

# FEDERAL REGISTER

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#### Agencies in this issue—

The President  
Agricultural Stabilization and  
Conservation Service  
Agriculture Department  
Atomic Energy Commission  
Business and Defense Services  
Administration  
Civil Aeronautics Board  
Commerce Department  
Consumer and Marketing Service  
Customs Bureau  
Education Office  
Federal Aviation Administration  
Federal Communications Commission  
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Immigration and Naturalization  
Service  
Interior Department  
Interstate Commerce Commission  
National Park Service  
Post Office Department  
Securities and Exchange Commission  
Treasury Department

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11504

#### AMENDING EXECUTIVE ORDER NO. 11248, PLACING CERTAIN POSITIONS IN LEVELS IV AND V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, section 2 of Executive Order No. 11248<sup>1</sup> of October 10, 1965, as amended, placing certain positions in level V of the Federal Executive Salary Schedule, is further amended by deleting "(19) Assistant to the Deputy Secretary of Defense", and inserting in lieu thereof the following:

(19) Assistant to the Secretary and Deputy Secretary of Defense.



THE WHITE HOUSE,  
*January 14, 1970.*

[F.R. Doc. 70-666; Filed, Jan. 14, 1970; 4:36 p.m.]

<sup>1</sup>30 F.R. 12999; 3 CFR, 1964-1965 Comp., p. 349.



Blasphemy and Libel

Blasphemy is a crime against the public order and the feelings of the community.

Libel is a crime against the individual and the reputation of the person.

The law of blasphemy and libel is a complex and difficult one to apply.

It is a crime which has been abolished in many countries.

It is a crime which is still in force in many countries.

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# Rules and Regulations

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

#### PART 214—NONIMMIGRANT CLASSES

##### § 214.2 [Amended]

1. The fifth sentence of subparagraph (1) *General of paragraph (f) Students of § 214.2 Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "However, a Canadian national or an alien landed immigrant of Canada who has a common nationality with Canadian nationals who has been temporarily absent in Canada, or any alien whose visa is considered to be automatically revalidated pursuant to 22 CFR 41.125(f)(2) or is within the purview of that regulation except that his nonimmigrant visa has not expired, returning to the United States as a nonimmigrant under section 101(a)(15)(F) of the Act, shall, if otherwise admissible, be readmitted, without presentation of Form I-20, for the remainder of his initial admission or current extension of stay as shown on his Form I-94."

2. The following sentence is inserted after the existing seventh sentence of subparagraph (1) *General of paragraph (j) Exchange aliens of § 214.2 Special requirements for admission, extension, and maintenance of status*: "However, an alien whose visa is considered to be automatically revalidated pursuant to 22 CFR 41.125(f)(2) or is within the purview of that regulation except that his nonimmigrant visa has not expired, returning to the United States as a nonimmigrant under section 101(a)(15)(J) of the Act, shall, if otherwise admissible, be readmitted, without presentation of Form DSP-66, for the remainder of his initial admission or current extension of stay as shown on his Form I-94."

#### PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

Section 234.2 is amended to read as follows:

§ 234.2 Examination in the United States of alien applicants for benefits under the immigration laws.

(a) *General*. When a medical examination is required of an alien who files

an application for a benefit under the immigration laws, it shall be made by a medical officer of the U.S. Public Health Service, or by a civil surgeon if a medical officer of the U.S. Public Health Service is not located within a reasonable distance. The examination will be performed in accordance with the instructions and regulations contained in the "Manual for Medical Examination of Aliens."

(b) *Selection of civil surgeons*. When a civil surgeon is to perform the examination, he shall be selected by the district director having jurisdiction over the area of the alien's residence. When practicable, only one surgeon shall be selected in a locality. The civil surgeon selected shall be a licensed physician with no less than 4 years' professional experience. Officers of county medical societies shall be consulted to obtain the names of competent surgeons willing to make the examinations. A civil surgeon performing medical examinations of aliens under contracts with the U.S. Public Health Service shall be selected when possible. An understanding shall be reached with respect to the fees which the surgeon will charge for the examination. The alien shall pay the fee agreed upon directly to the surgeon making the examination.

(c) *Civil surgeon reports*. The results of the examinations will be recorded on Form FS-398, Medical Examination of Visa Applicant, in duplicate. The completed Forms FS-398 with X-ray and other pertinent laboratory reports will be returned to the immigration officer by whom the alien was referred. That officer will forward the completed Forms FS-398, X-ray and other pertinent laboratory reports to the Medical Officer in Charge, U.S. Quarantine Station, Rosebank, Staten Island, N.Y. 10305. The findings of that Medical Officer in Charge shall then be awaited concerning the alien's physical and mental condition.

(d) *U.S. Public Health Service hospital and outpatient clinic reports*. When an applicant for adjustment of status is found upon examination to be free of any defects, diseases, or disabilities listed in section 212(a), Immigration and Nationality Act, the results of the examination will be recorded on Form I-486, Medical and Immigration Examination Appointment. A copy of such Form I-486 will then be forwarded to the immigration officer by whom the alien was referred. In other than adjustment of status cases, the results of the examination will be entered on Form I-141, Medi-

cal Certificate, in duplicate. The original Form I-141 will be returned to the immigration officer by whom the alien was referred. In any case where Class A, B, or C conditions are present, a Medical Certificate, Form PHS-124(FQ) will be issued, and the original furnished the immigration office requesting the examination. The copy of Forms I-486 or I-141 or PHS-124(FQ) will be sent to the Medical Officer in Charge, U.S. Quarantine Station, Rosebank, Staten Island, N.Y. 10305, where a central file of these cases will be maintained.

#### PART 238—CONTRACTS WITH TRANSPORTATION LINES

##### § 238.4 [Amended]

The listing of transportation lines under "At Vancouver" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "P & O Lines (North America) Inc."

#### PART 299—IMMIGRATION FORMS

##### § 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following forms and references thereto in alphabetical and numerical sequence:

Form No.	Title and description
I-141	Medical Certificate.
I-486	Medical and Immigration Examination Appointment.

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments to §§ 214.2(f)(1) and 214.2(j)(1) confer benefits upon persons affected thereby; the amendments to §§ 234.2 and 299.1 relate to agency procedure; and the amendment to § 238.4 adds a transportation line to the listing.

Dated: January 12, 1970.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 70-586; Filed, Jan. 15, 1970; 8:46 a.m.]



## Title 14—AERONAUTICS AND SPACE

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

## SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10053; Amdt. 683]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

## Miscellaneous Amendments

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

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

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

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

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

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

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

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less	More than 2-engine, more than 65 knots	More than 65 knots
Grimes Int.	Tudor Int.	ILA R 086°	2000	T-dn	300-1	300-1	200-1/2
Marysville VOR	Tudor Int.	MYV R 173°	2000	C-dn*	500-1	500-1	500-1 1/2
Tudor Int.	Metro LOM (final)	Direct	1700	S-dn-16	400-1	400-1	400-1
Newcastle Int.	Tudor Int.	ILA R 086° SAC R 342° lead radial	3000	A-dn	800-2	800-2	800-2
Sacramento VOR	Metro LOM	Direct	2000				

Radar available.

Procedure turn W side of crs, 343° Outbd, 163° Inbd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1700'.

Crs and distance, facility to airport, 165°—5.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Metro LOM, make a right-climbing turn, proceed direct to Metro LOM and continue climbing to 2000' in a 1-minute holding pattern N of the Metro LOM (right turns, 343° Outbd, 163° Inbd); or, when directed by ATC, climb to 2000' on 185° bearing from Metro LOM and 329° radial of SAC VOR to the SAC VOR.

\*All circling must be accomplished west of Runways 16/34 due to MCC AFB traffic.

MSA within 25 miles of Metro LOM: 000°—180°—4000'; 180°—270°—4100'; 270°—360°—3200'.

City, Sacramento; State, Calif.; Airport name, Sacramento Metropolitan; Elev., 23'; Fac. Class., LOM; Ident., SM; Procedure No. NDB (ADF) Runway 16, Amdt. 2; Eff. date, 29 Jan. 70; Sup. Amdt. No. 1, Dated, 10 Apr. 69

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

Gloucester, Va.—Gloucester, VOR-1, Amdt. 1, 23 Dec. 1967 (established under Subpart C).

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

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

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

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less	More than 2-engine, more than 65 knots	More than 65 knots
SAC VOR	10-mile DME, R 334° (final)	Direct	1300	T-dn	300-1	300-1	200-1/2
				C-dn*	500-1	500-1	500-1 1/2
				S-dn-34	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.

Procedure turn not authorized. Approach crs SAC R 334° outbd from 10-mile DME Fix.

Minimum altitude over 10-mile DME R 334° on final approach crs, 1300'; over 12-mile DME R 334°, 800'.

Crs and distance, 10-mile DME R 334° to airport, 334°—4.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 14.6 miles DME Fix R 334°, turn right and proceed direct to the Metro LOM, continuing climb to 2000' in a 1-minute holding pattern N of the LOM, right turns (343° Outbd, 163° Inbd); or, when directed by ATC, turn left and proceed to the SAC VOR via R 329° climbing to 2000'.

\*All circling must be accomplished west of runways 16/34 due to MCC AFB traffic.

MSA within 25 miles of SAC VOR: 000°—180°—4000'; 180°—270°—3900'; 270°—360°—4000'.

City, Sacramento; State, Calif.; Airport name, Sacramento Metropolitan; Elev., 23'; Fac. Class., H-BVORTAC; Ident., SAC; Procedure No. VOR/DME Runway 34, Amdt. 1; Eff. date, 29 Jan. 70; Sup. Amdt. No. Orig.; Dated, 27 Oct. 67



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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

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

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	65 knots
Grimes Int	Tudor Int	ILA R 080°	2000	T-dn <sup>1/2</sup>	300-1	300-1	200-1/2
MYV VOR	Tudor Int	MYV R 173°	2000	C-dn*	400-1	500-1	500-1 1/2
Newcastle Int	Tudor Int	ILA R 080°, SAC R 342°, lead radial.	3000	S-dn-163# A-dn	200-1/2 600-2	200-1/2 600-2	200-1/2 600-2
SAC VOR	Metro LOM	Direct	2000				
Harter Int	Tudor Int	LOC N ers	2000				
Tudor Int	Metro LOM (final)	LOC N ers	1700				

Radar available.  
 Procedure turn W side of crs, 343° Outbnd, 163° Inbnd, 2000' within 10 miles.  
 Minimum altitude at glide slope interception Inbnd, 1700'.  
 Altitude of glide slope and distance to approach end of runway at OM, 1637'—5.3 miles; at MM, 234'—0.5 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 4.7 miles after passing OM, climb straight ahead to 323', turn right to heading 300°, continue climb to 2000' and proceed to Yolo Int via SAC R 320° or, when authorized by ATC, climb to 2000' on the S ers of the localizer and R 320° to SAC VOR.  
 NOTE: When authorized by ATC, DME may be used at 28 miles from the SAC VOR at 3000' between R 320° and R 036° CW to position aircraft on SMF localizer N ers for straight-in approach with elimination of procedure turn.  
 #RVR 2000', 4-engine turbojet and RVR 1800' other aircraft. Descent below 223' not authorized unless approach lights are visible.  
 %RVR 2000' authorized Runway 16 for 4-engine turbojet; RVR 1800' authorized other aircraft.  
 \$300-1/4 required when glide slope not utilized.  
 \*All circling must be accomplished W of Runways 16/34 due to MCC AFB traffic.  
 MSA within 25 miles of Metro LOM: 060°-180°-4000'; 180°-270°-4100'; 270°-360°-3200'.

City, Sacramento; State, Calif.; Airport name, Sacramento Metropolitan; Elev., 23'; Fac. Class., ILS; Ident., I-SMF; Procedure No. ILS Runway 16, Amdt. 3; Eff. date, 29 Jan. 70; Sup. Amdt. No. 2; Dated, 23 Oct. 69

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	65 knots
SAC VOR	El Macero Int	SAC R 310°	2000	T-dn	300-1	300-1	200-1/2
Elmira Int	El Macero Int	SAC R 216° and S ers LOC	2000	C-dn*	500-1	500-1	500-1 1/2
Courtland Int	El Macero Int	SAC R 195° and S ers LOC	2000	S-dn-34#	400-1	400-1	400-1
El Macero Int	Eric Int (final)	S ers LOC	1600	A-dn	800-2	800-2	800-2

Radar available.  
 Procedure turn not authorized. Approach crs, 343° Inbnd from El Macero Int.  
 Minimum altitude over El Macero Int on final approach crs, 2000'; over Eric Int, 1600'.  
 Crs and distance, Eric Int to airport, 343°—5.5 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing Eric Int, proceed direct to Metro LOM climbing to 2000' and hold N of LOM in 1-minute pattern, right turns (343° Outbnd, 163° Inbnd); or, when directed by ATC, turn left, climb to 2000' to SAC VORTAC via R 320°.  
 \*All circling must be accomplished west of Runways 16/34 due to MCC AFB traffic.  
 #400-1/4 authorized with operative HIRL, except for 4-engine turbojets.

City, Sacramento; State, Calif.; Airport name, Sacramento Metropolitan; Elev., 23'; Fac. Class., ILS; Ident., I-SMF; Procedure No. LOC (BC) Runway 34, Amdt. 1; Eff. date, 29 Jan. 70; Sup. Amdt. No. Orig.; Dated, 27 Oct. 67.



## RULES AND REGULATIONS

5. 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: 9.2 miles after passing HCM VOR.	
New Kent Int.	HCM VOR (NOPT)	Direct	1600	Climbing right turn to 1600' direct to HCM VOR and hold. Supplementary charting information: Hold NW, 1 minute, right turns, 117° Inbnd. 220' tower 4600' N of airport. 212' broadcast antenna 6000' NW of airport.	

Procedure turn S side of crs, 297° Outbnd, 117° Inbnd, 1600' within 10 miles of HCM VOR.  
FAF, HCM VOR. Final approach crs, 117°. Distance FAF to MAP, 9.2 miles.

Minimum altitude over HCM VOR, 1600'.  
MSA: 075°-255°-1600'; 255°-345°-2100'; 345°-075°-1500'.

NOTE: Use Patrick Henry altimeter setting.

\*Night minimums not authorized.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	740	1	662	740	1	662	NA			NA		
A	Not authorized.			T 2-eng. or less—200-1, Runway 2; Standard, Runway 20.#			T over 2-eng.—200-1, Runway 2; Standard, Runway 20.#					

City, Gloucester; State, Va.; Airport name, Gloucester; Elev., 78'; Facility, HCM; Procedure No. VOR-1, Amdt. 2; Eff. date, 29 Jan. 70; Sup. Amdt. No. 1; Dated, 23 Dec. 67

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

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

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

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.9 miles after passing DHN VORTAC.	
R 115°, DHN VORTAC CW	R 154°, DHN VORTAC	10-mile arc	2500	Right turn, climb to 2000' to Abbeville	
R 230°, DHN VORTAC CCW	R 154°, DHN VORTAC	10-mile arc	2000	Int via DHN VORTAC R 019° and	
10-mile arc	DHN VORTAC (NOPT)	R 154°	1300	hold. Supplementary charting information: Hold N, 1 minute, left turns, 199° Inbnd. CAUTION: Water tank 555' on airport.	

Procedure turn W side of crs, 154° Outbnd, 334° Inbnd, 2000' within 10 miles of DHN VORTAC.

FAF, DHN VORTAC. Final approach crs, 334°. Distance FAF to MAP, 1.9 miles.

Minimum altitude over DHN VORTAC, 1300'.

MSA: 000°-180°-2600'; 180°-360°-1800'.

NOTE: ASR.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	860	1	460	860	1	460	860	1½	460	960	2	560
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Dothan; State, Ala.; Airport name, Dothan; Elev., 400'; Facility, DHN; Procedure No. VOR-1, Amdt. 2; Eff. date, 29 Jan. 70; Sup. Amdt. No. 1; Dated, 5 Dec. 68



STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles from MSY VOR.
				Climb to 1500' via MSY R 237° within 15 miles or when directed by ATC, climb to 1500', right turn to MSY R 209° to Turtle Int.

Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 1500' within 10 miles of MSY VOR.  
 FAF, MSY VOR. Final approach crs, 237°. Distance FAF to MAP, 4.4 miles.  
 Minimum altitude over MSY VOR, 1200'.  
 MSA: 000°-360°-2100'.  
 NOTE: ASR.  
 %RVR 18' authorized Runway 10 for Categories A, B, and C.  
 %RVR 20' authorized Runway 10 for Category D.  
 %RVR 24' authorized Runway 2S.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	460	1	456	460	1	456	460	1½	456	560	2	556
A.....	Standard.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, New Orleans; State, La.; Airport name, New Orleans International (Miosant); Elev., 4'; Facility, MSY; Procedure No. VOR-1, Amdt. 7; Eff. date, 29 Jan. 70; Sup. Amdt. No. 6; Dated, 22 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing ILM VORTAC.
R 276°, ILM VORTAC CW.....	ILM R 021°.....	8-mile DME Arc.....	1600	Climb to 1700' on R 201° within 15 miles of ILM VORTAC; or, when directed by ATC, left turn climb to 1700' direct to LOM and hold.
R 047°, ILM VORTAC CCW.....	ILS R 021°.....	8-mile DME Arc.....	1600	
Hilda Int.....	ILM VORTAC (NOPT).....	ILM R 356°.....	1500	Supplementary charting information: Hold SE, 1 minute, right turns, 343° Inbnd.
Scott Int.....	ILM VORTAC (NOPT).....	ILM R 018°.....	1500	Final approach crs to center of airport.
Davis Int.....	ILM VORTAC (NOPT).....	ILM R 047°.....	1500	HIRLS Runways 16/34.
8-mile arc.....	ILM VORTAC (NOPT).....	ILM R 021°.....	1500	

Procedure turn W side of crs, 021° Outbnd, 201° Inbnd, 1500' within 10 miles of ILM VORTAC.  
 FAF, ILM VORTAC. Final approach crs, 201°. Distance FAF to MAP, 5 miles.  
 Minimum altitude over ILM VORTAC, 1500'.  
 MSA: 000°-090°-1500'; 090°-180°-1700'; 180°-270°-2300'; 270°-360°-2100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	540	1	509	540	1	509	600	1½	509	600	2	560
A.....	Standard.			T 2-eng. or less—RVR 24', Runway 34; Standard all other runways.			T over 2-eng.—RVR 24', Runway 34; Standard all other runways.					

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31'; Facility, ILM; Procedure No. VOR-1, Amdt. 7; Eff. date, 29 Jan 70; Sup. Amdt. No. 6; Dated, 25 Sept. 69



## RULES AND REGULATIONS

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

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

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: 3-mile DME Fix, R 328°.
From—	To—	Via		
R 230°, DHN VORTAC CW.....	R 328°, DHN VORTAC.....	13-mile arc DHN R 318° lead radial.	2000	Climb to 2000', proceed direct to DHN VORTAC, hold SE on R 150° DHN VORTAC, 1-minute left turns, 330° Inbnd or radar vector at 2000' as directed by ATC. Supplementary charting information. Final approach crs. intercepts runway centerline 3000' from threshold. CAUTION: Water tank 555' on missed approach radial 0.45 mile from MAP. (Print MSL height on plan view under aerodrome beacon symbol.) Runway 13, TDZ elevation, 400'.
R 060°, DHN VORTAC CCW.....	R 328°, DHN VORTAC.....	13-mile arc DHN, R 338° lead radial.	2000	
13-mile DME Fix.....	10-mile DME Fix.....	Direct.....	2000	

Procedure turn not authorized. Approach crs (profile) starts at 13-mile DME Fix, R 328°.  
Final approach crs, 148°.  
Minimum altitude over 10-mile DME Fix, 2000'; over 6-mile DME Fix, 1600'.  
MSA: 000°-180°-2600'; 180°-360°-1800'.  
NOTE: ASR.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13.....	740	1	340	740	1	340	740	1	340	740	1	340
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	860	1	460	860	1	460	860	1½	460	960	2	560
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Dothan; State, Ala.; Airport name, Dothan; Elev., 400'; Facility, DHN; Procedure No. VOR/DME Runway 13, Amdt. 2; Eff. date, 29 Jan. 70; Sup. Amdt. No. 1; Dated, 21 Mar. 68

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: 3-mile DME Fix, R 344°.
From—	To—	Via		
R 230°, DHN VORTAC CW.....	R 344°, DHN VORTAC (NOPT).....	13-mile arc DHN, R 333° lead radial.	1900	Climb to 2000', proceed direct to DHN VORTAC, hold SE on R 150° DHN VORTAC, 1-minute left turns or radar vector at 2000' as directed by ATC. Supplementary charting information: CAUTION: Water tank 555' on airport. (Print MSL height on plan view under aerodrome beacon symbol.) Runway 18, TDZ elevation, 395'.
R 060°, DHN VORTAC CCW.....	R 344°, DHN VORTAC (NOPT).....	13-mile arc DHN, R 355° lead radial.	1900	
13-mile DME Fix.....	7-mile DME Fix.....	Direct.....	1900	

Procedure turn E side of crs, 344° Outbnd, 164° Inbnd, 1900' within 10 miles of 7-mile DME Fix.  
Approach crs profile starts at 13-mile DME Fix DHN, R 344°. Stops at 3-mile DME Fix.  
Final approach crs, 164°.  
Minimum altitude over 7-mile DME Fix, 1900'; over 3-mile DME Fix, 740'.  
MSA: 000°-180°-2600'; 180°-360°-1800'.  
NOTE: ASR.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18.....	740	1	345	740	1	345	740	1	345	740	1	345
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	860	1	460	860	1	460	860	1½	460	980	2	560
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Dothan; State, Ala.; Airport name, Dothan; Elev., 400'; Facility, DHN; Procedure No. VOR/DME Runway 18, Amdt. 4; Eff. date, 29 Jan. 70; Sup. Amdt. No. 3; Dated, 21 Mar. 68



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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

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

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

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: 5 miles after passing DUB Int.
From—	To—	Via		
CAE VORTAC	DUB Int.	R 028°, CAE	1900	Climb to 1900' on 287° crs to CA LOM and hold. Supplementary charting information: Hold W, 1 minute, right turns, 107° Inbnd. HIRLS Runways 11/29, 5/23. Chart CAE VORTAC electronic R 350 for 2.1 mile stepdown fix (Parnell Int.), Runway 29, TDZ elevation, 233'.
R 195°, CAE VORTAC CCW	CAE LOC (NOPT)	9-mile Arc CAE, R 092°, lead radial.	1900	
9-mile arc	DUB Int.	LOC crs.		

Procedure turn N side of crs, 107° Outbnd, 287° Inbnd, 1900' within 10 miles of DUB Int.  
FAF, DUB Int. Final approach crs, 287°. Distance FAF to MAP, 5 miles.  
Minimum altitude over DUB Int, 1900'; over Parnell Int, 900'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28	500	1	267	500	1	267	500	1	267	500	1	267
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	464	700	1	464	700	1½	464	800	2	564
A	Standard.			T 2-eng. or less—Runway 11, RVR 24'; Standard all other runways.			T over 2-eng.—Runway 11, RVR 24'; Standard all other runways.					

City, Columbia; State, S.C.; Airport name, Columbia Metropolitan; Elev., 236'; Facility, I-CAE; Procedure No. LOC (BC) Runway 29, Amdt. Orig.; Eff. date, 29 Jan. 70



RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Minimum altitudes (feet)	Missed approach MAP: 4.6 miles after passing DU LOM.
From—	To—	Via			
Reynoldsville Int. ....	DU LOM .....	Direct .....		4000	Climb to 3900', left turn direct to DU LOM and hold. Supplementary charting information: Hold E, 1 minute, right turns, 248° Inbnd. Final approach crs intercepts runway centerline 3430' from threshold. Runway 25, TDZ elevation, 1814'.
Brookport Int. ....	DU LOM (NOPT) .....	Direct .....		3000	

Procedure turn N side of crs, 068° Outbnd, 248° Inbnd, 3900' within 10 miles of DU LOM.  
FAF, DU LOM. Final approach crs, 248°. Distance FAF to MAP, 4.6 miles.  
Minimum altitude over DU LOM, 3000'.  
MSA: 000°-180°-3900'; 180°-270°-3400'; 270°-360°-3300'.

NOTE: Final approach from holding pattern at DU LOM not authorized; procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25 .....	2260	1	446	2260	1	446	2260	1	446	2260	1	446
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C .....	2280	1	463	2320	1	503	2320	1½	503	2380	2	563
A .....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, DuBois; State, Pa.; Airport name, DuBois-Jefferson County; Elev., 1817'; Facility, I-DUJ; Procedure No. LOC Runway 25, Amdt. Orig.; Eff. date, 29 Jan. 70

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

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

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

Terminal routes				Minimum altitudes (feet)	Missed approach MAP: 6 miles after passing Bridge Int.
From—	To—	Via			
MSY VOR .....	Bridge Int. ....	Direct .....		2000	Climb to 1500' direct to MS LOM. Supplementary charting information: TDZ elevation, 3'.
MS LOM .....	Bridge Int. ....	Direct .....		2000	

Procedure turn N side of crs, 069° Outbnd, 279° Inbnd, 2000' within 10 miles of Bridge Int.  
FAF, Bridge Int. Final approach crs, 279°. Distance FAF to MAP, 6 miles.  
Minimum altitude over Bridge Int, 1800'.

NOTE: ASR.

% RVR 18' authorized Runway 10 for Categories A, B, and C.

% RVR 20' authorized Runway 10 for Category D.

% RVR 24' authorized Runway 28.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28 .....	380	RVR 40	377	380	RVR 40	377	380	RVR 40	377	380	RVR 50	377
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C .....	460	1	456	460	1	456	460	1½	456	560	2	556
A .....	Standard.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 4'; Facility, I-MSY; Procedure No. LOC (BC) Runway 28, Amdt. 3; Eff. date, 29 Jan. 70; Sup. Amdt. No. 2; Dated, 22 Aug. 68



STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7 miles after passing Wesley Int.	
ILM VORTAC.....	Wesley Int.....	Direct.....	1600	Climb to 1700' on ILM LOC crs 163° to IL LOM and hold; or, if directed by ATC, make climbing right turn to heading 270° to 1700' intercept ILM R 237°, proceed to Swamp Int. Hold SW, 1 minute, right turns, 057° Inbnd. Supplementary charting information: Hold SE, 1 minute, right turns, 343° Inbnd. Runway 16, TDZ elevation, 30'. HIRLS 16/34.	
IL LOM.....	Wesley Int.....	Direct.....	1600		
Currie Int.....	ILM LOC (BC).....	R-311 8.2 miles.....	1600		
R-047 ILM VORTAC CCW.....	ILM LOC (BC).....	8 mile DME Arc ILM R-337 lead radial.....	1600		
8 mile Arc.....	Wesley Int. (NOPT).....	LOC (BC).....	1500		

Procedure turn W side of crs, 343° Outbnd, 163° Inbnd, 1600' within 10 miles of Wesley Int. FAF, Wesley Int. Final approach crs, 163°. Distance FAF to MAP, 4.7 miles. Minimum altitude over Wesley Int, 1500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16.....	460	¾	430	460	¾	430	460	¾	430	460	1	430
C.....	540	1	509	540	1	509	600	1½	569	600	2	569
A.....	Standard.			T 2-eng. or less—RVR 24', Runway 34; Standard all other runways.			T over 2-eng.—RVR 24', Runway 34; Standard all other runways.					

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31'; Facility, I-ILM; Procedure No. LOC (BC) Runway 16, Amdt. 3; Eff. date, 29 Jan. 70; Sup. Amdt. No. 2; Dated, 14 Aug. 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing DU LOM.	
Reynoldsville Int.....	DU LOM.....	Direct.....	4000	Climb to 3900', left turn direct to DU LOM and hold. Supplementary charting information: Hold E, 1 minute, right turns, 248° Inbnd. Runway 25, TDZ elevation, 1814'.	
Brockport Int.....	DU LOM (NOPT).....	Direct.....	3000		

Procedure turn N side of crs, 069° Outbnd, 249° Inbnd, 3900' within 10 miles of DU LOM. FAF, DU LOM. Final approach crs, 249°. Distance FAF to MAP, 4.6 miles. Minimum altitude over DU LOM, 3000'. MSA: 000°-180°-3500'; 180°-270°-3400'; 270°-360°-3300'. NOTE: Final approach from holding pattern at DU LOM not authorized; procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25.....	2320	1	506	2320	1	506	2320	1	506	2320	1¼	506
C.....	2320	1	503	2320	1	503	2320	1½	503	2380	2	563
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Du Bois; State, Pa; Airport name, Du Bois-Jefferson County; Elev., 1817'; Facility, DU; Procedure No. NDB (ADF) Runway 25, Amdt. Orig.; Eff. date, 29 Jan. 70



RULES AND REGULATIONS

10. 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			Via	Minimum altitudes (feet)	Missed approach MAP: 6.6 miles from MS NDB.
From—	To—				
MSY VOR.....	MS NDB.....	Direct.....		1800	Climb to 2000' on crs 099° within 15 miles, or when directed by ATC, climb to 1500', left turn to Clam Int via MSY VOR R 064°.
Wave Int.....	MS NDB.....	Direct.....		1800	
Sally Int.....	MS NDB.....	Direct.....		1800	
TBD VOR.....	Turtle Int (NOPT).....	Direct.....		1800	
Turtle Int.....	MS NDB (NOPT).....	Direct.....		1800	

Supplementary charting information: TDZ elevation, 2'.

Procedure turn S side of crs, 279° Outbnd, 099° Inbnd, 1800' within 10 miles of MS NDB.  
 FAF, MS NDB. Final approach crs, 099°. Distance FAF to MAP, 6.6 miles.  
 Minimum altitude over MS NDB, 1800'.  
 MSA: 090°-360°-2100'.  
 NOTE: ASR.  
 % RVR 18' authorized Runway 10 for Categories A, B, and C.  
 % RVR 20' authorized Runway 10 for Category D.  
 % RVR 24' authorized Runway 28.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10.....	400	RVR 40	398	400	RVR 40	398	400	RVR 40	398	400	RVR 50	398
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	460	1	456	460	1	456	460	1½	456	500	2	556
A.....	Standard.		T 2-eng. or less—Standard.%					T over 2-eng.—Standard.%				

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 4'; Facility, MS; Procedure No. NDB (ADF) Runway 10, Amdt. 16; Eff. date, 29 Jan. 70; Sup. Amdt. No. 15; Dated, 22 Aug. 68

Terminal routes			Via	Minimum altitudes (feet)	Missed approach MAP: 4.6 miles after passing LOM.
From—	To—				
Wilmington VORTAC.....	LOM.....	Direct.....		1700	Climb to 1700' on crs 343° from IL LOM within 15 miles; or, when directed by ATC, make left turn to 270° climbing to 1700' intercept ILM VORTAC R 237° and proceed to Swamp Int. Supplementary charting information: Runway 34, TDZ elevation, 30'. HIRLS 16/34.
Swamp Int.....	LOM.....	Direct.....		1700	
Currie Int.....	LOM.....	Direct.....		1700	
Carolina Beach NDB.....	LOM.....	Direct.....		1700	
Green Int.....	LOM.....	Direct.....		1700	
Wesley Int.....	LOM.....	Direct.....		1700	
Delco Int.....	LOM.....	Direct.....		2000	

Procedure turn W side of crs, 163° Outbnd, 343° Inbnd, 1700' within 10 miles of LOM.  
 FAF, LOM. Final approach crs, 343°. Distance FAF to MAP, 4.6 miles.  
 Minimum altitude over LOM, 1500'.  
 MSA: 090°-090°-1500'; 090°-180°-1700'; 180°-270°-2300'; 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-34.....	500	RVR 40	470	500	RVR 40	470	500	RVR 40	470	500	RVR 50	470
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	540	1	509	540	1	509	600	1½	569	600	2	569
A.....	Standard.		T 2-eng. or less—RVR 24', Runway 34; Standard all other runways.					T over 2-eng.—RVR 24', Runway 34; Standard all other runways.				

