filing of objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

legheny Airlines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Ozark Air Lines, Inc.; city of Bloomington, Ind.; city of Indianapolis, Ind.; and city of Louisville, Ky.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-10007; Filed, Aug. 21, 1969; 8:48 a.m.]

[Dockets Nos. 17348, 21320; Order 69-8-100]

GREENBRIER COUNTY AIRPORT AUTHORITY

Service to Greenbrier; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1969.

On May 23, 1966, the Greenbrier County Airport Authority (Greenbrier), filed a petition in which it requested the Board to authorize scheduled air transportation between Lewisburg, W. Va., on the one hand, and Roanoke, Va., Washington, D.C., Pittsburgh, Pa., Charlotte, N.C., Cincinnati, Ohio, and Charleston, W. Va., on the other hand. Air service would be provided through the Greenbrier Valley Airport which is located 5 miles from Lewisburg.

On May 20, 1969, Greenbrier filed a motion requesting the Board to issue an order directing interested persons to show cause why its petition for air transportation should not be granted to the extent of adding Lewisburg as an intermediate point between Roanoke, Va., and Charleston, W. Va., on segment 2 of Piedmont's Route 87. In the alternative, Greenbrier requests the Board to set the petition down for an immediate hearing.

Piedmont Aviation filed an answer to Greenbrier's motion in which it stated that it takes no position on the issue of air service for Greenbrier. However, Piedmont further stated that if the Board should find that the public convenience and necessity required Piedmont to serve Greenbrier, steps should be taken to "insure that Piedmont receives the amount of subsidy necessary to sustain that service."

After consideration of the pleadings and other relevant facts, we have decided to deny Greenbrier's motion to the extent that it requests the Board to issue a show cause order. The question of air service to the Greenbrier area raises complex questions which cannot be resolved on the basis of the pleadings now before us. However, a preliminary analysis of the traffic data submitted by Greenbrier in support of its motion indicates that the traffic potential of the area is sufficient to warrant an investigation into the air transportation requirements of the area and how these requirements may be best satisfied.

Accordingly, the Board will institute an investigation in Docket 21320 to be designated as the Service to Greenbrier Investigation. This investigation will consider whether Piedmont's certificate for Route 87 should be altered, amended, or modified so as to add Lewisburg as an intermediate point on segments 2, 3, 6, or 9,[1] with or without subsidy eligibility.

The investigation instituted herein will also consider whether Piedmont's certificate should be amended so as to redesignate the intermediate point Hot Springs on segments 3, 6, and 9 as the hyphenated point Hot Springs-Lewisburg with service to be provided through a single airport, with or without subsidy eligibility. Hot Springs is a tourist-oriented area[2] in southwestern Virginia,[3] which now receives its air service as an intermediate point on Piedmont's segments 3, 6, and 9. The distance between the Hot Springs Airport and Greenbrier Valley Airport is 33 air miles, and Greenbrier alleges that the road distance between the Homestead Hotel in Hot Springs and the Greenbrier Valley Airport is approximately 46 miles and approximately 1 hour's driving time. The apparent proximity of Hot Springs to the Greenbrier Valley Airport and Piedmont's abnormally low completion factor at the Hot Springs Airport[3] suggest that it would be appropriate to consider the issue of hyphenating Hot Springs and Lewisburg for service through a single airport conveniently situated to accommodate traffic demand in the area.

Accordingly, it is ordered, That:

1. An investigation to be designated as the Service to Greenbrier Investigation be and it hereby is instituted in Docket 21320 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine (a) whether the public convenience and necessity require the alteration, amendment or modification of Piedmont Aviation's certificate for Route 87 in such a manner as to add Lewisburg, W. Va., to segments 2, 3, 6, or 9, with or without subsidy eligibility, subject to such terms, conditions, and limitations as may be appropriate; and (b) whether the public convenience and necessity require the alteration, amendment or modification of Piedmont Aviation's certificate for Route 87 in such a manner as to redesignate the intermediate point Hot Springs, Va., on segments 3, 6, and 9 as the hyphenated point Hot Springs-Lewisburg, with service to be provided through a single airport, with or without subsidy eligibility;

2. To the extent that it falls within the scope of the proceeding as heretofore delineated, Greenbrier's application in Docket 17348 be and it hereby is consolidated into the above investigation;

3. Motions to consolidate applications and motions or petitions seeking modifications or reconsideration of this order shall be filed no later than 20 days after the service date of this order and answers to such pleadings shall be filed no later than 10 days thereafter;

4. This proceeding shall be set for hearing before an examiner of the Board at a time and place to be hereafter designated;

5. Piedmont Aviation, Inc., Greenbrier County Airport Authority, Hot Springs, Va., and Greenbrier Airlines be and they hereby are made parties to this proceeding; and

6. A copy of this order shall be served upon Allegheny Airlines, Inc.; American Air Lines, Inc.; Braniff Airways, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Mohawk Airlines, Inc.; National Airlines, Inc.; Northeast Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Southern Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; the Governors of West Virginia, Virginia, and Ohio; the Mayors and Chambers of Commerce of Washington, D.C., Roanoke, Va., Charleston, W. Va., Cincinnati, Ohio; the Federal Aviation Administration; the Post Office Department; West Virginia State Aeronautics Commission; West Virginia Public Service Commission; State of West Virginia Department of Commerce; Virginia State Corporation Commission, Aviation Division; Ohio Department of Commerce, Division of Aviation; and Appalachian Regional Commission.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-10008; Filed, Aug. 21, 1969; 8:48 a.m.]

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[1] In its motion, Greenbrier contends that its air transportation needs "can largely and economically be met" through service to Greenbrier as an intermediate point on Piedmont's segment 2. We believe that more flexibility is desirable in analyzing Greenbrier's service needs and accordingly, we will consider possible service patterns over segments 3, 6, or 9 in addition to service on segment 2.

[2] The Homestead Hotel is located at Hot Springs and is the main source of its traffic generation.

[3] Piedmont's average completion factor at Hot Springs has averaged in the low seventies.

[Docket No. 21322; Order 69-8-108]

DOMESTIC TRUNKLINES

Passenger-Fare Revisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1969.

By tariff filed August 1, 1969, and marked to become effective September 15, 1969, United Air Lines, Inc., proposed to revise its domestic passenger fares within the 48 contiguous States. Subsequently, on August 7 and 11, 1969, Eastern Air Lines, Inc., and Continental Air Lines, Inc., respectively, also filed proposed fare revisions marked to become effective October 1, 1969. On August 13, 1969, American Airlines, Inc., proposed to revise its domestic passenger

fares, effective September 27, 1969.[1] Although each of the carriers takes a different approach to the appropriate level and structure of domestic passenger fares, all the tariffs increase general fare levels. The Board is informed that other domestic trunk carriers also intend to file general fare revisions.

Pursuant to section 1002 of the Federal Aviation Act (49 U.S.C. 1482), the Board may, upon its own initiative or in the light of complaints from interested persons, (a) suspend the effectiveness of the proposed tariffs pending investigation of the reasonableness of the proposed rates, (b) permit such tariffs to take effect while it is conducting such investigation, or (c) permit the tariffs to become effective without investigation. The Board's rules of practice provide for the filing of complaints against tariffs requesting their suspension and/or investigation,[2] and the Board will give full consideration to all complaints so filed respecting these tariffs. Also, because of the interest of the public in the proposed increases in passenger fares, we have decided to hear oral argument from interested persons before determining what our action should be with respect to the tariff proposals.

In the interest of orderly procedure, we will require that any person who desires to participate in such oral argument shall file with the Board and serve upon the air carriers a complaint against increases, or other statement of his position, on or before August 28, 1969, together with a request to the Board for leave to participate in the oral argument. The Board will subsequently advise the persons desiring to appear of the amount of time which will be granted for argument, and reserves the right to require that various persons having common interests be represented by one or more spokesmen.

We will not restrict argument to specific issues but will permit interested persons to express their views on any aspect of the tariffs that they wish to bring to the Board's attention. However, we are particularly interested in hearing argument addressed to the following questions:

1. To what extent, if any, are passenger fare increases warranted, and how should such increases by applied?

2. To what extent, if any, should the present promotional or discount fares be modified?

3. What effect, if any, will either the proposed tariff revisions or possible changes in promotional and discount fares have upon the movement of traffic?

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 1001, and 1002 thereof,

It is ordered, That:

1. On September 4, 1969, at 10 a.m., the Board will hear oral argument on the question of the passenger-fare revisions proposed by the domestic trunkline air carriers.

2. Interested persons who desire to participate in such oral argument shall file with the Board a complaint or statement of their position on or before August 28, 1969, together with a request for leave to present an oral argument to the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10009; Filed, Aug. 21, 1969; 8:48 a.m.]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 101.

[2] 14 CFR 302.500-302.508.

TRANS-AIR FREIGHT SYSTEM, INC., ET AL.

Notice of Proposed Approval of Certain Control and Interlocking Relationships

Joint application of Trans-Air Freight System, Inc., Loretz & Company, Inc., Sidney B. Lifschultz, and Rubin Steiner for approval of certain control and interlocking relationships pursuant to sections 408 and 409 of the Act, Docket 21178.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., August 19, 1969.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

Issued under delegated authority:

Joint application of Trans-Air Freight System, Inc., Loretz & Co., Inc., Sidney B. Lifschultz, and Rubin Steiner for approval of certain control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed July 9, 1969, Trans-Air Freight System, Inc. (Trans-Air) requests approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of its proposed acquisition of control of Loretz & Co., a California corporation (Loretz-California), by merger of Loretz-California into its wholly-owned subsidiary, Loretz & Co., Inc., a Delaware corporation (Loretz-Delaware), with the latter as the surviving corporation.

Trans-Air is a domestic and international air freight forwarder. It also operates as an International Air Transport Association (IATA) cargo agent, and, under authority from the Federal Maritime Commission, as an independent ocean freight forwarder. Loretz-Delaware, organized on June 2, 1969, does not presently transact any business. Loretz-California is a custom-house broker, an independent ocean freight forwarder licensed by the Federal Maritime Commission, and an IATA cargo agent. The applicants concede that Loretz-California is a person engaged in a phase of aeronautics.

In Order E-22146, May 10, 1965, the Board approved control relationships involving Loretz-California and Cal-Air Forwarders, Inc. (Cal-Air). The applicants state that, as of June 10, 1969, such control relationships were severed; and that no officer or director of Cal-Air will be an officer or director of Loretz-California, and vice versa, and that no stockholder in either of such companies will be a stockholder in the other. Further, the applicants submit that any agreement between Cal-Air and Loretz-California, such as an existing agreement whereby the latter acts as West Coast agent for Cal-Air, will terminate as of December 31, 1969, and Loretz-California will thereafter perform no services of any nature for and on behalf of Cal-Air.

The applicants further state that interlocking relationships will arise, involving Trans-Air and Loretz-Delaware, as the result of the holding by Mr. Sidney B. Lifschultz of the positions as president, chairman of the board and a director of Trans-Air, while holding positions as a director and chairman of Loretz-Delaware, and the holding by Mr. Rubin Steiner of the positions of director and executive vice president of Trans-Air while holding positions as a director and president of Loretz-Delaware. The applicants request that the Board declare such interlocking relationships to be exempt from section 409 pursuant to sec. 287.2 of the Board's economic regulations.

No objection to the application has been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it has been concluded that Trans-Air is an air carrier and that Loretz-California is a person engaged in a phase of aeronautics, both within the meaning of section 408 of the Act, and that the acquisition of Loretz-California by Trans-Air by means of the proposed merger of Loretz-California with Loretz-Delaware, is subject to that section. However, it has been concluded that the proposed control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and essentially do not present any new substantive issues.[1] It therefore appears that approval of the control relationships would not be adverse to the public interest.

It is further concluded that interlocking relationships within the scope of section 409 of the Act will exist between Trans-Air and Loretz-Delaware by reason of the holdings by Messrs. Lifschultz and Steiner of the positions in each company described above. However, it is concluded that such relationships come within the scope of the exemption from section 409 of the Act afforded by section 287.2 of the Board's economic regulations.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, and that the application, to the extent that it requests approval of the aforementioned in-

[1] W. R. Zanes & Co. of Louisiana, et al., Order E-26757, May 6, 1968.

terlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the proposed acquisition by Trans-Air of Loretz-California, as described above, be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 3 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-10010; Filed, Aug. 21, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 453]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 18, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, nature of application

7478-C2-P-(3)-69—Georgia Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at the First National Bank Building, 2 Peachtree Street, Atlanta, Ga., to operate on frequencies 454.200, 454.250, and 454.300 MHz. Application is subject to pleadings pursuant to section 309 of the Act for 21 days from this date.

