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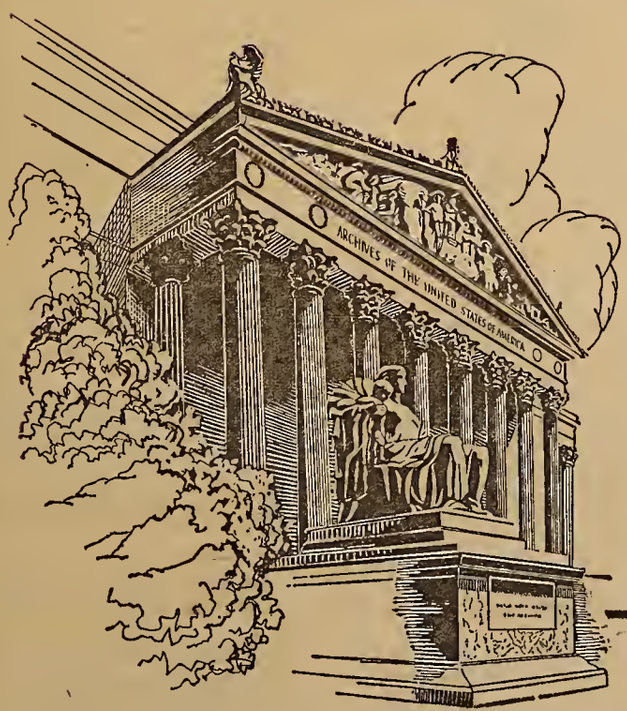

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SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9154; Amdt. 617]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

Nashville, Tenn.—Nashville Metropolitan, NDB (ADF) Runway 2L, Amdt. 15, 4 Mar. 1967 (established under Subpart C).
Redmond, Oreg.—Roberts Field, NDB (ADF) Runway 10, Amdt. 1, 16 May 1968 (established under Subpart C).
Toledo, Ohio—Toledo Express, NDB (ADF) Runway 7, Amdt. 11, 1 Apr. 1967 (established under Subpart C).
Nashville, Tenn.—Nashville Metropolitan, VOR Runway 31, Amdt. 14, 4 Mar. 1967 (established under Subpart C).
Redmond, Oreg.—Roberts Field, VOR–1, Amdt. 5, 16 May 1968 (established under Subpart C).
Toledo, Ohio—Toledo Express, VOR Runway 34, Amdt. 4, 18 Feb. 1967 (established under Subpart C).

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

Baltimore, Md.—Friendship International, NDB (ADF) Runway 10, Amdt. 12, 13 May 1967, canceled, effective 24 Oct. 1968.
Richmond, Va.—Richard E. Byrd Flying Field, ADF 1, Amdt. 16, 19 Nov. 1966, canceled, effective 24 Oct. 1968.
Richmond, Va.—Richard E. Byrd Flying Field, NDB (ADF) Runway 2, Amdt. 4, 15 Apr. 1967, canceled, effective 24 Oct. 1968.

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

Redmond, Oreg.—Roberts Field, VOR/DME–1, Amdt. 3, 16 May 1968, canceled, effective 24 Oct. 1968.

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

Nashville, Tenn.—Nashville Metropolitan, ILS Runway 2L, Amdt. 16, 1 Apr. 1967 (established under Subpart C).
Nashville, Tenn.—Nashville Metropolitan, LOC (BC) Runway 20R, Amdt. 3, 4 Mar. 1967 (established under Subpart C).
Toledo, Ohio—Toledo Express, ILS Runway 7, Amdt. 11, 1 Apr. 1967 (established under Subpart C).
Toledo, Ohio.—Toledo Express, ILS–25, Amdt. 7, 22 May 1965 (back crs.) (established under Subpart C).

5. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Nashville, Tenn.—Nashville Metropolitan, Radar 1, Amdt. 8, 4 Mar. 1967 (established under Subpart C).
Toledo, Ohio—Toledo Express, Radar 1, Amdt. 5, 26 Aug. 1967 (established under Subpart C).

6. 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: 4.5 miles after passing BNA VOR TAC.
BN NDB/LOM	BNA VORTAC	Direct	2000	Climbing left turn to 3000′ direct to BN NDB/LOM and hold.
R 042° BNA VORTAC clockwise	R 133°, BNA VORTAC	Via 10-mile DME Arc	2000	
10-mile DME Arc	BNA VORTAC (NOPT)	R 133°	1600	Supplementary charting information: Hold S, 1 minute, right turns, 016° Inbnd. HIRL Runway 2L/20R. VASI Runway 20R. TDZ elevation, 574′.

Procedure turn N side of crs, 133° Outbnd, 313° Inbnd, 2000′ within 10 miles of BNA VORTAC.
FAF, BNA, VORTAC. Final approach crs, 313°. Distauce FAF to MAP, 4.5 miles.
Minimum altitude over BNA VORTAC, 1600′.
MSA: 000°–180°—2400′; 180°360°—3100′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1000	1	426	1000	1	426	1000	1	426	1000	1	426
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	443	1060	1	463	1060	1½	463	1160	2	563
A	Standard.		T 2-eng. or less—RVR 24, Runway 2L; Standard all other Runways.				T over 2-eng.—RVR 24, Runway 2L; standard all other Runways.					

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597′; Facility, BNA; Procedure No. VOR Runway 31, Amdt. 15; Eff. date, 24 Oct. 68; Sup. Amdt. No. 14; Dated, 4 Mar. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing RDM VOR.
20-mile DME Fix, R 293°	10-mile DME Fix, R 293°	Direct	8500	Climbing right turn to 6600′ on crs 210° to intercept R 141° then direct RDM VOR.
10-mile DME Fix, R 293°	RDM VORTAC	Direct	6600	
10-mile DME Fix, R 346°	RDM VORTAC	Direct	6600	
10-mile DME Fix, R 028°	RDM VORTAC	Direct	6600	Supplementary charting information: Final approach crs to intxn of runways. Chart 6.1-mile DME, R 069° at MAP.
15-mile DME Fix, R 141°	RDM VORTAC	Direct	6600	
15-mile DME Fix, R 169°	RDM VORTAC	Direct	6600	
R 346°, RDM VORTAC counterclockwise	R 249°, RDM VORTAC	10-mile Arc RDM, R 260° lead radial.	6600	
10-mile DME Arc	RDM VORTAC (NOPT)	RDM, R 249°	4800	

Procedure turn N side of crs, 249° Outbnd, 069° Inbnd, 6600′ within 10 miles of RDM VOR.
FAF, RDM VOR. Final approach crs, 069°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over RDM VOR, 4800′.
MSA: 000°–090°—6800′; 090°–180°—8200′; 180°–270°—11,400′; 270°–360°—8900′.
NOTE: Final approach from holding pattern not authorized; procedure turn required.
% IFR departure procedures: Runway 22 turn left; Runways 4, 10, and 28 turn right; climb on crs 210° from Roberts Field to intercept R 141° RDM VOR then direct RDM VOR to cross VOR at or above 5000′; northwest bound V–165 continue climb on R 169° within 10 miles to cross VOR at or above 8000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	3540	1	463	3540	1	463	3540	1½	463	NA
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Redmond; State, Oreg.; Airport name, Roberts Field; Elev., 3077′; Facility, RDM; Procedure No. VOR–1, Amdt. 6; Eff. date, 24 Oct. 68; Sup. Amdt. No. 5; Dated, 16 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10.4 miles after passing Waterville VORTAC.
R 355°, VWV VORTAC clockwise	R 140°, VWV VORTAC	7-mile Arc VWV VORTAC R 124°, lead radial.	2200	Climbing right turn to 2200', proceed to Waterville VORTAC and hold.
R 192°, VWV VORTAC counterclockwise	R 140°, VWV VORTAC	7-mile Arc VWV VORTAC R 156°, lead radial.	2200	Supplementary charting information: Hold SE Waterville VORTAC R 140°, right turns, 1 minute, 320° Inbnd. TDZ elevation, 665'.
R 140°, 7-mile DME Fix	VWV VORTAC (NOPT)	R 140°, VWV VORTAC	2200	

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2200' within 10 miles of Waterville VORTAC.
FAF, Waterville VORTAC. Final approach crs, 320°. Distance FAF to MAP, 10.4 miles.
Minimum altitude over Waterville VORTAC, 2200'; over 6-mile DME Fix, R 320°, 1540'.
MSA: 000°–090°—3100'; 090°–270°—2400'; 270°–360°—2100'.
NOTE: ASR.
Inoperative table does not apply to REIL Runway 34.
% Standard with DME.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34#	1540	1	875	1540	1¼	875	1540	1½	875	1540	1¾	875
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1540	1	856	1540	1¼	856	1540	1½	856	1540	2	856
	DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34#	1000	1	335	1000	1	335	1000	1	335	1000	1	335
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1180	1	496	1180	1	496	1180	1½	496	1240	2	556
A	900–2.%		T 2-eng. or less—RVR 24, Runway 7; Standard all other runways.				T over 2-eng.—RVR 24, Runway 7; Standard all other runways.					

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684'; Facility, VWV; Procedure No. VOR Runway 34, Amdt. 5; Eff. date, 24 Oct 68; Sup Amdt. No. 4; Dated 18 Feb. 67

7. 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: 4.3 miles after passing BTV VOR.
				Climbing left turn to 2700' direct to BTV VOR and hold. Supplementary charting information. Hold SW BTV VOR, 1-minute, left turns, 036° Inbnd. TDZ elevation, 333'. 900' terrain 2.7 miles SE of airport.

Procedure turn W side of crs, 216° Outbnd, 036° Inbnd, 2700' within 10 miles of BTV VOR.
FAF, BTV VOR. Final approach crs, 036°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over BTV VOR, 1700'.
MSA: 000°–090°—5400'; 090°–180°—5400'; 180°–270°—5700'; 270°–360°—4700'.
NOTES: (1) Radar vectoring. (2) Approach from holding pattern not authorized. Procedure turn required.
% Southeastbound departures cross BTV VOR at 4000' or above.
% IFR departures: Runway 15, after takeoff make right-climbing turn direct to BTV VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT		VIS			VIS	
S-1	780	1	447	780	1	447		NA			NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	860	1	525	860	1	525	860	1½	525	980	2	645
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Burlington; State, Vt.; Airport name, Municipal; Elev., 335'; Facility, BTV; Procedure No. VOR Runway 1, Amdt. 5; Eff. date, 24 Oct. 68; Sup. Amdt No. 4; Dated, 9 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing LAX VOR
				Climbing left turn to intercept LAX R 076°, then via LAX R 076° to LaHabra Int at 3000′. Supplementary charting information: TDZ elevation, 60′.

Procedure turn S side of crs, 254° Outbnd, 074° Inbnd, 2000′ within 10 miles of LAX VOR.
FAF, LAX VOR. Final approach crs, LAX R 083°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over LAX VOR, 1000′; over LAX R 083°, 2.5-mile DME Fix, 600′.
MSA: 345°–075°—7200′; 075°–255°—2600′; 255°–345°—5100′.
NOTE: Radar vectoring.
*All circling S of airport due to traffic restrictions N.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-7	600	1	540	600	1	540	600	1	540		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C*	600	1	537	640	1	577	660	1½	597		NA	
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	480	1	420	480	1	420	480	1	420		NA	
A	Standard.		T 2-eng. or less—Runways 7/25, 300–1; Standard all other runways.				T over 2-eng.—Runways 7/25, 300–1; Standard all other runways.					

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 63′; Facility, LAX; Procedure No. VOR Runway 7, Amdt. 4; Eff. date, 24 Oct 68; Sup Amdt. No. 3; Dated, 4 July 68.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing Bell Int (5.2 DME R 081°).
LaHabra Int	Norwalk Int	DR 196°/2.4 miles and R 081°	3000	Climbing left turn to 3000′ via 200° heading and LAX R 170° to Ling Int. If not at 3000′ at Ling Int, climb in holding pattern to 3000′ or as directed by ATC. Alternate missed approach: 5.5 miles after passing Bell Int (5.2 DME), climb to 2000′ direct to LAX VOR, then via LAX R 170° within 10 miles. Supplementary charting information: TDZ elevation, 60′.
R 342°, LAX VOR clockwise	R 046°, LAX VOR	16-mile Arc	4300	
R 046°, LAX VOR clockwise	Norwalk Int	16-mile Arc R 073°, lead radial.	2000	
R 170°, LAX VOR counterclockwise	Norwalk Int	16-mile Arc R 089°, lead radial.	2600	
Norwalk Int	Bell Int	Direct	2000	

Procedure turn not authorized. Approach crs (Profile) starts at Bell Int.
FAF, Bell Int. Final approach crs, 261°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over Bell Int, 2000′.
MSA: 345°–075°—7200′; 075°–255°—2600′; 255°–345°—5100′.
NOTES: (1) Radar vectoring. (2) During simultaneous approaches (HHR Runway 25 and LAX Runway 24) aircraft must be radar vectored to Final Approach Fix (Bell Int).
*All circling S of airport due to traffic restrictions N.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-25	580	1	520	580	1	520	580	1	520		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C*	600	1	537	640	1	577	660	1½	597		NA	
A	Standard.		T 2-eng. or less—Runway 7/25, 300–1; Standard all other runways.				T over 2-eng.—Runway 7/25, 300–1; Standard all other runways.					

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 68′; Facility, LAX; Procedure No. VOR Runway 25, Amdt. 5; Eff. date, 24 Oct. 68; Sup. Amdt. No. 4; Dated, 2 May 68

8. 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				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.5 miles after passing Knob Int.
BNA VORTAC	Knoh Int	Direct	2200	Climb to 2500′ direct to BN NDB/LOM and hold.
BN NDB/LOM	Knoh Int	Direct	2200	Supplementary charting information: Hold S, 1 minute, right turns, 016° Inhnd. HIRL Runways 2L/20R. VASI Runway 20R. TDZ elevation, 554′.

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

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20R*	980	1	426	980	1	426	980	1	426	980	1	426
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	443	1060	1	463	1060	1½	463	1160	2	563
A	Standard.		T 2-eng. or less—RVR 24, Runway 2L; Standard all other runways.				T over 2-eng.—RVR 24, Runway 2L; Standard all other runways.					

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597′; Facility, I-BNA; Procedure No. LOC (BC) Runway 20R, Amdt. 4; Eff. date, 24 Oct. 68; Sup. Amdt. No. 3; Dated, 4 Mar. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7 miles after passing Holland Int.
Harbor View Int	Holland Int (NOPT)	Direct	2200	Climb to 2100′, proceed direct to Toledo LOM and hold.
				Supplementary charting information: Hold SW Toledo LOM, right turns, 1 minute, 069° Inhnd. TDZ elevation, 678′.

Procedure turn N side of crs, 069° Outbnd, 249° Inbnd, 2600′ within 10 miles of Holland Int.
FAF, Holland Int. Final approach crs, 249°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Holland Int, 2200′.
NOTE: ASR.
#Inoperative table does not apply to REIL Runway 25.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25#	1040	¾	362	1040	¾	362	1040	¾	362	1040	1	362
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1180	1	496	1180	1	496	1180	1½	496	1240	2	556
A	Standard.		T 2-eng. or less—RVR 24, runway 7; Standard all other runways.				T over 2-eng.—RVR 24, Runway 7; Standard all other runways.					

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684′; Facility, I-TOL; Procedure No. LOC (BC) Runway 25, Amdt. 8; Eff. date, 24 Oct 68; Sup. Amdt. No. ILS-25, Amdt. 7 (back crs); Dated, 22 May 65.

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: 5 miles after passing BN NDB/LOM.
BNA VORTAC	BN NDB/LOM	Direct	2500	Climb to 2500′ on crs 016° BN NDB/LOM
Knob Int	BN NDB/LOM	Direct	2500	direct to Knob Int, and hold.
Franklin Int	BN NDB/LOM	Direct	2500	Supplementary charting information: Hold N, 1 minute, left turns, 196° Inbnd. HIRL Runways 2L/20R. VASI Runway 20R. TDZ elevation, 597′.

Procedure turn E side of crs, 196° Outbnd, 016° Inbnd, 2500′ within 10 miles of BN NDB/LOM.
FAF, BN NDB/LOM. Final approach crs, 016°. Distance FAF to MAP, 5 miles.
Minimum altitude over BN NDB/LOM, 2100′.
MSA: 000°–090°—3100′; 090°–180°—2400′; 180°–360°—3100′.
NOTE: ASR.
CAUTION: Brightly lighted building W of ALS Runway 2L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2L	1000	RVR 40	403	1000	RVR 40	403	1000	RVR 40	403	1000	RVR 50	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	443	1060	1	463	1060	1½	463	1160	2	563
A	Standard.		T 2-eng. or less—RVR 24, Runway 2L; Standard all other runways.				T over 2-eng.—RVR 24, Runway 2L; Standard all other runways.					

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597′; Facility, BN; Procedure No. NDB (ADF) Runway 2L, Amdt. 16; Eff. date, 24 Oct. 68; Sup. Amdt. No. 15; Dated, 4 Mar. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PHT NDB.
DYR VORTAC	PHT NDB	Direct	2200	Climbing left turn to 2200′ on 352° bearing
PUK VORTAC	PHT NDB	Direct	2200	from PHT NDB within 10 miles.
JKS VORTAC	PHT NDB	Direct	2200	Supplementary charting information: Final
GHM VOR	PHT NDB	Direct	2200	approach crs intercepts runway centerline 3000′ from threshold. TDZ elevation 570′.