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31'; Facility, IL; Procedure No. NDB (ADF) Runway 34, Amdt. 9; Eff. date, 29 Jan. 70; Sup. Amdt. No. 8; Dated, 14 Aug. 69



11. 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: ILS DH 202', LOC 6.6 miles after passing MS LOM.	
Sally Int.	LOM	Direct	1800	Climb to 2000' on E crs ILS within 15 miles or when directed by ATC. (1)	
Wave Int.	LOM	Direct	1800	climb to 1500', left turn via R 030° MSY	
MSY VOR	LOM	Direct	1800	VOR to Snail Int. or, (2) climb to 1500',	
French Int.	LOM	Direct	1800	right turn via R 175° MSY VOR to	
Tibby VOR	Turtle Int.	Direct	1800	Sally Int.	
Turtle Int.	LOM (NOPT)	Direct	1800	Supplementary charting information: TDZ elevation, 2'.	

Procedure turn S side of crs, 279° Outbnd, 099° Inbnd, 1800' within 10 miles of MS LOM.  
FAF, LOM. Final approach crs, 099°. Distance FAF to MAP, 6.6 miles.  
Minimum altitude over LOM, 1800'.  
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1842'; at MM, 209'; at IM, 103'.  
Distance to runway threshold at OM, 6.6 miles; at MM, 0.6 mile; at IM, 0.18 mile.  
MSA: 000°-360°-2100'.  
NOTE: ASR.  
% RVR 18' authorized Runway 10 for Categories A, B, and C.  
% RVR 20' authorized Runway 10 for Category D.  
% RVR 24' authorized Runway 28.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-10	202	RVR 18	200	202	RVR 18	200	202	RVR 18	200	202	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	360	RVR 24	358	360	RVR 24	358	360	RVR 24	358	360	RVR 40	358
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	456	460	1	456	460	1½	456	560	2	556
Category II: Special Authorization Required:												
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-10	152	RVR 16	150	152	RVR 16	150	152	RVR 16	150	152	RVR 16	150
S-10 (Night Only)	RA 152 102 RA 102	RVR 12	100	RA 152 102 RA 102	RVR 12	100	RA 152 102 RA 102	RVR 12	100	RA 152 102 RA 102	RVR 12	100
A	Standard.			T 2-eng. or less—Standard %			T over 2-eng.—Standard %					

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 4'; Facility, I-MSY; Procedure No. ILS Runway 10, Amdt. 22; Eff. date, 29 Jan. 70; Sup. Amdt. No. 21; Dated, 17 Apr. 69

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 230'; LOC 4.6 miles after passing LOM.	
Swamp Int.	LOM	Direct	1700	Climb to 1700' on crs of 343° from LOM	
Wilmington VORTAC	LOM	Direct	1700	within 15 miles or, when directed by	
Currie Int.	LOM	Direct	1700	ATC, make left turn to 270° climbing to	
Carolina Beach NDB	LOM	Direct	1700	1700' intercept ILM VORTAC R 237°	
Green Int.	LOM	Direct	1700	and proceed to Swamp Int.	
Wesley Int.	LOM	Direct	1700	Supplementary charting information:	
Delco Int.	LOM	Direct	2000	Runway 34, TDZ elevation, 30'. HIRLS 16/34.	

Procedure turn W side of crs, 163° Outbnd, 343° Inbnd, 1700' within 10 miles of LOM.  
FAF, LOM. Final approach crs, 343°. Distance FAF to MAP, 4.6 miles.  
Minimum glide slope interception altitude, 1700'. Glide slope altitude at OM, 1410'; at MM, 242'.  
Distance to runway threshold at OM, 4.6 miles; at MM, 0.6 mile.  
MSA: 000°-090°-1500'; 090°-180°-1700'; 180°-270°-2300'; 270°-360°-2100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-34	230	RVR 24	200	230	RVR 24	200	230	RVR 24	200	230	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	380	RVR 24	350	380	RVR 24	350	380	RVR 24	350	380	RVR 40	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	509	540	1	509	600	1½	569	600	2	569
A	Standard.			T 2-eng. or less—RVR 24', Runway 34; Standard all other runways.			T over 2-eng.—RVR 24', Runway 34; Standard all other runways.					

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31'; Facility, I-ILM; Procedure No. ILS Runway 34, Amdt. 13; Eff. date, 29 Jan. 70; Sup. Amdt. No. 12; Dated, 14 Aug. 69



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

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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

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

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)												Notes	
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude		
000°	360°	25	*1500										1. Descend aircraft to MDA after FAF at 5 miles from thresholds of Runways 1, 10, 19, and 28. *2. Radar Control must provide 3 miles horizontal or 1000' vertical separation from 1049' tower 12 miles ESE and 1049' tower 16 miles E of airport. #3. CAUTION: Radar control will not descend aircraft below 700' on approach to Runway 19 until observed to have passed 400' radio towers 2.3 miles North of airport. Supplementary charting information: TDZ elevation Runway 1, 3'. TDZ elevation Runway 10, 2'. TDZ elevation Runway 19, 0'. TDZ elevation Runway 28, 3'.

Missed approach: Climb to 1500', right or left turn as appropriate direct to MS Y VORTAC, or when directed by ATC, direct to MS NDB (LOM).

% RVR 18' authorized Runway 10 for Categories A, B, and C.

% RVR 20' authorized Runway 10 for Category D.

% RVR 24' authorized Runway 28.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1	400	1	397	400	1	397	400	1	397	400	1	397
S-10	400	RVR 40	398	400	RVR 40	398	400	RVR 40	398	400	RVR 50	398
S-19#	#400	1	400	#400	1	400	#400	1	400	#400	1	400
S-28	400	1	397	400	1	397	400	1	397	400	1	397
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	456	460	1	456	460	1½	456	560	2	556
A	Standard.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 4'; Facility, New Orleans Radar; Procedure No. Radar-1, Amdt. 7; Eff. date, 29 Jan. 70; Sup. Amdt. No. 6; Dated, 22 Aug. 68

These procedures shall become effective on the dates specified therein.

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

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

R. S. SLIFF,

Acting Director, Flight Standards Service.

[F.R. Doc. 70-349; Filed, Jan. 15, 1970; 8:45 a.m.]

## Title 7—AGRICULTURE

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

#### PART 17—SALE OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

#### Subpart A—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

##### MISCELLANEOUS AMENDMENTS

The Regulations Governing the Financing of Commercial Sales of Agricultural Commodities pursuant to title I of the Agricultural Trade Development and Assistance Act of 1954, as amended

(31 F.R. 16818, 32 F.R. 5977, 33 F.R. 5137, 10005, 16381, 34 F.R. 8963, 10008, 13436), are hereby further amended to change the requirements covering the number of copies of the ocean bill of lading and the supplier's invoice which are required to be submitted by the supplier with a request for payment to a banking institution, or a request submitted to CCC for reimbursement of commodity cost. The above change also permits deleting the requirement that supplier submit Form CCC-323-3, "Statement of Transmittal of Ocean Bills of Lading." The Regulations are amended as shown below.

1. Section 17.13 "Documentation", paragraph (c) "Documents required for financing commodity price", is amended as follows: (a) By changing in subparagraph (2) the heading to read "Supplier's detailed invoice (2 copies)" and the word "copy" in the first sentence to read "copies";

(b) By changing in subparagraph (8) (i) the words "one copy" to read "four copies"; and

(c) By deleting subparagraph (8) (iv).

2. Appendix B to the regulations is amended as follows:

(a) By changing the words "one copy of the supplier's invoice" and "a copy of the supplier's invoice" where they appear in the following items to "two copies of the supplier's invoice": (A) (1) (a); (A) (2) (a); (B) (1); (C) (1) (a); (C) (2) (a); (D) (1); (E) (1); (F) (1) (a); (F) (2) (a); (G) (1) (a); (G) (2) (a); (G) (3) (a); (H) (1) (a); (H) (2) (a); (I) (1); (J) (1); (K) (1) (a); (K) (2) (a); (L) (1); (M) (1); (N) (1); (O) (1); (P) (1); (Q) (1); (R) (1); (S) (1); (T) (1); (U) (1); (V) (1); (W) (1).

(b) By changing the words "one copy of the ocean bill of lading", "a copy of the ocean bill of lading", "a copy of an ocean bill of lading", and "ocean bill of



lading, copy," where they appear the following items to "four copies of the ocean bill of lading": (A) (1) (c); (A) (2) (c); (B) (3); (C) (1) (c); (C) (2) (c); (D) (3); (E) (3); (F) (1) (c); (F) (2) (c); (G) (1) (c); (G) (2) (c); (G) (3) (c); (H) (1) (c); (H) (2) (c); (I) (3); (J) (3); (K) (1) (c); (K) (2) (c); (L) (3); (M) (3); (N) (3); (O) (3); (P) (3); (Q) (3); (R) (3); (S) (3); (T) (3); (U) (3); (V) (3) (a); (V) (3) (b); (W) (3) (a); (W) (3) (b).

(c) By deleting the provisions of the following items and substituting the word "Reserved.": (A) (1) (f); (A) (2) (f); (B) (6); (C) (1) (f); (C) (2) (f); (D) (6); (E) (6); (F) (1) (f); (F) (2) (f); (G) (1) (f); (G) (2) (f); (G) (3) (f); (H) (1) (f); (H) (2) (f); (I) (6); (J) (6); (K) (1) (f); (K) (2) (f); (L) (6); (M) (6); (N) (6); (O) (6); (P) (6); (Q) (6); (R) (6); (S) (6); (T) (6); (U) (6); (V) (6); (W) (6).

(d) By changing the word "copy" in the last sentence of (G) (2) (a) and in the last sentence of (G) (3) (a) (ii) to "copies."

(e) By changing the words "a non-negotiable copy (or photostat) of a port or custody bill of lading" in (V) (3) (b) and in (W) (3) (b) to "four nonnegotiable copies (or photostats) of a port or custody bill of lading."

(Sec. 102, 68 Stat. 454 as amended: 7 U.S.C. 1702)

*Effective date.* This amendment shall become effective with respect to purchase authorizations issued on and after the date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 9, 1970.

CLIFFORD M. HARDIN,  
Secretary of Agriculture.

[F.R. Doc. 70-575; Filed, Jan. 15, 1970; 8:45 a.m.]

**Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture**

**SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAM**

**PART 706—NAVAL STORES CONSERVATION**

**Subpart G—1970**

**GENERAL PROVISIONS**

- |         |                                    |
|---------|------------------------------------|
| Sec.    |                                    |
| 706.801 | Purposes and general requirements. |
| 706.802 | Required performance.              |
| 706.803 | Double-headed nails requirement.   |
| 706.804 | Fire protection.                   |
| 706.805 | Bark-bar requirement.              |
| 706.806 | Inspection assistance.             |

**CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES**

- |         |  |
|---------|--|
| 706.809 | Practice 1: Working only 9-inch d.b.h. or larger trees.  |
| 706.810 | Practice 2: Working only 10-inch d.b.h. or larger trees. |
| 706.811 | Practice 3: Working only 11-inch d.b.h. or larger trees. |
| 706.812 | Practice 4: Working only 12-inch d.b.h. or larger trees. |

- |         |   |
|---------|---|
| Sec.    |   |
| 706.813 | Practice 5: Restricting turpentine to previously worked trees.                    |
| 706.814 | Practice 6: Working only selectively marked trees.                                |
| 706.815 | Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails. |
| 706.816 | Practice 8: Removal of cups and tins from faces on small trees.                   |
| 706.817 | Practice 9: Pilot plant tests of new methods and equipment.                       |

**GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING**

- |         |  |
|---------|--|
| 706.818 | Increase in small Federal cost-shares.             |
| 706.819 | Maintenance of practices.                          |
| 706.820 | Practices defeating purposes of programs.          |
| 706.821 | Federal cost-shares not subject to claims.         |
| 706.822 | Assignments.                                       |
| 706.823 | Death, incompetency, or disappearance of producer. |
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| 706.825 | Evasion.   |

**APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES**

- |         |  |
|---------|--|
| 706.826 | Persons eligible to file application for payment of Federal cost-shares. |
| 706.827 | Time and manner of filing applications and required information.         |

**APPEALS**

- |         |          |
|---------|----------|
| 706.828 | Appeals. |
|---------|----------|

**DEFINITIONS**

- |         |              |
|---------|--------------|
| 706.829 | Definitions. |
|---------|--------------|

**AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY, AND ADMINISTRATION**

- |         |                        |
|---------|------------------------|
| 706.830 | Authority.             |
| 706.831 | Availability of funds. |
| 706.832 | Applicability.         |
| 706.833 | Administration.        |

**AUTHORITY:** The provisions of this Subpart G issued under sec. 4, 49 Stat. 164, secs. 7-15, 16(a), and 17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g to 590o, 590p(a), and 590q.

**GENERAL PROVISIONS**

**§ 706.801 Purposes and general requirements.**

(a) *Purposes.* The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentine to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources. Through the 1970 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of the regulations in this subpart and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out. This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1966 season.

(b) *General requirements.* No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 706.815 and 706.816. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum from the current year's working.

**§ 706.802 Required performance.**

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1970 turpentine season. This requirement will not apply if the U.S. Forest Service or State Forest Agency determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the U.S. Forest Service or State Forest Agency may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1970 program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program to be eligible for cost-sharing under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1970 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency, or the tract or drift will be considered only for qualification for cost-shares under the practice with the next lower rate of payment.

(d) *Second, third, fourth, or fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1970 program to faces which were installed and met the eligible face requirements during the 1966, 1967, 1968, or 1969 season. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in 1970 and those installed in 1970 or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency. If such faces are not removed within the 60-day



period, there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(e) *Practices under § 706.809, 706.810, 706.811, 706.812, 706.813, 706.814, 706.815, or 706.817 which require more than 1 year for completion.* Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the U.S. Forest Service, unless prevented from doing so by reasons beyond his control, or to refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

**§ 706.803 Double-headed nails requirement.**

Use of double-headed nails is required in the elevation of all cups and tins.

**§ 706.804 Fire protection.**

Each producer shall during the 1970 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

**§ 706.805 Bark-bar requirement.**

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1970 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1970. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

**§ 706.806 Inspection assistance.**

Each producer shall assist representatives of the U.S. Forest Service or State Forest Agency in the administration of this program by:

- (a) Giving them free access to his turpentine farm or farms;
- (b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector;
- (c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;
- (d) Furnishing competent labor to assist the local inspector in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form 3200-3) and other prescribed forms;

(f) Notifying the U.S. Forest Service or State Forest Agency promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the local inspector in checking compliance with the terms and conditions of this program.

**CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES**

**§ 706.809 Practice 1: Working only 9-inch d.b.h. or larger trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 9-inch d.b.h. or larger trees; 2 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 1 cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the trees; One-half cent per face. This component is not applicable where § 706.815 is used.

**§ 706.810 Practice 2: Working only 10-inch d.b.h. or larger trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and the rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 10-inch d.b.h. or larger trees; 6 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 5 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; one-half cent per face. This component is not applicable where § 706.815 is used.

**§ 706.811 Practice 3: Working only 11-inch d.b.h. or larger trees.**

(a) *Description of practice.* This practice consists of installing and working

faces and raising the cups and tins on 11-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 11-inch d.b.h. or larger trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 5 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; one-half cent per face. This component is not applicable where § 706.815 is used.

**§ 706.812 Practice 4: Working only 12-inch d.b.h. or larger trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 12-inch d.b.h. or larger trees; 8 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 5 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; one-half cent per face. This component is not applicable where § 706.815 is used.

**§ 706.813 Practice 5: Restricting turpentine to previously worked trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of 2 to 5 years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of faces on previously worked trees; 9 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 5 cents per face.