604-C2-AL-70—Leo Vincent Carmody (KEK267), Consent to assignment of license from: Leo Vincent Carmody, Assignor to: Carmody's Radio Paging Service, Inc. Assignee.

605-C2-P-70—Answer, Inc., of San Antonio (KKG559), C.P. to replace transmitter operating on frequency 152.09 MHz at location No. 2: 8332 Fredericksburg Road, San Antonio, Tex.

4832-C2-R-70—The C & P Telephone Co. of West Virginia (KOD611), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

118-C2-R-70—Indiana Bell Telephone Co. (KSJ612), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

610-C2-P-70—Golden West Telephone Co. (New), C.P. for new 2-way station to be located at 4.5 miles west of Laytonville, Cahto Peak, Calif., to operate on frequency 152.78 MHz.

611-C2-P-70—Carl E. Johnston, doing business as Mobile Communication Service (New), C. P. for a new 1-way station to be located at 2810 North Walnut Street, Muncie, Ind., to operate on frequency 158.70 MHz.

612-C2-P-70—Gabriel Communications Corp., doing business as Mobile Dispatching Service (KIR204), C.P. for additional base channel to operate on frequency 454.275 MHz at location No. 1: Northwest 21st Street and Northwest 26th Avenue, Fort Lauderdale, Fla.

613-C2-P-70—Southwestern Bell Telephone Co. (KKJ446), C.P. for additional base channel to operate on frequency 152.54 MHz at station located at 6.1 miles east-northeast of Midland, Tex.

615-C2-P-70—Physicians' and Businessmen's Paging Service, Inc. (KAF254), C.P. for additional base channel to operate on frequency 454.35 MHz at station located at 125 East 31st Street, Kansas City, Mo.

11-C2-R-70—The Ohio Bell Telephone (KQD612), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

240-C2-R-70—The Chesapeake and Potomac Co. (KGC405), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

616-C2-P-70—Radio Relay Corp. (KSC645), C.P. to replace transmitter operating on frequency 35.58 MHz at station located at 188 West Randolph Street, Chicago, Ill.

666-C2-P-70—Cahill Answering Services, Inc. (New), C.P. for a new 1-way station to be located at 203 South Capitol Avenue, Lansing, Mich., to operate on frequency 152.24 MHz.

667-C2-P-70—General Telephone Co. of Wisconsin (New), C.P. for a new 2-way station to be located at 1.55 miles east of Plymouth; 0.1 mile north of Wisconsin Route 23, Plymouth Township, Wis., to operate on frequency 152.66 MHz.

668-C2-P-70—Business Communications, Inc. (KDN396), C.P. to replace transmitter operating on frequency 35.58 MHz at station located at 4466 West Pine Boulevard, St. Louis, Mo.

4859-C2-R-70—New England Telephone and Telegraph Co. (KCC793), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: Sept. 10, 1969 to Sept. 10, 1970.

672-C2-P-70—La Crosse Telephone Corp. (New), C.P. for a new 1-way station to be located at Grandad Bluff on Hixon Road, La Crosse, Wis., to operate on frequency 152.84 MHz.

673-C2-P-70—Radio Relay Corp. (KQC884), C.P. to replace transmitter operating on frequency 43.58 MHz at location No. 1: 375 Midland Street, Highland Park, Mich.

674-C2-P-70—Cincinnati Radio Telephone Systems, inc. (KLF476), C.P. to add transmitter to operate on frequency 43.22 MHz at a new site identified as location No. 2: Holmes Hospital, Eden and Bethesda Avenues, Cincinnati, Ohio.

691-C2-P-(3)-70—Richmond Mobile Telephone Co. (New), C.P. for new 2-way station to be located at 3301 West Broad Street, Richmond, Va., to operate on frequencies 454.125, 454.175, 454.325 MHz.

669-C2-MP-70—Industrial Communications of Pecos, Inc. (KKJ454), Modification, C.P. for the relocation of the control facilities operating on frequencies 454.25, 454.35, 454.325 MHz at Pecos, Tex. Also reorientation of the repeater station operating on frequencies 459.25, 459.35, 459.325 MHz.

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

Corrections

302–C2–P–70—Robert E. Franklin (KKE965), Correct to read: C.P. to add a second and third base channel to operate on frequencies 454.325 and 454.350 MHz respectively. All other particulars to remain the same as reported on public notice dated August 4, 1969, Report No. 451.

284–C2–P–(4)–70—Pacific Telephone & Telegraph Co. (New), Correct to read: C.P. to relocate the 152.63 MHz facilities at location No. 2, and the 152.69 and 152.81 MHz facilities at location No. 3 to a new site identified as location No. 4: 3 miles north of Oildale, Calif., also change antenna system and replace transmitters. Also for each frequency add a new base channel at location No. 4 to operate on 152.78 MHz. All other particulars remain the same as reported on public notice dated August 4, 1969, Report No. 451.

Major amendments

2979–C2–P–69—Wisconsin Telephone Co. (New), Amend to read: Frequency 158.10 MHz. All other particulars to remain the same as reported on public notice dated Dec. 2, 1968, report No. 416

5301–C2–P–(3)–69—Richard O. Deaderick and Clara Lockett doing business as R. O. Deaderick Co. (New), Amend to read: C.P. to operate on frequency 152.09 MHz. All other particulars remain same as reported on public notice dated March 17, 1969, report No. 431.

7702–C2–TC–69—Lett Electronics, Inc. (KEK375), Amend to read: Consent to Transfer of Control from: Clinton J. Lett, Jr., Donald F. Lett, and Royce Garand Lett, Transferors, to: Clinton J. Lett, Jr., and Donald F. Lett, Transferees. All other particulars to remain the same as reported on public notice dated June 23, 1969, report No. 445.

Informative:

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

Florida

Tel-Car Corp. (New), 1475–C2–P–69.
Gabriel Communications Corp., doing business as Boca Mobilphone (New), 2741–C2–P–69.
Gabriel Communications Corp., doing business as Mobile Dispatching Service (New), 2742–C2–P–69.
Howard Hicks (New), 2755–C2–P–69.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference.

Florida

Anserfone, Inc. (New), 6454–C2–P–69.
Tel-Car Corp. (New), 1475–C2–P–69.
Abe Schonfeld (New), 3042–C2–P–69.

RURAL RADIO SERVICE

606–C1–P/ML–70—The Mountain States Telephone & Telegraph Co. (KZI40), C.P. and modification license for additional channels to operate on frequencies 158.01, 157.83 MHz at station located at 10.8 miles south-southeast of Boise, Idaho; also replace transmitter operating on frequency 158.07 MHz.

607–C1–P/ML–70—The Mountain States Telephone & Telegraph Co. (KTP95), C.P. and modification license for additional channels to operate on frequencies 158.07, 158.01 MHz at station located at 6.5 miles southwest of Cascade, Idaho; also replace transmitter operating on frequency 157.83 MHz.

608–C1–P/ML–70—The Mountain States Telephone & Telegraph Co. (KPY39), C.P. and modification license for additional channels to operate on frequencies 158.07, 157.83 MHz at station located at 6.5 miles southwest of Cascade, Idaho; also replace transmitter operaing on frequency 158.01 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

670–C1–P–70—Golden West Telephone Co. (New), C.P. for a new station to be located on State Route No. 36, Mad River, Calif., to operate on frequency 2178.0 MHz toward Pratt Mountain, Calif., via passive repeater.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

671–C1–P–70—Golden West Telephone Co. (KNB40), C.P. to add frequency 2128.0 MHz toward Mad River, Calif., via passive repeater, at station located at Pratt Mountain, 6 miles northeast of Garberville, Calif.

675–C1–P–70—American Telephone & Telegraph Co. (KLS27), C.P. to add frequency 3950 MHz toward Seguin, Tex., and frequency 3710 MHz toward Pleasanton, Tex., station located at 5 miles northeast of Floresville, Tex.

676–C1–P–70—American Telephone & Telegraph Co. (KLS28), C.P. to add frequency 4150 MHz toward Floresville, Tex., and frequency 3750 MHz toward Hindes, Tex., station located at 5.5 miles southeast of Pleasanton, Tex.

677–C1–P–70—American Telephone & Telegraph Co. (KLS29), C.P. to add frequency 4110 MHz toward Pleasanton, Tex., and frequency 3710 MHz toward Cotulla No. 2, Tex., station located at 4.5 miles south of Hindes, Tex.

678–C1–P–70—American Telephone & Telegraph Co. (KLS30), C.P. to add frequency 4150 MHz toward Hindes, Tex., and 3750 MHz toward Encinal, Tex., station located at 3 miles southwest of Cotulla, Tex.

679–C1–P–70—American Telephone & Telegraph Co. (KLS31), C.P. to add frequency 4110 MHz toward Cotulla No. 2, Tex., and add frequency 3710 MHz toward Laredo Junction, Tex., at station located at 11 miles west-southwest of Encinal, Tex.

680–C1–P–70—American Telephone & Telegraph Co. (KLS32), C.P. to add frequency 4150 toward Encinal, Tex., and frequency 6152.8 MHz toward Nuevo Laredo, Mexico, at station located at 13.8 miles east-northeast of Laredo, Tex.

681–C1–P–70—Golden West Telephone Co. (KMZ74), C.P. to add frequency 2178.0 MHz toward Ridgeville, Calif., via passive repeater, at station located at 221 Main Street, Weaverville, Calif.

682–C1–P–70—Golden West Telephone Co. (New), C.P. for a new fixed station to be located at Ridgeville, 0.5 mile east of Granite Peak Road, to operate on frequency 2128.0 MHz toward Weaverville, Calif., via passive repeater.

5075–C1–R–70—Indiana Bell Telephone Co. (KYS50), Renewal of Developmental license expiring Sept. 12, 1969. Term: Sept. 12, 1969 to Sept. 12, 1970.

Major amendment

197–C1–P–70—RCA Global Communications, Inc. (New), Change frequency 6645 MHz toward Yona (Guam), Marianna Islands to 6755 MHz station location: Aspinal and West Saylor Streets, Agana (Guam), Marianna Islands.

198–C1–P–70—RCA Global Communications, Inc. (New), Change frequency 6855 MHz toward Agana (Guam), Marianna Islands to 6595 MHz and change frequency 6605 MHz toward Finegayan (Guam), Marianna Islands to 6635 MHz station location: 2 miles northwest of Yona (Guam), Marianna Islands.

199–C1–P–70—RCA Global Communications, Inc. (New), Change frequency 6745 MHz toward Yona (Guam), Marianna Islands to 6795 MHz station location: Finegayan, 9 miles northeast of Agana (Guam), Marianna Islands. All other particulars same as reported in public notice dated July 28, 1969, report No. 450.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

600–C1–P–70—Microwave Transmission Corp. (KPZ25), C.P. to power split frequency 5945.2 MHz on azimuth 78°30'. Location: 6.7 miles south of Kennewick, Wash., at latitude 46°06'16" N., longitude 119°07'50" W.

601–C1–P–70—Microwave Transmission Corp. (New), C.P. for a new station 8.6 miles south of Pomeroy, Wash., at latitude 46°20'52" N., longitude 117°36'06" W. Frequency 11,285 MHz on azimuth 75°00'. (Informative: Applicant proposes to provide the television signal of Station KTNT to H & B American Corp. in Clarkston, Wash.)

602–C1–P–70—Microwave Transmission Corp. (KPR33), C.P. to add frequency 11,525.0 and delete frequency 5937.8 MHz toward Wenatchee, Wash., on azimuth 23°30'. Also power split frequency 5937.8 MHz toward Tunk Mountain on azimuth 31°30'. Location: 11 miles south-southwest of Wenatchee, Wash., at latitude 47°16'27" N., longitude 120°24'18" W. (Informative: Applicant proposes to provide the Canadian television signal of CHEK–TV, Victoria, British Columbia, to Tunk Mountain for delivery to Columbia Television Co., Inc.; operator of a CATV system serving the cities of Omak, Okanogan, and Tonasket, Wash.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—CONTINUED

603–C1–P–70—West Texas Microwave Co. (KLU88), C.P. to change location of receiving site in Graham, Tex., to latitude 33°04'44" N., longitude 98°29'10" W. Frequencies 6226.9, 6315.9, and 6404.8 MHz on azimuth 344°26'.