Procedure turn W side of crs, 206° Outbnd, 026° Inbnd, 2200′ within 10 miles of PHT NDB.
Final approach crs, 026°.
Minimum altitude over PHT NDB, 1300′.
MSA: 000°–360°—2000′.
NOTE: Use DYR FSS altimeter setting.
*Night IFR operations not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-1*	1300	1	730	1300	1	730	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	1300	1	729	1300	1	729	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Paris; State, Tenn.; Airport name, Henry County; Elev., 571′; Facility, PHT; Procedure No. NDB (ADF) Runway 1, Amdt. Orig.; Eff. date, 24 Oct. 68

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PHT NDB.
DYR VORTAC	PHT NDB	Direct	2200	Climbing right turn to 2200′ on 208° bearing from PHT NDB within 10 miles.
PUK VORTAC	PHT NDB	Direct	2200	
JKS VORTAC	PHT NDB	Direct	2200	
GHM VOR	PHT NDB	Direct	2200	Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from threshold. TDZ elevation, 568′.

Procedure turn E side of crs, 349° Outbnd, 169° Inbnd, 2200′ within 10 miles of PHT NDB.
Final approach crs, 169°.
Minimum altitude over PHT NDB, 1300′.
MSA: 000°–360°—2000′.
NOTE: Use DYR FSS altimeter setting.
*Night IFR operations not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–19*	1300	1	732	1300	1	732	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C–19*	1300	1	729	1300	1	729	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Paris; State, Tenn.; Airport name, Henry County; Elev., 571′; Facility Classification, PHT; Procedure No. NDB (ADF) Runway 19, Amdt. Orig.; Eff. date, 24 Oct. 1968

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing RDM NDB.
RDM VORTAC	RDM NDB	Direct	6200	Climbing right turn direct to RDM NDB continue climb to 6000′ on 282° bearing within 10 miles of RDM NDB. Supplementary charting information: TDZ elevation, 3062′.

Procedure turn N side of crs, 282° Outbnd, 102° Inbnd, 6000′ within 10 miles of RDM NDB.
FAF, RDM NDB. Final approach crs, 102°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over RDM NDB, 4000′.
MSA: 000°–090°—7000′; 090°–180°—7200′; 180°–270°—11,400′; 270°–360°—8900′.
NOTE: Final approach from holding pattern not authorized; procedure turn required.
%IFR departure procedures: Runway 22 turn left; Runways 4, 10, and 28 turn right; climb on crs 210° from Roberts Field to intercept R 141° RDM VOR then direct RDM VOR to cross VOR at or above 5000′; northwestbound V–165 continue climb on R 169° within 10 miles to cross VOR at or above 8000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–10	3400	1	338	3400	1	338	3400	1	338	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	3440	1	363	3540	1	463	3540	1½	463	NA
A	Standard.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %			

City, Redmond; State, Oreg.; Airport name, Roberts Field; Elev., 3077′; Facility Classification, RDM; Procedure No. NDB (ADF) Runway 10, Amdt. 2; Eff. date, 24 Oct. 68; Sup. Amdt. No. 1; Dated, 16 May 68

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7 miles after passing TO LOM.
McClure Int	TO LOM	Direct	2200	Climbing right turn to 2200′, proceed to Waterville VORTAC and hold. When directed by ATC, climbing left turn to 2100′, proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1 minute, 069° Inbnd.
Waterville VORTAC	TO LOM	Direct	2200	
Harbor View Int	TO LOM	Direct	2200	
Gerald Int	TO LOM (NOPT)	Direct	2300	

Supplementary charting information: Hold SE Waterville VORTAC on R 140°, right turns, 1 minute, 320° Inbnd. TDZ elevation, 681′.

Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2100′ within 10 miles of TO LOM.
FAF, TO LOM. Final approach crs, 069°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over TO LOM, 2000′.
MSA: 000°–090°—3100′; 090°–180°—2200′; 180°–270°—2100′; 270°–360°—2500′.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	1180	RVR 40	499	1180	RVR 40	499	1180	RVR 40	499	1180	RVR 50	499
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1180	1	496	1180	1	496	1180	1½	496	1240	2	556
A	Standard.		T 2-eng. or less—RVR 24, Runway 7; Standard all other runways.				T over 2-eng.—RVR 24, Runway 7; Standard all other runways.					

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684′; Facility, TO; Procedure No. NDB (ADF) Runway 7, Amdt. 12; Eff. date, 24 Oct. 68; Sup. Amdt. No. 11; Dated, 1 Apr. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: UCY NDB.
				Climbing right turn to 1900′ direct to UCY NDB and hold.

Supplementary charting information: Hold N, 163° Inbnd, 1 minute, right turns.

Procedure turn W side of crs, 343° Outbnd, 163° Inbnd, 1900′ within 10 miles of UCY NDB.
Final approach crs, 163°.
Minimum altitude over UCY NDB, 900′.
MSA: 000°–090°—1900′; 090°–180°—2000′; 180°–360°—1800′.
NOTE: Use DYR FSS altimeter setting.
*Night visibility minimums 1¼.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-18*	900	1	560	900	1	560	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	940	1	600	940	1	600	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Union City; State, Tenn.; Airport name, Everett-Stewart; Elev., 340′; Facility, UCY; Procedure No. NDB (ADF) Runway 18, Amdt. Orig.; Eff. date, 24 Oct. 68

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				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing BT LOM.
Plattsburgh VOR	Causeway Int	Direct	1800	Climbing left turn to 1800′ direct to BT LOM and hold.
Causeway Int	BT LOM (NOPT)	Direct	1800	
Burlington VOR	BT LOM	Direct	2700	Supplementary charting information: Hold NW BT LOM, 146° Inbnd, 1-minute, left turns. TDZ elevation, 326′. 900′ terrain 2.7 miles SE of airport.
Keeseville Int	BT LOM	Direct	3100	

Procedure turn N side of crs, 326° Outbnd, 146° Inbnd, 1800′ within 10 miles of BT LOM.
FAF, BT LOM. Final approach crs, 146°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over BT LOM, 1800′.
MSA: 000°–090°—5400′; 090°–180°—5400′; 180°–270°—5500′; 270°–360°—5500′.
NOTE: Radar vectoring.
% Southeastbound departures cross BTV VOR at 4000′ or above.
% IFR departures: Runway 15, after takeoff make right-climbing turn direct BTV VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15	860	¾	534	860	¾	534	860	¾	534	860	1	534
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	860	1	525	860	1	525	860	1½	525	980	2	645
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Burlington; State, Vt.; Airport name, Municipal; Elev., 335′; Facility, BT; Procedure No. NDB (ADF) Runway 15, Amdt. 11; Eff. date, 24 Oct. 68; Sup. Amdt. No. 10; Dated, 9 May 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3 miles after passing Lima LOM (LA).
Downey FM/NDB	Lima LOM (LA)	Direct	1500	Climb to 2000′ on crs 225° from Lima LOM within 15 miles.

Procedure turn not authorized. Approach crs (Profile) starts at Lima LOM (LA).
FAF, Lima LOM (LA). Final approach crs, 225°. Distance FAF to MAP, 3 miles.
Minimum altitude over Lima LOM (LA), 1500′.
MSA: 045°–135°—4800′; 135°–225°—2600′; 225°–315°—4800′; 315°–045°—9100′.
NOTE: Radar required.
*All circling S of airport due to traffic restrictions N.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	660	1	597	660	1	597	660	1½	597	NA
A	Standard.		T 2-eng. or less—Runways 7/25, 300–1; Standard all other runways.				T over 2-eng.—Runways 7/25, 300–1; Standard all other runways.			

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 63′; Facility, LA; Procedure No. NDB (ADF)-1, Amdt. 3; Eff. date, 24 Oct. 68; Sup. Amdt. No. 2; Dated, 2 May 68

11. By amending § 97.29 of Subpart C to establish 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, 797'; LOC 5 miles after passing BN NDB/LOM.
BNA VORTAC	BN NDB/LOM	Direct	2500	Climb to 2500' direct to Knob Int and hold.
Knob Int	BN NDB/LOM	Direct	2500	Supplementary charting information: Hold N, 1 minute, left turns, 196° Inbnd. HIRL Runways 2L/20R. VASI Runway 20R. TDZ elevation, 597'.
Franklin Int	BN NDB/LOM	Direct	2500	

Procedure turn E side of crs, 196° Outbnd, 016° Inbnd, 2500' within 10 miles of BN NDB/LOM.
FAF, BN NDB/LOM. Final approach crs, 016°. Distance FAF to MAP, 5 miles.
Minimum glide slope interception altitude 2100', Glide slope altitude at OM, 2100'; at MM, 817'.
Distance to runway threshold at OM, 5 miles; at MM, 0.6 mile.
MSA: 000°–090°—3100'; 090°–180°—2400'; 180°–360°—3100'.
NOTE: ASR.
CAUTION: Brightly lighted building W of ALS Runway 2L; localizer unusable below 797'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-2L	797	RVR 24	200	797	RVR 24	200	797	RVR 24	200	797	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2L	960	RVR 24	363	960	RVR 24	363	960	RVR 24	363	960	RVR 40	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	443	1060	1	463	1060	1½	463	1160	2	563
A	Standard.		T 2-eng. or less—RVR 24, Runway 2L; Standard all other runways.				T over 2-eng.—RVR 24, Runway 2L; Standard all other runways.					

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597'; Facility, I-BNA; Procedure No. ILS Runway 2L, Amdt. 17; Eff. date, 24 Oct. 68; Sup. Amdt. No. 16; Dated, 1 Apr. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 881'; LOC 4.7 miles after passing TO LOM.
McClure Int	TO LOM	Direct	2200	Climbing right turn to 2200', proceed to Waterville VORTAC and hold. When directed by ATC, climb to 2600' on NE localizer crs to Harbor View Int. Hold NE Harbor View Int, right turns, 1 minute, 249° Inbnd.
Waterville VORTAC	TO LOM	Direct	2200	
Harbor View Int	TO LOM	Direct	2200	
Gerald Int	TO LOM (NOPT)	Direct	2300	Supplementary charting information: Hold SE Waterville VORTAC, right turns, 1 minute, 320° Inbnd. TDZ elevation, 681'.

Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2100' within 10 miles of TO LOM.
FAF, TO LOM. Final approach crs, 069°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over TO LOM, 2000'.
Minimum glide slope interception altitude, 2000'. Glide slope altitude at OM, 1983'; at MM, 892'.
Distance to runway threshold at OM, 4.7 miles; at MM, 0.6 mile.
MSA: 000°–090°—3100'; 090°–180°—2200'; 180°–270°—2100'; 270°–360°—2500'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7	881	RVR 24	200	881	RVR 24	200	881	RVR 24	200	881	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MAD	VIS	HAT
S-7	1020	RVR 24	339	1020	RVR 24	339	1020	RVR 24	339	1020	RVR 40	339
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1180	1	496	1180	1	496	1180	1½	496	1240	2	556
A	Standard.		T 2-eng. or less—RVR 24, Runway 7; Standard all other runways.				T over 2-eng.—RVR 24, Runway 7; Standard all other runways.					

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684'; Facility, I-TOL; Procedure No. ILS Runway 7, Amdt. 12; Eff. date, 24 Oct. 68; Sup. Admt. No. 11; Dated, 1 Apr. 67

12. 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, 526′. LOC, 4.8 miles after passing BT LOM.
Plattsburgh VOR	Causeway Int	Direct	1800	Climbing left turn to 1800′ direct to BT LOM and hold.
Causeway Int	BT LOM (NOPT)	Direct	1800	Supplementary charting information: Hole NW of BT LOM, 146° Inbnd, 1 minute, left turns. TDZ elevation, 326′. 900′ terrain 2.7 miles SE of airport.
Burlington VOR	BT LOM	Direct	2700	
Keeseville Int	BT LOM	Direct	3100	

Procedure turn N side of crs, 326° Outbnd, 146° Inbnd, 1800′ within 10 miles of BT LOM.
FAF, BT LOM. Final approach crs, 146°. Distance FAF to MAP, 4.8 miles.
Minimum glide slope intercception altitude, 1800′. Glide slope altitude at OM, 1778′; at MM, 598′.
Distance to runway threshold at OM, 4.8 miles; at MM, 0.8 mile.
MSA: 000°–090°—5400′; 090°–180°—5400′; 180°–270°—5500′; 270°–360°—5500′.
NOTES: (1) Radar vectoring. (2) Back crs unusable.
% Southeastbound departures cross BTV VOR at 4000′ or above.
% IFR departures: Runway 15, after takeoff make right-climbing turn direct to BTV VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–15	526	½	200	526	½	200	526	½	200	526	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–15	700	½	374	700	½	374	700	½	374	700	¾	374
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	860	1	525	860	1	525	860	1½	525	980	2	645
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Burlington; State, Vt.; Airport name, Municipal; Elev., 335′; Facility, I-BTV; Procedure No. ILS Runway 15, Amdt. 12; Eff. date, 24 Oct. 68; Sup. Amdt. No. 11; Dated, 9 May 68

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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

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

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by Nashville ASR minimum altitude vectoring charts. Radar will provide 1000′ vertical clearance within 3-mile radius of following towers: 9.5 miles NW 2049′; 9 miles W 2049′; 9 miles SW 2049′; 10 miles SSW 1490′.										1. Descend aircraft after passing final approach fix. 2. Runway 2L—FAF 5 miles from threshold (LOM). Minimum altitude over 3-mile Fix, 1500′. TDZ elevation, 597′. 3. Runway 20R—FAF 5 miles from threshold. Minimum altitude over 3-mile Fix, 1500′. Minimum altitude over 2-mile Fix, 1200′. TDZ elevation, 554′. 4. Runway 31—FAF 5 miles from threshold (BNA VORTAC). Minimum altitude over 2-mile Fix, 1200′. TDZ elevation, 574′. 5. Runway 13—FAF 5 miles from threshold. Minimum altitude over 3-mile Fix, 1500′. TDZ elevation, 552′. HIRL Runways 2L/20R; VASI Runway 20R. NOTE: MTI must be operating for surveillance approaches.

Missed approach:
Runway 2L—Climb to 2500′ on N crs ILS or on crs 016° from BN NDB/LOM within 15 miles of airport.
Runway 20R—Climb to 2500′ on S crs ILS or on crs 196° to BN NDB/LOM within 15 miles of airport.
Runway 31—Climbing right turn to 3000′ on R 336° of BNA VORTAC within 15 miles.
Runway 13—Climb to 2500′ direct to BNA VORTAC and hold SE on R 133° right turns, 1-minute, 313° Inbnd.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2L	960	RVR 24	363	960	RVR 24	363	960	RVR 24	363	960	RVR 40	363
S-20R	980	¾	426	980	¾	426	980	¾	426	980	1	426
S-31	1000	1	426	1000	1	426	1000	1	426	1000	1	426
S-13	960	1	408	960	1	408	960	1	408	960	1	408
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	443	1060	1	463	1060	1½	463	1160	2	563
A	Standard.		T 2-eng or less—RVR 24, Runway 2L; Standard all other runways.				T over 2-eng.—RVR 24, Runway 2L; Standard all other runways.					

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597′; Facility, Nashville Radar; Procedure No. Radar-1, Amdt. 9; Eff. date, 24 Oct 68; Sup. Amdt. No. Radar 1, Amdt. 8; Dated, 4 Mar. 67.

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°	7	2000	30	2500							1. Descend aircraft to MDA after FAF. ASR FAF all runways 5 miles from threshold. 2. Component inoperative table does not apply to REIL Runway 25 and 34. Supplementary charting information: Hold SE Waterville VOR, right turns, 1 minute, 320° Inbd. Hold SW Toledo LOM, right turns, 1 minute, 069° Inbd. TDZ elevation Runway 7—681′, TDZ elevation Runway 16—673′, TDZ elevation Runway 25—678′, TDZ elevation Runway 34—665′.

Radar control will provide 1000′ vertical clearance within 3-mile radius of the 1629′ and 1625′ towers, 18 miles, and 2049′ tower, 21 miles NE of airport.

Missed approach:
Runway 7—Climbing right turn to 2200′, proceed to Waterville VOR and hold.
Runway 16—Climbing left turn to 2200′, proceed to Waterville VOR and hold.
Runway 25—Climb to 2100′, proceed to Toledo LOM and hold.
Runway 34—Climbing left turn to 2100′, proceed to Toledo LOM and hold.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	1120	RVR 24	439	1120	RVR 24	439	1120	RVR 24	439	1120	RVR 40	439
S-25	1040	¾	362	1040	¾	362	1040	¾	362	1040	1	362
S-16	1020	1	347	1020	1	347	1020	1	347	1020	1	347
S-34	1120	1	455	1120	1	455	1120	1	455	1120	1	455
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1180	1	496	1180	1	496	1180	1½	496	1240	2	556
A	Standard.		T 2-eng. or less—RVR 24, Runway 7; Standard all other runways.				T over 2-eng.—RVR 24, Runway 7; Standard all other runways.					

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684′; Facility, Toledo Radar; Procedure No. Radar-1, Amdt. 6; Eff. date, 24 Oct. 1968; Sup. Amdt. No. Radar 1, Amdt. 5; Dated, 26 Aug. 1967

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 September 16, 1968.

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

[F.R. Doc. 68-11597; Filed, Oct. 7, 1968; 8:45 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER H—DETERMINATION OF WAGE RATES

PART 864—WAGES; SUGARCANE; LOUISIANA

Fair and Reasonable Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Houma, La., on June 24, 1968, the following determination is hereby issued.