(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; one-half cent per face. This component is not applicable where § 706.815 is used.

§ 706.814 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of 2 to 5 years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped and there shall be only one face on trees less than 14 inches d.b.h. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the U.S. Forest Service: *Provided*, That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the U.S. Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of selectively marked trees; 9 cents per face. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in § 706.809, 706.810, 706.811, or 706.812.

(2) Working of faces for second, third, fourth, or fifth year; 5 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; one-half cent per face. This component is not applicable where § 706.815 is used.

§ 706.815 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* The purpose of this practice is to minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.809, 706.810, 706.811, 706.812, 706.813, 706.814, and 706.817 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Rate of cost-sharing.* The rate of

cost-sharing for this practice is 2 cents per face.

(e) This practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1970 season or faces upon which the cups and tins are elevated for the first time during the 1970 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(f) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation, exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 706.816 Practice 8: Removal of cups and tins from faces on small trees.

(a) *Purpose.* The purpose of this practice is to encourage producers who have not participated in the 1968 or 1969 programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1970 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces shall be eligible. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency to meet the eligible face requirements of § 706.809. Only producers who did not participate in the 1968 or 1969 programs are eligible for cost-sharing under this practice.

(d) *Rate of cost-sharing.* The rate of cost-sharing for this practice is 8 cents per face. (The cost-share is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 706.809.)

§ 706.817 Practice 9: Pilot plant tests of new methods and equipment.

(a) *Purpose.* The purpose of this practice is to conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the U.S. Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled

demonstrations or tests carried out in accordance with provisions prescribed by the U.S. Forest Service are eligible for cost-sharing.

(d) *Components of practice and rate of cost-sharing.* Components of the practice and the rate of cost-sharing thereof are 11 cents per face for faces meeting the requirements of §§ 706.809, 706.810, 706.811, 706.812, 706.813, and 706.814.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 706.818 Increase in small Federal cost-shares.

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program for practices other than practice F-4 (§ 701.94) shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to \$1; (b) any Federal cost-sharing amounting to more than 71 cents but less than \$1 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	Increase in cost-shares
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.20
\$22.00 to \$22.99	8.40
\$23.00 to \$23.99	8.60
\$24.00 to \$24.99	8.80
\$25.00 to \$25.99	9.00
\$26.00 to \$26.99	9.20
\$27.00 to \$27.99	9.40
\$28.00 to \$28.99	9.60
\$29.00 to \$29.99	9.80
\$30.00 to \$30.99	10.00
\$31.00 to \$31.99	10.20
\$32.00 to \$32.99	10.40
\$33.00 to \$33.99	10.60
\$34.00 to \$34.99	10.80
\$35.00 to \$35.99	11.00
\$36.00 to \$36.99	11.20
\$37.00 to \$37.99	11.40
\$38.00 to \$38.99	11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00
\$41.00 to \$41.99	12.10
\$42.00 to \$42.99	12.20
\$43.00 to \$43.99	12.30
\$44.00 to \$44.99	12.40
\$45.00 to \$45.99	12.50

See footnote at end of table.



Amount of cost-shares computed:	Increase in cost-shares
\$46.00 to \$46.99	\$12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.20
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186.00 to \$199.99	( <sup>1</sup> )
\$200.00 and over	( <sup>2</sup> )

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

#### § 706.819 Maintenance of practices.

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares under this program or previous programs on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by this section or § 706.802(d). The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control. Measures which will be considered as failure to maintain practices in accordance with good forestry practices shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in tracts or drifts (including current non-working areas) on which costs have been or would be shared under this or the 1966, 1967, 1968, or 1969 program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1966, 1967, 1968, 1969, or 1970 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the U.S. Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—6 trees, 8 inches d.b.h.—9 trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre

will be accomplished prior to April 1, 1973.

(b) Raising cups and tins without double-headed nails. There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces after the first year's working will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 60 days of notification by the U.S. Forest Service or State Forest Agency.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any tract or drift of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in reproduction. There may be withheld or damage to established turpentine tree required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees between 9 and 14 inches d.b.h. in tracts or drifts having working faces installed during or prior to the 1965 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1965 in the tracts or drifts in which such installation occurs.

#### § 706.820 Practices defeating purposes of programs.

If the U.S. Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program, except as modified by § 706.802(d) or § 706.819.

#### § 706.821 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 706.822 and except for indebtedness to the United States subject to set-off under Part 13 of this title); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

#### § 706.822 Assignments.

Any producer who may be entitled to any Federal cost-share under the 1970 program may assign his right thereto, in whole or in part, in accordance with the

regulations governing the assignment of payments, Part 709 of this chapter, as amended.

#### § 706.823 Death, incompetency, or disappearance of producer.

In case of the death, incompetency, or disappearance of any producer, the cost-share due him shall be paid to his successor, as determined in accordance with the regulations in Part 707 of this chapter, as amended.

#### § 706.824 Maximum Federal cost-share limitation.

For practices other than practice F-4 (§ 701.94), the total of all Federal cost-shares under this program and the 1970 Agricultural Conservation Program to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of \$2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of \$10,000. The rules for applying the maximum Federal cost-share limitation contained in the regulations governing the Agricultural Conservation Program, Part 701 of this chapter, shall be applicable to this program.

#### § 706.825 Evasion.

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade the provisions of § 706.824.

#### APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

#### § 706.826 Persons eligible to file application for payment of Federal cost-shares.

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1970 turpentine season, which were installed during or after the 1966 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto



were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

**§ 706.827 Time and manner of filing applications and required information.**

Payment of Federal cost-shares will be made only when a report of performance is submitted to the U.S. Forest Service or State Forest Agency on or before December 31, 1970, on the prescribed Form (3200-3) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

**§ 706.828 Appeals.**

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Southeastern Area Director in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Southeastern Area Director shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Southeastern Area Director he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the U.S. Forest Service to review the case and render his decision, which shall be final.

**DEFINITIONS**

**§ 706.829 Definitions.**

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, long-leaf pine (*Pinus palustris*) or splash pine (*Pinus elliotii* Engelm.).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height; i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or dry face.

(o) *Back face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* A nail with two heads meeting minimum specifications as follows: The overall length shall be 1¾ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between ⅝ and ¾ inch and diameter of clinching head ¼ inch. (Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.)

(s) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(t) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

(u) *State Forest Agency.* State Forester or comparable State official who has entered into a cooperative agreement with the U.S. Forest Service to provide technical assistance in carrying out this program.

**AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY, AND ADMINISTRATION**

**§ 706.830 Authority.**

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 15, 16(a),

and 17 of the Soil Conservation and Domestic Allotment Act, as amended.

**§ 706.831 Availability of funds.**

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1971.

(c) If the total estimated cost-shares under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

**§ 706.832 Applicability.**

(a) The provisions of this program are not applicable to any turpentine operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the U.S. Forest Service of the Department of Agriculture or by the U.S. Fish and Wildlife Service of the Department of the Interior).

- (b) This program is applicable to:
- (1) Turpentine farms on privately owned lands;
  - (2) Lands owned by a State or political subdivision or agency thereof; or
  - (3) Lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such Government or corporation ownership and are not acquired or reserved for conservation purposes. (These include lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, and lands administered by any other agency complying with all of the foregoing provisions for eligibility.)

**§ 706.833 Administration.**

The U.S. Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions, and forms, and to make such determinations as may be required to administer this program pursuant to the provisions of the regulations in this subpart and the field work shall be administered by the U.S. Forest Service through the office of the Southeastern Area Director, U.S. Forest Service, 25th and Peachtree Streets, Atlanta, Ga. 30323. Information concerning this program may be secured from the U.S.



Forest Service, Post Office Box 1625, Valdosta, Ga. 31601, its representatives, or from State Forest Agency offices in Alabama, Florida, Georgia, and Mississippi.

Effective date: This revision shall become effective January 1, 1970.

CLIFFORD M. HARDIN,  
Secretary of Agriculture.

JANUARY 13, 1970.

[F.R. Doc. 70-576; Filed, Jan. 15, 1970;  
8:45 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 1]

#### PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

##### Requirements and Quotas for 1970 Quotas for Foreign Countries

*Basis and purpose and statement of bases and considerations.* This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment is to permit the importation of an additional 50,000 short tons, raw value, of raw sugar from foreign countries during the first quarter of this year.

During early December when raw sugar prices were depressed, there was little incentive for holders of raw sugar to arrange charters for January arrival. As a result, raw sugar for January arrival especially into the northeast is limited. The price of raw sugar rose from 8 cents per pound at the beginning of the year to 8.12 cents as of January 8. This price action has encouraged the movement forward into late January and February of some first quarter arrival sugar. The addition of 50,000 tons in permitted importations during the first quarter is expected to further increase available supplies.

The initial 800,000 short tons, raw value, first quarter limitation was prorated to foreign countries on the basis of first quarter history after providing a minimum allocation of 5,000 short tons, raw value, to all countries which submitted applications that had first quarter history less than 5,000 tons. Five countries applied for and received minimum allocations of 5,000 tons from the initial first quarter limitation. Since each of these five countries have already participated in allocations of first quarter limitations to an extent larger than each country's respective first quarter history while allocations to other countries including those to be established by this amendment will probably be less than their respective first quarter histories, provision is made in this order that all

countries which received minimum first quarter allocations of 5,000 short tons, raw value, will not participate in allocations of the additional 50,000 ton limitation established herein.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended as follows:

Paragraph (d) of § 811.83 is amended by amending subparagraph (1), subdivision (ii) of subparagraph (2), and subdivision (i) of subparagraph (3) and by adding a new subdivision (v) to subparagraph (3) to read as follows:

#### § 811.83 Quotas for foreign countries.

(d) (1) Of the total quotas and proration for foreign countries established in paragraphs (b) and (c) of this section, an amount not to exceed 850,000 short tons, raw value, of raw sugar, plus the quantity imported in late 1969 under bond for refining and storage, may be charged against such 1970 quotas and authorized for importation or release from bond from all such foreign countries in accordance with Part 817 of this chapter during the first quarter of 1970. The quantity imported in late 1969 under bond for refining and storage will be released from bond and charged to quotas on January 1, 1970. The quantity, 850,000 short tons, raw value, will be authorized for importation and charged to quotas during the first quarter of 1970 as set forth in subparagraphs (2) and (3) of this paragraph (d).

(2) (i) Applications for the importation of 800,000 short tons, raw value, of sugar during the first quarter received on or before December 22, 1969, will be considered as having been received at the same time. Applications for the importation during the first quarter of 50,000 short tons, raw value, of sugar, representing an addition to the initial limitation of 800,000 short tons, raw value, received on or before January 19, 1970, will be considered as having been received at the same time.

(3) (i) Allocations of first quarter importations among countries will be made in the following manner within the limits of applications received and not to exceed as to each country the quantity applied for. Allocations among countries of the initial limitation of 800,000 short tons, raw value, shall be made as provided in subdivisions (ii), (iii), and (iv) of this subparagraph. Allocation among countries of 50,000 short tons, raw value, representing an addition to the initial limitation of 800,000 short tons, raw value, shall be made as provided in subdivision (v) of this subparagraph.

(v) The 50,000 short tons, raw value, shall be prorated among countries that supply the sugar for which applications for importation have been made, on the basis of first quarter importations from such countries as set forth in subpara-

graph (4) of this paragraph: *Provided*, That no proration will be made to those countries which previously received first quarter allocations of 5,000 short tons, raw value.

(Secs. 202 and 403; 61 Stat. 924 as amended, 932 as amended; 7 U.S.C. 1112 and 1153)

Effective date: In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar from foreign countries be able as soon as possible to make plans based on these changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on January 13, 1970.

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

[F.R. Doc. 70-595; Filed, Jan. 13, 1970;  
4:11 p.m.]

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

[Grapefruit Reg. 71, Termination]

### PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

#### Limitation of Handling

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation imposed by Grapefruit Regulation 71 (35 F.R. 385) should be removed.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this termination action until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this action is based became available and the time when this action must become effective is insufficient, and this action relieves restrictions on the handling of grapefruit grown in the Indian River District in Florida.



It is, therefore, ordered, That Grapefruit Regulation 71 (§ 912.371, 35 F.R. 385) is hereby terminated.

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

Dated: January 13, 1970.

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

[F.R. Doc. 70-600; Filed, Jan. 15, 1970; 8:46 a.m.]

## Title 19—CUSTOMS DUTIES

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

[T.D. 70-6]

#### PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

#### PART 6—AIR COMMERCE REGULATIONS

##### Clearances of Vessels and Aircraft

Clearances of vessels and aircraft before filing complete outward foreign manifests and export declarations—revision of list of countries to which such clearances are not permitted. §§ 4.75(c) and 6.8(a), Customs Regulations, amended.

Regulations of the Bureau of Customs issued pursuant to a request of the Bureau of International Commerce, Department of Commerce, as a measure of assistance in the enforcement of the export control regulations, set forth a list of destinations to which vessels could not be cleared before complete outward foreign manifests and all required export declarations had been filed. Other regulations provide for presentation of all outward clearance documents in complete form when aircraft are departing with cargo on a flight from the United States directly or indirectly to Poland (including Danzig), a country or other destination in Subgroup A as specified in former § 371.3 of the Export Regulations (15 CFR 371.3), Cuba, Hong Kong, or Macao, unless clearance is authorized by the Commissioner of Customs.

The Bureau of International Commerce has advised that Hong Kong and Macao need no longer be included in the above lists and that general license shipments to Hong Kong and Macao are among those subject to a new procedure which is scheduled to become effective on January 1, 1970.

Footnote 109 to § 4.75(c) of the Customs Regulations is accordingly amended to read as follows:

<sup>109</sup> T.D. 55357, 26 F.R. 2965, as amended by T.D. 55396, 26 F.R. 5004, as amended by T.D. 70-6, 35 F.R. 599 provides that vessels may be cleared pursuant to the procedure provided for in section 4.75 (a) and (b), except that no vessel shall be cleared for any port in Albania, Bulgaria, Communist China (including Inner Mongolia, Tibet, and Man-

churia), the Communist-controlled area of Viet Nam, Czechoslovakia, East Germany (Soviet Zone of Germany and Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Rumania, Union of Soviet Socialist Republics, Poland (including Danzig), or Cuba, until a complete outward foreign manifest and all required export declarations have been filed with the district director of customs.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, R.S. 4197, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 91)

The last proviso at the end of the second sentence of § 6.8(a) of the Customs Regulations is amended to read as follows:

And provided further, That no aircraft shall be cleared until the completed cargo manifest and all required shipper's export declarations have been filed with the customs officer in charge if the aircraft is departing on a flight from the United States directly or indirectly to a country or other destination in country groups designated W, Y, or Z of the Export Regulations (15 CFR, part 370, supplement No. 1).

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, R.S. 4197, as amended, sec. 1109, 72 Stat. 799, sec. 904, 72 Stat. 787; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 91, 49 U.S.C. 1509, 1474)

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

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

Approved: December 31, 1969.

EUGENE T. ROSSIDES,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 70-587; Filed, Jan. 15, 1970; 8:46 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

#### PART 112—DOMESTIC MAIL SERVICE

§ 112.1 [Amended]

In § 112.1 *Domestic mail service*, amend the footnote to read as follows:

<sup>1</sup> See §§ 125.7(d), 131.2(c) (5) (ii), and 141.6 of this chapter.

NOTE: The corresponding Postal Manual section is 112.1.

#### PART 135—FOURTH CLASS

§ 135.3 [Amended]

Section 135.3(a) (1) is updated and obsolete data therein is deleted. Accordingly, in § 135.3 *Weight and size limits*, subparagraph (1) of paragraph (a) is amended to read as follows:

	Pounds	Inches
(1) <i>Between first-class post offices.</i> Parcels mailed at a first-class post office in the 48 contiguous States of the United States addressed for delivery at the same office or to another first-class post office in the 48 contiguous States. (See exceptions in § 135.3(a) (2)).	40	72
NOTE: The size limit will be changed as follows:		
1. Effective July 1, 1970.		78
2. Effective July 1, 1971.		84

NOTE: The corresponding Postal Manual section is 135.311.