609–C1–P–70—United Video, Inc. (WAN82), C.P. to add via power split at point of communications in Carthage, Mo., at latitude 37°10'57.7" N., longitude 93°21'34.7" W. Frequencies 11,425 and 11,585 MHz on azimuth 268°02'. Location: 1.28 miles west-northwest of Phelps, Mo., at latitude 37°11'43" N., longitude 93°55'39" W. (Informative: Applicant proposes to provide the television signals of KPLR and KETC to Carthage, Mo., for delivery to Carthage Cablevision Inc.)

656–C1–P–70—United Video, Inc. (New), C.P. for a new station 3 miles southwest of Princeton, Ill., at latitude 41°20'46" N., longitude 89°30'55" W. Frequencies: 10,735, 10,815, 10,895, and 11,055 MHz on azimuth 257°29'.

657–C1–P–70—United Video, Inc. (New), C.P. for a new station 1.5 miles northeast of Macomb, Ill., at latitude 40°28'58" N., longitude 90°41'53" W. Frequencies: 10,735 and 10,895 MHz on azimuth 292°0.7'.

658–C1–P–70—United Video, Inc. (New), C.P. for a new station 0.3 mile north of Peru, Ill., at latitude 41°20'34" N., longitude 89°06'42" W. Frequencies: 11,265, 11,425, 11,505, and 11,585 MHz on azimuth 270°46'.

659–C1–P–70—United Video, Inc. (New), C.P. for a new station 2 miles north of Kewanee, Ill., at latitude 41°16'40" N., longitude 89°55'15" W. Frequencies: 11,265, 11,425, 11,505, and 11,585 MHz on azimuth 220°10'.

660–C1–P–70—United Video, Inc. (New), C.P. for a new station 1.1 miles south of Monmouth, Ill., at latitude 40°53'44" N., longitude 90°38'48" W. Frequencies: 11,265 and 11,425 MHz on azimuth 185°25'.

661–C1–P–70—United Video, Inc. (New), C.P. for a new station 4.5 miles east-northeast of Galesburg, Ill., at latitude 40°57'15" N., longitude 90°16'55" W. Frequencies: 10,735, 10,815, 10,895, and 11,055 MHz on azimuth 258°07'. (Informative: Applicant proposes to provide the television signals of WFLD and WGN to G.T. & E. Communications, Inc., in Macomb, Ill., and to American Television & Communications Corp., in Fort Madison, Iowa, and to provide the television signals of WCIU, WFLD, WGN, and WTTW to Northwest Illinois TV Cable Co. in Galesburg and Monmouth, Ill.)

692–C1–TC–(3)–70—Sekan Microwave, Inc., Consent to transfer of control from Blakemore Brothers Building Co., Inc. (Milton Blakemore & Thomas G. Blakemore), Transferors, to: Larry D. Hudson and Cale Hudson, Transferees. Stations: KTG29 Garnett, Kans., KTG30 Iola, Kans., KTG31 Chanute, Kans.

756–C1–P–70—Sierra Microwave, Inc. (KNJ62), C.P. to power split frequencies 5997.0 and 6056.0 MHz and add frequency 11035 MHz toward Slide Mountain, Nev. (Applicant proposes to provide the signals of television stations KCRA, KVIE, KOVR, and KXTV to their CATV subscriber in Reno, Nev.).

Major amendment

3968–C1–P–67—Wyoming Microwave Corp. (formerly Mountain Microwave Corp.) (New), Application amended to change name of applicant to read Wyoming Microwave Corp.; change frequency 6412.5 MHz to 3810 MHz and power split same toward Cedar Mountain and Dome Mountain, Wyo., on azimuths of 321°41' and 21°30', respectively; and change transmitter(s). Transmitter location: Copper Mountain, 12.3 miles north-northwest of Bonneville, Wyo.

3969–C1–P–67—Wyoming Microwave Corp. (formerly Mountain Microwave Corp.) (New), Amended to change name of applicant to read Wyoming Microwave Corp.; change frequency 5975.0 MHz to 5945.0 MHz toward Greeno, Mont., on azimuth of 19°20'; and change transmitter(s). Transmitter location: Cedar Mountain, 4.5 miles west-southwest of Cody, Wyo.

3970–C1–P–67—Wyoming Microwave Corp. (formerly Mountain Microwave Corp.) (New), Amended to change name of applicant to read Western Microwave, Inc. Transmitter location: Greeno, 11.5 miles southeast of Laurel, Mont. (NOTE: Other applications File Nos. 3964 thru 3967–C1–P–67) relating to above applications dismissed without prejudice. See actions taken section of this public notice.)

Major amendment—Continued

5558–C1–P–67—Mountain Microwave Corp. (formerly United Video, Inc.) (New), Amended to change station location to latitude 40°34'06" N., longitude 105°12'02" W.; and delete frequencies 5960.0, 6019.3, 6078.6, and 6137.9 MHz toward Summit, Wyo., and retain frequency 5989.7 MHz toward same point of communication (Summit). Transmitter location: Horsetooth, 6 miles west of Fort Collins, Colo.

5559–C1–P–67—Wyoming Microwave Corp. (formerly United Video, Inc.) (New), Amended to delete frequencies 6212.0, 6271.4, 6330.7, and 6390.0 MHz toward Pine Hill, Wyo., and add, via power split, frequencies 6241.7 MHz toward new point of communication at Laramie (latitude 41°19'17" N., longitude 105°31'40" W.) and Shirley Mountain (Pine Hill), Wyo., on azimuths of 323°47', and 322°47', respectfully. Transmitter location: Summit, 9 miles southeast of Laramie, Wyo.

5560–C1–P–67—Wyoming Microwave Corp. (formerly United Video, Inc.) (New), Application amended to delete frequencies 3730, 3810, 3890, 3970, and 4050 MHz; and add, via power split, frequency 6019.3V MHz toward Casper Mountain, Rawlins, and Horse Haven, Wyo., on azimuths of 01°34', 17°04' (via passive reflector) and 320°50', respectively. Transmitter location: Shirley Mountain, 19.6 miles northwest of Medicine Bow, Wyo.

5561–C1–P–67—Wyoming Microwave Corp. (formerly United Video, Inc.) (New), Application amended to change station location to latitude 42°42'50" N., longitude 107°00'44" W.; delete Casper Mountain, Wyo., as point of communication, and add frequency 4010V MHz toward new point of communication at Copper Mountain (latitude 43°26'15" N., longitude 107°59'47" W.), Wyo., on azimuth of 315°31'. Transmitter location: Horse Haven, 18 miles northwest of Alcova, Wyo. (Informative: Applicants (Mountain Microwave Corp., Western Microwave, Inc., and Wyoming Microwave Corp.) jointly propose to adopt and amend United Video, Inc. (United), applications (File Nos. 5558 thru 5561–C1–P–67) and also amend certain Mountain Microwave applications (File Nos. 3968 thru 3970–C1–P–67), thereby resulting in a consolidated proposal which apparently resolves the mutual exclusivity of the original Mountain and United Proposals. See notice of apparent mutual exclusivity in public notice dated July 24, 1967. The consolidated proposal would also (a) add one new customer, Community Television, Inc., at Laramie, Wyo., receiving the television signal KWGN of Denver, Colo.; (b) delete United's proposed delivery of Denver TV signals KBTV, KLZ–TV, KOA–TV, and KRMA–TV to customers in Rawlins and Casper, Wyo. (the customers at Rawlins and Casper will receive KWGN only); and (c) delete United's proposal to deliver KWGN to Pilot Butte Transmission Co. All other particulars are same as reported in public notices dated April 3 and July 3, 1967.)

2541–C1–P–68—Sierra Microwave, Inc. (KPY35), Amended to change frequencies 6115.0, 6189.0, 6249.0, and 6308.0 to 6189.0, 11245, 11325, and 11405 MHz toward Reno, Nev., on azimuth of 15°52'; change antenna system and replace transmitters. Transmitter location: Slide Mountain, 12 miles northwest of Carson City, Nev. Other particulars same as reported in public notice dated December 11, 1967. (Informative: Applicant proposes to modify its original proposal to include delivery of KVIE–TV (San Francisco, Calif.) on a cochannel basis to subscriber(s) in Reno, Nev. The frequency changes specified above appear to resolve the apparent mutual exclusivity of Microwave Service Co. applications (File Nos. 3324 thru 3331–C1–P–68) and this application (File No. 2541–C1–P–68). See notice of apparent mutual exclusivity in public notice dated April 1, 1968.)

[F.R. Doc. 69–9968; Filed, Aug. 21, 1969; 8:45 a.m.]

[Supp. 6]

CANADA-U.S.A.

Allocations of FM Broadcast Stations

AUGUST 12, 1969.

Pursuant to exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, table A of the FM working arrangement has been amended as follows:

City	Channel No.	
	Delete	Add
Campbellton, New Brunswick	242C	263C
Port Colborne, Ontario		*283B
Welland, Ontario	283A	

NOTE: The Port Colborne, Ont. allocation is to carry an asterisk (designating special negotiated short spaced allocation) if the pending rule making proposal to allocate Channel 285A to Montour Falls, N.Y., is adopted. Further, the Montour Falls proposal will also carry an asterisk designation.

Further amendments to table A will be issued as public notices in the form of numbered supplements.

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

[F.R. Doc. 69-9969; Filed, Aug. 21, 1969; 8:45 a.m.]

[Dockets Nos. 18640, 18641; FCC 69-904]

HOME SERVICE BROADCASTING CORP. AND NATICK BROADCAST ASSOCIATES, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Home Service Broadcasting Corp., Natick, Mass., requests: 1060 kc, 1 kw, Day, Docket No. 18640, File No. BP-16478; Natick Broadcast Associates, Inc., Natick, Mass., requests: 1060 kc, 1 kw, Day, Docket No. 18641, File No. BP-18012; for construction permits.

1. The Commission has before it for consideration (i) the above-captioned mutually exclusive applications, as amended; (ii) the opinion of the U.S. Court of Appeals for the District of Columbia Circuit in Natick Broadcast Associates, Inc. v. FCC, 128 U.S. App D.C. 203, 385 F. 2d 985, 11 RR. 2d 2065 (1967); (iii) a petition to reject and dismiss the application of Natick Broadcast Associates, Inc. (Associates, hereinafter) filed December 28, 1967,[1] by Home Service Broadcasting Corp. (Corporation); (iv) responsive pleadings thereto; and (v) a petition to reject Associates' application filed by Westinghouse Broadcasting Co., licensee of Station KYW, Philadelphia, Pa.

2. The aforementioned court decision ordered the Commission to accept Associates' application and hold a comparative hearing with Corporation unless Associates' proposal "is shown objectionably to violate the [prohibited] overlap rule * * *". Previously, the Commission had rejected[2] the Associates application on the grounds that when filed on Corporation's cut-off date, May 10, 1965, its proposed 0.005 mv/m contour overlapped the protected 0.1 mv/m groundwave contour of KYW (then WRCV) in contravention of § 73.37(a) of the rules. The original engineering exhibits by Associates utilized the Commission's M-3 conductivities and depicted a separation between the pertinent contours. Subsequent to the Commission's initial rejection,[3] Associates retendered its applications relying not on figure M-3 conductivities but on field intensity measurement data. That data purported to show that no prohibited overlap was involved.[4]

3. In its petition to reject and in the brief supporting its petition, Corporation argues that their own field intensity measurements, filed subsequent to the Court's decision indicate that prohibited overlap would occur. According to Corporation, Associates' measurement data should not be controlling on the overlap question because they ignore the recognized fact that wide variations in conductivity exist on any given azimuth because of seasonal changes and that conductivity in New England is at its lowest point in July when Associates took its measurements. In support of its position, Corporation cites the fact that Associates found an average conductivity on the order of 1.1 millimhos per meter, a figure radically at variance with the Commission's theoretical values (fig. M-3), whereas its own measurements,[5] taken in November 1967 and March of 1968, purport to show an average conductivity of about 1.9 millimhos per meter, a figure more nearly approximating the 2 millimhos per meter indicated by figure M-3. An analysis of Corporation's measurement data shows prohibited overlap with Station KYW. Assuming the validity of Associates' July measurements, Corporation argues that operation of a radio station is a year-round proposition and the fact that interference may abate or disappear during summer months does not make it less objectionable during the remainder of the year.