Sec.
864.15 Requirements.
864.16 Applicability of wage requirements.
864.17 Payment of wages.
864.18 Evidence of compliance.
864.19 Subterfuge.
864.20 Claim for unpaid wages.
864.21 Failure to pay all wages in full.
864.22 Checking compliance.

AUTHORITY: Secs. 864.15 to 864.22 issued pursuant to sec. 301 of the Sugar Act of 1948, as amended. (Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended, 7 U.S.C. 1131.)

§ 864.15 Requirements.

A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work, as provided in § 864.16, shall have been paid in accordance with the following:

(a) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on October 14, 1968, and shall remain in effect until amended, superseded, or terminated:

(1) *For work performed on a time basis.*

Class of Worker:

Harvest Work	*Rate per hour*
Harvester and loader operators	$1.45
Tractor drivers, truck drivers, harvester bottom blade operators, and hoist operators	1.40
All other harvesting workers	1.30

Production and Cultivation Work	*Rate per hour*
Tractor drivers	$1.35
All other production and cultivation workers	1.30

(2) *Workers 14 and 15 years of age and full-time students when employed on a time basis.* For workers 14 and 15 years of age and, where the Secretary of Labor has by certificate or order provided for the employment of full-time students 14 years of age or older on a part-time basis (not to exceed 20 hours in any workweek during the time school is in session) or on a part-time or a full-time basis during school vacations, the rate shall be not less than 85 percent of the applicable hourly rate for the class of worker prescribed in subparagraph (1) of this paragraph. (The act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day, will result in a deduction from Sugar Act payments to the producer.)

(3) *Handicapped workers when employed on a time basis.* The wage rate for workers certified by the Regional Director, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 1931 Ninth Avenue South, Birmingham, Ala. 35205, to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, shall be not less than 75 percent of the applicable hourly rate for the class of worker prescribed in subparagraph (1) of this paragraph.

(4) *Work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker. The hourly rate of earnings of each worker employed on piecework during each pay period (not to be in excess of 2 weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate for the class of worker prescribed in subparagraphs (1), (2), and (3) of this paragraph.

(b) *Compensable working time.* For work performed under paragraph (a) of this section, compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field, except time taken out for meals during the working day. If the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm, is not compensable working time.

(c) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. The worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

§ 864.16 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugarcane on any acreage from which sugarcane is marketed or processed for the production of sugar, harvested for seed, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by an independent contractor who perform services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; independent contractors and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 864.17 Payment of wages.

Workers shall be paid in cash for all work performed. Deductions from cash payments are permitted and may be made for advances to workers made in cash; the cash value of supplies furnished; meals, lodging, and transportation which the producer agreed to furnish for a stated amount; voluntary deductions for group hospitalization, medical plans, or insurance programs to pay costs which the producer did not agree to pay; and mandatory deductions such as taxes or Social Security contributions. Payments made to a labor contractor, supervisor, or labor trainer, or the cost of meals, lodging, transportation, and insurance covering injury or illness resulting from employment, any or all of which the producer agreed to furnish the worker free of charge, shall not be deducted from cash wages due the worker. When any deductions are made, the producer shall include with the cash payment to the worker a statement showing total wages due and the agreed-upon value of each deduction made.

§ 864.18 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act

payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this section. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed-upon rates per unit of work, total earnings, and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this section have been met.

§ 864.19 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 864.20 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the local county Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed on Form SU–191 entitled "Claim Against Producer for Unpaid Wages," within 2 years from the date the work with respect to which the claim is made was performed. Detailed instructions and Forms SU–191 are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the Agricultural Stabilization and Conservation State Committee, 3737 Government Street, Alexandria, La. 71303, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after the date the written notice of the recommended settlement is mailed by the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780, Title 7 of the Code of Federal Regulations (Part 780 of this title).

§ 864.21 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer, or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the debt record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such a farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them, or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 864.22 Checking compliance.

The procedures to be followed by ASCS county offices in checking compliance with the wage requirements of this part are set forth under the heading "Wage Rate Determinations" in Handbook 3–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Copies of Handbook 3–SU may be inspected at local county ASCS Offices and copies may be obtained from the Louisiana State ASCS Office, 3737 Government Street, Alexandria, La. 71303.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations, the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

Wage determination.—This determination continues the requirements of the prior determination except that the minimum time wage rates for all classes of workers are increased 15 cents per hour. A minor change has been made in the procedure for certifying workers as handicapped.

A public hearing was held in Houma, La., on June 24, 1968, at which interested persons were afforded the opportunity to testify on the question of whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective October 16, 1967, continue to be fair and reasonable under existing circumstances, or whether such determination should be amended.

A Louisiana State University agricultural economist presented data obtained from studies of large-scale sugarcane

farms (200 acres or more) and family-size sugarcane farms (less than 200 acres) in Louisiana. The witness stated that these studies reveal the risk involved in raising sugarcane and the desirability of considering 3- to 5-year averages as the basis of analysis rather than individual years. He also stated that minimum wage rates have been increased every year, 1961–67, and that if the full benefit of increased sugar prices are to go to the laborers then the farmer is no better off than before.

The witness presented data from his cost studies showing that net returns for 1966 were as follows: For large scale farms, about $7 per acre as compared to the 5-year average 1961–65 of $19 per acre, and for family-size farms $57 per acre as compared to the 5-year average of $77 per acre. The witness stated that labor costs in producing sugarcane have not decreased in proportion to the reduction in the amount of man-labor required for producing sugarcane. He said that for the period 1937–66 with an estimated 70 percent reduction in man-labor requirement, there was a 19 percent increase in labor costs and a 44 percent increase in nonlabor costs, and that while direct costs have increased, direct costs other than labor have increased faster. He said that from the above analysis one can conclude that labor has benefitted more from increases in technology than has the sugarcane producer.

A witness testifying for both the American Sugar Cane League and the Louisiana Farm Bureau Federation recommended that a single minimum wage rate be established at $1.30 per hour, effective February 1, 1969, as designated in the Fair Labor Standards Act, for all sugarcane workers. He also recommended that the various classifications of cultivation and harvest workers be eliminated. The witness stated that the cost of living index for April 1968 was 119.9 based on the 1957–59 average and that since 1957 the wage rate, as prescribed in Louisiana sugarcane wage determinations, has increased approximately 161 percent. He also stated that prices paid producers for sugarcane have increased only 18 percent since 1947 and that during this same time there has been a 379 percent increase in minimum production and cultivation wage rates and a 238 percent increase in minimum harvest wage rates. The witness stated that a single minimum wage would not reduce labor costs to producers or wages to workers as minimums often have a tendency of holding down wage rates.

Representatives of labor recommended that wages for sugarcane fieldworkers be increased at all levels. They also recommended that the present classifications of workers should definitely be maintained. In support of this recommendation they presented results of a survey of some one hundred workers on a large plantation showing that all workers were being paid at minimum rates as specified in the present wage determination and that over 20 percent were classified as unskilled laborers. These witnesses stated that if it was necessary to increase the price of sugar or to pay producers an increased subsidy to allow them to pay increased wages, this should be done.

One witness stated that more emphasis should be placed on workers on the large plantations as this type of farm hires the majority of the sugarcane fieldworkers. Another witness stated that even though a few laborers receive a decent wage, they are still underemployed as there is no year-round work and this lowers their annual income. He recommended that the rate for tractor drivers be set at a minimum of $2 per hour. One witness testified that wages for similar jobs in the construction industry as of February 1, 1966, varied from $1.80 to $4.10 per hour.

All recommendations made at the public hearing have been considered according to the standards generally considered in wage determinations. The standards include returns, costs, and profits of producing sugarcane obtained by survey and recast to reflect conditions likely to prevail for the 1968 crop and other pertinent factors. Three of the past five crops were damaged by hurricanes or freezes resulting in reduced yields and profits. Nevertheless, sugarcane production for the average producer has been generally profitable. Consideration of all relevant factors indicates that the minimum wage rates established in this determination are fair and reasonable and are within the producers' ability to pay.

The recommendation for a single minimum wage of $1.30 per hour effective February 1, 1969, has not been adopted. Testimony presented at the hearing indicates that there are still some areas of the Louisiana sugarcane belt where there is a lack of sufficient competition from industry to cause producers to pay higher rates for skilled workers. Thus it is believed that the continuation of rate differentials for workers of higher skills is both necessary and desirable at this time to provide equity among workers of similar skills in all sections of the sugarcane area.

This determination is issued on a continuing basis and will be effective until amended or terminated. However, the Department will keep the wage situation under review and will conduct investigations and hold hearings annually.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

Effective date. This determination shall become effective on October 14, 1968.

Signed at Washington, D.C., on October 2, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68–12225; Filed, Oct. 7, 1968; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 1]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

JOINT LOANS AND ELIGIBLE EXTRA LONG STAPLE COTTON

The regulations issued by the Commodity Credit Corporation published in 33 F.R. 8802 as Cotton Loan Program Regulations and containing the terms and conditions with respect to the Cotton Loan Program are hereby amended to change producer and cotton eligibility requirements thereof as follows:

1. Paragraph (a)(2)(ii) of § 1427.1355 is amended to read as follows:

§ 1427.1355 Eligible producer.

(a) * * *

(2) * * * (ii) the landlord may obtain a loan on cotton in which both he and one or more share tenants or sharecroppers have an interest if he has the legal right to do so. In such cases the share tenants or sharecroppers must be paid their pro rata share of the loan proceeds and their pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest.

* * * * *

2. Paragraph (b) of § 1427.1356 is amended to read as follows:

§ 1427.1356 Eligible cotton.

* * * * *

(b) Upland cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended, on a farm determined to be in compliance with price support payment requirements of the Upland Cotton Program as prescribed in Parts 718, 722, and 791 of this title and any amendments thereto. Extra long staple cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended, on a farm determined to be in compliance with price support payment requirements of the Extra Long Staple Cotton Program as prescribed in Part 718, 722, and 791 of this title and any amendments thereto. The cotton in any bale may have been produced by two or more cooperators on one or more farms if the bale is not a repacked bale.

* * * * *

(Sec. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421)

Effective date. The amendment is effective upon filing with FEDERAL REGISTER for publication.

Signed at Washington, D.C., on October 2, 1968.

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

[F.R. Doc. 68-12226; Filed, Oct. 7, 1968; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1417]

PART 13—PROHIBITED TRADE PRACTICES

Aronowicz, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-70 Percentage savings. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Aronowicz, Inc., trading as House of Aronowicz et al., New York, N.Y., Docket C-1417, Aug. 27, 1968]

In the matter of Aronowicz, Inc., a Corporation, Trading Under Its Own Name and as House of Aronowicz, and Saul Arons, Individually and as an Officer of Said Corporation

Consent order requiring a New York City wholesale and retail furrier to cease misbranding, deceptively invoicing and falsely advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is ordered, That respondents Aronowicz, Inc., a corporation, trading under its own name and as House of Aronowicz or under any other name, and its officers, and Saul Arons, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying such fur products as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on a label affixed to such fur product.

4. Setting forth the term "blended" or any term of like import on a label as part of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing, or otherwise artificial coloring of furs contained in such fur product.

5. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of the label affixed to such fur product.

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly in the sale, or offering for sale of such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Misrepresents, directly or by implication, through percentage savings claims that the price of any such fur product is reduced to afford the purchaser of such fur product from respondents the percentage of savings stated.

4. Misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

5. Falsely or deceptively represents that the price of any such fur product is reduced.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations under the Fur Products Labeling Act are based.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 27, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-12192; Filed, Oct. 7, 1968; 8:46 a.m.]

[Docket No. C-1418]

PART 13—PROHIBITED TRADE PRACTICES

Central Chinchilla Group of America, Inc., and Hillis B. and Edna Akin

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Central Chinchilla Group Of America, Inc., et al., Des Moines, Iowa, Docket C-1418, Sept. 3, 1968]

In the Matter of Central Chinchilla Group of America, Inc., a Corporation, and Hillis B. Akin and Edna Akin, Individually and as Officers of Said Corporation

Consent order requiring a Des Moines, Iowa, seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting its service to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Central Chinchilla Group of America, Inc., a corporation, and its officers, and Hillis B. Akin and Edna Akin, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, closed-in porches, spare buildings, or sheds, or other quarters or buildings or that large profits can be made in this manner: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented quarters or buildings have the requisite space, temperature, humidity, ventilation, and other environmental conditions which would make them adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis and that large profits can be made in this manner.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, raising and care of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive select or choice quality chinchillas or any other grade or quality of chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers do actually receive chinchillas of the represented grade or quality.

5. Each female chinchilla purchased from respondents and each female offspring produce at least four live young per year.

6. The number of live offspring produced per female chinchilla is any number or range of numbers: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number or range of numbers of offspring are actually and usually produced by female chinchillas purchased from respondents or the offspring of said chinchillas.

7. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to four live offspring at 111-day intervals.

8. The number of litters or sizes thereof produced per female by respondents' chinchilla breeding stock is any number or range thereof: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number or range thereof of litters and sizes thereof are actually and usually produced by chinchillas purchased from respondents or the offspring of said chinchillas.

9. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $25 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell for from $25 to $55 each.

10. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented price, average price, or range of prices are actually and usually received for pelts produced by chinchillas purchased from respondents or by the offspring of such chinchillas.

11. A purchaser starting with three females and one male will have, from the sale of pelts, an annual income, earnings or profits of $8,100 in the fourth year after purchase.

12. Purchasers of respondents' breeding stock will realize earnings, profits, or income in any amount or range of amounts: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented amount or range of amounts of earnings, profits, or income are actually and usually realized by purchasers of respondents' breeding stock.

13. Breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

14. Respondents' chinchillas are guaranteed unless respondents do in fact promptly fulfill all of their obligations and requirements set forth in or represented, directly or by implication, to be contained in any guarantee or warranty applicable to each and every chinchilla.

15. Purchasers of respondents' chinchilla breeding stock will receive three service calls from respondents' service personnel each year or at any other interval or frequency: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number of service calls are actually furnished.

16. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers are actually given the represented guidance in the care and breeding of chinchillas or are furnished the represented advice by respondents as to the breeding of chinchillas.

17. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

18. Respondents will purchase all or any of the healthy chinchilla offspring raised by purchasers of respondents' breeding stock for $100 a pair, or said offspring for any other price: *Provided, however,* It shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that they do, in fact, purchase all the offspring offered by said purchasers at the prices and on the terms and conditions represented.

19. The "Group Quality" standards of live chinchilla evaluation is an accepted standard in the chinchilla industry for determining the quality of chinchilla breeding stock; or misrepresenting, in any manner, the standards or the acceptance or recognition of standards in the chinchilla industry for the evaluation or grading of chinchillas or the pelts therefrom.

20. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that through the assistance and advice furnished by respondents to their purchasers, said purchasers are actually able to breed or raise chinchillas as a commercially profitable enterprise.

B. 1. Misrepresenting, in any manner, the assistance, training, services, or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits of purchasers of respondents' chinchilla breeding stock.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' products or services and failing to secure from each such salesmen or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in

writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 3, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-12193; Filed, Oct. 7, 1968; 8:46 a.m.]

[Docket No. C-1420]

PART 13—PROHIBITED TRADE PRACTICES

Emporium Capwell Co.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The Emporium Capwell Co., San Francisco, Calif., Docket C-1420, Sept. 5, 1968]

In the Matter of The Emporium Capwell Co., a Corporation

Consent order requiring a San Francisco, Calif., retail furrier to cease falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The Emporium Capwell Co., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 5, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-12194; Filed, Oct. 7, 1968; 8:46 a.m.]

[Docket No. C-1415]

PART 13—PROHIBITED TRADE PRACTICES

Len Artel, Inc., and Leonid Artel

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-30 Flammable Fabrics Act; 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, 67 Stat. 111, as amended; 15 U.S.C. 45, 70, 1191) [Cease and desist order, Len Artel, Inc., et al., New York, N.Y., Docket C-1415, Aug. 27, 1968]

In the Matter of Len Artel, Inc., a Corporation, and Leonid Artel, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer of textile fiber products to cease misbranding its products and furnishing false guaranties.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Len Artel, Inc., a corporation, and its officers, and Leonid Artel, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, or the importation into the United States, of any textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Designating fibers in such textile fiber products in the amount of less than five per centum of the total fiber weight, by their generic names or fiber trademarks except as permitted by Rule 3(b) and sections 4(b)(1) and (2) of the Textile Fiber Products Identification Act.

4. Using a fiber trademark on a label affixed to such a textile fiber product without the generic name of the fiber appearing in immediate conjunction therewith.

5. Using a generic name or fiber trademark on such label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Textile Fiber Products Identification Act and the rules and regulations promulgated thereunder the first time such generic name or fiber trademark appears on the label.

It is further ordered, That respondents Len Artel, Inc., a corporation, and its officers, and Leonid Artel, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Len Artel, Inc., a corporation, and its officers, and Leonid Artel, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any

corporate or other device, do forthwith cease and desist from furnishing a false guaranty under the Flammable Fabrics Act, that any fabric is not, under the provisions of section 4 of the said Act, so highly flammable as to be dangerous when worn by individuals, when respondents have reason to believe such fabric may be introduced, sold, or transported in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: August 27, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-12196; Filed, Oct. 7, 1968; 8:46 a.m.]