#### PART 154—CONDITIONS OF DELIVERY

In § 154.1 *Delivery to persons*, paragraph (a) is amended to read as follows, for purposes of clarification:

§ 154.1 *Delivery to persons.*

(a) *Delivery to addressee.* The addressee may control delivery of his mail. In the absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them. The addressee may refuse to accept a piece of mail at the time it is offered for delivery. Also, he may request his postmaster in writing to withhold from delivery for a period not to exceed 2 years any foreign letter or printed matter bearing a specified name or address appearing on the outside. Such mail will be marked "Refused" by the post office and treated as undeliverable. After delivery, he may mark a piece of mail "Refused" and return it unopened to the mail, except registered, insured, certified and COD mail which may not be returned after delivery has been effected. Refused matter, including mail withheld from delivery in accordance with the addressee's request, will be treated as undeliverable as provided in Part 158 of this chapter. Where a person claiming to be the addressee of certain mail is unknown to the postmaster, the mail may be withheld pending identification of the claimant.

NOTE: The corresponding Postal Manual section is 154.11.

#### PART 171—MONEY ORDERS

§ 171.2 [Amended]

Section 171.2(b) is amended for clarification purposes, and to include a new conversion table for international money orders to France. Accordingly, in § 171.2 *International money orders*, make the following changes in paragraph (b):

1. In the country listings under subparagraph (1), insert immediately after Canada "(see paragraph (a) (4) (i) of this section)"; and change the table reference applicable to France from 7 to 13.

2. Under subparagraph (2) amend subdivision (i) to read as follows:

(i) Except for Canada, these tables are for reference only when a patron requests information as to the foreign equivalent of the amount being transmitted by money order.

3. At the end of subparagraph (2), add new conversion table 13, reading as follows:



TABLE No. 13  
(Rate: 1 franc [or other unit of foreign currency]=18.25 cents)  
FROM 1 CENT TO 100 DOLLARS

Cents	Francs	Cents	Francs	Dollars	Francs	Dollars	Francs	Dollars	Francs
1	.05	41	2.25	81	4.44	22.00	120.55	62.00	339.72
2	.11	42	2.30	82	4.49	23.00	126.03	63.00	345.20
3	.16	43	2.36	83	4.55	24.00	131.51	64.00	350.68
4	.22	44	2.41	84	4.60	25.00	136.99	65.00	356.16
5	.27	45	2.47	85	4.66	26.00	142.46	66.00	361.64
6	.33	46	2.52	86	4.71	27.00	147.94	67.00	367.12
7	.38	47	2.58	87	4.77	28.00	153.42	68.00	372.60
8	.44	48	2.63	88	4.82	29.00	158.90	69.00	378.08
9	.49	49	2.68	89	4.88	30.00	164.38	70.00	383.56
10	.55	50	2.74	90	4.93	31.00	169.86	71.00	389.04
11	.60	51	2.79	91	4.99	32.00	175.34	72.00	394.52
12	.66	52	2.85	92	5.04	33.00	180.82	73.00	400.00
13	.71	53	2.90	93	5.10	34.00	186.30	74.00	405.48
14	.77	54	2.96	94	5.15	35.00	191.78	75.00	410.96
15	.82	55	3.01	95	5.21	36.00	197.26	76.00	416.43
16	.88	56	3.07	96	5.26	37.00	202.74	77.00	421.91
17	.93	57	3.12	97	5.32	38.00	208.22	78.00	427.39
18	.99	58	3.18	98	5.37	39.00	213.70	79.00	432.87
19	1.04	59	3.23	99	5.42	40.00	219.18	80.00	438.35
20	1.10	60	3.29	1.00	5.48	41.00	224.66	81.00	443.83
21	1.15	61	3.34	2.00	10.96	42.00	230.13	82.00	449.31
22	1.21	62	3.40	3.00	16.44	43.00	235.61	83.00	454.79
23	1.26	63	3.45	4.00	21.92	44.00	241.09	84.00	460.27
24	1.32	64	3.51	5.00	27.40	45.00	246.57	85.00	465.75
25	1.37	65	3.56	6.00	32.88	46.00	252.05	86.00	471.23
26	1.42	66	3.62	7.00	38.36	47.00	257.53	87.00	476.71
27	1.48	67	3.67	8.00	43.84	48.00	263.01	88.00	482.19
28	1.53	68	3.73	9.00	49.32	49.00	268.49	89.00	487.67
29	1.59	69	3.78	10.00	54.79	50.00	273.97	90.00	493.15
30	1.64	70	3.84	11.00	60.27	51.00	279.45	91.00	498.63
31	1.70	71	3.89	12.00	65.75	52.00	284.93	92.00	504.11
32	1.75	72	3.95	13.00	71.23	53.00	290.41	93.00	509.58
33	1.81	73	4.00	14.00	76.71	54.00	295.89	94.00	515.06
34	1.86	74	4.05	15.00	82.19	55.00	301.37	95.00	520.54
35	1.92	75	4.11	16.00	87.67	56.00	306.85	96.00	526.02
36	1.97	76	4.16	17.00	93.15	57.00	312.33	97.00	531.50
37	2.03	77	4.22	18.00	98.63	58.00	317.81	98.00	536.98
38	2.08	78	4.27	19.00	104.11	59.00	323.28	99.00	542.46
39	2.14	79	4.33	20.00	109.59	60.00	328.76	100.00	547.94
40	2.19	80	4.38	21.00	115.07	61.00	334.24		

NOTE: The corresponding Postal Manual section is 171.22.

Since the foregoing amendments do not affect adversely the rights of members of the public or involve the proprietary and foreign affairs function of the Post Office Department, notice of proposed rule making and advance notice of the amendments is unnecessary and impracticable.

(5 U.S.C. 301, 39 U.S.C. 501, 506, 4552)

DAVID A. NELSON,  
General Counsel.

JANUARY 9, 1970.

[F.R. Doc. 70-547; Filed, Jan. 15, 1970;  
8:45 a.m.]

## Title 45—PUBLIC WELFARE

### Chapter I—Office of Education, Department of Health, Education, and Welfare

#### PART 102—STATE VOCATIONAL EDUCATION PROGRAMS

##### Correction

In F.R. Doc. 70-118, appearing at page 256, in the issue for Wednesday, January 7, 1970, make the following changes:

1. In § 102.3(v)(1), second sentence, the word "areas" should read "arenas".  
2a. In § 102.4, the flush line following paragraph (b)(2)(i)(a) should be deleted.

b. Section 102.4(b)(2)(i)(b) should read as follows:

(b) Those who have already entered an occupation but desire to upgrade or update their occupational skills and knowledge in order to achieve stability or advancement in employment.

3. In § 102.71(b), line 13, the word "will" should read "shall".

4. In § 102.76(b), line 3, after the word "other" insert the word "public".

## Title 49—TRANSPORTATION

### Chapter X—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-37 (Sub-No. 2B and 2C)]

#### PART 1048—COMMERCIAL ZONES

##### Commercial Zones and Terminal Areas (Minneapolis-St. Paul, Minn., Commercial Zone)

At a Session of the Interstate Commerce Commission, Review Board No. 2, held at its office in Washington, D.C., on the 24th day of December 1969.

It appearing, that on June 5, 1968, the Commission, Division 1, made and entered its report 107 M.C.C. 473, and order, in this proceeding specifically defining the zone adjacent to and commercially a part of Minneapolis-St. Paul, Minn.;

It further appearing, that by petitions filed April 28, 1968, the Southeastern Metropolitan Area Chamber of Commerce and the Burnsville Chamber of

Commerce seek redefinition and extension in certain respects of the Minneapolis-St. Paul, Minn., commercial zone limits;

It further appearing, that the interveners in opposition filed a notice to strike certain matters contained in the petitioners' reply representations;

And it further appearing, that investigation of the matters and things involved in said petition having been made, and said board having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That the interveners' motion to strike be, and it is hereby, overruled.

It is further ordered, That section 1048.26 as prescribed in this proceeding on June 5, 1968, be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

#### § 1048.26 Minneapolis-St. Paul, Minn.

The zone adjacent to and commercially a part of Minneapolis-St. Paul, Minn., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and it is comprised of all as follows:

Beginning at the intersection of Minnesota Highway 36 and the Minnesota River and extending along the Minnesota River to the southwest corner of the city of Bloomington, thence north along the western boundaries of the city of Bloomington and the village of Edina to the southern boundary of the city of Hopkins, thence along the southern, western, and northern boundaries of the city of Hopkins to the western boundary of the city of St. Louis Park, thence north along the western boundaries of the city of St. Louis Park and the village of Golden Valley to the southeast corner of the village of Plymouth, thence west along the southern boundary of Plymouth to Interstate Highway 494, thence north along Interstate Highway 494 to Minnesota Highway 55, thence southeast along Minnesota Highway 55 to the western boundary of the village of Golden Valley, thence north along the western boundaries of the villages of Golden Valley and New Hope to the northwestern corner of the village of New Hope, thence east along the northern boundary of the village of New Hope and the city of Crystal to the western boundary of the village of Brooklyn Center, thence north along the western boundary of the village of Brooklyn Center to its northern boundary, thence east along such northern boundary to the Hennepin County-Anoka County line, thence north along such county line to the northwestern corner of the village of Spring Lake Park in Anoka County, thence east along the northern boundary of the village of Spring Lake Park to the northwest corner of Mounds View Township in Ramsey County, thence east and south along the northern and eastern boundaries of Mounds View Township to the northwestern corner of the village of Little Canada, thence east and south along the northern and eastern boundaries of Little Canada to



the northwest corner of the village of Maplewood, thence east and south along the northern and eastern boundaries of the village of Maplewood to the northeastern corner of the village of North St. Paul, thence south along the eastern boundary of the village of North St. Paul to the southeast corner of such village, thence south along the eastern boundary of the village of Maplewood to the northeastern corner of the village of Newport, thence south and west along the eastern and southern boundaries of the village of Newport to U.S. Highway 61, thence southeasterly along U.S. Highway 61, to the eastern boundary of the village of St. Paul Park, thence along the eastern, southern, and western boundaries of the village of St. Paul Park to a point on the Mississippi River opposite the southeast corner of the original village of Inver Grove, thence westerly across the river and along the southern and western boundaries of the original village of Inver Grove to the northwest corner of such village, thence due north to the southern boundary of South St. Paul, thence north and west along the western and southern boundaries of South St. Paul to the southeastern corner of West St. Paul, thence west along the southern boundary of West St. Paul to County Highway 63, thence south along County Highway 63 to its junction with County Highway 63A, thence west along County Highway 63A to its junction with Minnesota Highway 49, thence north along Minnesota Highway 49 to its junction with County Highway 28, thence west along County Highway 28 to its junction with Minnesota Highway 13, thence southwest along Minnesota Highway 13 to its junction with Minnesota Highway 36, thence north and northwest along Minnesota Highway 36 to the Minnesota River, the point of beginning. (49 Stat. 543, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, 304.)

*It is further ordered,* That this order shall become effective on February 9, 1970, and shall continue in effect until the further order of the Commission.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Review Board No. 2.

[SEAL]

H. NEIL GARSON,  
*Secretary.*

[F.R. Doc. 70-592; Filed, Jan. 15, 1970; 8:46 a.m.]

## Title 50—WILDLIFE AND FISHERIES

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

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Great Swamp National Wildlife Refuge, N.J.

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

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

##### NEW JERSEY

##### GREAT SWAMP NATIONAL WILDLIFE REFUGE

Travel by motor vehicle, bicycle, canoe, or on foot is permitted on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking, and sight-seeing, during daylight hours. Pets are allowed on a leash not exceeding 10 feet in length in the public parking lots only.

The refuge area, comprising 4,610 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1970.

RICHARD E. GRIFFITH,  
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 9, 1970.

[F.R. Doc. 70-585; Filed, Jan. 15, 1970; 8:45 a.m.]



# Notices

## DEPARTMENT OF COMMERCE

Business and Defense Services  
Administration

### BOWLING GREEN STATE UNIVERSITY

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00532-91-46500. Applicant: Bowling Green State University, Department of Biology, Bowling Green, Ohio 43402. Article: Ultramicrotome, Model Reichert "SIDEA OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to section biological materials at thicknesses often less than 100 angstroms. Serial sections of about 50-angstrom thickness will be prepared for study under the electron microscope. It will also be used for training students in the use and theory of the thermal advance ultramicrotome. Research will include studies on the fine structure of developing pollen tubes. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received April 15, 1969. Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the application was received, was the Model MT-2 ultramicrotome that was being manufactured by the Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of November 12, 1969, that the applicant's research studies require uniform sections of less than 100 angstroms.

For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for

such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, which was being manufactured in the United States at the time the applicant was received.

CHARLEY M. DENTON,  
Assistant Administrator for In-  
dustry Operations, Business  
and Defense Services Admin-  
istration.

[F.R. Doc. 70-578; Filed, Jan. 15, 1970;  
8:45 a.m.]

### CLEVELAND CLINIC FOUNDATION

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00536-33-46500. Applicant: Cleveland Clinic Foundation, 2020 East 93d Street, Cleveland, Ohio 44106. Article: Ultramicrotome, LKB 8800 Ultratome III. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to produce ultrathin sections of equal thickness from 50 angstroms to 2 microns for electron microscope examination. Tissues to be examined include: Kidney, liver, heart, thyroid, brain, skin, lymph nodes, veins, and arteries. In kidney tissue the primary study is basement membrane, and in skin, the primary study is collagen and the relationship of normal fibrils to diseased fibrils. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received April 15, 1969. Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the application was received, was the Model MT-2 ultramicrotome that was being manufactured by the Ivan Sorvall, Inc. (Sorvall). The Sorvall

Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of November 12, 1969, that the applicant's research studies require uniform sections of less than 100 angstroms. For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, which was being manufactured in the United States at the time the application was received.

CHARLEY M. DENTON,  
Assistant Administrator for In-  
dustry Operations, Business  
and Defense Services Admin-  
istration.

[F.R. Doc. 70-579; Filed, Jan. 15, 1970;  
8:45 a.m.]

### MONMOUTH MEDICAL CENTER

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00503-33-46500. Applicant: Monmouth Medical Center, Department of Pathology, Third and Pavilion Avenue, Long Branch, N.J. 07740. Article: Ultramicrotome, Model LKB 8800A Ultratome III. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in connection with studies concerning the ultrastructure and cytochemistry of myocardial pathologies and hepatic changes in association with malabsorption. It is hoped that the results of studying these ill-defined diseases will further clarify the morphologic concomitant of the physiologic dysfunction and thereby indicate more efficacious therapy. Specimen sections must be prepared for electron microscopy in long series of equal thickness throughout and must be cut between 50 angstroms and 2 microns. It is important that the operator be able to quickly and easily change cutting thickness. Comments: No



comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received April 1, 1969. Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the application was received, was the Model MT-2 ultramicrotome that was being manufactured by the Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of November 6, 1969, that the applicant's research studies require uniform sections of less than 100 angstroms.

For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, which was being manufactured in the United States at the time the application was received.

CHARLEY M. DENTON,  
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-580; Filed, Jan. 15, 1970; 8:45 a.m.]

#### UNIVERSITY OF MIAMI

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division Department of Commerce, Washington, D.C.

Docket No. 69-00516-33-46500. Applicant: University of Miami, 1600 Northwest 10th Avenue, Miami, Fla. 33136. Article: Ultramicrotome, Model LKB 8800 Ultratome III. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to obtain uniform serial sections of several hematopoietic organs from animals injected with radioactive isotopes. These isotopes are specific for specific blood cell lines and have been studied at the level of the light microscope. Several of the investi-

gators are currently studying the ultrastructure of heart muscle and hematopoietic tissues in the electron microscope, using the same isotopes as those utilized at the light microscope level. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received April 7, 1969. Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the application was received, was the Model MT-2 ultramicrotome that was being manufactured by the Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of November 12, 1969, that the applicant's research studies require uniform sections of less than 100 angstroms.