4. Westinghouse Broadcasting, in its petition to reject, alleges that the Associates proposal would cause prohibited overlap to the existing operation of KYW. Westinghouse points out that 1965 was a drought year and that as a result lower than normal conductivities prevailed. No measurement data, however, were filed in support of its argument.

5. The Commission is confronted with three sets of measurements taken at three different times along the same three radials. None of these measurements, however, can be considered in determining whether prohibited overlap is involved, for the following reasons:

(i) The data for each radial do not indicate a uniform value of conductivity over the entire path.

(ii) All three sets of measurements indicate different dielectric constants.

(iii) Any determination as to overlap must, of necessity, be based on the value of effective conductivity over a relatively wide arc towards the 0.1 mv/m contour of KYW. The three radials describe too small an arc (10°) to accomplish this. Moreover, in addition to the foregoing inconsistencies, measurements were taken from a different transmitter site than the actual one proposed. Thus, since we cannot rely on measurements, we must, under § 73.183(c), revert to figure M-3 conductivities.

6. In examining the proposal first filed May 10, 1965, by Associates, we find the most critical azimuth toward KYW's 0.1 mv/m contour to be along a radial bearing 232.5° true. Using M-3 conductivities along this bearing we find that the proposed 0.005 mv/m contour of Associates would overlap the 0.1 mv/m contour of KYW by approximately 10 miles in contravention of § 73.37(a). This prohibited overlap was not eliminated until Associates, on September 19, 1968, amended its proposal to reduce the proposed radiation from 237 to 175 mv/m by installing a series resistor and lowering the proposed antenna height from 464 to 232 feet.

7. In returning the case to the Commission, the Court gave us the following mandate: "If in fact [Associates'] proposed station is shown objectionably to violate the overlap rule, of course the application should be rejected. Otherwise a comparative hearing with [Corporation] * * * must be conducted." Since on the date of the Court's decision, November 7, 1967, Associates' proposal "objectionably * * * violate[d] the overlap rule", we are not obliged to accept it under the Court's mandate.[6] Because of the Court's ruling in the James River case,[7] however, we will accept the application.

8. Corporation argues that neither the aforementioned James River decision nor the subsequent Radio Athens[8] case requires the Commission to accept an application which did not meet acceptability criteria when filed. Corporation points out that in neither of the above cases were the prohibited overlap rules involved. The James River application when tendered violated the daytime skywave rule, § 73.187 and the Radio Athens proposal involved a question of violation of the multiple ownership rule, § 73.35. The Court in both instances ruled that the Commission should have permitted the applicants to amend their respective proposals to remove their defects even though the applicable cutoff date had passed.

9. Although the distinction drawn by Corporation has validity, we believe that it is not controlling. The fact is that in both of the above instances an application was filed which, in the Commission's view, contained a fatal defect that precluded a grant. In both instances the Court ruled that ameliorative amendments could be filed after the cutoff date so long as the amendment was not the type which required the assignment of a new file number under § 1.571(j)(1).

[1] A brief in support of this petition was also filed on Nov. 4, 1968.

[2] Natick Broadcast Associates, Inc., 2 FCC 2d 586, 6 RR. 2d 824; recon. den. 6 FCC 2d 607, 9 RR. 2d 360.

[3] By letter dated July 2, 1965.

[4] Since the measurement data were not submitted until after applicable cutoff date, the Commission made no finding as to their validity.

[5] Corporation measured the signal strength of Station WKOX, Framingham, Mass., along the same radials (220°, 225°, and 230° true) selected by Associates in its showing.

[6] As previously noted (supra, note 4), the Commission heretofore has not ruled on the validity of Associates' measurement data.

[7] James River Broadcasting Corp. v. FCC, ------ U.S. App. D.C. ------, 399 F. 2d 581, 13 RR. 2d 2008 (1968).

[8] Radio Athens, Inc. (WATH) v. FCC, ---- U.S. App. D.C. ------, 401 F. 2d 398, 13 RR. 2d 2094 (1968).

This rationale was subsequently applied by the Commission in North American Broadcasting Company, Inc., et al., 14 FCC 2d 617, 14 RR 2d 107. There the application for Naples, Fla., clearly violated the prohibited overlap rule when filed on the cutoff date. Subsequent thereto, however, the Commission, relying on James River, permitted the applicant to amend and remove the prohibited overlap. The application was then accepted for filing nunc pro tunc the date of its original tender. We do not believe there is any reason to treat Associates differently. Accordingly, the Associates application will be accepted nunc pro tunc May 10, 1965, and consolidated for hearing with Corporation's mutually exclusive proposal. In light of this action it will also be necessary to set aside our previous grant to Corporation.

10. The allegation of prohibited overlap made by Westinghouse in its petition assumed that Associates' station would radiate 237 mv/m. Since the filing of that petition, Associates has amended, as noted in paragraph 6, above, to reduce the proposed radiation to 175 mv/m. Thus, since no prohibited overlap would now be caused to KYW, the petition will be denied.

11. We now turn to matters related not to the question of acceptability but to basic qualifications. Shortly after oral argument on this case was held in the Court of Appeals, Edward F. Perry, Associates' president and majority stockholder, held conversations with members of the Commission's staff. During the course of these conversations Perry stated, in substance, that prior to the filing of the Associates application he knew that, based on figure M–3 conductivities, the proposed operation would cause prohibited overlap, but that notwithstanding this knowledge he filed the application depicting an absence of overlap. These statements by Perry raise serious questions as to whether the applicant made intentional misrepresentations to the Commission or was guilty of a lack of candor. For this reason, we have specified an appropriate issue.

12. Examination of Associates' application indicaties that $170,502 will be needed to construct and operate the proposed station for 1 year. This figure consists of down payment on equipment, $5,559; first year payments on equipment including interest, $6,560; land, $22,500; buildings, $4,000; interest on loan (estimated at 8 percent), $12,000; miscellaneous items, $33,800; additional equipment (not covered by manufacturer's line of credit), $6,083; and working capital of $80,000. To meet these costs the applicant has available a bank loan of $150,000, and existing capital of $921. Thus, Associates falls approximately $20,000 short of meeting the $170,502 total and a financial issue must be specified.

13. Examination of Associates' application also reveals that aerial site photographs have not been submitted for the site proposed in the amendment of April 1, 1969. Furthermore, clearance by the Federal Aviation Administration has not been obtained. Thus, site suitability and air hazard issues will be included and the FAA made a party.

14. In an amendment dated October 22, 1968, Corporation submitted considerable data concerning its efforts to ascertain the community needs and interests of Natick. Included in this material was a list of the names and titles of 60 community leaders surveyed. Another list contained approximately 30 generally phrased suggestions received. The applicant did not, however, connect the specific suggestions with the community leaders. As a result we are unable to determine whether the applicant has met the four requirements set out in our public notice of August 22, 1968; 13 FCC 2d 391, regarding ascertainment of community needs. In City of Camden, 18 FCC 2d _____, 16 RR 2d 555, we stated that an applicant's efforts to determine needs must be adequately documented and that "[s]ufficient material must be available to establish that a careful investigation of the community was made and that meaningful results were obtained." Certainly, the listing of leaders on one page and suggestions on another without any attribution does not meet our test and an issue with respect thereto will be included. See DeWitt Radio, 17 FCC 2d 385.

15. It appearing, that, except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

16. *Accordingly, 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 whether the transmitter site proposed by Natick Broadcasting Associates, Inc., is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Natick Broadcast Associates, Inc., would constitute a menace to air navigation.

3. To determine the efforts made by Home Service Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet such needs and interests.

4. To determine with respect to the application of Natick Broadcast Associates, Inc.:

(a) Whether additional funds will be available to construct and operate the proposed station for 1 year without revenues.

(b) Whether, in the light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

5. To determine with respect to the application of Natick Broadcast Associates, Inc.:

(a) Whether Edward F. Perry, Jr., or any other principals of the applicant knew, or had reason to believe, that the proposal, based on Figure M–3 conductivities, involved prohibited overlap with Station KYW (then WRCV), Philadelphia, Pa.

(b) Whether the application contains false or misleading statements and whether Edward F. Perry, Jr., or any other principal misrepresented or concealed material facts or was lacking in candor in connection with the aforementioned matters.

(c) Whether, in the light of evidence adduced pursuant to the above subissues, the applicant has the requisite qualifications to be a licensee of the Commission.

(In connection with this issue, the Examiner is directed to obtain the full facts concerning the participation of all persons, and not just Mr. Perry or other principals of the applicant, in the preparation and submission of the application. On a matter of this nature, involving the integrity of the Commission's processes, the full facts should be adduced. Such persons may of course be accompanied by counsel and, as appropriately delineated by the Examiner, shall be afforded the opportunity to cross-examine witnesses testifying on this issue, and to offer rebuttal testimony.)

6. To determine, on a comparative basis, which of the proposals would better serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

17. *It is further ordered,* That the petitions to reject filing by Home Service Broadcasting Corp. and Westinghouse Broadcasting Co. are denied and that the motion to strike the Home Service petition filed by Natick Broadcast Associates, Inc., is dismissed as moot.

18. *It is further ordered,* That the above application of Natick Broadcast Associates, Inc., is accepted for filing.

19. *It is further ordered,* That the Commission's grant without hearing (Public Notice of July 6, 1967, Report No. 6546) of the above-captioned application of Home Service Broadcasting Corp., is set aside.

20. *It is further ordered,* That the Federal Aviation Administration is made party to the proceeding.

21. *It is further ordered,* That, in the event a grant of either application, the construction permit shall contain the following condition: Before program tests are authorized, permittee shall submit sufficient data to establish that the inverse distance field at 1 mile does not exceed essentially 175 mv/m, as proposed.

22. *It is further ordered,* That, in view of the substantial period of time which has elapsed since the remand of this case by the U.S. Court of Appeals, and in light of the unusual nature of the inquiry to be held pursuant to issue 5, supra, the proceeding shall be expedited by the Hearing Examiner to the greatest extent possible.

23. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 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.

24. *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: August 14, 1969.

Released: August 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-10003; Filed, Aug. 21, 1969; 8:48 a.m.]

[Docket No. 18493; FCC 69-891]

TV CABLE OF WAYNESBORO, INC.

Memorandum Opinion and Order Enlarging Issues

In re application of TV Cable of Waynesboro, Inc., Waynesboro, Pa., for construction permit, Docket No. 18493, File No. BP-18234.

1. On March 21, 1969, we released a Memorandum Opinion and Order, FCC 69-238, 16 FCC 2d 923, designating for hearing mutually exclusive applications for standard broadcast facilities at Greencastle and Waynesboro, Pa., filed respectively by Greencastle Broadcasting Co.[1] and TV Cable of Waynesboro, Inc. Therein we also denied a petition to deny TV Cable's application filed by Metromedia, Inc. Now before the Commission for consideration is a petition by Metromedia filed on April 11, 1969, requesting rescission of the order denying its petition to deny, together with the pleadings responsive thereto.[2]

2. Metromedia, licensee of standard broadcast station WNEW at New York, N.Y., has been granted a construction permit authorizing the relocation of its transmitter site. In its petition to deny, Metromedia asserted that TV Cable's proposed operation would involve prohibited overlap under § 73.37 of the rules with the contours of WNEW from its newly authorized site. Metromedia relied on Figure M-3 conductivity values to support its position. However, TV Cable submitted with its application field intensity measurements from WNEW's existing antenna site which indicated that there was no prohibited overlap. Since a move of only 5.5 miles is proposed and since both sites are located over 100 miles from Waynesboro, we found that signals emanating from either site would traverse essentially the same path toward Waynesboro and that the conductivity values from both sites are reasonably related. Relying on the signal strength measurements taken by TV Cable from WNEW's existing site, we concluded that a prohibited overlap of contours would not result from either site and denied Metromedia's petition to deny.

3. On the basis of an engineering statement containing signal strength measurements taken from WNEW's authorized transmitter site, Metromedia renews its contention that TV Cable's proposed operation will cause prohibited overlap with WNEW's operation from the new site. It maintains that the measurements disclose a considerable difference in ground conductivity between each of WNEW's sites and serve to substantiate the conductivity values indicated by FCC Figure M-3 and the claimed overlap of contours in violation of § 73.37.

4. The Broadcast Bureau and TV Cable contend that the petition filed by Metromedia is in fact a petition for reconsideration of our designation order and is subject to dismissal for noncompliance with § 1.111 of the rules. It is further contended that Metromedia could have obtained and submitted measurements from the new site in support of its petition to deny, and that it was delinquent in not doing so. We do not deem it necessary to pass on these contentions. From our examination of the allegations of the petition, we are persuaded that, irrespective of any procedural deficiencies, action on our own motion is required in the public interest.