[Docket No. 8707]

PART 13—PROHIBITED TRADE PRACTICES

Earle J. Maixner et al.

Order requiring two sellers of chinchilla breeding stock (Robert C. Brennan and Bill K. Hargis), to cease misrepresenting the profits to be made in chinchilla breeding, the fertility of their stock, the sale price of pelts, furnishing false guarantees, and falsely using the term "Guild" as part of their corporate name as set forth "In the Matter of Earle J. Maixner et al." appearing on pages 2840 and 2841 of the FEDERAL REGISTER dated February 10, 1968 (33 F.R. 2840).

The order to cease and desist as set forth on pages 2840 and 2841 of the FEDERAL REGISTER dated February 10, 1968 (33 F.R. 2840).

It is further ordered, That respondents Robert C. Brennan, also known as Robert C. Brennan Sr., and Bill K. Hargis, also known as Billy K. Hargis, shall within sixty (60) days after service upon them of this order, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 8, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-12195; Filed, Oct. 7, 1968; 8:46 a.m.]

[Docket No. C-1419]

PART 13—PROHIBITED TRADE PRACTICES

Malzone Sports, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2–5, 54 Stat. 1128–1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Malzone Sports, Inc., doing business as Speedline Athletic Wear et al., Tampa, Fla., Docket C-1419, Sept. 5, 1968]

In the Matter of Malzone Sports, Inc., a Corporation, Doing Business Under Its Own Name and as Speedline Athletic Wear, and Armand B. Malzone, Individually and as an Officer of Said Corporation

Consent order requiring a Tampa, Fla., manufacturer of men's and women's athletic uniforms and jackets to cease misbranding its wool and textile fiber products, falsely advertising its textile fiber products, and failing to keep required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Malzone Sports, Inc., a corporation, doing business under its own name and as Speedline Athletic Wear or any other name, and its officers, and Armand B. Malzone, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identfying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such products showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representation, by disclosure or by implication, as to the fiber content of any such textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, in the manner and form required except that the percentages of the fibers present in the said textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

C. Failing to maintain and preserve proper records of fiber content of textile fiber products manufactured by said respondents, as required by section 6 of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That Malzone Sports, Inc., a corporation doing business under its own name and as Speedline Athletic Wear or any other name, and Armand B. Malzone, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment in commerce, of wool wearing apparel or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such wool products by failing to securely affix to, or place on each wool product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of the order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 5, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-12197; Filed, Oct. 7, 1968; 8:46 a.m.]

[Docket No. C-1416]

PART 13—PROHIBITED TRADE PRACTICES

Primrose Knitting Mills, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1400 *Dealer as manufacturer.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Primrose Knitting Mills, Inc., et al., New York, N.Y., Docket C-1416, Aug. 27, 1968]

In the Matter of Primrose Knitting Mills, Inc., a Corporation, Melody Knitwear Corp., a Corporation, Picado Sportswear Corp., a Corporation, and Paul Fried and Julia Fried, Individually and as Officers of Said Corporations

Consent order requiring three affiliated New York City distributors of dresses and sweaters to cease misbranding their wool products and respondent, Primrose Knitting Mills, Inc., to cease furnishing false guarantees and misrepresenting itself as a manufacturer.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Primrose Knitting Mills, Inc., a corporation, Melody Knitwear Corp., a corporation, Picado Sportswear Corp., a corporation, and the officers of each of said corporations, and Paul Fried and Julia Fried, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, introduction into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Using the term "mohair" in lieu of the word "wool" in setting forth the required fiber content information on labels affixed to wool products unless the fibers described as mohair are entitled to such designation and are present in at least the amount stated.

It is further ordered, That respondents Primrose Knitting Mills, Inc., a corporation, and its officers, and Paul Fried and Julia Fried, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Primrose Knitting Mills, Inc., a corporation, and its officers, and Paul Fried and Julia Fried, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Directly or indirectly using the word "Mills", or any other word or term of similar import or meaning in or as a part of respondents' corporate or trade name, or representing in any manner that respondents perform the functions of a mill or otherwise manufacture or process the sweaters or other products sold by them unless and until respondents own and operate or directly and absolutely control the mill wherein said sweaters or other products are manufactured.

2. Misrepresenting in any manner that respondents have mills or factories where their products are manufactured or misrepresenting in any manner the location of the respondents' place of business.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 27, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-12198; Filed, Oct. 7, 1968; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advertising on Food Product Wrapper

§ 15.294 Advertising on food product wrapper.

(a) The Commission advised a food product manufacturer that it would not object to advertising proposed to be placed on the wrapper for the food product.

(b) The advertising would offer to those who respond a money making opportunity in the form of premiums or payments for the sale of a specified product. An inquirer would incur no obligation upon receipt of the plan, or thereafter, and would be free to accept or reject it at will. Anyone performing under the offer would be recompensed according to a clearly disclosed scale for services rendered. No monetary investment would be required.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 7, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-12139; Filed, Oct. 7, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Domestic Origin Marking on Product Containing Foreign Made Components

§ 15.295 Domestic origin marking on product containing foreign made components.

(a) The Commission responded to a request for an advisory opinion in regard to the following two questions:

(1) What percentage of imported components may be used in the finished product (bearings) without the necessity of disclosing the foreign country of origin thereof?

(2) Would it be proper to stamp the two types of bearings, which are partly made in a foreign country, as "Made in USA"?

(b) Because the party seeking the opinion did not know the cost of the imported components in relation to the total cost of the finished product, the Commission said that the first question

appeared to be somewhat hypothetical in that it does not involve a specific proposed course of action. Under these circumstances, the Commission concluded that the question was not the proper subject of an advisory opinion.

(c) With respect to the second question, the Commission concluded as follows: "* * * the 'Made in USA' mark would constitute an affirmative representation that the bearings are made in their entirety in the United States. If the bearings did in fact contain foreign made components of a substantial nature, it would be improper to mark the finished product as 'Made in USA' without a clear and conspicuous disclosure indicating the foreign country of origin of the imported components."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: October 7, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–12140; Filed, Oct. 7, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

"Failing Company" Theory Applied in Commission Approval of Sale of Assets to a Competitor

§ 15.296 "Failing company" theory applied in Commission approval of sale of assets to a competitor.

(a) The Commission issued an advisory opinion granting premerger clearance for a company in imminent danger of dissolution to sell all or part of its assets to a direct competitor.

(b) The selling company's financial affairs were in such state that it obviously would have ceased to be a competitive factor in its market in a matter of days. This being so, the Commission approved a sale to the only purchaser willing to, or in a position to, immediately salvage the assets.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: October 7, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–12141; Filed, Oct. 7, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Premerger Clearance—"Failing Company"—Portion of Fixed Assets To Be Sold to Keep Company in Business

§ 15.297 Premerger clearance—"Failing company"—portion of fixed assets to be sold to keep company in business.

The Commission advised an applicant that it has no present intention to take any action if the proposed sale of certain fixed assets to a direct competitor should be made, in view of the information submitted that:

(a) The (applicant) company is in critical financial condition and failing;

(b) Efforts to find other purchasers have been unsuccessful, except that one other purchaser was found who wished to buy a smaller amount of the assets than originally stated but who is not now in any position to buy any of the properties;

(c) The proposed sale is expected to generate sufficient funds to meet outstanding debts and provide necessary working capital to continue the company as a going concern and an active competitor.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: October 7, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–12142; Filed, Oct. 7, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Lenses Finished Domestically

§ 15.298 Disclosure of origin of imported lenses finished domestically.

(a) The Commission rendered an advisory opinion as to whether certain glass filter lenses used on welding helmets could be described as "Made in U.S.A."

(b) Under the facts presented to the Commission, the glass out of which the lenses are made is imported and upon arrival in the United States it is subject to further processing, such as cutting into special sizes, grinding of the edges, cleaning, polishing, and labeling as to different shades of intensity and packaging.

(c) In denying use of the "Made in U.S.A." mark on such a product, the Commission said: "* * * a 'Made in U.S.A.' mark on the finished product would constitute an affirmative representation that the lenses are made in their entirety in the United States. Since the lenses are composed of imported glass, it would be improper to mark the finished product as 'Made in U.S.A.' without a clear and conspicuous disclosure indicating the foreign country of origin of the imported glass."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: October 7, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–12143; Filed, Oct. 7, 1968; 8:45 a.m.]

PART 245—GUIDES FOR THE WATCH INDUSTRY

Use of the Word "Free"

On September 18, 1968, the Federal Trade Commission amended the Guides for the Watch Industry by inserting a note between § 245.16 and the Appendix. So amended the last note of § 245.16 and the added note read as follows:

§ 245.16 Use of the word "free".

* * * * *

(b) * * *

NOTE: The disclosure provided by paragraph (a) of this section should appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free", will not be regarded as compliance. [Guide 16]

NOTE: Provisions of outstanding Cease and Desist Orders pertaining to subject matter covered by this part will not be construed by the Commission as prohibiting or requiring more than the relevant provisions of this part.

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

Approved: September 18, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–12138; Filed, Oct. 7, 1968; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68–247]

USE OF VARIOUS CUSTOMS FORMS

To provide for the use of new customs Form 3171 which consolidates various customs forms used to request permission to lade or unlade and to request overtime services of a customs officer in connection therewith, the Customs Regulations are amended as follows:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The first sentence of § 4.10 is amended to read:

§ 4.10 Request for overtime services.

Request for overtime services in connection with the entry or clearance of a vessel, including the boarding of a vessel for the purpose of preliminary entry,[22] shall be made on customs Form 3171. * * *

2. Paragraph (a) of § 4.16 is amended to read:

§ 4.16 Entry and clearance on board vessels.

(a) A master, owner, or agent of a vessel described in the Act of June 16, 1937,[20] who desires that arrival may be

reported, entry made, and clearance obtained on board the vessel shall file with the district director of customs an application on customs Form 3171 and a bond on customs Form 7567 in such penal sum as the district director of customs deems sufficient but not less than $1,000, or the usual term bond on customs Form 7569.

* * * * *

3. In § 4.30, paragraphs (c), (f), (g), and (k) are amended to read:

§ 4.30 Permits and special licenses for unlading and lading.

* * * * *

(c) No unlading [60] or lading [61] requiring customs supervision shall be done at night or on a Sunday or holiday unless the application on customs Form 3171 is supplemented by a request of the master, owner, or agent of the vessel for overtime services of customs officers and the request is approved by the district director of customs. Such approval, together with the permit, shall constitute a special license. The request for overtime services of customs officers, shall be made on customs Form 3171. Such request for overtime services must specify the nature of the services desired and the exact times when they will be needed, unless arrangements are made locally so that the proper customs officer will be seasonably notified during official hours in advance of the rendering of the services as to the nature of the services desired and the exact times they will be needed. Such request shall not be approved unless the required cash deposit or bond [62] on customs Form 7567 or 7569 shall have been received, except that, when a carrier has on file a bond on customs Form 3587, no further bond shall be required solely by reason of the unlading or lading at night or on a Sunday or holiday of merchandise or baggage covered by bonded transportation entries. If a request for overtime services is limited as set forth in paragraph (b) of this section, appropriate words such as "to enter and unlade", or "to lade and clear", shall be used in the request. Separate bonds shall be required if overtime services are requested by different principals.

* * * * *

(f) A special license on customs Form 3171 running for any period up to 1 month and in multiples of months thereafter but not to exceed 1 year nor longer than the period of the supporting bond may be granted to a carrier operating passenger vessels making three or more trips a week between a port in the United States and a foreign port, or to an owner or agent of vessels employed in the fisheries or used as ferryboats, including car ferries, to unlade merchandise, passengers, or baggage, or to lade merchandise or baggage in the case of any or all of such vessels at night or on a Sunday or holiday when customs supervision is required. The application for such a special license to lade or unlade and request for overtime services of customs officers shall be on customs Form 3171. Arrangements shall be made locally so that the proper customs officer will be seasonably notified during official hours in advance of the rendering of the services as to the nature of the services desired and the exact times that they will be needed. The special license shall not be granted unless the required bond on customs Form 3587, 7567, or 7569 shall have been filed.

(g) The district director of customs may also issue a permit running for any period up to 1 month, and in multiples of months thereafter but not to exceed 1 year, to unlade or lade vessels specified in paragraph (f) of this section during official hours. Customs Form 3171 shall be used for such purpose.

* * * * *

(k) In the case of vessels of 5 net tons or over which are used exclusively as pleasure vessels and which arrive from any country, the district director of customs in his discretion and under such conditions as he deems advisable may allow the required application for unlading passengers and baggage to be made orally, and may authorize his inspectors to grant oral permission for unlading at any time, and to grant requests on Form 3171 for overtime services.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

4. In § 5.2, paragraphs (a) and (b) are amended to read:

§ 5.2 Vessels and vehicles; unlading and lading; permits; overtime services.[3a]

(a) No passenger or merchandise (including baggage) shall be landed or discharged at any time from any vessel of less than 5 net tons which arrives from a contiguous country, by sea or otherwise, or from a vehicle which arrives from such a country, until permission therefor has been granted by the customs officer to whom the arrival of the vessel or vehicles has been duly reported. The district director of customs may require that the permission and an application therefor be in writing on customs Form 3171 appropriately modified for the purpose. The foregoing requirement shall not apply to the unlading of passengers from any such vessel arriving from a contiguous country otherwise than by sea when such vessel is not carrying baggage or other merchandise.

(b) No lading of merchandise requiring customs supervision on any vessel or vehicle departing for a contiguous country by any route, and no unlading of any passenger or merchandise (including baggage) from any vessel of less than 5 net tons or vehicle arriving from a contiguous country by any route, shall be done at night or on a Sunday or holiday until the district director of customs has granted an application for a special license therefor. The foregoing requirement shall not apply to the unlading of passengers from any such vessel arriving from a contiguous country otherwise than by sea when such vessel is not carrying baggage or other merchandise. The application for the license and request for any reimbursable overtime services required of customs officers shall be on customs Form 3171 except that in the cases of vessels of less than 5 net tons and vehicles, not engaged in the carriage of persons or property for hire, the district director of customs in his discretion and under such conditions as he deems advisable may allow the application to be made orally. In the cases of the vessels and vehicles last mentioned, the district director of customs may authorize his customs inspectors to grant oral permission for unlading at night or on a Sunday or holiday and to grant requests on Form 3171 required in such a case for reimbursable overtime services.

* * * * *

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 6—AIR COMMERCE REGULATIONS

5. In § 6.2, paragraphs (e) and (f) are amended to read:

§ 6.2 Landing requirements.

* * * * *

(e) *Monthly and annual requests for overtime services and permits to unlade and lade.* A permit and special license on customs Form 3171 running for any period up to 1 month and in multiples of months thereafter, but not to exceed 1 year nor longer than the period of the supporting bond, may be granted to a scheduled airline to unlade passengers or merchandise, including baggage, or to lade merchandise, including baggage, in the case of any or all of its planes at night or on a Sunday or holiday when customs supervision is required. The application for such a permit to lade or unlade and request for overtime services of customs officers shall be made on customs Form 3171. Such request for overtime services must show the exact times when overtime services will be needed unless arrangements are made so that the proper customs officer will be notified during official hours in advance of the services requested as to the exact times that the services will be needed. The special license shall not be granted until the required bond on customs Form 3587, 7567, or 7569 shall have been filed.

(f) *Monthly and annual permits to unlade and lade.* The district director of customs may also issue a permit running for any period up to 1 month and in multiples of months thereafter, but not to exceed 1 year, to unlade or lade during official hours any or all of the planes of a scheduled airline. Customs Form 3171 shall be used for such purpose.

* * * * *

(R.S. 251, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended; 19 U.S.C. 66, 1624, 49 U.S.C. 1509)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

6. In § 24.16, paragraph (c) is amended to read:

§ 24.16 Overtime services; overtime compensation; rate of compensation.

* * * * *

(c) *Application and bond.* (1) Except as provided for in subparagraph (2) of this paragraph, an application for services of customs employees at night or on a Sunday or holiday, customs Form 3171, supported by the required cash deposit or bond, shall be filed in the office of the district director of customs before the assignment of such employees for reimbursable overtime services. The cash deposit to secure reimbursement shall be fixed by the district director of customs or his authorized representative in an amount sufficient to pay the maximum probable compensation and expenses of the customs employees in connection with the particular services requested. The bond to secure reimbursement shall be on customs Form 7597 or 7599 and in an amount to be fixed by the district director of customs, unless another bond containing a provision to secure reimbursement is on file.

(2) Prior to the expected arrival of a pleasure vessel or private aircraft the district director of customs may designate a customs employee to proceed to the place of expected arrival to receive an application for night, Sunday, or holiday services in connection with the arrival of such vessel or aircraft, together with the required cash deposit or bond. In each such case the assignment to perform services shall be conditional upon the receipt of the appropriate application and security. Where the security is a cash deposit, the receipt may be properly inscribed to make it serve as a combined receipt for cash deposit in lieu of bond and request for overtime services, in lieu of filing a request for overtime services on customs Form 3171.

REQUEST FOR OVERTIME SERVICES

Permit Number _____

I hereby request overtime services on ____ a.m., _____, 19__, at _____ p.m., in connection with the entry of my aircraft (vessel).