For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, which was being manufactured in the United States at the time the application was received.

CHARLEY M. DENTON,  
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-581; Filed, Jan. 15, 1970; 8:45 a.m.]

#### Office of the Secretary

#### WATCHES AND WATCH MOVEMENTS

#### Rules for Allocation of Quotas for Calendar Year 1970 Among Producers Located in the Virgin Islands, Guam and American Samoa

On December 10, 1969, the Departments of Commerce and of the Interior published a Joint Notice of Proposed Rule Making under Public Law 89-805, setting out the proposed formula for allocation of 1970 watch quotas among producers located in the Virgin Islands, Guam, and American Samoa (34 F.R. 19518). Interested parties were invited to participate in the proposed rule making by submitting their written views within 15 days from the filing date of the notice of proposed rule making with the FEDERAL REGISTER.

The Departments have reviewed carefully the comments received and have concluded that the proposed rules should not be changed or modified in substance. Accordingly, the following rules shall be

effective as of the date of filing with the FEDERAL REGISTER.

#### RULES FOR VIRGIN ISLANDS AND GUAM—1970

SECTION 1. Upon effective date of these rules, or as soon thereafter as practicable, each watch producer located in the Virgin Islands and Guam which received a duty-free watch quota allocation for calendar year 1969, will receive an initial quota allocation for calendar year 1970 equal to 50 percent of the number of watch units assembled by such firm in the particular territory and entered duty-free into the customs territory of the United States during the first 10 months of calendar year 1969, or 5,000 units, whichever is greater.

SEC. 2. Each firm to which an initial quota has been allocated pursuant to Section 1 hereof must, on or before April 1, 1970, have assembled and entered duty-free into the customs territory of the United States at least 30 percent of its initial quota allocation. Any firm failing to enter duty-free into the customs territory of the United States on or before April 1, 1970, a number of watch units assembled by it in a particular territory equal to, or greater than, 30 percent of the number of units initially allocated to such firm for duty-free entry from that territory will, upon receipt of a show cause order from the Departments, be given an opportunity, within 30 days from such receipt, to show cause why the duty-free quota which it would otherwise be entitled to receive should not be canceled or reduced by the Departments. Such a show cause order may also be issued whenever there is reason to believe that shipments through December 31, 1970, by any firm under the quota allocated to it for calendar year 1970 will be less than 90 percent of the number of units allocated to it.

Upon failure of any such firm to show good cause, deemed satisfactory by the Departments, why the remaining, unused portion of the quota to which it would otherwise be entitled should not be canceled or reduced, said remaining, unused portion of its quota shall be either canceled or reduced, whichever is appropriate under the show cause order. In the event of a quota cancellation or reduction under this section, the Departments will promptly reallocate the quota involved, in a manner best suited to contribute to the economy of the territories, among the remaining firms; *Provided however*, That, if in the judgment of the Departments it is appropriate, competitive bids from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder. Every firm to which a quota is granted is required to file a report on April 15, July 15 and on October 15, of each year covering the periods January 1 to March 31, April 1 to June 30 and July 1 to October 30 respectively via registered mail on Form BDSAF-844, copies of which will be forwarded to each firm at



its territorial address of record at least 15 days prior to the required reporting date. Copies of this form may also be obtained from the Scientific and Business Equipment Division, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230. Form BDSAF-844 will provide the Departments with information regarding the firm's watch movement assembly operation in the insular possessions. Such information may include the status of beginning and ending finished watch movement and component parts inventories, scheduled delivery dates and number of watch movement parts and components ordered, number of watch movements assembled, number of watch movements entered into the customs territory of the United States, and a list of confirmed orders for shipment of finished watch movements into the customs territory of the United States prior to December 31, 1970. Each firm to which a quota is granted will also report on Form BDSAF-844 any change in ownership and control of the firm which has occurred subsequent to the filing of an application for a watch quota on Form BDSAF-764 (see section 7, below).

Sec. 3. The annual quotas for calendar year 1970 for the Virgin Islands and Guam will be allocated as soon as practicable after April 1, 1970 on the basis of the number of units assembled by each firm in the particular territory and entered by it duty-free into the customs territory of the United States during calendar year 1969, and the total dollar amount of wages subject to FICA taxes paid by such firm in the particular territory during calendar year 1969 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, equal weight will be assigned to production and shipment history and to wages subject to FICA taxes.

Sec. 4. (Virgin Islands only) With respect to the Virgin Islands quota, in the event that the quantity of any unused 1969 quota plus any increase (or minus any decrease) in the amount of quota available for 1970 in comparison with that for 1969, equals or exceeds 150,000 units the Departments may set aside 150,000 units of the 1970 Virgin Islands quota for a new firm and invite competitive bids from new firms for this amount of quota. Based on the Departments' evaluation of the information submitted by applicants on Form BDSAF-764, the Departments may allocate the entire 150,000 units of quota to that applicant whose proposal, in the judgment of the Departments, offers the likelihood of the greatest contribution to the economy of the territory.

While it is the present intention of the Departments to allocate such entire set-aside portion to one new firm, the Departments reserve the right to allocate such portion, or a greater portion, to more than one new firm as may appear best to serve the interests of the territory.

(By: "new firm" is meant an entity which has not heretofore been allocated a quota under Public Law 89-805 and which is completely separate and unassociated with any present or previous allocatee in terms of ownership and control.)

Sec. 5. For purposes of allocating watch quotas for calendar year 1970 under section 3 above, any watches or watch movements shipped from the Virgin Islands or Guam during calendar year 1969 for duty-free entry into the customs territory of the United States against a firm's 1969 watch quota, and which were lost prior to admission into the customs territory of the United States, shall nevertheless be considered as having been entered into the customs territory for purposes of quota fulfillment: *Provided*, That the Departments have been satisfied that shipment was in fact made but lost prior to admission into the customs territory.

Sec. 6. Application forms will be mailed to recipients of initial quota allocations as soon as practicable and must be filed with the Departments on or before January 31, 1970. All data required must be supplied as a condition for annual allocations and are subject to verification by the Departments. In order to accomplish this verification it will be necessary for representatives of the Departments to meet with appropriate officials of quota recipients in the insular possessions in order to have access to company records. Representatives of the Departments plan to perform this verification beginning on or about February 15, 1970 in Guam and beginning on or about March 1, 1970 in the Virgin Islands, and will contact each firm locally regarding the verification of its data.

Sec. 7. The rules restricting transfers of duty-free quotas issued on January 29, 1968, and published in the FEDERAL REGISTER on January 31, 1968 (33 F.R. 2399), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar year 1970 except that detailed reporting of ownership and control will be reported on an annual basis on Form BDSAF-764 at the time the firm applies for an annual duty-free watch quota for calendar year 1970. Subsequent change in ownership and control will be reported on April 15, July 15, and October 15, 1970, on Form BDSAF-844, required in Section 2 above. Form BDSAF-779, previously used to report ownership and control information concerning quota holding firms, will be discontinued.

#### RULES FOR AMERICAN SAMOA—1970 (AND TENTATIVELY 1971)

Sec. 8. Upon the effective date of these rules interested parties are invited to apply for an allocation of the 1970 calendar year quota for watches and watch movements assembled in American Samoa for duty-free entry into the customs territory of the United States under Public Law 89-805 and for a tentative allocation of such quota for the calendar year 1971. Under that Act any

portion of the duty-free watch quota unused during any given calendar year may not be carried over into the following calendar year. Because of the time required to establish a watch assembly facility, acquire inventory and train personnel, the Departments are aware that an applicant to whom a 1970 quota is allocated may not be able to produce and enter into the customs territory of the United States on or prior to December 31, 1970, the 1970 American Samoa quota allocated to it. In order to justify the investment costs of establishing a watch assembly operation which will make a substantial and lasting contribution to the economy of American Samoa, an applicant may need some assurance of a duty-free allocation for a longer period of time than calendar year 1970.

However, under the terms of the Act, the Departments cannot make any final allocation of the duty-free watch quota for American Samoa for any calendar year until after they have received certain statistics from the Tariff Commission which are normally made available during the first quarter of each year. Accordingly, the Departments have determined that any applicant to whom the 1970 quota for American Samoa is allocated will be allocated the duty-free watch quota for American Samoa that may be allocable during 1971 under Public Law 89-805, provided, of course, that the applicant abides substantially with all the terms and conditions under which said 1970 quota is allocated.

Sec. 9. All applicants will be required to comply with the Bureau of Customs requirements concerning those assembly operations which must be performed in American Samoa in order to qualify watch movements for duty-free entry into the customs territory of the United States under General Headnote 3(a), T.S.U.S. Furthermore, the Departments in evaluating applications for the American Samoa quota will give weight to the degree of watch movement assembly operations which the firm proposes to undertake as stated in its application.

Sec. 10. All applicants are advised that the allocation of the 1970 quota and tentative allocation of the 1971 quota will be based on the information and representations contained in answers to Form BDSAF-764 which has been prepared jointly by the Departments of Commerce and the Interior. This form may be obtained from:

Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Scientific and Business Equipment Division

All applications for the American Samoa quota must be filed with the Departments at the above address on or before February 20, 1970.

Failure on the part of any firm to which the 1970 and 1971 quota for American Samoa is allocated to abide substantially and in a timely fashion with representations made in Form BDSAF-764 may result in cancellation of its



quota allocations and their reallocation to another firm or firms.

SEC. 11. The recipient of the American Samoa quota allocation for calendar years 1970 and 1971 will be required to comply with U.S. Customs regulations and with the general requirements of the territorial government regarding the establishment and conduct of a watch movement assembly business in American Samoa. (NOTE: The appendix to these rules, furnished by the territorial government, sets forth general requirements of the American Samoan Government regarding the establishment and conduct of a watch movement assembly business in that territory.)

While it is the present intention of the Departments to allocate the entire American Samoan quota to one firm, the Departments reserve the right to allocate the quota to more than one firm in the event the best interests of the territory would be served thereby.

Any interested party has the right to petition for the amendment or repeal of the foregoing rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by the Secretaries of Commerce and the Interior which were published in the FEDERAL REGISTER on November 17, 1967 (32 F.R. 15818).

WALKER A. HAMILTON,  
Deputy Assistant Secretary for  
Domestic Business Policy,  
Department of Commerce.

HARRISON LOESCH,  
Assistant Secretary for Public  
Land Management,  
Department of the Interior.

JANUARY 14, 1970.

#### APPENDIX

#### REQUIREMENTS FOR ESTABLISHMENT AND CONDUCT OF A WATCH ASSEMBLY BUSINESS IN AMERICAN SAMOA

Section 8 of these rules makes provision for the allocation of the 1970 calendar year quota for watches and watch movements assembled in American Samoa for duty-free entry in the customs territory of the United States. That allocation will necessitate the establishment of a watch assembly operation in American Samoa. The recipient of the American Samoa quota allocation will be required to comply with the general requirements of the territorial government regarding the establishment and conduct of a watch movement assembly business in American Samoa.

The Government of American Samoa desires to bring to the attention of prospective applicants the following significant general requirements and pertinent information.

1. The successful applicant will be required to establish an American Samoa corporation for the conducting of its business.
2. The successful applicant will be required to submit such reasonable evidence as the Governor may require of its capability to perform in accordance with the terms of any agreement entered into with the territorial government, which evidence shall include evidence of financial responsibility.
3. The Government of American Samoa will grant, if on Government land, or approve, if on private land, a 30-year lease under which to construct a plant and housing for supervisory staff, the company to fund such construction including extension of utilities.

4. The Government of American Samoa will provide, to the best of its ability, temporary quarters, as is, for assembly work until the successful applicant's plant is completed, provided that such completion date and occupancy shall be no more than 18 months from the date of the lease referred to in paragraph 3 hereof.

5. The Governor will consider granting to a successful applicant corporate tax exemption under the terms of the American Samoa Tax Incentive Act on the basis of 100 percent exemption for the first 4 fiscal years of operation, 75 percent exemption for the fifth fiscal year, and 50 percent exemption for the sixth fiscal year. No carry forward of investment credit from tax exempt years will be allowed. Thereafter the operation would be fully subject to taxation.

6. The principal taxes levied by the Government of American Samoa are a territorial income tax based on U.S. income tax rates and a limited excise tax on cars and household equipment. There are no real estate, personal property, inheritance, sales, estate, or use taxes.

7. Covered industries in American Samoa conduct their operations under wage orders of the U.S. Department of Labor. The current hourly average minimum wage for miscellaneous industry is \$1 per hour until July 1, 1970; \$1.05 per hour until July 1, 1971, and will be reviewed by the Department of Labor every 2 years.

8. The Government of American Samoa will not undertake in any manner to indemnify the successful applicant in whole or in part against possible losses should the venture prove unsuccessful.

[F.R. Doc. 70-660; Filed, Jan. 15, 1970;  
8:47 a.m.]

## DEPARTMENT OF THE TREASURY

Office of the Secretary

### POLYPROPYLENE FILM FROM JAPAN

#### Notice of Tentative Negative Determination

JANUARY 12, 1970.

Information was received on January 8, 1969, that polypropylene film manufactured by Kokoku Rayon and Pulp Co., Tokyo, Japan (now known as Kohjin Co., Ltd.), was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of March 11, 1969, on page 5082.

I hereby make a tentative determination that polypropylene film manufactured by Kohjin Co., Ltd., Tokyo, Japan, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

*Statement of Reasons on Which This Tentative Determination Is Based.* It was determined that the appropriate comparison for fair value purposes was between purchase price and home market price.

Purchase price was based on the manufacturer's price to the exporters, with appropriate deduction for inland freight.

Home market price was based on the weighted-average price to distributors in the home market with appropriate deduction made for inland freight, differences in credit charges, manufacturer's rebate, technical services rendered to customers of the distributors and a quantity discount. Further adjustment was made for differences in packing and in the cost of manufacture between the merchandise sold in the home market and that exported to the United States.

Purchase price was not lower than home market price.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)) interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.

JANUARY 12, 1970.

[F.R. Doc. 70-588; Filed, Jan. 15, 1970;  
8:46 a.m.]

## DEPARTMENT OF THE INTERIOR

National Park Service

### GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT, VA.

#### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Fredericksburg and Spotsylvania National Military Park, proposes to issue a concession permit to Wakefield National Memorial Association, authorizing it to provide facilities and services for the public at George Washington Birthplace National Monument, Va., for a period of five (5) years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Fredericksburg and



Spotsylvania National Military Park, Post Office Box 879, Fredericksburg, Va. 22401, for information as to the requirements of the proposed permit.

Dated: November 13, 1969.

DIXON B. FREELAND,  
Superintendent, Fredericksburg  
and Spotsylvania National  
Military Park.

[F.R. Doc. 70-571; Filed, Jan. 15, 1970;  
8:45 a.m.]

### CASTILLO DE SAN MARCOS NATIONAL MONUMENT

#### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Castillo de San Marcos National Monument, proposes to issue a concession permit to J. Carver Harris, doing business as the Castillo Shop, authorizing him to provide sales publications, post cards, curios, and souvenirs, all of which must relate to the history of the Castillo or the St. Augustine Spanish settlement, for the public at Castillo de San Marcos National Monument, for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Castillo de San Marcos National Monument, St. Augustine, Fla., for information as to the requirements of the proposed permit.

Dated: November 5, 1969.

L. T. DAVENPORT,  
Superintendent.

[F.R. Doc. 70-572; Filed, Jan. 15, 1970;  
8:45 a.m.]