5. The signal strength measurements submitted by Metromedia were taken on a radial extending only 26 miles from WNEW's new transmitter site. Consequently, they do not establish the location of WNEW's contours from that site and are not conclusive on the question of overlap. Nevertheless the measurements are sufficient to raise a serious doubt concerning the validity of our earlier findings and present a substantial possibility of a prohibited overlap. If established, such an overlap is disqualifying and would require the denial of TV Cable's application. We cannot condone a station operation which would have an overlap of contours with another station in contravention of the rules. The public interest therefore requires that the question of prohibited overlap be resolved by an evidentiary hearing and we shall add the necessary and appropriate issue on our own motion.

6. *Accordingly, it is ordered*, That the petition for rescission, filed April 11, 1969, by Metromedia, Inc., is dismissed as moot.

7. *It is further ordered*, That the issues are enlarged on our own motion to include the following issue:

To determine whether the contours of the proposed operation will overlap the contours of Station WNEW, in contravention of the provisions of § 73.37 of our rules.

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence and proof under the above designated issue will be upon the applicant, TV Cable of Waynesboro, Inc.

9. *It is further ordered*, That Metromedia, Inc., is made a party to this proceeding.

Adopted: August 13, 1969.

Released: August 19, 1969.

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

[F.R. Doc. 69-10004; Filed, Aug. 21, 1969; 8:48 a.m.]

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[4] Commissioner Wadsworth absent.

[1] Greencastle's application was dismissed on July 8, 1969 (FCC 69M-848). The Examiner retained TV Cable's application in hearing pending the disposition of the designated financial issues.

[2] The additional pleadings filed are as follows: (1) Comments on the petition filed May 8, 1969, by the Broadcast Bureau; (2) an opposition, filed May 8, 1969, by TV Cable; and (3) a reply, filed May 20, 1969, by Metromedia.

FEDERAL MARITIME COMMISSION

MOVERS' & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of modified agreement filed for approval by:

Carroll F. Genovese, Executive Secretary, Movers' & Warehousemen's Association of America, Inc., 501 13th Street NW., Washington, D.C. 20004.

The Movers' & Warehousemen's Association of America, Inc., an association comprised of common carriers by water, have amended their original agreement No. 8540 to include ports in the U.S. Virgin Islands. The amended agreement is designated No. 8540-B.

Original agreement No. 8540, approved by the Commission on December 13, 1962, between common carriers by motor which also operate as nonvessel operating common carriers by water, provided for the creation of the United States-Alaska/Guam/Hawaii/Puerto Rico Movers' Rate Agreement for the establishment and maintenance of agreed rates, charges and practices, for or in connection with transportation of household goods and personal effects between U.S. ports and

ports in Alaska, Guam, Hawaii, and Puerto Rico.

The Agreement was amended by 8540–A which modified the original agreement and provided for policing of the agreement by the association through investigation of complaints and through investigations instituted on the association's own initiative where the association believed a violation of the agreement may have occurred. The later amendment was approved by the Federal Maritime Commission by order of March 17, 1966.

The amended Agreement shall become effective when approved by the Commission pursuant to section 15 of the Shipping Act, 1916.

By order of the Federal Maritime Commission.

Dated: August 19, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–10012; Filed, Aug. 21, 1969; 8:48 a.m.]

[Docket No. 69–42]

DOLPHIN FORWARDING, INC.

General Investigation of Rates and Charges in Atlantic/Puerto Rico Trade

There has been filed with the Federal Maritime Commission by Dolphin Forwarding, Inc., a nonvessel operating common carrier by water in the domestic trades, Supplement No. 3 to its Freight Tariff FMC–F No. 2 which will, upon becoming effective September 16, 1969, generally increase rates and charges between North Atlantic ports on the one hand, and ports in Puerto Rico on the other.

Upon consideration of the said supplement there is reason to believe that the general revenue level resulting from said increased rates and charges and all governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Therefore it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the general revenue level resulting from the aforementioned rate increases scheduled to become effective September 16, 1969, as well as the governing rules and regulations, with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the tariff pages hereby placed under investigation are changed, amended or reissued before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation;

It is further ordered, That Dolphin Forwarding, Inc., 11 Holly Street, Hingham, Mass., be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69–10013; Filed, Aug. 21, 1969; 8:48 a.m.]

[Docket No. 69–40; Agreement 9202]

JAVA/NEW YORK CARGO APPORTIONMENT AGREEMENT

Order To Show Cause

Agreement No. 9202, originally approved on October 14, 1966, between certain members of the Java/New York Rate Agreement No. 90, provides for the apportionment of transshipment cargo originating at Indonesian outports, destined for U.S. Atlantic ports. The apportionment agreement sets forth percentage shares of the cargo to be carried by the parties. The percentages are related to the respective annual sailings of the parties, with provision for adjustment in case of substantial charges in frequency of sailings.

Since the initial date of approval to the present time, Agreement 9202 has been in an inactive status. By letter dated January 30, 1969 (attachment 1), addressed to the Conference Secretaries, Henry Noon & Co., we inquired as to whether the parties were operating under the agreement. In its reply dated May 14, 1969 (attachment 2), the Conference Secretaries advised that the parties were not operating under the agreement and indicated that the "changed circumstances" in the trade does not warrant its implementation. At present there is no indication that the parties plan to commence operating under this agreement.

A prerequisite for the initial and continued approval of an agreement is the actual existence or immediate probability of transportation circumstances which warrant approval (see Agreement 8765—Order to Show Cause, 9 FMC 333, 335–36). Since Agreement No. 9202 has been in a state of inactivity from its inception, it would seem that there are no actual or immediately probable transportation circumstances in the trade which warrant its continued approval.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916;

It is ordered, That the parties to Agreement No. 9202 show cause why the Commission should not order the cancellation of this agreement on the grounds that its continued approval is not required by the "changed circumstances" in the trade which resulted in the lines not implementing Agreement 9202.

This proceeding shall be limited to the submission of affidavits of fact and memoranda of law and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business September 9, 1969, replies thereto shall be filed by Hearing Counsel and intervenors, if any, no later than close of business September 24, 1969. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Time and date of oral argument will be announced at a later date.

It is further ordered, That the parties to Agreement 9202 as indicated in the attached appendix are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5 (1) (46 CFR § 502.72) of the Commission's rules of practice and procedure no later than close of business September 3, 1969.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.
Barber-Fern Line, Fearnley & Eger, Barber Steamship Lines, Inc., Agents, 17 Battery Place, New York, N.Y. 10004.
Hoegh Lines, Nedlloyd Lines Inc., General Agents, 30 Church Street, New York, N.Y. 10007.
Isthmian Lines, Inc., States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.
Maersk Line (A. P. Moller), Moller Steamship Company, Inc., General Agents, 67 Broad Street, New York, N.Y. 10004.

[F.R. Doc. 69–10014; Filed, Aug. 21, 1969; 8:48 a.m.]

[Docket No. 69–43]

TWIN EXPRESS, INC.

General Investigation of Rates and Charges Between Ports in Puerto Rico, New York, and Miami

There has been filed with the Federal Maritime Commission by Twin Express, Inc., a nonvessel operating common carrier by water in the domestic trades, second revised title page to its Freight

Tariff FMC–F No. 1 which will, upon becoming effective September 16, 1969, generally increase rates and charges between ports in Puerto Rico, New York, and Miami.

Upon consideration of the said tariff revision, there is reason to believe that the general revenue level resulting from said increased rates and charges and all governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Therefore it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the general revenue level resulting from the aforementioned rate increases scheduled to become effective September 16, 1969, as well as the governing rules and regulations, with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the tariff matter hereby placed under investigation is changed, amended, or reissued before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation;

It is further ordered, That Twin Express, Inc., 1039 Paterson Plank Road, Secaucus, N.J. 07094, be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-10015; Filed, Aug. 21, 1969; 8:49 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

IOWA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); notice is hereby given that on August 14, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Iowa adversely affected by heavy rains and flooding beginning on or about June 25, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Iowa.

I do hereby determine the following areas in the State of Iowa to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 14, 1969:

The counties of:

Allamakee.	Henry.
Benton.	Howard.
Black Hawk.	Ida.
Bremer.	Iowa.
Buchanan.	Jefferson.
Buena Vista.	Johnson.
Bulter.	Jones.
Cerro Gordo.	Linn.
Cherokee.	Louisa.
Chickasaw.	Lyon.
Clarke.	Marion.
Clay.	Marshall.
Davis.	Palo Alto.
Decatur.	Polk.
Delaware.	Poweshiek.
Dickinson.	Ringgold.
Dubuque.	Scott.
Emmet.	Tama.
Floyd.	Union.
Franklin.	Van Buren.
Grundy.	Wapello.
Hamilton.	Winneshiek.
Hardin.	Wright.

Dated: August 15, 1969.

FRED J. RUSSELL,
Deputy Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-9986; Filed, Aug. 21, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

NORTHEASTERN BANKSHARE ASSOCIATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Northeastern Bankshare Association, which is a bank holding company located in Lewiston, Maine, for the prior approval of the Board of the acquisition by Applicant of at least 51 percent of the voting shares of The Peoples National Bank of Farmington, Farmington, Maine.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 14th day of August 1969.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-9976; Filed, Aug. 21, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI-70-113 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 14, 1969.

The Respondents named herein have filed proposed increased rates and

[1] Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 8, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-113..	Union Texas Petroleum, a division of Allied Chemical Corp., et al., Post Office Box 2120, Houston, Tex. 77001.	74	3	El Paso Natural Gas Co. (Crosby-Devonian Field, Lea County, N. Mex.) (Permian Basin Area).	$4,233	7-15-69	[2] 8-15-69	1-15-70	16.25	[3] [4] 17.9036	
RI70-114..	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221.	73	2	Northern Natural Gas Co. (Joe "T" Field, Crockett County, Tex.) (RR. District No. 7C) (Permian Basin Area).	3,054	7-24-69	[2] 9-18-69	2-18-70	16.0	[4] 17.0	
RI70-115..	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	150	[7] 10	El Paso Natural Gas Co. (North Jameson Strawn Field, Mitchell and Nolan Counties, Tex.) (RR. District Nos. 7B and 8) (Permian Basin Area).	1,520	7-24-69	[2] 8-24-69	1-24-70	16.7228	[4] 17.7363	RI68-100.
RI70-116..	Atlantic Richfield Co., Sinclair Oil Bldg., Tulsa, Okla. 74102.	465	3	Cities Service Gas Co. (Hugoton Field, Seward County, Kans.).	280	7-22-69	[2] 8-23-69	1-23-70	[5] 11.0	[3] [5] 12.0	
RI70-117..	Atlantic Richfield Co. (Operator).	426	9	Cities Service Gas Co. (Woodward Field, Woodward County, Okla.) (Panhandle Area).	10,242	7-22-69	[2] 9-1-69	2-1-70	[5] 17.0	[4] [5] 18.0	RI66-166.
	do	434	16	Transwestern Pipeline Co. (Lipscomb County, Tex.) (RR. District No. 10) and Ellis and Beaver Counties, Okla. (Panhandle Area).	10,320 11,253	7-22-69	[2] 9-1-69	2-1-70	[5] [12] 19.5 [5] [13] 19.5	[3] [5] [11] 20.5 [3] [5] [11] [13] 20.5175	RI66-166.
	do	470	4	Cities Service Gas Co. (Northwest Lovedale Field, Harper County, Okla.) (Panhandle Area).	8,641	7-22-69	[2] 9-1-69	2-1-70	[5] 17.0	[4] [5] 18.0	RI66-83.
RI70-118..	Livingston Oil Co., Post Office Box 2848, Tulsa, Okla. 74101.	2	2	Cities Service Gas Co. (Northeast Enid Field, Garfield County, Okla.) (Oklahoma "Other" Area).	37,229	7-24-69	[11] 8-24-69	1-24-70	[5] 15.0	[4] [5] 16.0	
RI70-119..	Caulkins Oil Co. (Operator) et al., 315 Majestic Bldg., Denver, Colo. 80202.	4	5	Arkansas Louisiana Gas Co. (East Lamont Field, Grant County, Okla.) (Oklahoma "Other" Area).	107	7-24-69	[11] 8-24-69	1-24-70	[5] 12.0	[4] [5] 13.0	RI64-695.
RI70-120..	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	76	3	Transwestern Pipeline Co. (Perryton Area, Ochiltree County, Tex.) (RR. District No. 10).	1,070	7-28-69	[2] 9-1-69	2-1-70	[5] 19.0	[4] [14] 20.0	RI66-69.
	do	77	2	Transwestern Pipeline Co. (Kiowa Creek Field, Lipscomb Field, Tex.) (RR. District No. 10).	5,010	7-28-69	[2] 9-1-69	2-1-70	[5] 19.0	[4] [14] 20.0	RI66-69.
RI70-121..	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	171	7	United Gas Pipe Line Co. (Northwest Corpus Channel Field, Nueces and San Patricio Counties, Tex.) (RR. District No. 4).	1,552	7-22-69	[2] 8-22-69	1-22-70	[5] 18.0	[4] [5] 19.0	RI68-405.