_____
(Pilot, Owner, or Person in Charge)

(3) An application on customs Form 3171 for overtime services of customs employees, when supported by the required cash deposit or bond on customs Form 7599, may be granted for a period not longer than for 1 year nor longer than the period of the supporting bond. In such a case, the application must show the exact times when the overtime services will be needed, unless arrangements are made so that the proper customs officer will be seasonably notified during official hours in advance of the services requested as to the exact times that the services will be needed.

* * * * *

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

These amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: September 4, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-12222; Filed, Oct. 7, 1968; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS

Promotional Labeling for Prescription Drugs

In the FEDERAL REGISTER of July 18, 1968 (33 F.R. 10283), the Commissioner of Food and Drugs proposed, for reasons given, certain clarifying amendments to regulations relating to promotional labeling for prescription drugs (§ 1.106(b)(4)(i) and other designated sections having similar intent). The Commissioner has considered the comments received in response to his proposal, and other relevant information, and concludes that the amendments should be adopted without change.

These amendments are intended as interim revisions to clarify the original intent of the current prescription drug labeling regulations and are not in lieu of further revisions of the labeling regulations as proposed in the FEDERAL REGISTER of May 23, 1967 (32 F.R. 7535).

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 505, 507, 701(a), 52 Stat. 1051–53, as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 352(f), 355, 357, 371(a)) and delegated to the Commissioner (21 CFR 2.120), Parts 1, 130, and 146 are amended as set forth below.

Effective date. This order shall become effective 30 days from its date of publication in the FEDERAL REGISTER.

(Secs. 502(f), 505, 507, 701(a), 52 Stat. 1051–53, as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 352(f), 355, 357, 371(a))

Dated: September 30, 1968.

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

Parts 1, 130, and 146 are amended:

1. By revising § 1.106 (b)(4)(i) and (c)(4)(i) to read as follows:

§ 1.106 Drugs and devices; directions for use.

* * * * *

(b) *Exemption for prescription drugs.* * * *

(4) * * *

(i) Adequate information for such use, including indications, effects, dosages, routes, methods, and frequency and duration of administration and any relevant warnings, hazards, contraindications, side effects, and precautions, under which practitioners licensed by law to administer the drug can use the drug safely and for the purposes for which it is intended, including all conditions for which it is advertised or represented; and if the article is subject to section 505 or 507 of the act, the parts of the labeling providing such information are the same in language and emphasis as labeling approved or permitted under the provisions of section 505 or 507, respectively, and any other parts of the labeling are consistent with and not contrary to such approved or permitted labeling; and

* * * * *

(c) *Exemption for veterinary drugs.* * * *

(4) * * *

(i) Adequate information for such use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, and any relevant warnings, hazards, contraindications, side effects, and precautions, and including information relevant to compliance with the food additive provisions of the act, under which veterinarians licensed by law to administer the drug can use the drug safely and for the purposes for which it is intended, including all conditions for which it is advertised or represented; and if the article is subject to section 505 or 507 of the act, the parts of the labeling providing such information are the same in language and emphasis as labeling approved or permitted under the provisions of section 505 or 507, respectively, and any other parts of the labeling are consistent with and not contrary to such approved or permitted labeling; and

* * * * *

2. In § 130.4(c)(2), by revising the first textual paragraph of Form FD–356H to read as follows:

§ 130.4 Applications.

* * * * *

(c) * * *

(2) * * *

FD–356H * * *

The undersigned submits this application for a new drug pursuant to section 505(b) of the Federal Food, Drug, and Cosmetic Act. It is understood that when this application is approved, the labeling and advertising for the drug will prescribe, recommend, or suggest its use only under the conditions stated

in the labeling which is part of this application; and if the article is a prescription drug, it is understood that any labeling which furnishes or purports to furnish information for use or which prescribes, recommends, or suggests a dosage for use of the drug will contain the same information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, any relevant warnings, hazards, contraindications, side effects, and precautions, as that contained in the labeling which is part of this application in accord with § 1.106(b) (21 CFR 1.106(b)). It is understood that all representations in this application apply to the drug produced until an approved supplement to the application provides for a change or the change is made in conformance with other provisions of § 130.9 of the new-drug regulations.

* * * * *

3. By revising § 130.9(a)(3) (33 F.R. 9955) to read as follows:

§ 130.9 Supplemental applications.

(a) * * *

(3) Any mailing or promotional piece used after the drug is placed on the market is labeling requiring a supplemental application unless the parts of the labeling furnishing directions, warnings, and information for use of the drug are the same in language and emphasis as labeling approved or permitted, and any other parts of the labeling are consistent with and not contrary to such approved or permitted labeling.

* * * * *

4. By revising § 146.2(b) (3) and (4) to read as follows:

§ 146.2 Requests for certification, check tests and assays, and working standards; information and samples required.

* * * * *

(b) * * *

(3) Before such person makes such change in the facilities and controls used in the manufacture, packaging, or labeling of the drug, he shall submit to the Commissioner for advance approval a full statement describing the proposed change. In the case of a proposal to use revised labeling on or within the drug package or promotional labeling containing information for use of the drug that is not the same in language and emphasis as the approved labeling, the applicant shall submit specimens for advance approval.

(4) In the case of mailing and promotional pieces that contain the same information for use of the drug as previously approved labeling, in which any other information is consistent with and not contrary to such labeling in accord with § 1.106(b) of this chapter and so certified by the applicant (or authorized representative), the applicant shall submit specimens when first used and need not await advance approval.

* * * * *

[F.R. Doc. 68-12221; Filed, Oct. 7, 1968; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Dimethyl O-[4-(Methylthio)-*m*-Tolyl] Phosphorothioate

A petition (PP 7F0531) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide *O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate in or on the raw agricultural commodities: Alfalfa (hay) and grass (hay) at 18 parts per million; alfalfa (green) and grass (green) at 5 parts per million; and meat, fat, and meat byproducts of cattle from topical application at 0.1 part per million.

The petitioner subsequently withdrew the requested tolerances regarding alfalfa and grass and proposed that the tolerances regarding meat, fat, and meat byproducts of cattle be established for residues of the insecticide and its cholinesterase-inhibiting metabolites.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

O,O-Dimethyl *O*-[4-methylthio)-*m*-tolyl] phosphorothioate and its cholinesterase-inhibiting metabolites.

* * * * *

2. The following new section is added to Subpart C:

§ 120.214 *O,O*-Dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate; tolerances for residues.

Tolerances are established for residues of the insecticide *O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities meat, fat, and meat byproducts of cattle at 0.1 part per million.

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 27, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12220; Filed, Oct. 7, 1968; 8:48 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6976]

PART 4—LABELING AND ADVERTISING OF WINE

Use on Labels or in Advertising of Brand Names or Class and Type Designations Which Are or Are Similar to, Names Applicable Only to Distilled Spirits

Notice of public hearing to be held in Washington, D.C., on January 16, 1967, with respect to certain proposals to amend 27 CFR Part 4, relating to the labeling and advertising of wine was published in the FEDERAL REGISTER on November 15, 1966 (31 F.R. 14556). Upon the conclusion of the said hearing, and after a thorough study of the proposals in the light of relevant testimony and documentary material submitted by interested persons thereat, the following conclusions have been reached:

1. It had been proposed to prohibit the use in advertising and on labels of containers of wine and wine based products of designations which include names commonly associated with distilled spirits products and the use of any brand name, statement, design, or device in any advertisement or on any

label for a wine or wine product which would indicate that it is, or is similar to, a distilled spirits product.

Since existing regulations in 27 CFR 4.39(a) (1) and (7) and 4.64(a) (1) and (8) appear to be sufficient to preclude any improper statement, design or device in any advertisement or on any label for wine which would imply that it is, or is similar to, a product normally made with a distilled spirits base, it has been concluded that no specific prohibition is necessary. The record of the hearing indicated, however, a need specifically to prohibit the use in advertising and on labels of wine and wine based products of brand names or class and type designations which are, or are similar to, names properly applicable only to distilled spirits or products made with a distilled spirits base.

2. It was determined from the record of the hearing that certain names which are normally associated with a product made with a distilled spirits base such as the words "cocktail," "highball," "punch," and "eggnog" have also traditionally, when qualified with the word "wine," been used for wine products and thus are not exclusively distilled spirits names. Therefore, it is concluded not to prohibit the use of such names in wine advertising and on wine labels so long as it is made clear that the particular product has a wine base, i.e., if the term "wine" is included in labeling and advertising and both words are stated with equal prominence, as for example, "wine eggnog," "wine cocktail," "wine punch," "wine highball," and "cocktail sherry." Similarly, no need was found to change the long-established practice in the wine industry of suggesting on labels or in advertising that wines or wine products may be served "on the rocks" or in a tall glass with ice and soda as a "cooler," "spritzer," or "wine highball" or in particular styles or shapes of glassware.

3. Wine based cocktail or punch mixes may be designated with the names of distilled spirits products if the labeling and advertising clearly state that distilled spirits must be added to the mix in order to produce the finished beverage. These low-alcohol cocktail or punch mixes serve the same purpose as do the nonalcoholic mixes and may be offered to the public if they are represented to be mixes and not finished cocktails, but as requiring the addition of the appropriate distilled spirits.

4. In view of the cost differential (principally represented by taxes) between wine specialties and distilled spirits products, the designation of wine specialties in terms properly applicable only to distilled spirits products constitutes an unfair method of competition.

5. It appears desirable to correct a situation which permits the substitution of alcohol derived from wine for alcohol resulting from distillation in products customarily made with distilled spirits, particularly in view of the fact that the former is taxed at the comparatively low wine rates while the latter is taxed at $10.50 a proof gallon. This unduly prejudices those whose products are taxed at the higher rate and adversely affects the revenue from the distilled spirits excise.

6. It is found that the reference to a familiar distilled spirits product in the brand name or class and type designation of a wine specialty or the use in such name or designation of words generally used only with respect to such a distilled spirits product tends to confuse the consumer or to lead him to believe that the product is the distilled spirits product, is identical to the distilled spirits product, or is so similar that it may be used as a substitute for the distilled spirits product.

PARAGRAPH 1. In order to prohibit the use in advertising and on labels of wine of words in brand names or in class and type designations which are, or are similar to, names properly applicable only to distilled spirits:

(A) Section 4.39(a) is amended by adding at the end thereof a new subparagraph (9) reading as follows:

§ 4.39 Prohibited practices.

(a) *Statement on labels.* * * *

(9) Any word in the brand name or class and type designation which is the name of a distilled spirits product or which simulates, imitates, or creates the impression that the wine so labeled is, or is similar to, any product customarily made with a distilled spirits base. Examples of such words are: "Manhattan", "Martini", "Old Fashioned", "Screwdriver", and "Daiquiri" in a class and type designation or brand name of a wine cocktail; "Cuba Libre", "Zombie", and "Collins" in a class and type designation or brand name of a wine specialty or wine highball; "creme", "cream", "de", or "of" when used in conjunction with "menthe", "mint", or "cacoa" in a class and type designation or brand name of a mint or chocolate flavored wine specialty.

* * * * *

(B) Section 4.64(a) is amended by adding at the end thereof a new subparagraph (9) reading as follows:

§ 4.64 Prohibited statements.

(a) *Restrictions.* * * *

(9) Any word in the brand name or class and type designation which is the name of a distilled spirits product or which simulates, imitates, or creates the impression that the wine so labeled is, or is similar to, any product customarily made with a distilled spirits base.

* * * * *

This Treasury decision shall become effective 90 days after the date of publication in the FEDERAL REGISTER.

(49 Stat. 981, as amended; 27 U.S.C. 205)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: October 2, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-12206; Filed, Oct. 7, 1968; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 68-90]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Neuse and Trent Rivers, N.C.

1. The North Carolina State Highway Commission by letter dated June 5, 1968, requested the Commander, 5th Coast Guard District to place special operation regulations in effect for the U.S. 17 highway bridge across the Neuse River and the U.S. 70 highway bridge across the Trent River, both at New Bern, N.C. A public notice dated June 10, 1968, setting forth the proposed revision of the regulations governing these drawbridges was issued by the Commander, 5th Coast Guard District and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal the revision is accepted. The purpose of this document is to set forth the requirements in 33 CFR 117.352 and 33 CFR 117.353 which prescribe special regulations for the operation of the U.S. 17 highway bridge across the Neuse River and the U.S. 70 highway bridge across the Trent River, both at New Bern, N.C.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.352 and 33 CFR 117.353 shall read as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

§ 117.352 Neuse River, N.C.; U.S. 17 highway bridge at New Bern, N.C.

(a) The owners of or agencies controlling this drawbridge shall comply with all the provisions of § 117.240 except that from 6:30 a.m. to 7:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Friday, the draw of this bridge need not be opened for the passage of vessels, except public vessels of the United States, vessels used by the State, counties, or cities of North Carolina for police or fire protection, tugs with tows, and vessels in distress. These vessels shall be promptly passed through the draw at any time upon sounding the opening signal of four short blasts.

§ 117.353 Trent River, N.C.; U.S. 70 highway bridge at New Bern, N.C.

(a) The owners of or agencies controlling this drawbridge shall comply with all the provisions of § 117.240 except that from 6:30 a.m. to 7:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Friday, the draw of this bridge need not be

opened for the passage of vessels, except public vessels of the United States, vessels used by the State, counties, or cities of North Carolina for police or fire protection, tugs with tows, and vessels in distress. These vessels shall be promptly passed through the draw at any time upon sounding the opening signal of four short blasts.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v); 32 F.R. 5606)

Dated: October 1, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-12204; Filed, Oct. 7, 1968; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER N—PROCEDURES

PART 916—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO VIOLATIONS UNDER 39 U.S.C. 4009

Hearing Officers

In the FEDERAL REGISTER of April 19, 1968 (33 F.R. 6013-6014), the Department published rules of practice in proceedings relative to violations of the pandering advertisements statute (Public Law 90-206, approved December 16, 1967 (Title III), 39 U.S.C. 4009). It is now desired to amend the rule designated § 916.5 *Hearing officers.* Accordingly, § 916.5 is hereby amended to read as follows:

§ 916.5 Hearing officers.

The presiding officer at the hearing held under this part shall be the appropriate regional counsel of the Post Office Department, or an alternate hearing officer designated by the regional counsel or by the General Counsel of the Department, to preside as hearing officer and to exercise the same authority as the regional counsel in the proceeding under this part.

(5 U.S.C. 301, 39 U.S.C. 501, 4009)

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 68-12211; Filed, Oct. 7, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Distributions in Lieu of Money; Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under the Internal Revenue Code, relating to distributions in lieu of money, appears in the FEDERAL REGISTER for September 7, 1968.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Monday, October 21, 1968, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, Constitution Avenue between 10th and 12th Streets NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 17, 1968. Notification of intention to attend the hearing may be given by telephone, 202–964–3935.

[SEAL] JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 68–12296; Filed, Oct. 7, 1968; 9:30 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 815]

1969 DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "Act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the direct-consumption portion of the 1969 mainland quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Santurce, P.R., in New Conference Room, Seventh Floor, Segarra Building, Stop 20 on October 31, 1968 at 9:30 a.m.

The findings made above are in the nature of preliminary findings based on the best information now available. The quantity of direct-consumption sugar which will be permitted to be brought into the continental United States within the 1969 quota is still unknown. However, the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the quantity of such sugar which may be marketed in the continental United States and for local consumption in Puerto Rico within probable 1969 quotas.

Under such circumstances it is imperative that provision be made for the allotment of the direct-consumption portion of the mainland quota to avoid disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States.

It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of the direct-consumption portion of the mainland quota in accordance therewith.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the direct-consumption portion of the 1969 mainland quota among persons who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein.

In addition, the subject and issues of this hearing also include (1) the manner in which the statutory factors of "processings", "past marketings", and "ability to market", as provided in section 205(a) of the Act, should be measured; and (2) the relative weightings which should be given to these factors.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the direct-consumption portion of the mainland quota for the purposes of (1) allotting any increase, or decrease in the direct-consumption portion of the mainland quota; (2) allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of this portion of the quota.

Signed at Washington, D.C., this 2d day of October 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc 68–12227; Filed, Oct. 7, 1968; 8:48 a.m.]

Consumer and Marketing Service

[9 CFR Part 318]

MEAT INSPECTION

Prohibition of Use of Paprika or Oleoresin Paprika in Certain Products

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C., 553, that the Consumer and Marketing Service is considering issuance of a regulation to appear in § 318.7 of the Federal Meat Inspection Regulations (9 CFR 318.7) to prohibit the use of paprika or oleoresin paprika in certain fresh meat and fresh meat food products as indicated below, under the authority of the Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584; 21 U.S.C. 601 et seq.).

Statement of considerations. The Federal Meat Inspection Act prohibits the preparation for, or distribution in, "commerce" (as defined in the Act) or otherwise subject to the Act, of carcasses, parts thereof, meat or meat food products that are "adulterated." The term "adulterated" is defined in subsection 1(m)(8) of the Act as applying to any such articles, if, among other things, "damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to * * * make it appear better or of greater value than it is."

On the basis of certain tests and other information on file in the Office of the Hearing Clerk of this Department in connection with this rule making proceeding, the Service has reason to believe that the use of paprika or oleoresin paprika in or on certain fresh meat or fresh meat food products causes such articles to be adulterated under subsection 1(m)(8) of the Act by preserving the red color characteristic of fresh meat even after the articles have begun to spoil, and thereby conceals damage or inferiority and makes them appear to be better and of greater value than they are. There is also reason to believe that the use of paprika or oleoresin paprika in or on such articles can produce a reddish coloration of the fat tissues in the articles and make them appear to be lean tissues, and thereby may tend to deceive consumers into believing that the articles are better or of greater value than they are.