#### Office of the Secretary

### WATCHES AND WATCH MOVEMENTS

#### Rules Governing Allocation of Quotas for Calendar Year 1970 Among Producers Located in the Virgin Islands, Guam and American Samoa

CROSS REFERENCE: For a document issued jointly by the Department of Commerce and Department of the Interior relating to the allocations of quotas of watches and watch movements for the

calendar year 1970 among producers located in the Virgin Islands, Guam, and American Samoa, see F.R. Doc. 70-660, Commerce Department, Office of the Secretary, *infra*.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of the Secretary

#### REORGANIZATION ORDER

##### Certain Functions of Department

Under the authority of section 6 of Reorganization Plan No. 1 of 1953 and section 2 of Reorganization Plan No. 3 of 1966, I hereby order reorganization of certain functions of the Department as follows:

*Transfer of the Food and Drug Administration.* The Food and Drug Administration, currently constituted as an organizational element of the Consumer Protection and Environmental Health Service, is hereby transferred and established within the Public Health Service as an operating agency of the Department under the direction of the Assistant Secretary for Health and Scientific Affairs.

*Establishment of the Environmental Health Service.* An Environmental Health Service is hereby established within the Public Health Service as an operating agency of the Department to consist of the Environmental Control Administration and the National Air Pollution Control Administration and that portion of the Consumer Protection and Environmental Health Service headquarters which was devoted to their support. The Administrator, Environmental Health Service, will continue to exercise the authorities currently delegated to the Administrator, Consumer Protection and Environmental Health Service, with the exception of the authorities delegated to the Commissioner of Food and Drugs.

*Abolishment of the Consumer Protection and Environmental Health Service.* The Consumer Protection and Environmental Health Service is hereby abolished.

*Continuation of Regulations.* Except as inconsistent with this order, all regulations, rules, orders, statements of policy, or interpretations with respect to the Consumer Protection and Environmental Health Service and to the Food and Drug Administration, heretofore issued, and either in effect immediately prior to the date of this order or to become effective subsequent to said date, are continued in full force and effect.

*Prior Statements of Organization, Functions, and Delegations of Authority.* To the extent inconsistent with this order, all previous Statements of Organization, Functions, and Delegations of Authority, and chapters of the Department's Organization Manual are superseded by this order, except that, pending further delegations, directives, or orders

by the Assistant Secretary for Health and Scientific Affairs, all delegations to the Surgeon General of the Public Health Service, the Administrator, Consumer Protection and Environmental Health Service or the Commissioner of Food and Drugs and all redelegations by these officials to any other officer or employee of any office, institute, bureau, division, center or other organizational unit in effect immediately prior to the effective date of this order shall continue in effect in them or their successors.

Redelegations of appropriate administrative and financial management authorities shall be made by the Assistant Secretary for Administration and the Assistant Secretary, Comptroller, respectively, to the Commissioner of Food and Drugs.

*Funds, Personnel, and Equipment.* Transfers of organization and functions effected by this order shall be accompanied in each instance by direct and supporting funds, positions, personnel, records, equipment, supplies, and other resources.

Effective date: This order shall be effective February 1, 1970.

Dated: January 5, 1970.

ROBERT H. FINCH,  
Secretary.

[F.R. Doc. 70-596; Filed, Jan. 15, 1970;  
8:46 a.m.]

### COMMISSIONER OF FOOD AND DRUGS

#### Redelegation by the Assistant Secretary for Health and Scientific Affairs

I hereby delegate to the Commissioner of Food and Drugs all authority delegated by the Secretary of Health, Education, and Welfare to me as follows:

1. Functions vested in the Secretary and the Department under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.), the Filled Milk Act (21 U.S.C. 61-63), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (445 Stat. 1406), the Federal Hazardous Substances Act (as amended by the Child Protection Act of 1966 and the Child Protection and Toy Safety Act of 1969) (15 U.S.C. 1261 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), and the Flammable Fabrics Act (15 U.S.C. 1201), pursuant to section 12 of Reorganization Plan No. IV and Reorganization Plan No. 1 of 1953, including authority to administer oaths vested in the Secretary of Agriculture by 7 U.S.C. 2217.

2. Functions vested in the Secretary by amendments to the foregoing statutes subsequent to Reorganization Plan No. 1 of 1953.

3. Functions pertaining to sections 301, 311, 314, and 361 of the Public Health Service Act (42 U.S.C. 241, 243, 246, and 264) which relate to pesticides, product safety, milk and food service



sanitation, shellfish sanitation, and poison control.

4. Functions under Executive Order 11001, section 3(f), and those portions of sections 3(b), 3(d), 3(e), 6, 7, 9, and 12 which relate to food, drugs, and biologicals. In the performance of these emergency functions the Commissioner shall coordinate his activities with the Administrator, Health Services and Mental Health Administration, in order that preemergency plans shall be developed in consonance with postattack organizational plans and structure of the Department for the Emergency Health Service.

5. Function of issuing all regulations of the Food and Drug Administration. The reservation of authority contained in Chapter 2-000 of the Department Organization Manual shall not apply.

6. Function of authorizing and approving miscellaneous and emergency expenses of enforcement activities, vested in the Secretary.

These authorities may be redelegated.

Pending issuance of redelegations, all delegations or redelegations to any other officer or employee of any office, institute, bureau, division, center, or other organization unit which were in effect immediately prior to the effective date of this redelegation shall continue in effect in them or their successors.

This redelegation becomes effective February 1, 1970.

Dated: December 19, 1969.

ROGER O. EGERBERG,  
Assistant Secretary for  
Health and Scientific Affairs.

[F.R. Doc. 70-597; Filed, Jan. 15, 1970;  
8:46 a.m.]

## COMMISSIONER OF FOOD AND DRUGS

### Redelegation by the Assistant Secretary for Administration

I hereby delegate to the Commissioner of Food and Drugs all the administrative management authorities currently delegated on a common basis to heads of operating agencies within the Department of Health, Education, and Welfare.

These authorities may be redelegated within the restrictions specified in pertinent Department manual instructions or other issuances.

Pending issuance of redelegations, all delegations or redelegations to any other officer or employee of any office, institute, bureau, division, center, or other organizational unit which were in effect immediately prior to the effective date of this redelegation shall continue in effect in them or their successors.

This redelegation becomes effective February 1, 1970.

Dated: December 22, 1969.

SOL ELSON,  
Acting Deputy Assistant  
Secretary for Administration.

[F.R. Doc. 70-598; Filed, Jan. 15, 1970;  
8:46 a.m.]

## COMMISSIONER OF FOOD AND DRUGS

### Redelegation by the Assistant Secretary, Comptroller

I hereby delegate to the Commissioner of Food and Drugs all the financial management authorities currently delegated on a common basis to heads of operating agencies within the Department of Health, Education, and Welfare.

These authorities may be redelegated within the restrictions specified in pertinent Department manual instructions or other issuances.

Pending issuance of redelegations, all delegations or redelegations to any other officer or employee of any office, institute, bureau, division, center or other organizational unit which were in effect immediately prior to the effective date of this redelegation shall continue in effect in them or their successors.

This redelegation becomes effective February 1, 1970.

Dated: December 24, 1969.

JAMES F. KELLY,  
Assistant Secretary, Comptroller.

[F.R. Doc. 70-599; Filed, Jan. 15, 1970;  
8:46 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-46]

### MINNESOTA MINING AND MANUFACTURING CO.

#### Notice of Proposed Rule Making

Notice is hereby given that the Minnesota Mining and Manufacturing Co., General Offices, 3M Center, St. Paul, Minn., by letter dated December 29, 1969, has filed with the Commission a petition for rule making to amend the Commission's regulations, "General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items," 10 CFR Part 31, and "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material," 10 CFR Part 32.

The petitioner requests that the Commission amend § 31.7(a) of Part 31 and § 32.53(c) of Part 32, which pertain to luminous safety devices for use in aircraft, to increase the maximum quantity of promethium-147 specified for luminous safety devices from 300 millicuries to 500 millicuries per device.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 9th day of January 1970.

For the Atomic Energy Commission.

W. B. MCCOOL,  
Secretary.

[F.R. Doc. 70-577; Filed, Jan. 15, 1970;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 20411]

### BOSTON-BUFFALO-CLEVELAND SUBPART M CASE

#### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be held on January 28, 1970, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 12, 1970.

[SEAL] THOMAS L. WRENN,  
Chief Examiner.

[F.R. Doc. 70-568; Filed, Jan. 15, 1970;  
8:45 a.m.]

[Docket 20398]

### MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 3, 1970, at 10 a.m., (e.s.t.), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on July 11, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 12, 1970.

[SEAL] THOMAS P. SHEEHAN,  
Hearing Examiner.

[F.R. Doc. 70-569; Filed, Jan. 15, 1970;  
8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18780; FCC 70-32]

### LEISNER BROADCASTING CO.

#### Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of Leisner Broadcasting Corporation (WTHU), Thurmont, Md., has 1450 kc., 100 w., U, Class IV, requests: 1450 kc., 250 w., 500w.-LS, U, Class IV, for construction permit, Docket No. 18780, File No. BP-17968.

1. The Commission has before it for consideration (a) the above-captioned



and described application; (b) a petition to deny or to designate for hearing filed on June 18, 1968, by Hudson Broadcasting Corp., licensee of Class III Station WCMB, Harrisburg, Pa.; and (c) supplemental petitions and pleadings by applicant and petitioner.

2. The petition to deny by Hudson Broadcasting Corp., is accompanied by field intensity measurement data made along paths between Station WCMB and the existing operation of WTHU. These data appear adequate to establish that the present 0.5-millivolt per meter contour of WTHU overlaps the 0.5-millivolt per meter contour of WCBM, and that increased overlap of these contours would result during daytime hours should the above-captioned application be granted. Petitioner further alleges that the original application of WTHU granted December 2, 1966, would not have been acceptable for filing had this present overlap of prohibited contours been known. While claiming that this proposal for increased power should be dismissed, petitioner states that, in any event, the increased overlap of contours would result in a modification of the WCMB license, and a hearing is necessary.

3. In its opposition of July 1, 1968, the applicant contends that petitioner is not entitled to a hearing, since § 73.37(d) of the Commission's rules specifically exempts applications for increased daytime power by Class IV stations from its provisions which preclude the acceptance for filing of most applications, other than Class IV, involving prohibited overlap of contours. Further, the applicant finds that most of the area of indicated electrical interference to WCMB is already under interference from Station WTR, Westminster, Md., according to field intensity measurement data submitted with its supplement pleading of August 7, 1968.

4. Regarding the applicant's proposed increase in nighttime power, it should first be noted that WTHU is a Class IV station and, pursuant to § 73.182(4)(a) of the Commission's rules, such a facility is allocated on the basis of whether its daytime operation is adequately separated from other stations. More specifically, since the Commission's policy of encouraging Class IV stations to increase daytime power, under the provisions of § 73.21(c) of the rules, as amended May 28, 1958, did not change the basis for determining separation of these stations, it is necessary that the instant proposal for increased nighttime power be considered on the basis of whether there is adequate separation from other cochannel Class IV stations on the basis of 250 watts nondirectional daytime operation for WTHU and other Class IV stations. Since the applicant did not submit a proper study in this regard, a question obtains as to whether there is adequate station separation for nighttime operation as proposed with increased power.

5. Due to conflicting field intensity measurement data on file, there is some question as to whether the area of new interference that would be caused to

WCMB is already under interference from Station WTR. Further, it should be made clear that § 73.37(d) of the Commission's rules has criteria designed to govern the acceptance of applications for filing and in no way eliminates the necessity under section 316 of the Communications Act that the licensee of WCMB be given an opportunity to be heard regarding this question of possible modification of license.

6. Except as indicated below, the Leisner Broadcasting Corp. is qualified to construct and operate as proposed. However, because of the matters indicated above, the Commission is unable to make a statutory finding that a grant of the above-captioned application would serve the public interest, convenience and necessity, and is of the opinion that a hearing proceeding is necessary on the issues set forth below.

7. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.227(a)(1) of the Commission's rules, this application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WTHU and the availability of other primary aural service to such areas and populations.

(2) To determine whether the proposal of WTHU would cause new interference to Station WCMB, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary aural service to such areas and populations.

(3) To determine whether the proposed operation of WTHU would be adequately separated from other cochannel Class IV stations to permit a nighttime power increase from 100 watts to 250 watts.

(4) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

8. It is further ordered, That the petition to deny by the Hudson Broadcasting Corp. is granted insofar as this application is designated for hearing and is denied in all other respects.

9. It is further ordered, That the Hudson Broadcasting Corp., licensee of Station WCMB, is made a party to this proceeding.

10. It is further ordered, That, in the event of a grant of this application, the construction permit shall contain the following condition:

Permittee shall accept such interference as may be imposed by existing 250 watt Class IV stations in the event they are subsequently authorized to increase daytime power to 1,000 watts.

11. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant 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.

12. It is further ordered, That the applicant 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, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 8, 1970.

Released: January 13, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-583; Filed, Jan. 15, 1970;  
8:45 a.m.]

[Docket No. 18778; FCC 70-5]

## SOUTHERN MESSAGE SERVICE, INC.

### Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In the matter of application of Southern Message Service, Inc., for a construction permit for a new Public Coast (Class III-B) radio station at Lake Charles, La., Docket No. 18778, File No. 185-M-P-49.

1. On April 8, 1969, Southern Message Service, Inc., Shreveport, La., filed an application for a construction permit for a new Public Coast radio station at Lake Charles, La., to operate on the working frequency 161.85 Mc/s. The applicant furnished additional eligibility information on June 20, 1969. The proposed station would provide a common carrier communications service to commercial and recreational vessels operating in the vicinity of that port city. The applicant, except for the issues hereinafter specified, is otherwise qualified.

2. On May 21, 1969, a petition to deny the application was filed by the South Central Bell Telephone Co., licensee of Public Coast Station KKD-735, operating on a different VHF working frequency but from the same locality of Lake Charles at a point about 3 miles from the proposed location of the new station. The parties did not thereafter file an opposition or reply as permitted by the rules.<sup>2</sup>

<sup>1</sup> Commissioners Johnson and H. Rex Lee absent.

<sup>2</sup> On July 9, 1969, the applicant wrote to the Commission and referred to the petition to deny. This letter was not accepted as a formal opposition since it did not meet the service, affidavit or other requirements of §§ 1.962(h) or 1.45(a) of the rules. Its contents have been noted, however, and it is included in the Commission file in this matter.



3. In support of its application, Southern Message Service represents that there is a need for the proposed station to serve the Lake Charles area because there are long delays when ships try to contact the existing Public Coast stations and that it has several requests from existing users for this service.

4. In its petition to deny, the telephone company asserts that its facilities are already more than adequate to serve the area and that the proposed station would provide coverage that would substantially overlap the geographical area in which service is already provided by its existing station. The petitioner further asserts that any delays in service are limited to the crowded medium and high frequencies and not the VHF maritime band in which applicant is seeking authority to operate. Finally, petitioner states that its station is not now fully utilized and has excess capacity, that it is handling only about 20 calls a day and that during the busiest hour of operation its VHF channel is in use only about one-half of the time. Petitioner furnished a map of the area as Exhibit A with its petition showing the location of the existing and the proposed stations and the theoretical coverage areas of the two stations. Applicant's proposed station is shown on the map as being located about 3 miles north, and further inland, from the existing station of petitioner. Both stations are shown as having about the same coverage distance from the antenna location. Thus the northern limits of the coverage area of the proposed station is shown to extend inland about 3 miles more than that of the existing station whereas the southern limits of coverage is to an equal extent less than that of the existing station.

5. We note from the information available to us in the filings in this case that the major portion of the coverage area except for that which lies north and inland of the proposed station of the applicant, lies within the coverage area of the existing station of the petitioner. To this extent, the application falls within the scope of § 81.303 of our rules relating to the duplication of service. In that rule section it is provided, in essence, that coast stations will not be authorized to provide service solely to an area already served unless, among other things, there is a showing of need for additional facilities and that the existing facilities are inadequate to meet the needs of the area. In this respect, applicant states that "We have several requests from existing users to furnish the facility" and asserts that there are long delays by vessels in obtaining service from the existing facility. The petitioner denies that there are delays on its VHF channel, and denies that there is a need for additional service. Concerning the portion of the coverage area of the proposed station that lies north and inland from the coverage area of the existing station, we note that this area contains many rivers or inlets, but there is nothing in the pleadings to show to what extent these are navigable and if so whether there is an unfilled need for maritime

radiocommunications on these waters.