[2] The stated effective date is the effective date requested by Respondent.
[3] Increase from applicable area ceiling rate to contract rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Rate includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[6] Periodic rate increase.
[7] For gas produced in Nolan County only.
[8] Subject to a downward B.t.u. adjustment.
[9] Includes 1 cent for gathering, dehydration and delivery charge paid by buyer to seller.
[10] Texas Railroad District No. 10 production.
[11] "Fractured" rate increase. Contractually due 26 cents per Mcf.
[12] Oklahoma Panhandle production.
[13] The stated effective date is the first day after expiration of the statutory notice.
[14] "Fractured" rate increase. Respondent contractually due 25 cents per Mcf.

Livingston Oil Co. (Livingston) requests that its proposed rate increase be permitted to become effective on August 20, 1969. Caulkins Oil Co. (Operator) et al. (Caulkins), request an effective date of August 1, 1969, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Livingston and Caulkins' rate filings and such requests are denied.

The proposed rate increase filed by Union Texas Petroleum, a division of Allied Chemical Corp. et al. (Union Texas), reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyer concedes that the New Mexico Legislature effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein with respect to Union Texas' rate increase shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of the proposed rate and charge.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR § 2.56) with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-9900; Filed, Aug. 21, 1969; 8:45 a.m.]

[Docket No. CP70-32]

PACIFIC GAS TRANSMISSION CO.

Notice of Application

AUGUST 15, 1969.

Take notice that on August 12, 1969, Pacific Gas Transmission Co. (Applicant), 245 Market Street, San Francisco, Calif. 94106, filed an application in Docket No. CP70-32 for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act, as amended, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization by said application to deliver exchange volumes of natural gas in accordance with the Emergency Exchange Agreement dated as of July 22, 1969 between Applicant, El Paso, and Pacific Gas and Electric Co. (PG&E). Under such agreement Applicant proposes to deliver to El Paso at an existing interconnection near Stanfield, Oreg., between the date it is authorized to begin deliveries and April 30, 1970, such quantities of gas up to 100,000 Mcf per day as El Paso may request and as PG&E may determine from day to day it can temporarily postpone receiving at the California-Oregon border, and to deliver to PG&E at the California-Oregon border between May 1, 1970 and September 30, 1970, gas at the rate of 40,000 Mcf per day or such other rates as may be agreed upon as received from El Paso until the total quantity of gas so delivered shall equal one hundred and fifty percent (150%) of the quantity of exchange gas received by El Paso.

Applicant states that no additional facilities are required in order to permit Applicant to carry out the Emergency Agreement dated as of July 22, 1969.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9970; Filed, Aug. 21, 1969; 8:45 a.m.]

[Docket No. CP70-33]

SOUTHERN NATURAL GAS CO.

Notice of Application

AUGUST 15, 1969.

Take notice that on August 12, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP70-33 an abbreviated application pursuant to section 7(b) of the Natural Gas Act, as amended, for permission and approval to abandon by sale certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests permission and approval to abandon by sale to Atlanta Gas Light Co. (Atlanta Gas) Applicant's existing McIntyre lateral line (excepting approximately 1,000 feet at the northwest end thereof) and the Gordon, Edgar Brothers, and McIntyre measuring stations. Applicant proposes to construct a new measuring station at about 1,000 feet from the northwest terminus of the McIntyre line to provide Atlanta Gas with a new delivery point as defined by § 2.55 of the Commission's rules, for service to the areas served by the existing above mentioned measuring stations.

Applicant states that the abandonment will have no effect on its design daily delivery capacity, nor will it cause any service now provided to be discontinued or diminished.

Applicant further states that the purchase price of the above mentioned facilities, except land, is to be their depreciated value at the date of closing, such depreciated value being $12,904.58 on April 4, 1969, and that the land is to be sold at the price of $136.15.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-9971; Filed, Aug. 21, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

AUGUST 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 19, 1969 through August 28, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9987; Filed, Aug. 21, 1969; 8:46 a.m.]

[812-2533]

STEADMAN FIDUCIARY INVESTMENT FUND, INC.

Notice of Filing of Application

AUGUST 18, 1969.

Notice is hereby given that Steadman Fiduciary Investment Fund, Inc. ("Applicant"), 919—18th Street NW., Washington, D.C. 20006, a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as an

open-end diversified investment company, has filed an application pursuant to sections 6(c) and 17(b) of the Act for an order exempting from the provisions of sections 22(d) and 17(a) of the Act, respectively, a transaction in which Applicant's redeemable securities would be issued at a price other than the current public offering price in exchange for securities and cash constituting substantially all of the assets of Hillsborough Bridge Corp. ("Hillsborough"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

Hillsborough, a New Hampshire corporation, is a personal holding company, all of whose outstanding stock is owned beneficially by not more than 17 persons. Pursuant to an agreement between Applicant and Hillsborough, securities and cash owned by Hillsborough, with an aggregate value of $537,000 on March 31, 1969, will be transferred to Applicant in exchange for shares of Applicant's stock. The number of shares of Applicant to be issued to Hillsborough is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the agreement) of the assets of Hillsborough to be transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the close of the New York Stock Exchange on the business day preceding the date of transfer, as defined in the agreement. If the transaction described in the agreement had taken place on March 31, 1969, Hillsborough would have received 65,730 shares of Applicant's stock. When received by Hillsborough, the shares of Applicant are to be distributed to the Hillsborough shareholders and Hillsborough will be dissolved. The shareholders of Hillsborough have no present intention of redeeming or otherwise transferring the shares of Applicant to be received on such liquidation.

Mr. Norman L. Mansfield, a vice president, director and member of the investment committee of Applicant since 1964, personally owns 26.7 percent of the stock of Hillsborough and was recently elected president of that company. Members of Mansfield's immediate family own directly or beneficially an additional 17 percent of the stock of Hillsborough. Accordingly, under section 2(a)(3) of the Act, Mansfield is an affiliate of Applicant and Hillsborough is an affiliate of Mansfield.

Section 17(a) of the Act, as here pertinent, makes it unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, to sell to such registered company any security or other property, unless the Commission upon application grants an exemption from such prohibitions pursuant to section 17(b) of the Act after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Section 22(d) of the Act, with certain exceptions not here relevant, provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant offers its shares to the public, pursuant to its prospectus, for cash at a price equal to net asset value plus a sales load ranging from 8½ percent of the offering price on purchases of less than $10,000 to 1 percent of the offering price on purchases of $500,000 or more. In support of its application, Applicant submits that the proposed transaction will benefit it in permitting the acquisition of securities for its portfolio without payment of brokerage commissions and without affecting the market for such securities. Applicant represents that the securities to be acquired are, without exception, marketable and of investment quality suitable for purchase and retention in its portfolio under its stated investment policies.

Notice is further given that any interested person may, not later than September 2, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-9988; Filed, Aug. 21, 1969; 8:46 a.m.]

[812-2356]

WASHINGTON NATIONAL INSURANCE CO. AND WASHINGTON NATIONAL VARIABLE FUND A

Notice of Application

AUGUST 18, 1969.

Notice is hereby given that Washington National Insurance Co. ("Washington National"), a stock life insurance company organized under the laws of the State of Illinois, and Washington National Variable Fund A ("Variable Fund A"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), hereinafter collectively called "applicants", have filed an application pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of sections 12(d)(1), 22(d), 22(e), 26(a), 27(a)(3), 27(a)(4), 27(c)(1), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Variable Fund A was established by Washington National in connection with the proposed sale of variable annuity contracts ("Contracts") intended to provide annuities under plans or trusts initially qualifying under sections 401 or 403 of the Internal Revenue Code. Net purchase payments under contracts will be allocated to Variable Fund A and invested in shares of Washington National Fund, Inc. ("Fund"), an open-end investment company registered under the Act.

Variable Fund A was established by the Board of Directors of Washington National pursuant to the laws of Illinois. Under these laws Variable Fund A is an integral part of Washington National. The latter holds all of the assets of Variable Fund A and is responsible for the performance of the obligations of Variable Fund A under the contracts. However, under the Illinois Insurance Code, the income, gains, and losses of Variable Fund A may be credited to or charged against the amounts allocated to it in accordance with the contracts without regard to the other income, gains, or losses of Washington National, and the assets of Variable Fund A are not chargeable with liabilities arising out of any other account or business Washington National may conduct.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1), in pertinent part, provides in substance that it shall be unlawful for any registered investment company (Variable Fund A) to purchase any security issued by any other investment company (Fund) if such registered investment company will, as a result of that purchase, own more than three percent of the outstanding voting stock of the other investment company, unless the registered investment company owns at least 25 percent of the outstanding voting stock of such other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such

restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Variable Fund A, which does not own at least 25 percent of the outstanding voting stock of the Fund, will acquire more than 3 percent of the outstanding voting stock of the Fund with the proceeds of payments on periodic payment plan certificates which are not issued pursuant to the terms of a trust indenture. Applicants state that an exemption from section 12(d)(1) is appropriate because the purchase of Fund shares with such payments will be substantially identical in all respects relevant to section 12(d) to the purchase of securities with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. Applicants state that deductions for sales and administrative expenses will be made from purchase payments under single purchase payment forms of the Contracts as follows: 8½ percent of the first $10,000 or portion thereof, 7 percent of the next $15,000 or portion thereof, 5¼ percent of the next $25,000 or portion thereof, and 3 percent of the excess over $50,000. (Applicants estimate that 41 percent of such deduction is for sales expense and 59 percent is for administrative expense.) Applicants request an exemption from section 22(d) to permit sales of such forms of Contracts with a reduced sales and administrative expense deduction of 6 percent of the first $10,000 or portion thereof, 5 percent of the next $15,000 or portion thereof, 3¾ percent of the next $25,000 or portion thereof, and 2 percent of the excess over $50,000 to any tax-qualified trust, pension, profit-sharing, retirement, or other benefit plan for officers, directors and full-time employees and sales representatives of Washington National who have acted as such for not less than 90 days. Applicants also request exemption from section 22(d) to permit this lower sales and administrative deduction to be made upon purchases of Contracts with amounts payable as death and matured endowment proceeds under tax-qualified policies and contracts issued or assumed by Washington National, and with respect to cash surrender values under such policies and contracts where the insured has attained 60 years of age.

Applicants state that these proceeds or cash surrender values applied to purchase Contracts will already have been subjected to sales charges, and the actual sales expenses of both types of sales will be less than with respect to sales to other purchasers because no sales commissions will be paid with respect thereto.

Applicants further request exemption from the provisions of section 22(d) to the extent, if any, necessary to permit payees receiving annuity benefits to transfer to another available form of settlement option (including transfers from fixed payment settlement options to variable payment settlement options) without imposition of any additional sales and administrative charge.

Sections 22(d) and 27(a)(3) provide, respectively, for a current offering price to be described in the prospectus relating to a redeemable security and for proportionality in certain respects in the amount of sales load deducted from payments. Group Contracts provide for a sales and administrative charge deduction of 6 percent plus 50¢ per payment for each participant (but not more than 9 percent), and applicants state that the 50¢ per payment deduction relates to the cost of processing each purchase payment for a participant, which cost is the same regardless of the size of the payment. If the 50¢ deduction is not deemed to be permitted by section 22(d) or section 27(a)(3) of the Act, applicants request an exemption from both sections.

Sections 22(e) and 27(c)(1) provide, in pertinent part, that a registered investment company shall not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and prohibit a registered investment company issuing periodic payment plan certificates from selling any such certificate unless such certificate is redeemable. Applicants request an exemption from the provisions of sections 22(e) and 27(c)(1) to permit cessation of redeemability upon the commencement of annuity payments based upon a life contingency, and to permit payment of a "commuted value" under certain circumstances during the period following commencement of annuity payments.