The Department has had a policy for many years of prohibiting the use of paprika and related substances in certain fresh meat and fresh meat food products prepared at establishments operating under Federal meat inspection, as indicated by provisions in §§ 316.25 and 318.55 of the Manual of Meat Inspection

Procedures (a document prepared primarily for use by inspection personnel) and in Technical Services Division, TS Notice No. 25. However, it has become apparent that this policy has not been uniformly understood and observed at all the inspected establishments. In view of these circumstances and in view of the provision added to the Federal Meat Inspection Act by the Wholesome Meat Act which defines the term "adulterated," the Consumer and Marketing Service is reviewing this policy and the basis for it. In this connection, it is proposed to amend § 318.7 of the regulations (9 CFR 318.7) by adding thereto the following new paragraph (c):

§ 318.7 Approval of substances for use in the preparation of meat food products.

* * * * *

(c) No substance may be used in or on any product if it conceals damage or inferiority or makes the product appear to be better or of greater value than it is. Therefore, paprika or oleoresin paprika may not be used in or on fresh meat, such as steaks, or comminuted fresh meat food products, such as chopped and formed steaks or patties; or in any other meat food product consisting of fresh meat (with or without seasonings), except chorizo sausage and Italian brand sausage, and except other meat food products in which paprika or oleoresin paprika is permitted as an ingredient in a standard of identity or composition in Part 328 of this subchapter.

There is reason to believe that consumers expect the excepted sausages to contain paprika or oleoresin paprika and do not rely on the red color of the sausages as an indicator of the freshness or quality of these products. Accordingly, it appears that the use of these substances in those products does not result in the products being "adulterated" within the meaning of the Act.

Any interested persons who wish to submit written data, views, and arguments on the proposed amendment may do so by filing them in duplicate in the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after publication hereof in the FEDERAL REGISTER. All written submissions made pursuant to this notice of proposed rule making and the above-mentioned information relating to this proposal will be available for public inspection in said office during regular hours of business.

In view of this rule making proceeding, TS Notice No. 25 and other expressions of the policy precluding the use of paprika and related substances in fresh meat and fresh meat food products are canceled. Until further notice, paprika or oleoresin paprika which are generally recognized as safe under the Federal Food, Drug, and Cosmetic Act may be used in fresh meat and fresh meat food products at federally inspected establishments and such articles may be distributed under any label approved for them, provided they are otherwise eligible for such distribution.

Done at Washington, D.C., this 3d day of October 1968.

RODNEY E. LEONARD,
Administrator.

[F.R. Doc. 68-12267; Filed, Oct. 7, 1968; 8:48 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[41 CFR Part 50-204]

RADIATION SAFETY AND HEALTH STANDARDS

Application in Idaho

The State of Idaho has recently entered into an agreement with the Atomic Energy Commission (33 F.R. 12341) pursuant to section 274(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b)). This agreement makes that State's program for control of radiation sources effective pursuant to 41 CFR 50-204.320(c)(1) and eligible for a determination pursuant to 41 CFR 50-204.320(c)(2) that such program is currently compatible with the requirements of the Department or Labor's safety and health standards for Federal supply contracts (41 CFR Part 50-204).

This agreement brings into compliance with 41 CFR Part 50-204 any employer in Idaho who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has registered such sources with the State of Idaho or is operating under a license issued by the State of Idaho, and in accordance with the requirements of Idaho's laws and regulations, insofar as his possession and use of such material is concerned, unless the Secretary of Labor after conference with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of 41 CFR Part 50-204. No such determination has been made.

This agreement shall also be deemed to bring in compliance with 41 CFR Part 50-204 any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), insofar as his possession and use of such material is concerned, if he has registered such sources with the State of Idaho or is operating under a license issued by the State of Idaho, and if his operation is entirely in accordance with the requirements of Idaho's laws and regulations, if and when the State's program for control of these radiation sources is the subject of a currently effective determination by the Secretary of Labor that such program is compatible with the requirements of 41 CFR Part 50-204. I hereby propose to make such a determination.

I also propose to add the State of Idaho to the list of States set forth in 41 CFR 50-204, § 320(c) (1) and (2).

Interested persons may submit written data, views, or argument regarding this proposal by mailing them to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, within 30 days after this notice is published in the FEDERAL REGISTER.

(Secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38; 5 U.S.C. 556)

Signed at Washington, D.C., this 2d day of October 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-12200; Filed, Oct. 7, 1968; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 255]

[Docket No. 35]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Reserve Front Lighting System for Passenger Cars and Multipurpose Passenger Vehicles; Advance Notice of Proposed Rule Making

Federal Motor Vehicle Safety Standard No. 108, issued January 31, 1967 (32 F.R. 2411), as amended December 11, 1967 (32 F.R. 18033), effective January 1, 1969, specifies requirements for lamps, reflective devices, and associated equipment for passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles. The Administrator is considering amending this standard to include additional requirements for a reserve, front lighting system in the event of a failure of a headlamp filament on passenger cars and multipurpose passenger vehicles.

The life expectancy of sealed-beam headlamp filaments, as specified in SAE Standard J573, is 200 to 300 hours. In addition, headlamp filaments are subject to premature failure due to several causes including air leakage and filament breakage due to vibration and road shocks. The annual replacement market for sealed-beam headlamps on motor vehicles is estimated in excess of 50 million units, and filament failure is the primary reason for headlamp replacement. Unlike failures of braking and steering systems, a driver often may be unaware of an existing failure of a headlamp. Indeed, recent motor vehicle inspection data revealed that the front lights were defective on 19 percent of the vehicles inspected. This indicates that defective headlamps are not repaired as promptly as desirable. Although

not all of these defects involve inoperative headlamps, filament failures are known to be commonplace as replacement data and other experience indicate.

About 90 percent of all roads in the United States are undivided roadways. The safety problem presented by a headlamp failure is that on undivided roadways pedestrians and drivers of oncoming vehicles are frequently unable at night (when 53 percent of all motor vehicle deaths occur) and under other conditions of reduced visibility to perceive correctly the size, and lateral and longitudinal position on the road of a vehicle with one inoperative headlamp. This affects users of undivided roadways, and may be considered a factor in rural roadway accidents where 21.3 percent of fatal collisions involve two vehicles moving in opposite directions and in urban areas where 7.4 percent of the fatal accidents are of this nature.

The Administrator is specifically considering requiring reserve lighting performance which, in the event of a headlamp filament failure, would provide a means of determining the position of the vehicle to pedestrians and oncoming drivers even though such performance may not provide illumination of the roadway equivalent to that provided by the failed headlamp. He specifically intends to consider requirements both for application to new vehicles and to lighting equipment. The reserve lighting system must emit light sufficient to be seen under varying conditions of reduced visibility by pedestrians and drivers of oncoming motor vehicles. Furthermore, the system must function without positive action or initiation by the driver of the vehicle with a high- or low-beam filament failure. Appropriate devices or means might include: (1) Utilizing existing lighting devices, such as the front parking or turn-signal lights, (2) providing additional lighting devices near the front corners of motor vehicles, or (3) providing a low-wattage, long-life filament within each sealed-beam headlamp unit.

Comments are requested on (1) the location, color, luminous intensity, and beam patterns of any suggested reserve front lighting devices, since these relate to the distance at which the lights will be visible and the adequacy of the identification cues provided pedestrians and oncoming drivers, (2) the types of situations and environmental conditions necessary for a valid evaluation of reserve lighting effectiveness, (3) life expectancy data for main headlamp filaments and any reserve lamp filaments within a sealed-beam headlamp unit, with the intent to provide information as to the likelihood that a reserve filament will continue to function after the associated main filament fails, (4) the need for a means of detecting a failed main filament, or failed reserve filament if one is provided within a sealed-beam headlamp unit, and (5) the impact on the electrical system of any additional power requirement. It is further requested that comments be submitted which pertain to leadtime and costs directly related to compliance with the various methods suggested.

Interested persons are invited to submit written data, views, or arguments to include proposed performance requirements and test procedures appropriate for the proposed effective date of September 1, 1969. This date represents an estimate of the earliest time which the amended standard can be implemented. These comments should contain supporting statements and data to justify all conclusions and recommendations. Comments must identify the docket number and the notice number and be submitted pursuant to the requirements of 23 CFR 216.11 et seq. (32 F.R. 15819), in 10 copies to the National Highway Safety Bureau, Attention: Rules Docket, Room 512, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591. All comments received on or before the close of business of November 5, 1968, will be considered by the Administrator before issuing a specific rulemaking proposal. All comments will be available in the Rules Docket for examination both before and after the closing dates for comments.

After consideration of the available data and comments, a notice of proposed rule making may be issued, if appropriate. It is expected that prior to issuance of a rule, the Bureau, as appropriate, will hold, with interested parties, a meeting devoted to a discussion of the specific safety and engineering issues involved.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and pursuant to the delegation of authority from the Secretary of Transportation Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued in Washington, D.C., on October 2, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-12209; Filed, Oct. 7, 1968; 8:47 a.m.]

[23 CFR Part 255]

[Docket No. 29; Notice 2]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 205; Forward Facing Windows and Partitions and Edges; Notice of Extension of Time To File Comments

On September 19, 1968, the Federal Highway Administration published in the FEDERAL REGISTER (33 F.R. 14173) a notice of proposed rule making in the above entitled matter. It was requested that interested persons submit comments by close of business September 30, 1968.

Upon consideration of requests for extension of time for filing comments, the time to file comments is extended to the close of business 30 days from the date of publication of this notice.

Issued in Washington, D.C., on October 2, 1968.

JOHN R. JAMIESON,
Deputy
Federal Highway Administrator.

[F.R. Doc. 68-12210; Filed, Oct. 7, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18179]

NONAVAILABILITY OF TELEVISION PROGRAMS PRODUCED BY NON-NETWORK SUPPLIERS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules with respect to television programs produced by non-network suppliers and not made available to certain television stations, Docket No. 18179.

1. The Commission has before it for consideration a petition filed by seven television film producers represented by the law firm of Phillips, Nizer, Benjamin, Krim & Ballon seeking a further extension of the time for filing comments and reply comments to December 9, 1968 and January 9, 1969, respectively.

2. For good cause shown, the original dates for filing comments and reply comments had been extended and the present due dates are October 8, 1968 and November 8, 1968, respectively (see order adopted June 27, 1968, 33 F.R. 9829).

3. In support of its request for the further extension of time, the film producers state the following: That the proposed rule amendment which, except for a narrow situation, would prohibit territorial exclusivity contracts as to programs that are the subject matter of this proceeding, has an impact on the licensing of programs to CATV systems. It is also stated, that until the Commission settles the questions arising out of the second report and order on CATV, the regulatory structure under which broadcasters and CATV systems would compete is uncertain which leads to further uncertainty with respect to CATV copyright legislation. The producers state that these uncertainties should be resolved "within the next few months."

4. The producers state that the time its staff has devoted to resolving the uncertain CATV copyright situation has prevented them from collating sufficient data to prepare meaningful comments in this proceeding.[1]

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[1] It is also pointed out that the additional time requested is no more than that requested in the petitions which led to the previous extension. We recognized in granting these petitions only in part that additional time beyond that granted might be necessary.

5. As was stated in the previous extension order, the Commission recognizes the need for getting a substantial amount of pertinent information in this area, and of careful consideration in formulating standards to be applied to the program contracts under consideration. It appears to us that a period of approximately 60 days is reasonable in the circumstances to enable the film producers to collect data for consideration by the Commission.

6. Accordingly, we are of the opinion that, consistent with the foregoing, adequate cause has been shown for extending the time for filing comments, and therefore: *It is ordered,* That the "Petition of Program Suppliers for a Further Extension of Time Within Which to File Comments and Reply Comments" filed September 27, 1968, is granted, and that the time for filing comments and reply comments in this proceeding is extended from October 8, 1968 and November 8, 1968, to and including December 9, 1968 and January 9, 1969, respectively. Authority for this action is found in § 0.281 (d) (8) of the Commission rules.

Adopted: October 1, 1968.

Released: October 2, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES O. JUNTILLA,
Acting Chief, Broadcast Bureau.

[F.R. Doc. 68-12216; Filed, Oct. 7, 1968; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 4)]

MOTOR CARRIERS OF HOUSEHOLD GOODS

Notice of Issuance of Examiner's Recommended Report and Order

In the matter of amendment of § 276.4,[1] general rules and regulations of motor carriers of household goods.

By notice of proposed rule making published at 32 F.R. 11170, and amended at 32 F.R. 13197, the Commission instituted this proceeding pursuant to section 217 of the Interstate Commerce Act (49 U.S.C. 317) and section 553 of the Administrative Procedure Act (5 U.S.C. 553) to determine whether its regulations governing the charges for accessorial or terminal services of motor carriers of household goods contained in 49 CFR 1056.4 (formerly § 276.4) should be amended.

[1] Renumbered as § 1056.4.

The present provisions of § 1056.4, as pertinent here, are as follows:

§ 1056.4 *Accessorial or terminal services; tariffs providing therefor; packaging and uncrating charges.* Such common carriers shall establish in the manner prescribed in section 217 of Part II of the Interstate Commerce Act, and the rules and regulations issued pursuant thereto, the charges to be made for each accessorial or terminal service rendered in connection with the transportation of household goods by motor vehicle. The tariffs establishing such charges shall separately state each service to be rendered and the charge therefor * * *. This section shall apply only where the line-haul transportation is performed by a motor carrier. * * *

The Commission proposed the following amendment to § 1056.4. The period following "carrier" would be replaced by a comma, and the following would be added: "except that local transportation services involving containerized shipments by certified motor common carriers, within or without terminal areas, for or on behalf of freight forwarders exempt from regulation under section 402(b)(2) of the Interstate Commerce Act, in connection with through movements of used household goods in interstate or foreign commerce, shall not constitute line-haul transportation within the purview of this rule."

The Commission's modified procedure was followed, and the proceeding was assigned to a hearing examiner for recommendation of an appropriate order accompanied by the reasons therefor.

In his recommended report and order served October 8, 1968, the examiner found that the proposed amendment to § 1056.4 was not justified. The examiner also recommended that § 1056.4 be amended by deleting the following sentence: "This section shall apply only where the line-haul transportation is performed by a motor carrier."

Since the hearing examiner's proposal would materially change the scope of this rulemaking proceeding, interested persons may file within 30 days after the publication date of this notice an appropriate petition and show cause why the proposed deletion should not be allowed to take effect.

Under Rule 97 of the Commission's general rules of practice (49 CFR 1100.97) the recommended order of the examiner will become effective by operation of law on November 7, 1968. Notice of effectiveness of the examiner's recommended order will be published in the FEDERAL REGISTER. However, if the Commission stays or postpones the effective date, or exceptions are timely filed, appropriate notice will likewise be published in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-12214; Filed, Oct. 7, 1968; 8:48 a.m.]

Notices

POST OFFICE DEPARTMENT

MONEY ORDER CONVERSION RATES

Notice of Changes

Conversion rates for money orders issued in the United States for payment in the following countries are as stated below:

Canada	$1.00 U.S.=$1.07 Canadian.
Great Britain and Northern Ireland, Guyana, Ireland	$2.40 U.S.=1 Sterling.
Norway	$0.141 U.S.=1 Krone.
Republic of South Africa	$1.40 U.S.=1 Rand.

Section 171.2(b) of Title 39, Code of Federal Regulations, will be amended in the near future to codify these new conversion rates.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 68-12201; Filed, Oct. 7, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-1638]

IDAHO

Notice of Public Sale

OCTOBER 1, 1968.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, two tracts of land will be offered for sale to the highest bidder at a sale to be held at 2 p.m., m.s.t., on Wednesday, November 13, 1968, at the Idaho Land Office, Room 380 Federal Building, 550 West Fort Street, Boise, Idaho 83702. The land is described as follows:

BOISE MERIDIAN, IDAHO

T. 3 S., R. 31 E.,
Sec. 27, SW¼SW¼;
Sec. 28, SW¼SE¼.

The area described contains 80 acres.

The appraised value of the tracts is $1,050 and the publication costs to be assessed as $10.

The land will be sold subject to all valid existing rights and rights-of-way of record and to a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals will be reserved to the United States and withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received at the Idaho Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702, prior to 1:30 p.m. m.s.t., on Wednesday, November 13, 1968. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, I-1638, sale of November 13, 1968."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the second day following the sale.

If no bids are received for the sale tract on Wednesday, November 13, 1968, the tract will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning December 4, 1968.

Any adverse claimants to the above described lands should file their claims or objections, with the undersigned before the time designated for the sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68-12199; Filed, Oct. 7, 1968; 8:46 a.m.]

National Park Service

GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA-TENNESSEE

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, Great Smoky Mountains National Park, proposes to issue a concession permit to Floyd E. Cate, authorizing him to provide campground store concession facilities and services for the public at the Cades Cove campground in Great Smoky Mountains National Park, for a period of 5 years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed his 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, Great Smoky Mountains National Park, Gatlinburg, Tenn. 37738, for information as to the requirements of the proposed permit.

Dated: September 18, 1968.

GEORGE W. FRY,
Superintendent.

[F.R. Doc. 68-12190; Filed, Oct. 7, 1968; 8:46 a.m.]

GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA-TENNESSEE

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, Great Smoky Mountains National Park, proposes to issue a concession permit to Glen R. McHan, authorizing him to provide campground store concession facilities and services for the public at the Smokemont campground in Great Smoky Mountains National Park, for a period of 5 years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed his 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, Great Smoky Mountains National Park, Gatlinburg, Tenn. 37738, for information as to the requirements of the proposed permit.

Dated: September 18, 1968.

GEORGE W. FRY,
Superintendent.

[F.R. Doc. 68–12191; Filed, Oct. 7, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

IDAHO

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Idaho, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Bingham.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 3d day of October 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68–12208; Filed, Oct. 7, 1968; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CASE WESTERN RESERVE 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 (32 F.R. 2433 et seq.).

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

Docket No. 68–00666–33–46500. Applicant: Case Western Reserve University, Dental Research Building, 2029 Adelbert Road, Cleveland, Ohio 44106. Article: LKB 8800A Ultratome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The applicant is involved in studies of development of calcified tissues. Samples of mineralizing bones and teeth are sectioned with the ultramicrotome, and the sections are examined with the electron microscope. In investigating growth sequences it is necessary to examine in orderly manner entire growth zones, commencing at the region of earliest formation and proceeding to the latest stages. This requires serial sections in large numbers, which in routine procedures should all be of the same quality and thickness. At times, where the objective is rapid assessment of certain sequences, thick sections, on the order of some 1.5–2.0 microns, are preferable. In other instances, where high resolution of structural detail is desired, it is essential to have the thinnest sections possible, on the order of 50–100A. In addition, combinations of thin and thick sections are sometimes desired, permitting both types of examination to be carried on simultaneously. Primary requirements in the instrument are high versatility in cutting thickness range, reliable serial sectioning, and consistency of performance.

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 the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron miscroscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 9, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for utrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thickness. (See Sorvall Model MT–2 catalogue cited above.) In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1 degree (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 68–12183; Filed, Oct. 7, 1968; 8:45 a.m.]

CITY OF HOPE 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 (32 F.R. 2433 et seq.).

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

Docket No. 68–00684–33–46500. Applicant: City of Hope Medical Center, 1500

East Duarte Road, Duarte, Calif. 91010. Article: LKB 8800A Ultrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for sectioning ultrathin sections of tumor cells in long series of equal thickness for observation under the electron microscope in studying the morphology of tumor cells under the influence of chemotherapeutic agents. 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 the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 29, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalogue cited above.) In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultrotome III), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 68–12182; Filed, Oct. 7, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 68–00680–33–46500. Applicant: U.S. Department of Agriculture, Agriculture Research Service, Human Nutrition Research Division, Beltsville, Md. 20705. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of microorganisms and diseased and healthy tissues for histochemical and cytochemical studies at the ultrastructural level. The resolution that is obtained in biological studies at the ultrastructural level is determined more by section thinness than the performance of the electron microscope. 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 the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 29, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorval Model MT–2 catalogue cited above.) In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such

article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 68-12179; Filed, Oct. 7, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 68-00683-33-46500. Applicant: U.S. Department of Agriculture, ARS, Southern Administrative Division, 701 Loyola Avenue, New Orleans, La. 70150. Article: LKB 8800A, Ultrotome III Ultromicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studying coccidia development. It is required for sectioning cells of coccidia in the tissues of domestic and laboratory animals which have been exposed to various chemotherapeutic drugs, histochemical stains and special fluorochromes. The tissues will be studied with standard and specialized methods used in electron microscopy and in freeze-etched materials followed by metallic shadow casting and electron microscopy. 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 the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT-2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT-1 and MT-2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 26, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT-2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT-2 catalogue cited above.) In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 68-12180; Filed, Oct. 7, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

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 Education, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 68-00675-33-46500. Applicant: U.S. Department of Agriculture, Lab. No. 2, VBD-Agricultural Research Service, Fifth Street, Ames, Iowa 50010. Article: LKB 8800 Ultratome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare long series of equal thickness serial sections between the values of 50 Angstroms to 2 microns for electron microscopy in studying problems concerning extraneous viral contaminants in live modified virus vaccines. In addition, the article will be used by bacteriological groups interested in the origins of the clostridial toxins within the cell. 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 the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT-2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT-1 and MT-2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron miscroscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 21, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT-2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT-2

catalogue cited above). In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thicknes of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 68–12181; Filed, Oct. 7, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 68–00679–66–46040. Applicant: National Bureau of Standards (U.S. Department of Commerce), Washington, D.C. 20234. Article: Electron microscope, Model EM–300, and accessories (Triangular Diffraction Aperture, 35mm film holder, Transport Mechanism, Goniometer Stage, and Anticontamination Device). Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: The article will be used primarily in a broad and continuing program aimed at furthering the elucidation, on a molecular basis, of the nature of the structure, morphology and mechanism of crystallization and annealing of synthetic organic polymers as well as some of their low molecular weight analogs. Among the principle goals of this program is the application of electron microscopy to determine the origins and characteristics of the diversity of crystallization habits which individual polymers exhibit. 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 the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to June 27, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. (1) The foreign article has a guaranteed resolution of 5 Angstroms, whereas the RCA Model EMU–4 had a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 68–12187; Filed, Oct. 7, 1968; 8:45 a.m.]

MOUNT SINAI SCHOOL OF MEDICINE

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 68–00659–33–46040. Applicant: Mount Sinai School of Medicine, 100th Street and Fifth Avenue, New York, N.Y. 10029. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi Ltd., Japan. Intended use of article: Applicant states:

> The Hitachi HS–8 electron microscope will be used in two areas. These areas are research and the training of research fellows and medical students.
>
> Areas of research for which the microscope will be used are as follows:
>
> 1. Electron histochemistry dealing with the localization of specific proteins.
> 2. Alterations of human and experimental animal liver cells, at the organelle level, produced by various disease processes.
> 3. Changes of subcellular organelles on the macromolecular level in response to toxic injury of the liver.
> 4. Alterations of human and experimental animal liver cells as a result of drugs and alcohol.

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 the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the application was submitted to Customs on June 20, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that

time. The foreign article provides accelerating voltages of 25 and 50 kilovolts. The RCA Model EMU–4 provided accelerating voltages of 50 and 100 kilovolts. The foreign article is intended to be used in experiments on ultrathin biological specimens. Therefore, the 25 kilovolt accelerating voltage of the foreign article is pertinent to the research purposes for which the foreign article is intended to be used.

For this reason, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 68–12188; Filed, Oct. 7, 1968; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK AT STONY BROOK

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 68–00645–00–46040. Applicant: State University of New York at Stony Brook, Department of Biology, Stony Brook, Long Island, N.Y. 11790. Article: Anticontamination cold trap, Model ACS–2. Manufacturer: Japan Electron Optics Laboratory, Ltd., Japan. Intended use of article: The article will be used in conjunction with a JEM 6 A electron microscope to enhance specimen observations for longer periods. 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 the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article, an anticontamination cold trap, is an accessory to an electron microscope, which was manufactured by Japan Electron Optics Laboratory, Ltd., Japan, now in the applicant's possession.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

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

[F.R. Doc. 68–12189; Filed, Oct. 7, 1968; 8:45 a.m.]

UNIVERSITY OF LOUISVILLE

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 68–00682–33–46500. Applicant: University of Louisville School of Medicine, Medical-Dental Research Building, 511 South Floyd Street, Louisville, Ky. 40202. Article: LKB 8800 Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of tissue in long series for studying mitochondrial structure. These tissues from diabetic and insulin treated animals are sectioned very thin for observation under the electron microscope to learn how structural changes of mitochondria from diabetic animals correlate with mitochondria from normal animals. 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 the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 26, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalogue cited above). In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 68–12184; Filed, Oct. 7, 1968; 8:45 a.m.]

UNIVERSITY OF PENNSYLVANIA

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural

Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69–00042–00–46040. Applicant: University of Pennsylvania, Administrative Offices, Philadelphia, Pa. 19104. Article: Exposure meter with timer, No. 171 466A. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for measurement of exact exposure time. 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 the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article, an exposure meter with timer, is an accessory to an electron microscope manufactured by Siemens AG, West Germany, now in the applicant's possession.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

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

[F.R. Doc. 68–12185; Filed, Oct. 7, 1968; 8:45 a.m.]

UNIVERSITY OF PENNSYLVANIA HOSPITAL

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 68–00664–33–46500. Applicant: Hospital of the University of Pennsylvania, Laboratory of Pathologic Anatomy, Fourth Floor, Administration Building, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: LKB 8800A Ultrotome III Ultramicrotome, table, and knifemaker. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: Applicant states:

> The purchaser is studying the histogenesis and pathogenesis of a series of human tumors. Human tissues obtained from the surgical services of the hospital are being studied with regard to the tissue from which they arise, their mode of development, and their ultimate structural characteristics with special regard to those of diagnostic value. For certain types of tumors these identifying characteristics are better studied at the level of electron microscopy than by light microscopy. It is hoped that much valuable information regarding the development and ultimately treatment of these human tumors can be obtained by this research.
>
> Various tissues from these specimens must be prepared for electron microscopy. Ultrathin sections are required in long series and must be cut in equal thickness throughout. The thickness must be exactly regulated by the operator in order to obtain maximum information. Because the exact thickness varies with the different tissues concerned, it is highly important that the operator be able to quickly and easily change cutting thickness from the range of 50–60Å up to 2μ.

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 the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Amgstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 25, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (See "Ultrotome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalogue cited above). In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the sections is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 68–12186; Filed, Oct. 7, 1968; 8:45 a.m.]

Maritime Administration

[Report 21]

LIST OF FOREIGN-FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign-flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through September 25, 1968. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

Flag of Registry and Name of Ship	Gross tonnage
Total, all flags (54 ships)	369,214
Polish (30 ships)	229,967
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
Emilia Plater	6,718
Energetyk	10,876
Florian Ceynowa	6,784
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Janek Krasicki	6,904
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
Kraszewski	10,363
Lelewel	7,817
Ludwik Solski	6,904
Marceli Nowotko	6,660
Moniuszko	9,247
Norwid	5,512
*Nowowiezski	9,186
Pawel Finder	4,911
Phenian	6,923
Przyjazn Narodow	8,876
Stefan Okrzeja	6,620
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919
British (16 ships)	91,879
Dartford	2,739
Greenford	2,964
Isabel Erica	7,105
Kingford	2,911
**Meadow Court (trip to North Vietnam under ex-name Ardrossmore—British)	5,820
Rochford	3,324
**Rosetta Maud (trip to North Vietnam under ex-name, Ardtara—British)	5,795
*Ruthy Ann	7,361
Shienfoon	7,127
Shirley Christine	6,724
**Shun On (trip to North Vietnam under ex-name Pundua—British)	7,295
Shun Tai	7,085
Shun Wah (previous trip to North Vietnam under ex-name Vircharmian—British)	7,265
Taipieng	5,676
**Tetrarch (trips to North Vietnam under ex-name Androwan—British)	7,300
Yungfutary	5,388
Cypriot (5 ships)	30,981
Acme	7,173
**Agenor (trip to North Vietnam—Greek)	7,139
Amon	7,229
Antonia II	7,303
Marianthi	2,137
Lebanese (1 ship)	7,194
Rio	7,194
Maltese (1 ship)	7,304
Amalia	7,304

Flag of Registry and Name of Ship—Con.	Gross Tonnage
Panamanian (1 ship)	1,889
**Salamanca (trip to North Vietnam under ex-name, Milford—British)	1,889

*Added to Rept. No. 20, appearing in the FEDERAL REGISTER issue of July 12, 1968.

**Ships appearing on the list which have made no trips to North Vietnam under the present registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship
a. Since last report: None.
b. Previous reports:

	Number of ships
British	1
Italian	1

SEC. 3. The following number of vessels have been removed from this list since they have been broken up.

Flag of Registry	Broken up
British	2
Cypriot	2
Greek	1
Lebanese	1
Polish	1

By order of the Acting Maritime Administrator.

Dated: October 1, 1968.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-12245; Filed, Oct. 7, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

FRONTIER AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

OCTOBER 3, 1968.

Notice is hereby given that the Civil Aeronautics Board on October 2, 1968, received an application, Docket 20314, from Frontier Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 73 to authorize it to engage in nonstop service between Denver, Colo., and Casper, Wyo.; between Denver, Colo., and Billings, Mont.; and between Billings, Mont., and Great Falls, Mont. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-12213; Filed, Oct. 7, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18327-18329; FCC 68-968]

C&S TV, INC., ET AL.

Memorandum Opinion and Order Instituting Consolidated Hearing

In re petitions by C&S TV, Inc., Belle, Marmet, Chesapeake, Hernshaw, Winifrede, Lower Belle, Burning Springs, Dupont City, Rand, Malden, Georges Creek, Port Amherst, Campbells Creek, Witcher, Diamond, Quincy, Chelyan, Hastings Drive, and Reynolds Branch, W. Va., Docket No. 18327, File No. CATV 100-36; Clearview TV Cable, Inc., Russell, Raceland, Flatwoods, Kenwood, Worthington, and Bellefonte, Ky., File No. CATV 100-91; Capitol Cablevision Corp., Charleston, W. Va., Docket No. 18328, File No. CATV 100-138; Kanawha Cable Television Co., St. Albans, Nitro, Dunbar, and South Charleston, W. Va., Docket No. 18329, File No. CATV 100-243; for authority pursuant to § 74.1107 of the commission's rules to operate CATV systems in the Charleston-Huntington television market (ARB 48).

1. These petitioners propose to establish (or add signals to operating) CATV systems in various West Virginia and Kentucky communities and seek waiver of the hearing requirements in order to import distant signals into the Charleston-Huntington market (ARB 48), which has a net weekly circulation of 408,800. Channel assignments in the market and their status are:

Huntington, W. Va., 3 (NBC), 13 (ABC), 7*667 (CP.
Charleston, W. Va. 8 (CBS), 23 (CP, Indep.), 29 (idle), *49 (CP).
Ashland, Ky. *25 (CP), 61 (idle).
Portsmouth, Ohio, 30 (Indep.), 36 (idle), *42 (idle).

2. The Charleston-Huntington market covers the southwest corner of West Virginia and spills over into parts of Kentucky and Ohio. Charleston is in the eastern part of the market and Huntington, 40 miles away in the western part, is located near the West Virginia-Ohio-Kentucky border. In the western section there is one proposal for six Kentucky

communities, and there are three proposals for the eastern section encompassing the areas in and around Charleston.

3. The proposals and contentions in support and opposition are as follows:

A. Western Section

I. *Clearview TV Cable, Inc.* (*CATV 100–91*). Plans to operate in Russell (1,458), Raceland (1,115), Flatwoods (3,741), Kenwood (350), Worthington (1,235) and Bellefonte (337), Kentucky, all situated about 10–13 miles northwest of Huntington, W. Va. Petitioner proposes to carry:

Local Signals

Channels:	
3 (NBC)	Huntington, W. Va.
13 (ABC)	Do.
8 (CBS)	Charleston, W. Va.
30 (Indep.)	Portsmouth, Ohio
*25 (CP)	Ashland, Ky.

Distant Signals

Channels:	
18 (NBC, CBS)	Lexington, Ky.
27 (CBS, ABC)	Do.

In support of its request it claims: (1) There is poor television reception in the area and no Kentucky stations are received in these communities, although they are politically and economically oriented to Kentucky; (2) the Kentucky stations will provide the communities with news, sports and local events of interest to Kentuckians; and (3) the system will allow better color reception of the West Virginia stations and will improve the signal of channel 30, Portsmouth, Ohio. The petition is supported by WLEX–TV, Inc., licensee of Station WLEX–TV, channel 18, Lexington, Ky. Capital Cities Broadcasting Corp., licensee of WSAZ–TV, Channel 13, Huntington, has filed a statement saying that it does not object to the immediate proposal. WSAZ–TV notes that only two distant signals would be extended; that since both are network affiliated, they would be subject to program exclusivity; and the local programs would be of interest to Kentucky residents.

B. Eastern Section

II. *C&S TV, Inc.* (*CATV 100–36*). Since September 1967 has been serving Belle (2,559), Marmet (2,500), and Chesapeake (2,699), West Virginia, and also intends to serve the surrounding unincorporated areas southeast of Charleston.[1] Petitioner now carries:

Local Signals [2]

Channels:	
8 (CBS)	Charleston, W. Va.
3 (NBC)	Huntington, W. Va.
13 (ABC)	Do.
4 (CBS)	Oak Hill, W. Va.

[1] These communities are (the number of households follows in parentheses): Hernshaw (300), Winifrede (150), Lower Belle (150), Burning Springs (50), Dupont City (150), Rand (400), Malden (150), Georges Creek (150), Port Amherst (100), Campbells Creek (200), Witcher (150), Diamond (75), Quincy (35), Chelyan (200), Hastings Drive (25), and Reynolds Branch (30).

[2] Petitioner also intends to carry Channels 23 (CP), Charleston, and *67 (CP), Huntington, when activated.

and proposes:

Distant Signals

Channels:	
6 (NBC, ABC)	Bluefield, W. Va.
5 (ABC)	Weston, W. Va.
12 (NBC, CBS)	Clarksburg, W. Va.
15 (NBC, ABC)	Parkersburg, W. Va.

In support of its request for waiver, petitioner claims: (1) Off-the-air reception is poor due to terrain and the distance of the communities from the transmitter locations of Channels 3 and 4; (2) the system will improve reception, especially with respect to color and in an area which is underserved; (3) all of the signals are in-state and of interest to Kanawha Valley residents; (4) the system will carry all educational stations as they are activated and promote a healthy UHF broadcast service; (5) and an evidentiary hearing would be an undue burden on all parties.