6. There are, therefore, substantial and material questions of fact raised in the pleadings in this matter, as follows:

a. Whether there is an unfilled need for additional VHF public maritime radiocommunication in the Lake Charles area, to serve the local boating community;

b. Whether such unfilled need for additional facilities can be met by authorizing an additional station in the Lake Charles area; and

c. Whether there would be an economic impact by the proposed station on the existing station, sufficiently adverse to make the establishment of a new station not to be in the public interest.

7. In view of the foregoing: *It is ordered*, That the petition to deny filed by South Central Telephone Co. is granted to the extent that the application is designated for an evidentiary hearing on the issues hereinafter specified, and the petition in all other respects is denied.

8. *It is further ordered*, That the above entitled application of Southern Message Service, Inc., is designated for hearing at a time and place to be specified in a subsequent order on the following issues:

a. To determine the extent of need, if any, for additional VHF public coast maritime radiocommunication services in the service area of the Lake Charles Public Coast Station KKD-735 and whether any such need can be met by establishing a new station;

b. To determine the area in which satisfactory VHF radio communications can be exchanged between vessels and the existing coast station of petitioner;

c. To determine the area in which satisfactory VHF radio communications could be exchanged between vessels and the proposed station of the applicant;

d. To determine, in the light of the evidence adduced from the foregoing issues on coverage areas, whether there are any geographical areas in the Lake Charles locality that are not now served by the existing station, in which maritime communications could be exchanged with the proposed station;

e. To determine the need, if any, for VHF public maritime radiocommunication service in any such area not served by the existing station that could be served by the proposed station;

f. To determine the economic impact of the proposed station on the existing Station KKD-735; and

g. To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience and necessity will be served by a grant of the subject application.

9. *It is further ordered*, That the burden of proceeding with the introduction of evidence on issues (a), (c), and (e) is placed on Southern Message Service, Inc., and on issues (b) and (f) on South Central Telephone Co. Issues (d) and (g) are conclusory.

10. *It is further ordered*, That the guide and reference source for preparing exhibits showing the area in which satis-

factory ship-shore radio communications can technically be exchanged will be limited to Appendix F, "The Propagation Characteristics of the Frequency Band 152-162 Mc. Which is Available for Marine Radio Communications", to the Report entitled "Study of a Reliable Short Range Radiotelephone System", dated February 21, 1956, prepared by Special Committee No. 19 of the Radio Technical Commission for Marine Services (RTCM), or such other authorities or standards as may be agreed upon by the parties.

11. *It is further ordered*, That to avail themselves of an opportunity to be heard, Southern Message Service, Inc., and South Central Telephone Co., pursuant to § 1.221(c) of the rules, 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 set for hearing and present evidence on the issues specified in this order. The Chiefs of the Common Carrier and Safety and Special Radio Services Bureaus, pursuant to § 1.21(b) of the rules are deemed parties in this proceeding.

Adopted: January 8, 1970.

Released: January 13, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-582; Filed, Jan. 15, 1970;  
8:45 a.m.]

## FEDERAL MARITIME COMMISSION

AMERICAN EXPRESS CO. ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements 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 agreement Filed for Approval  
by:

<sup>2</sup> Commissioners Johnson and H. Rex Lee absent.



W. S. Pilling, Legal Counsel, Pacific Intermountain Express Co., Post Office Box 958, Oakland, Calif. 94604.

The following agreements have been filed for Federal Maritime Commission approval pursuant to section 15, Shipping Act, 1916.

Agreement No. FF 70-1 between American Express Co., a New York corporation (Amexco) and Pacific Intermountain Express Co., a Nevada corporation (PIE) provides for the sale of the domestic and international freight businesses of Amexco conducted in the United States, to one or more wholly owned corporate subsidiaries of PIE. Included in the intended transfer to PIE are (i) all of the issued and outstanding capital stock (1,000 shares of common stock, \$1 par value) of International Household Pack, Inc., a Delaware corporation acting as a nonvessel operating common carrier by water serving between certain ports in the United States and Europe and (ii) the independent ocean freight forwarding (FMC Independent Ocean Freight Forwarder License No. 289) and customhouse brokerage businesses of Amexco.

PIE currently owns Judson Sheldon International Corp. (FMC Independent Ocean Freight Forwarder License No. 525) and Modern International Traffic Corp., a nonvessel operating common carrier by water serving certain ports in Europe from certain ports in the United States. PIE, a motor common carrier, also acts as a nonvessel operating common carrier by water between San Francisco, Calif. and Honolulu, Hawaii.

In consideration of the aforesaid sale, PIE would pay or cause to be paid to Amexco the sum of \$257,000 plus and/or minus amounts to be determined pursuant to certain conditions set forth in the agreement.

Agreement No. FF 70-1A between Amexco and PIE provides for the sale by Amexco of all of the issued and outstanding capital stock (2,500 shares of common stock, \$10 par value) of American Express Customs & Forwarding (Canada), Ltd., a Canadian corporation, to a wholly owned subsidiary of PIE.

In consideration of the sale, PIE would pay or cause to be paid to Amexco the sum of \$57,000 plus and/or minus amounts to be determined pursuant to certain conditions set forth in the agreement.

Agreement No. FF 70-1B among Amexco, PIE, and American Express International Banking Corp., a Connecticut corporation (Amexco Banking) provides for the sale of the foreign and international freight businesses of Amexco Banking and certain of its subsidiaries and a subsidiary of Amexco, conducted in areas outside the United States, to one or more wholly owned corporate subsidiaries of PIE.

Included in the intended sale to PIE are (i) the foreign and international freight business of Amexco Banking and of the following subsidiaries of Amexco Banking: American Express Company Aktieselskab, a Danish corporation, American Express Company Societa per Azioni Italiana, an Italian corporation

and Transportes American Express, S.A., a Spanish corporation and (ii) the foreign and international freight businesses of American Express Company mit beschränkter Haftung, a German corporation wholly owned by Amexco.

In consideration of the sale, PIE would pay or cause to be paid to Amexco Banking the sum of \$686,000 plus and/or minus amounts to be determined pursuant to certain conditions set forth in the agreement.

Agreements No. FF 70-1, FF 70-1A, and FF 70-1B were entered into concurrently and the closing of all three agreements is intended to be completed concurrently.

Dated: January 13, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-593; Filed, Jan. 15, 1970;  
8:46 a.m.]

[Docket No. 70-2]

#### RAILWAY EXPRESS AGENCY, INC.

#### Investigation of Practices With Respect to Adjustment and Settlement of Claims in the Puerto Rican Trade

REA Express, Railway Express Agency, Inc. (REA) conducts and has conducted operations in the domestic offshore trades and the foreign trades of the United States, as a nonvessel operating common carrier by water (NVOCC) and as such, is a "common carrier by water" within the meaning of such term as set forth in the first paragraph of the Shipping Act, 1916. Common Carriers by Water—Status of Express Companies, Truck Lines and Other Non-Vessel Carriers, 6 F.M.B. 287 (1961).

On May 10, 1967, REA received for carriage a shipment consisting of four pieces of electronic equipment to be delivered by REA to a consignee identified as Dr. Angel F. Padilla (Dr. Padilla) at Apt. 1, Edificio Lic. Til., Calle Sol, San German, P.R. The shipment was picked up on the premises of the Sound Reproduction, Inc. (Sound), then located at 34 New Street, Newark, N.J. The shipment moved f.o.b. Newark and Dr. Padilla paid the applicable charges for the movement to REA.

During the course of the shipment two pieces of the electronic equipment were damaged and a claim was filed in the offices of REA by Dr. Padilla in August of 1967. Neither the damage nor the amount of Dr. Padilla's claim was ever in dispute.

REA, however, did not respond to Dr. Padilla's claim until June 3, 1968, at which time it denied the claim stating:

We find that the damages occurred while in the possession of the Consolidated Express Inc. in their handling of the shipment from New York to Puerto Rico; therefore, your claim against REA is respectfully declined.

On June 24, 1968, REA requested Dr. Padilla to resubmit his claim papers but on January 8, 1969, again denied the claim for the same reasons expressed in the June 3, 1968, letter.

From the information available to the Federal Maritime Commission it appears that (1) REA issued a through express document taking sole responsibility for the carriage of the involved shipment; (2) the shipment was protected by increased insurance amounts paid by Dr. Padilla to REA; and (3) both shipper (Sound) and Dr. Padilla, the consignee, had no knowledge or notice that any common carrier other than REA was involved in the movement, and (4) remedy was properly sought from REA.

REA's actions, practices, procedures, and delays relative to this matter, appear to be contrary to section 14 Fourth of the Shipping Act, 1916 as constituting an unfair treatment with respect to the adjustment and settlement of claims. Furthermore, from the correspondence received from REA, it appears that its handling of this claim represented its customary procedure in the handling and settlement of claims in the Puerto Rico trade. However, to the extent it is not REA's regular procedure, REA may be unjustly discriminating between shippers in further violation of section 14 Fourth.

Now, therefore, it is ordered, That an investigation is hereby instituted pursuant to section 22 of the Shipping Act, 1916 to determine whether: (a) REA has violated section 14 Fourth of the Shipping Act, 1916 in unfairly treating Dr. Padilla in the adjustment and settlement of his claim and (b) REA may generally have unfairly treated and/or unjustly discriminated between shippers in the Puerto Rico trade in the adjustment and settlement of claims in violation of section 14 Fourth of the Shipping Act, 1916.

It is further ordered, That REA Express, Railway Express Agency, Inc., 219 East 42d Street, New York, N.Y. 10017, is hereby made a respondent in this proceeding; and

It is further ordered, That this matter 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 place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondent; and

It is further ordered, That any person, other than respondent, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, promptly, with copy to parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-594; Filed, Jan. 15, 1970;  
8:46 a.m.]



## SECURITIES AND EXCHANGE COMMISSION

[70-4800]

### MAINE YANKEE ATOMIC POWER CO., ET AL.

#### Notice of Filing of Posteffective Amendment Regarding the Acqui- sition by an Additional Sponsor Company of Its Proportionate Share of Subordinated Notes

JANUARY 9, 1970.

In the matter of Maine Yankee Atomic Power Co., 9 Green Street, Augusta, Maine 04330; New England Power Co., the Connecticut Light & Power Co., the Hartford Electric Light Co., Montaup Electric Co., Western Massachusetts Electric Co., Maine Public Service Co., Bangor-Hydro Electric Co.; (70-4800).

Notice is hereby given that Maine Yankee Atomic Power Co. ("Maine Yankee"), an electric utility company and a subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, and the remaining companies named above (referred to collectively as "applicant-sponsors"), have filed with this Commission a posteffective amendment to the amended application-declaration in this proceeding pursuant to sections 9(a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("Act"), regarding the following proposed transaction. All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 12, 1969 (Holding Company Act Release No. 16560), the Commission granted and permitted to become effective an amended application-declaration filed by Maine Yankee and the applicant-sponsors, authorizing Maine Yankee to issue and sell from time to time up to an aggregate of \$120 million of its subordinated notes and for the applicant-sponsors to acquire for such notes in percentages identical to their ownership of Maine Yankee common stock, i.e. 44 percent. The acquisitions of the remaining notes by the other sponsor companies were not subject to Commission approval.

The posteffective amendment seeks authorization for an additional sponsor company not an applicant on the initial filing, Bangor-Hydro Electric Co. ("Bangor"), a Maine electric utility company, owning 7 percent of Maine Yankee common stock, to purchase 7 percent of such notes, when issued and sold. Bangor now requires authority under section 9(a) (2) of the Act to acquire its share of the notes because it has purchased, pursuant to an order of the Commission (Holding Company Act Release No. 16533, Nov. 24, 1969), 14 percent of the outstanding common stock of another electric utility company, Maine Electric Power Co. In all other respects, the

transactions as heretofore authorized and approved by order of the Commission remain unchanged.

Notice is further given that any interested person may, not later than January 23, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as amended by the posteffective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 70-573; Filed, Jan. 15, 1970;  
8:45 a.m.]

### RAJAC INDUSTRIES, INC.

#### Order Suspending Trading

JANUARY 9, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rajac Industries, Inc., and all other securities of Rajac Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 12, 1970, through January 21, 1970, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 70-574; Filed, Jan. 15, 1970;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 13, 1970.

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. 41857—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 636), for interested rail carriers. Rates on sulphuric acid, magnesium metal, or magnesium metal alloy, and cast stone, in carloads and tank carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 100 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 41859—*Asphalt and petroleum road oil from and to points in Arkansas.* Filed by Southwestern Freight Bureau, agent (No. B-116), for interested rail carriers. Rates on asphalt and petroleum road oil, in tank carloads, as described in the application, from and to specified points in Arkansas.

Grounds for relief—Market competition.

Tariff—Supplement 17 to Southwestern Freight Bureau, agent, tariff ICC 4672.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 41858—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 637), for interested rail carriers. Rates on canned or preserved foodstuffs, and other articles named or described in the application, in carloads and tank carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 100 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-589; Filed, Jan. 15, 1970;  
8:46 a.m.]



[Notice 477]

### MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 13, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71659. By order of January 12, 1970, the Motor Carrier Board approved the transfer to Silver Dollar Express, Inc., Waterbury, Conn., of the operating rights in certificate No. MC-13860 issued April 25, 1967, to Vernon J. Robillard, doing business as T. W. Robillard Movers, 710 East Main Street, Waterbury, Conn. 06705, authorizing the transportation, over irregular routes, of household goods between Waterbury, Conn., and points within 10 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, and Rhode Island, John F. Phelan, 111 West Main Street, Waterbury, Conn. 06702, attorney for transferee.

No. MC-FC-71752. By order of January 8, 1970, the Motor Carrier Board approved the transfer to Allen Transfer Co., Inc., 5518 Kathleen Place N., Springfield, Va. 22151, of a portion of the operating rights in certificate No. MC-589 issued May 14, 1969, to Mary Marie Elliott, doing business as Bies Transfer, 623 South 12th Street, Tekamah, Nebr. 68601, authorizing the transportation of household goods, between Tekamah, Nebr., and points in Nebraska within 25 miles thereof, on the one hand, and, on

the other, points in Minnesota, Colorado, Iowa, South Dakota, and Missouri.

No. MC-FC-71796. By order of January 8, 1970, the Motor Carrier Board approved the transfer to Erkel Transfer, Inc., Le Center, Minn. 56057, of certificates Nos. MC-93529, MC-93529 (Sub-No. 3), MC-93529 (Sub-No. 5), and MC-93529 (Sub-No. 6) issued October 21, 1960, August 23, 1963, September 12, 1966, and November 16, 1967, respectively to Ivan I. Pratt, doing business as Pratt Motor Freight, Milbank, S. Dak., authorizing the transportation of: General commodities, and various commodities of a general commodity nature, between points in Minnesota and South Dakota. Max Gruenwald, 311 South Main, Milbank, S. Dak. 57252, attorney for transferor.

No. MC-FC-71804. By order of January 9, 1970, the Motor Carrier Board approved the transfer to Claude Edmondson, doing business as Northern Van Transfer, Detroit, Mich., of certificate No. MC-59725 issued March 21, 1968, to Alice M. Hunt, doing business as American & Pointe Van & Storage Co., Grosse Pointe, Mich., authorizing the transportation of household goods, between points in Wayne, Oakland, and Macomb Counties, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Pennsylvania, and New York. James F. Schouman, 21925 Garrison, Dearborn, Mich. 48124, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
*Secretary.*

[F.R. Doc. 70-590; Filed, Jan. 15, 1970;  
8:46 a.m.]

## FEDERAL RESERVE SYSTEM

### BARNETT BANKS OF FLORIDA, INC.

#### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Barnett Banks of Florida, Inc., which is a bank

holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Bank of Osceola, Kissimmee, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) any acquisition or merger or consolidation under section 3 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 section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 9th day of January 1970.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,  
*Deputy Secretary.*

[F.R. Doc. 70-584; Filed, Jan. 15, 1970;  
8:45 a.m.]



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