Applicants state that when an annuitant selects a form of settlement which is based upon a life contingency, the determination of the amount of the annuity payments is made according to actuarial techniques involving the use of mortality tables. The actuarial factors are so calculated that if all persons receiving annuity payments live on the average as predicted by the mortality tables, the funds will be exhausted upon the death of the last member of the group. Applicants state that when an annuity payment depends upon the life of the payee he should not be able to change arbitrarily the predicted average lifetime of the group to which he belongs by withdrawing from it.

Applicants further state that in a situation in which a form of settlement is elected which is not based upon a life contingency, Contract may be surrendered and the payee may receive the withdrawal or commuted value. Further, when the annuitant elects a form of settlement based upon a life contingency but providing for annuity payments for an assured period, and dies during such period, unless otherwise directed in a settlement option election, the annuitant's estate will receive the commuted value of the unpaid payments for the assured period. Applicants state that because such commuted values are computed on the basis of the present value of future payments rather than on the basis of a proportionate share of the current net assets of Variable Fund A, Contract may no longer be deemed to be a "redeemable security" within the meaning of section 2(a)(31) of the Act.

Sections 26(a) and 27(c)(2), in pertinent part, prohibit a registered investment company issuing periodic payment plans, or a depositor or principal underwriter for such a company, from selling any security issued by such an investment company unless the proceeds of all payments, other than sales load, are deposited with a qualified bank as trustee or custodian ("trustee") and are held by the trustee under an agreement which provides (i) that the trustee shall have possession of all property of the trust and shall segregate and hold the same in trust, (ii) that the trustee shall not resign until either the trust has been liquidated or a successor bank has been appointed, (iii) that the trustee may collect from income and, if necessary, from the corpus of the trust fees for services performed and reimbursement of expenses incurred, and (iv) that no payment to the depositor or principal underwriter shall be allowed the trustee as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the depositor or principal underwriter.

In support of the requested exemption from the foregoing provisions of the Act applicants state that net purchase payments under the Contracts will be allocated to Variable Fund A and will be invested in shares of the Fund; that such shares will be held on open account so that ownership thereof will only be shown on the books and records of Variable Fund A and the Fund, and that such shares will not be evidenced by transferable stock certificates. Applicants further state that they are subject to extensive supervision and control by the Illinois Director of Insurance; that under Illinois law neither Variable Fund A nor Washington National may abrogate its obligations under the Contracts; that Washington National had total assets of over $491 million at December 31, 1968, and that its officers and employees are covered by a fidelity bond up to the amount of $2 million; and that Illinois law insulates the assets of Variable Fund A from the liabilities of any other business of Washington National. Applicants state that under the foregoing circumstances the dangers against which sections 26(a) and 28(c)(2) are directed are not present.

Applicants have consented that the requested exemption from sections 26(a) and 27(c)(2) be subject to the conditions that (1) any charges to variable annuity contract holders for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of Variable

Fund A, other than any charges for administrative services, shall not be deemed to be exempted from regulation by the Commission, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the assets of Variable Fund A, other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such sums and charges.

Section 27(a)(3), in pertinent part, prohibits the issuance of periodic payment plan certificates if the amount deducted as sales load from any payment subsequent to the first twelve monthly payments, or their equivalent, exceeds proportionately the amount deducted from any other such subsequent payment. Applicants state that individual periodic purchase payment forms of Contracts provide for a sales and administrative expense deduction of 20 percent for the first and second years, 18 percent for the third year and 5½ percent for subsequent years, and that the deduction for the second year therefore exceeds proportionately the deduction for the third year, and that such deduction for the third year exceeds proportionately such deduction for subsequent years.

Applicants further state that such proposed sales and administrative expense deductions constitute less than 9 percent of total payments when calculated on the basis of a twelve year period, and that, considered cumulatively over a period of twelve years, the proposed deductions would be lower at any point than the maximum cumulative deductions permitted by section 27(a) of the Act.

Section 27(a)(4), in pertinent part, prohibits the sale of any periodic payment plan certificate if the first payment on such certificate is less than $20 or any subsequent payment is less than $10.

Applicants state that Contracts prohibit any payment of less than $10 and of less than $100 on an annualized basis and it is therefore possible that an initial payment of less than $20 may be made. Applicants further state that a requirement of a minimum initial payment of $20 might eliminate uniformity in periodic payments and would create administrative and accounting burdens for Variable Fund A and for employers making payroll deductions and that since the sales expense deduction is made from each periodic payment through the first year of each Contract and there is no special charge imposed solely upon the first such payment, deductions will be uniform over the period of the first year and there is no need for any special treatment of the initial payment.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 29, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service by affidavit (or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the 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. 69-9989; Filed, Aug. 21, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

THIRD'S SMALL BUSINESS INVESTMENT CO.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for approval of the transfer of control of the Third's Small Business Investment Co. (SBIC), Third National Bank Building, Nashville, Tenn. 37219, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), license No. 05/05-0002.

SBIC was licensed May 11, 1959, with a paid-in capital and paid-in surplus of $160,000. Its present paid-in capital and paid-in surplus is $555,000. It is a wholly owned subsidiary of the Third National Bank of Nashville.

On December 31, 1968, all of the outstanding stock of the Third National Bank of Nashville was transferred to NLT Corp. (a holding company), by an exchange of stock of NLT Corp. NLT Corp. is a Delaware corporation having its principal place of business at 301 7th Avenue North, Nashville, Tenn. 37219. Its primary businesses consist of insurance, banking, and radio broadcasting. No individual owns 10 percent or more of its outstanding stock.

SBIC is to remain a wholly owned subsidiary of the Third National Bank of Nashville, which in turn is a wholly owned subsidiary of NLT Corp. There is to be no change of management in either SBIC or the Third National Bank of Nashville.

In order for SBIC to continue to operate as a licensed small business investment company, SBA must approve the transfer of ownership.

Matters involved in SBA's consideration of the application include the general business reputation and character of NLT Corp., and the probability of successful operation of SBIC under its control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is hereby given that any interested person may not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the transferee in a newspaper of general circulation in Nashville, Tenn.

Dated: August 14, 1969.

For the Small Business Administration.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-9990; Filed, Aug. 21, 1969; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING 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.

Aalfs Manufacturing Co., Sioux City, Iowa; 7-8-69 to 7-7-70 (boys' Penn Pest jeans and ladies' jeans).

Ainsbrooke Co., Olney, Ill.; 6-27-69 to 6-26-70 (men's and boys' pajamas).

Amco Industries, Inc., Iva, S.C.; 6-23-69 to 6-22-70; 10 learners (ladies' shift dresses and uniforms).

Angelica Uniform Co., Eminence, Mo.; 6-30-69 to 6-29-70 (men's and women's uniforms).

Angelica Uniform Co., Marquand, Mo.; 6-30-69 to 6-29-70 (men's pants).

Angelica Uniform Co., Summersville, Mo.; 7-2-69 to 7-1-70 (women's uniforms and men's smocks).

The Arrow Co., Gilbert, Minn.; 6-24-69 to 6-23-70 (collars and cuffs for men's dress shirts).

The Arrow Co., Virginia, Minn.; 6-24-69 to 6-23-70 (men's dress shirts).

Barbizon of Utah, Inc., Provo, Utah; 7-11-69 to 7-10-70 (ladies' lingerie).

Best, Inc., Terra Alta, W. Va.; 7-2-69 to 7-1-70; 10 learners (women's dresses).

Bowcar Manufacturing Corp., Bowman, S.C.; 7-18-69 to 7-17-70 (children's outerwear).

Burlington Manufacturing Co., Chanute, Kans.; 7-17-69 to 7-16-70 (men's overalls and denim jeans).

Caraway Apparel Co., Caraway, Ark.; 7-11-69 to 7-10-70; 10 learners (ladies' dresses).

Carwood Manufacturing Co., Winder, Ga.; 7-13-69 to 7-12-70 (men's and boys' cotton and permanent press pants).

Chatham Knitting Mills, Inc., Chatham, Va.; 7-22-69 to 7-21-70; 6 learners (zipper jackets and sweaters).

Devil Dog Manufacturing Co., Inc., Zebulon, N.C.; 6-25-69 to 6-24-70 (children's sportswear and dungarees).

Dillon Manufacturing Co., Dillon, S.C.; 7-15-69 to 7-14-70 (women's dresses).

Elizabethtown Manufacturing Co., Elizabethtown, N.C.; 7-23-69 to 7-22-70; 10 learners (women's dresses).

The Fordyce Apparel Co., Fordyce, Ark.; 7-10-69 to 7-9-70 (men's and boys' pants).

Forest Hills Sportswear Co., Lawrenceburg, Tenn.; 6-25-69 to 6-24-70 (men's dress trousers).

Giles Manufacturing Corp., Narrows, Va.; 6-26-69 to 6-25-70 (children's knit shirts, boys' jackets, creepers).

Glen Lyon Bra & Corset Co., Inc., Wilkes-Barre, Pa.; 7-11-69 to 7-10-70; 10 learners (women's lingerie).

Greenway Manufacturing Co., Waynesburg, Pa.; 7-8-69 to 7-7-70 (boys' and infants polo shirts).

Guin Garment Corp., Guin, Ala.; 7-15-69 to 7-14-70 (boys' shirts).

Gwen Fashions, Inc., McAlisterville, Pa.; 7-1-69 to 6-30-70 (women's dresses).

H & H Manufacturing Corp., Statham, Ga.; 7-16-69 to 7-15-70 (men's dress pants).

Hackleburg Manufacturing Co., Hackleburg, Ala.; 7-11-69 to 7-10-70 (boys' sport shirts).

Hagale Industries, Inc., Ozark, Mo.; 6-23-69 to 6-22-70 (men's and boys' dress pants).

Hartselle Manufacturing Co., Inc., Hartselle, Ala.; 7-26-69 to 7-25-70 (men's cotton work pants).

Hartsville Garment Corp., Hartsville, Tenn.; 7-26-69 to 7-25-70 (men's shirts).

Imperial Reading Corp., Lafayette, Tenn.; 6-25-69 to 6-24-70 (sport shirts).

Irene Sportswear Co., Inc., Nicholson, Pa.; 7-16-69 to 7-15-70; 10 learners (women's blouses).

Juniata Garment Co., Inc., Mifflin, Pa.; 6-27-69 to 6-26-70 (ladies' dresses).

Kellwood Co., Coffeeville, Miss.; 7-12-69 to 7-11-70 (boys' pants).

La Crosse Sportswear Corp., La Crosse, Va.; 7-5-69 to 7-4-70 (men's and boys' knit sport shirts).

Lake Butler Apparel Co., Lake Butler, Fla.; 6-24-69 to 6-23-70 (men's and boys' dress pants).

Lakeland Manufacturing Co., Sheboygan, Wis.; 6-29-69 to 6-28-70 (men's and boys' jackets).

Lance Garment Corp., Red Bay, Ala.; 6-24-69 to 6-23-70 (boys' shirts and ladies' blouses and dresses).

H. D. Lee Co., Inc., Guntersville, Ala.; 7-16-69 to 7-15-70 (boys' pants).

Lee-Mar Shirt Co., Pulaski, Tenn.; 7-15-69 to 7-14-70 (boys' sport shirts).

Middleburg Sportswear, Inc., Middleburg, Pa.; 7-8-69 to 7-7-70; 10 learners (women's dresses).

Morris Maler Manufacturing Co., Inc., Prescott, Ariz.; 7-22-69 to 7-21-70 (ladies' blouses, jackets and pants).

Manchester Pants Co., Manchester, Md.; 6-30-69 to 6-29-70 (men's trousers).

Marietta Sportswear Manufacturing Co., Inc., Marietta, Okla.; 7-7-69 to 7-6-70 (men's dress slacks).

Monticello Manufacturing Co., Inc., Monticello, Ky.; 6-30-69 to 6-29-70 (men's sport shirts and ladies' blouses).

Morgan Sportswear Co., Madison, Ga.; 7-11-69 to 7-10-70 (men's and boys' knit shirts).

Newport Manufacturing Co., Inc., Newport, N.C.; 7-12-69 to 7-11-70 (men's sport shirts).

Pecos Garment Co., Pecos, Tex.; 7-10-69 to 7-9-70 (men's and boys' dungarees).

Royal Manufacturing Co., Inc., Washington, Ga.; 7-22-69 to 7-21-70 (men's and boys' sport shirts).

S & D Sportswear Co., Inc., Forest City, Pa.; 6-23-69 to 6-22-70; 5 learners (ladies' dresses).

Henry I. Siegel Co., Inc., Gleason, Tenn.; 6-23-69 to 6-22-70 (men's and boys' pants).

Somerville Manufacturing Co., Inc., Vivian, La.; 7-24-69 to 7-23-70 (men's pants).

Spring Hope Manufacturing Co., Inc., Spring Hope, N.C.; 6-25-69 to 6-24-70 (children's outerwear).

Stadium Manufacturing Co., Hattiesburg, Miss.; 6-23-69 to 6-22-70 (men's pajamas).

Levi Strauss & Co., Morrilton, Ark.; 7-16-69 to 7-15-70 (men's and boys' pants).

Trace Manufacturing Co., Waynesboro, Tenn.; 7-15-69 to 7-14-70 (work pants and shirts).

Van Heusen Co., Clio, Ala.; 7-7-69 to 7-6-70 (sport and dress shirts).

Van Heusen Co., Barnesboro, Pa.; 6-26-69 to 6-25-70 (sport shirts).

Warsaw Manufacturing Co., Warsaw, N.C.; 7-7-69 to 7-6-70 (women's dresses).

Wilson Shirt Co., Augusta, Ga.; 7-24-69 to 7-23-70 (men's and boys' shirts and pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Becker Manufacturing, Inc., Becker, Miss.; 7-16-69 to 1-15-70; 20 learners (men's pants).

Center Hill Manufacturing Co., Inc., Bailey, Miss.; 7-21-69 to 1-20-70; 40 learners (men's and boys' outerwear jackets).

Evans Manufacturing Co., Kinston, N.C.; 7-9-69 to 1-8-70; 30 learners (boys', girls' and men's jackets, boys' and girls' boxer pants).

Greenway Manufacturing Co., Waynesburg, Pa.; 7-3-69 to 1-2-70; 30 learners (boys' and infants' polo shirts).

Hagale Industries, Inc., Ozark, Mo.; 6-23-69 to 12-22-69; 10 learners (men's and boys' dress pants).

Kellwood Co., Sunbright, Tenn.; 6-23-69 to 12-22-69; 15 learners (boys' sport shirts).

Red Bank Clothing Manufacturing Co., Inc., Red Bank, N.J.; 6-30-69 to 12-29-69; 10 learners (men's and boys' suburban coats).

Samaria Garment Co., Inc., Nashville, N.C.; 7-3-69 to 1-2-70; 30 learners (children's and juniors' dresses).

Stitchcraft Inc., Athens, Ga.; 7-10-69 to 1-10-70; 10 learners (ladies' dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Ideal Glove Co., Maben, Miss.; 6-23-69 to 6-22-70; 5 learners for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., Plant No. 1, Chillicothe, Mo.; 7-18-69 to 7-17-70; 10 learners for normal labor turnover purposes (cotton work gloves).

Lambert Manufacturing Co., Plant No. 3, Chillicothe, Mo.; 7-22-69 to 7-21-70; 10 learners for normal labor turnover purposes (all leather and leather palm work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; 6-23-69 to 6-22-70; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Brownsville, Tenn.; 7-8-69 to 7-7-70; 10 percent of the total number of machine stitchers for normal labor turnover purposes (fabric, leather, hunting, casual, and ski).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Charles H. Bacon Co., Inc., Loudon, Tenn.; 7-7-69 to 1-6-70; 100 learners for plant expansion purposes (seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

The Arrow Co., No. 1, Eveleth, Minn.; 6-24-69 to 6-23-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's underwear).

Paul-Bruce Manufacturing Co., Inc., Scotland Neck, N.C.; 6-30-69 to 6-29-70; 5 learners for normal labor turnover purposes (ladies' sleepwear).

Royal Manufacturing Co., Inc., Crawfordville, Ga.; 7-24-69 to 7-23-70; 5 learners for normal labor turnover purposes (men's underwear).

Royal Manufacturing Co., Inc., Washington, Ga.; 7-22-69 to 7-21-70; 5 percent of the total number of factory production workers engaged in the production of woven shorts and Tee shirts for normal labor turnover purposes (men's and boys' shirts and knitted Tee-shirts).

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 8th day of August 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-9985; Filed, Aug. 21, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 19, 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. 41723—*Vegetable cake, etc., and related articles from, to and between points in southwestern, IFA and WTL territories.* Filed by Southwestern Freight Bureau, agent (No. B-72), for interested rail carriers. Rates on vegetable cake, vegetable meal, whole pressed cottonseed, cottonseed hulls and related articles, in carloads, as described in the application, from, to and between points in southwestern territory, including Mississippi River crossings, East St. Louis, Ill., St. Louis, Mo., and south; Illinois Freight Association and western trunk-line territories.

Grounds for relief—Rate relationship.

Tariffs—Supplement 35 to Southwestern Freight Bureau, agent, tariff ICC 4757, and supplement 40 to Western Trunk Line Committee, agent, tariff ICC A-4520.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10017; Filed, Aug. 21, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 61-A]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., St. Louis-San Francisco Railway Co., Chicago and North Western Railway Co.

Upon further consideration of Car Distribution Direction No. 61, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 61 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., August 19, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 19, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-10018; Filed, Aug. 21, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 60-A]

SOUTHERN RAILWAY CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 60, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 60 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., August 19, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 19, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-10019; Filed, Aug. 21, 1969; 8:49 a.m.]

[Notice 890]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 19, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub.-No. 732), filed August 8, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION of DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert N. Bowden, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar*, in bulk, in tank vehicles, from San Francisco and Geyserville, Calif., to Alton, Ill., and St. Louis, Mo., for 120 days. Supporting shipper: Pacific Vinegar Co. of Ill., Inc., 1640 West Fulton Street, Chicago, Ill. 60612. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 50307 (Sub-No. 50 TA), filed August 8, 1969. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35 Street, New York, N.Y. 10001. 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: *Wearing apparel and materials, supplies, and equipment* used in the manufacture thereof, between the New York, N.Y. commercial zone, points in New Jersey and Pennsylvania, on the one hand, and, on the other, Wheeling, W. Va., for 150 days. Supporting shipper: W. Va. Garment Co., 3305 Wetzel Street, Wheeling, W. Va. Send protests to: District Supervisor Paul W. Assenza, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113388 (Sub-No. 92 TA), filed August 7, 1969. Applicant: LESTER C. NEWTON TRUCKING CO., Post Office Box 248, Bridgeville, Del. 19933. Applicant's representative: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts, and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas, plaintains, pineapples, and coconuts, from Wilmington, Del., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, and Florida. Damaged, rejected and returned shipments on return for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101, Samuel Gordon. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 113828 (Sub-No. 162 TA), filed August 12, 1969. Applicant: O'BOYLE TANK LINES INCORPORATED, 4848

Cordell Avenue, Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Emulsified petroleum*, from Richmond, Va., to Waverly, Va., for 180 days. Supporting shipper: Nopco Chemical Division, Diamond Shamrock Chemical Co., 60 Park Place, Newark, N.J. 07101. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 124505 (Sub-No. 5 TA), filed August 13, 1969. Applicant: EUGENE TRIPP, 4624 South Avenue West, Missoula, Mont. 59801 Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty containers* as a backhaul, from Tacoma, Wash., and Portland, Oreg., to points in Billings, Bozeman, Butte, Helena, Missoula, Mont.; Moscow, Sandpoint, and Wallace, Idaho, for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 124505 Sub 4 and subs thereunder. Supporting shippers: Intermountain Distributing Co., 2201 Minnesota Avenue, Billings, Mont., Earl J. Tucker Distributing Co., Great Northern Industrial Sites, Helena, Mont., 59601, Causen Distributing Co., Post Office Box 238, Helena, Mont. 59601, Earl's Distributors, 510 East Railroad, Missoula, Mont., Sandpoint Distributing Co., Post Office Box 97, Sandpoint, Idaho 83864. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 125925 (Sub-No. 10 TA), filed August 12, 1969. Applicant: SAM TOWLER, 3359 Bannerwood Drive, Annandale, Va. 22003. Applicant's representative: Frank B. Hand, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry sand*, in bulk, in dump vehicles, from the sand pit facility of the Campbell Sand Co., Inc., near Patuxent, Md., in Anne Arundel County, Md., to Alexandria, Va., and points in Arlington, Fairfax, Loudoun, and Prince William Counties, Va., for 180 days. Supporting shipper: Campbell Sand Co., Inc., 4911 Calvert Road, College Park, Md. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 126328 (Sub-No. 2 TA), filed August 8, 1969. Applicant: ACTON VALE MOTOR EXPRESS, LIMITED, 1193 Rocard Street, Acton Vale, Province of Quebec, Canada. Applicant's representative: Edwin W. Free, Jr., 25 Keith Avenue, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sleds and skiis*, from the ports of entry on the international boundary line between the United States and Canada located in New York, Vermont, and Maine, for 150 days. Supporting shipper: Blaines Plastics Co., Ltd., 2750 Dumesnil Street, St. Hyacinthe, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 128870 (Sub-No. 1 TA), filed August 14, 1969. Applicant: NATIONAL MATERIALS CORPORATION, Post Office Box 187, New Braunfels, Tex. 78130. Applicant's representative: Austin L. Hatchell, Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Round Rock and Blum, Tex., to points in Oklahoma, New Mexico, Arkansas, and Louisiana, for 180 days. Supporting shipper: Round Rock Lime Co., Box 218, Round Rock, Tex. 78664. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 129659 (Sub-No. 2 TA), filed August 7, 1969. Applicant: T-P-STORAGE AND LEASING INC., 94 Sylvan Avenue, Clifton, N.J. 07011. 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: *Steel pipe, piling, rails, railway track, accessories and bridge and highway railing*, (1) from New Haven, Conn., Philadelphia, Pa., Newark, N.J., to points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia (2) between Windsor, N.J., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under contract with L. B. Foster Co., for 150 days. Supporting shipper: L. B. Foster Co., 2 Pennsylvania Plaza, New York, N.Y. 10001. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133850 (Sub-No. 1 TA), filed August 7, 1969. Applicant: SHELDON TRANSPORTATION CO., INC., Post Office Box 171, Sheldon, Ill. 60966. Applicant's representative: Charles R. Young, 4 West Seminary Street, Danville, Ill. 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* which have a prior or subsequent movement by air, and except the following: Those of unusual value, classes A and B explosives, household goods as defined by the Interstate Commerce Commission, commodities in bulk, commodities requiring special equipment and commodities injurious or contaminating to other lading, between points in Iroquois, Vermilion, Kankakee, Ford, Will, and Livingston Counties, Ill., and O'Hare International Airport, Chicago, Ill., and Chicago Midway Airport, Chicago, Ill., and Vermilion County Airport, Vermilion County, Ill., for 180 days. Supporting shippers: McCord Auto Supply, Inc., 225 West Walnut Street, Watseka, Ill., Momence Park Packers Co., 700 West 41st Street, Chicago, Ill. 60609, General Electric Co., 1430 East Fairchild Street, Danville, Ill. 61832, Park Manufacturing Co., Grant Park, Ill. 60940, Williamson Elevator and Building Repair, Sheldon, Ill., Townsend Truck Repair, Watseka, Ill. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133862 (Sub-No. 1 TA), filed August 8, 1969. Applicant: HUGO DUBALDI, Route 9W, M-D 26, Newburgh, N.Y. 12550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precase, preassembled sewage pumping stations, complete including valves, motors, pumps, and all necessary components*, assembled, from Walden, N.Y., to all points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia, and *return of hoisting devices and necessary supports* used in the transportation of shipment on outbound movement back to the shipper at Walden, N.Y., for 150 days. Supporting shipper: Carlgen Corp., Route 52, Post Office Box 232, Walden, N.Y. (Successor to Omega Northeast, Inc.). Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 133945 TA, filed August 13, 1969. Applicant: WORLDWIDE MOVING & STORAGE, INC., 2722 Kilihau Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the State of Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. Supporting shippers: Sadao Nishihama, 2065 South King Street, Suite 205, Honolulu, Hawaii 96814. Val's U-Drive, 2722 Kilihau Street, Honolulu, Hawaii 96819. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ANTHONY ANDREW, JR.,
Acting Secretary.

[F.R. Doc. 69-10020; Filed, Aug. 21, 1969; 8:49 a.m.]

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