The petition is opposed by Channels 8, Charleston, and 3, Huntington, who argue: (1) The cumulative impact of CATV on existing and potential local stations must be explored in hearing; (2) the claims of inadequate television service are factually unsupported; (3) even if the local signals are poorly received, importation of distant signals has not been justified and a system transmitting local signals, the proposed educational station, and the time and weather channel should constitute a viable system; (4) there is a question respecting possible pay-TV operation; (5) the market has great potential for UHF development; and (6) since three of the distant signals are dual affiliates, substantial amounts of the network programing would be presented on a delayed basis and thus, program exclusivity would not adequately protect the local stations.

III. *Capitol Cablevision Corp.* (*CATV 100–138*). Plans to operate in Charleston (85,796). The following signals would be carried:

Local Signals

Channels:	
8 (CBS)	Charleston, W. Va.
13 (ABC)	Huntington, W. Va.
3 (NBC)	Do.
4 (CBS)	Oak Hill, W. Va.

Distant Signals

Channels:	
6 (NBC, ABC)	Bluefield, W. Va.
5 (ABC)	Weston, W. Va.
12 (NBC, CBS)	Clarksburg, W. Va.
53 (CP, Indep.)	Pittsburgh, Pa.
*24 (CP, Educ.)	Morgantown, W. Va.
5 (Indep.) on a part-time basis.	Washington, D.C.
4 (NBC)	Do.
7 (ABC)	Do.
9 (CBS)	Do.

In essence, Capitol makes the following arguments: (1) There is a dearth of quality television reception in the state and in the Charleston area, which is hilly, only a small minority receive local signals with a consistently viewable picture; (2) communities in West Virginia having CATV systems have a greater variety and quality of television than other communities; (3) this proposal would provide the first educational and independent service to Charleston; (4) the system would cause no injury to UHF in Charleston, for there is little likelihood of UHF development in this area, and even with 100 percent penetration by CATV in Charleston, only 6 percent of the market's television homes would be affected.

Oppositions have been filed by Channels 8, Charleston, and 3 and 13, Huntington, based on substantially the same arguments urged against the Belle and Marmet proposal, except that no objection is made to the carriage of the educational station in Morgantown.

IV. *Kanawha Cable Television Co.* (*CATV 100–243*). Operates a grandfathered system in St. Albans (15,103), West Virginia, approximately 10 miles west of Charleston, distributing these signals:

Local Signals

Channels:	
8 (CBS)	Charleston, W. Va.
13 (ABC)	Huntington, W. Va.
3 (NBC)	Do.
4 (CBS)	Oak Hill, W. Va.

Distant Signals [3]

Channels:	
6 (NBC, ABC)	Bluefield, W. Va.
5 (ABC)	Weston, W. Va.

Kanawha's proposal, to operate also in Nitro (6,894), across the river from St. Albans and Dunbar (11,006) and South Charleston (19,180), both suburbs of Charleston, is to transmit the above signals and these additional distant signals: [4]

Channels:	
10 (CBS)	Columbus, Ohio
4 (NBC)	Do.
*34 (Educ.)	Do.
9 (CBS)	Cincinnati, Ohio
5 (NBC)	Do.

In support of the petition it is argued: (1) There are no plans for "pay-TV"; (2) grant of the petition would allow an educational station to be viewed in this area for the first time; (3) since all the distant signals are network stations, they would not adversely affect the chance of independent UHF development and the market network stations are financially healthy; and (4) the communities involved constitute a small part of the market.

Oppositions have been filed by Channels 3 and 13, Huntington, and 8, Charleston, who argue: (1) a threshold

[3] In Kanawha Cable Television Co., FCC 68–503, the Commission handed down a declaratory ruling to the effect that WHIS–TV, Bluefield, and WDTV, Weston, W. Va., were not grandfathered with respect to Kanawha's system in Nitro.

[4] Tower Communications System Corp., a common carrier, has applied for construction permits for microwave stations to relay Cincinnati and Columbus, Ohio, television signals to Kanawha Cable Television Co., at St. Albans. WCHS–AM–TV Corp., Channel 8, Charleston, has objected to and requests the withholding of action on the applications until the § 74.1107 waiver request is acted on. Action on the applications will be held in abeyance pending the hearing ordered here. At the time the hearing is terminated, appropriate action respecting the applications will be taken at staff level.

showing to justify waiver has not been made; (2) Kanawha doesn't explain what it means by "pay TV"; (3) no showing has been made to justify importing out-of-state signals; (4) cumulative impact of all CATV proposals for the market must be explored in a hearing; and (5) there is UHF activity in the market.

4. Initially, we note that the Charleston-Huntington market is characterized by mountainous terrain with concomitant poor television reception in many areas. This is the type of area where CATV can provide a useful service. However, our concern for UHF development overrides this factor when we are considering a waiver for the very heart of the market—the area UHF will most likely rely upon. With this in mind, we will designate for hearing C&S TV's proposals for Belle, Marmet, Chesapeake and surrounding unincorporated areas, Capitol Cablevision's proposal for Charleston, and Kanawha Cable's proposal for St. Albans, Nitro, Dunbar and South Charleston.

5. The proposal for the western part of the market, Clearview's petition for six Kentucky communities, presents a different case entirely. We note that only two distant signals would be extended, both of which are network affiliated and subject to program exclusivity. These communities are not served by any Kentucky television station, and a waiver here would allow these residents to view in-state programs.

6. We have also determined the cumulative effect of the action taken here (assuming at the outside the same action for all communities similiarly situated to these). It was found that the proposed dispositions would have no effect on about 84 percent of the television homes, i.e., about 84 percent of all television homes in the market would remain unavailable to CATV.[5]

Accordingly, it is ordered, That the provisions of § 74.1107 of the rules are waived and Clearview TV Cable, Inc., is authorized to carry distant signals as proposed subject to the applicable provisions of § 74.1103 of the rules.

It is further ordered, That the requests of C&S TV, Inc., Capitol Cablevision Corp., and Kanawha Cable Television Co., for waiver of the hearing provisions of § 74.1107 of the rules are denied, and pursuant to sections 4(i), 303, and 307 (b) of the Communications Act of 1934, as amended, and § 74.1107 of the rules, a consolidated hearing is ordered as to said matters on the following issues:

(1) To determine the present and proposed penetration and extent of CATV service in the Charleston-Huntington Market.

(2) To determine the effects of current and proposed CATV service in the Charleston-Huntington market upon existing, proposed and potential television broadcast stations in the market.

(3) To determine (a) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (b) the potential for such services; and (c) the impact of such services upon television broadcast stations in the market.

(4) To determine in light of the above, whether grant of the applications and the proposals would be consistent with the public interest.

C&S TV, Inc., Capitol Cablevision Corp., Kanawha Cable Television Co., WCHS–AM–TV Corp., Capital Cities Broadcast Corp., Reeves Broadcasting Corp., and Tower Communications Corp. are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon the petitioners. A time and place for hearing will be specified in another order.

Adopted: September 25, 1968.

Released: October 3, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–12217; Filed, Oct. 7, 1968; 8:48 a.m.]

[Docket Nos. 18330–18332; FCC 68–977]

DONALD C. CHAYET AND TECH ENGINEERING ASSOCIATES

Orders Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Donald C. Chayet, 90 Taylor Avenue, Box 55, Dedham, Mass. 02026, Docket No. 18330, for Radiotelephone Second Class Operator License, and Docket No. 18331, File No. 145–C2–R–68, for renewal of license for Domestic Public Land Mobile Station KJ2111; and Donald C. Chayet, doing business as Tech Engineering Associates, 90 Taylor Avenue, Box 55, Dedham, Mass. 02026, Docket No. 18332, File No. 6681–C2–P/L–68, for new license for Domestic Public Land Mobile Station.

1. The Commission has under consideration the above-captioned applications submitted by Donald C. Chayet whose address appears above.

2. From information before the Commission it appears that Donald C. Chayet altered a Domestic Pubic Land Mobile Radio Station license, KJ3280, issued to Tech Engineering Associates of which he is owner, and upon being indicted for for this offense he pleaded guilty in the U.S. Court for the District of Massachusetts on September 18, 1967, to a charge of violating title 18, United States Code, section 494, and was sentenced to probation for 2 years which sentence he is now serving. Therefore, a question is raised as to his qualifications to carry out the responsibilities of a licensee of the Commission.

3. *It is ordered,* Pursuant to section 303(1) and section 309(e) of the Communications Act of 1934, as amended, and §§ 1.84 and 1.973(b) of the Commission's rules that the captioned applications to be designated for hearing in a consolidated proceeding at a time and a place to be specified in a subsequent order upon the following issues:

(1) To determine in the light of the information before the Commission referred to in paragraph two above whether said Donald C. Chayet is qualified to be a licensee of the Commission.

(2) To determine in the light of findings in issue one (1) whether it would be in the public interest to grant to Donold C. Chayet a Radiotelephone Second Class Operator License.

(3) To determine in the light of findings in issue one (1) whether it would be in the public interest to grant the renewal of Donald C. Chayet for station KJ2111 in the Domestic Public Land Mobile Radio Service.

(4) To determine in the light of findings in issue one (1) whether it would be in the public interest to grant the application of Donald C. Chayet doing business as Tech Engineering Associates for a new station in the Domestic Public Land Mobile Radio Service.

4. *It is further ordered,* That to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney shall within twenty (20) days of the mailing of this order file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified.

5. *It is further ordered,* That the Chief, Common Carrier Bureau and the Chief, Field Engineering Bureau, shall within ten (10) days after release of this order, furnish a Bill of Particulars to the applicant herein.

Adopted: September 25, 1968.

Released: October 3, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–12218; Filed, Oct. 7, 1968; 8:48 a.m.]

[Docket Nos. 18229–18233; FCC 68–962]

LONE STAR TELEVISION SERVICE, INC., ET AL.

Memorandum Opinion and Order Revising Issues

In re petitions by Lone Star Television Service, Inc., Longview, Tex., Docket No. 18229, File No. CATV 100–34; Telecom Cable Co., Texarkana, Tex., Docket No. 18230, File No. CATV 100–48; Cypress Valley Cable Television Service, Inc., Marshall, Tex., Docket No. 18231, File No. CATV 100–96; Kilgore Video, Inc., Kilgore, Tex., Docket No. 18232, File No.

[5] Clinton TV Cable Co., Inc., FCC 68–172, 11 FCC 2d 704.

[6] Commissioners Bartley and Johnson absent.

[1] Commissioners Bartley and Johnson absent.

CATV 100–244; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Shreveport Television Market (ARB 68); and in re applications of Telecom Cable Co., Jefferson, Atlanta, Edgewood, Mineola, Big Sandy, Ashland, and Terrell, Tex., Docket No. 18233, File Nos. 15908 through 13–IB–116X–24276–IB–26X, for construction permits for new Point-to-Point microwave radio stations in the business radio service.

1. By our memorandum opinion and order (13 FCC 2d 934, 13 RR 2d 761, released July 3, 1968) we, inter alia, denied the request of Cypress Valley Cable Television Service, Inc., for waiver of the hearing provisions of § 74.1107 of our rules. Instead, we designated its proposal to provide distant signal CATV service to Marshall, Tex., for hearing on issues to determine if the importation of such distant signals into the Shreveport, La., television market would be consistent with the public interest and the maintenance of television broadcast service in that market. Marshall, Tex., is located approximately 36 miles southwest of Shreveport, La., it is one of the larger population centers of the market, and it has been allocated a commercial UHF television channel.

2. Cypress Valley has petitioned for reconsideration of our action ordering this hearing. The petition requests that we, without hearing, grant authority for the carriage of distant signals over Cypress Valley's proposed cable system at Marshall, Tex.[1] In support thereof, Cypress Valley alleges: (a) That there exist unsatisfied needs for local and in-state programing in Marshall, since the community is not served by any exclusively Texas station,[2] and (b) that its cable system will fulfill these needs through the presentation of, at a minimum, 28 hours of CATV originated local, noncommercial, public affairs programing and by the importation of various distant Texas television signals. Cypress Valley argues that the economic viability of its proposed cable system and, therefore, the success of its cable programing origination plan is dependent upon the carriage of distant signals. Cypress Valley also urges that its CATV proposal will not have an adverse impact on existing, proposed, or potential television service in the market. Thus, Cypress Valley concludes that approval of its distant signal proposal would be consistent with the public interest and with our policy to encourage a diversity of local programing sources serving particular area needs, tastes, and interests. The oppositions, however, urge that a hearing is necessary to determine whether the proposed program origination would be consistent with the public interest and that Cypress Valley's petition must be denied under all of the circumstances of this proceeding.

3. We believe that reconsideration should be denied. A crucial issue is the effect of the proposed cable system on television broadcast service in the Shreveport market, and petitioner has failed to show that there is not a substantial issue on this score. Thus, there remains the issue of the impact of the system on the future development of the authorized station on UHF 16, Longview, Tex.,[3] and on the dormant commercial UHF channels allocated to Marshall (one of the larger population centers in the market), and to other communities in the market. Cypress Valley's allegations that unsatisfied needs for in-State and local programing exist in Marshall and that its proposed importation of distant signals from various Texas stations together with its CATV program origination proposal will fulfill this need, do not dispel the appropriateness of a hearing on the above issue under the present policy bases (impact and unfair competition) set forth in the Second Report, 2 FCC 2d 770–781, pars. 114–138.[4] These allegations, however, are pertinent to the case, and will be considered in this proceeding.[5] The issue raised by them is, of course, also under consideration in our general and continuing evaluation of our policies in this field.

4. *Accordingly, it is ordered,* That the petition for reconsideration, filed August 2, 1968, by Cypress Valley Cable Television Service, Inc., is Denied.

5. *It is further ordered,* That, on the Commission's own motion, issue 4 designated for hearing in this proceeding is revised to read as follows:

* * * * *

4. To determine whether there are unsatisfied needs in Longview, Texarkana, Kilgore, and Marshall, Tex., for in-State television programing, and if so, the extent to which the applicants' proposed CATV services would meet those needs for their respective communities.

Adopted: September 25, 1968.

Released: September 27, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–12219; Filed, Oct. 7, 1968; 8:48 a.m.]

[1] Also before the Commission for consideration are: (1) An opposition, filed Aug. 9, 1968, by KTBS, Inc., licensee of station KTBS–TV, Shreveport, La.; (b) an opposition, filed Aug. 15, 1968, by KSLA–TV, Inc., licensee of station KSLA–TV, Shreveport, La.; (c) an opposition, filed Aug. 15, 1968, by Radio Longview, Inc., permittee of channel 16, Longview, Tex.; (d) comments, filed Aug. 15, 1968, by the Chief, Broadcast Bureau; and (e) a reply, filed Aug. 27, 1968, by Cypress Valley.

[2] Marshall, Tex., is now served only by Stations KSLA–TV and KTBS–TV, Shreveport, La., and station KTAL–TV, Shreveport, La.–Texarkana, Tex.

[3] In opposition, the permittee of Channel 16, Radio Longview, Inc., contends that cable originated programing and the introduction of distant signals into Marshall would seriously threaten the economic viability of its station since, although Marshall is not within the present planned Grade B contour of Channel 16, the area constitutes a potential part of its market. Due to the proximity of Marshall to Longview (approximately 25 miles), these conflicting assertions merit further exploration during the hearing.

[4] Petitioner's reliance on Midwestern Television, Inc., 13 FCC 2d 478 (1968), is misplaced. The decision as to the Escondido system, made after hearing, was based, in significant part, on the equitable considerations of the case.

[5] We note, in this regard, that an issue as to unsatisfied needs for in-State programing has been specified concerning the cable proposals for Longview, Texarkana, and Kilgore, Tex., in this consolidated hearing. Accordingly, in view of Cypress Valley's allegations, we shall permit inquiry into the question of unsatisfied needs for in-State programing in Marshall, Tex., and the purview of that hearing issue (issue 4) will be expanded so as to include Marshall and Cypress Valley's cable proposal therein. At the same time under the circumstances of this proceeding, Cypress Valley's CATV program origination proposal, including its relation to the carriage of distant signals, may be further explored in the hearing within the context of this issue.

[6] Commissioners Bartley and Johnson absent.

NATIONAL COMMISSION ON PRODUCT SAFETY

[Public Law 90–146; 81 Stat. 466]

ORGANIZATION AND AVAILABILITY OF INFORMATION

The following regulations are published pursuant to section 552 of Title 5, United States Code, as amended:

Sec.
1 Purpose.
2 Definitions.
3 Authority, functions and organization.
4 Public information.
5 Confidential information.
6 Requests.
7 Exceptions to release.
8 Effective date.

SECTION 1 *Purpose.* (a) These regulations of the National Commission on Product Safety, implementing 5 U.S.C. 552, are furnished for the guidance of the public. The regulations provide information concerning the authority, functions, and organization of the Commission, and the procedures by which documentary material and information may be obtained from the Commission. Official records of the Commission shall be furnished to members of the public only upon written request, as prescribed herein.

SEC. 2 *Definitions.* To the extent that terms used in this part are defined in 5 U.S.C. 551, they shall have the same definition herein. As used in this part, "Commission" means National Commission on Product Safety.

SEC. 3 *Authority, functions, and organizations*—(a) *Authority.* The National Commission on Product Safety was established by Public Law 90–146 (81 Stat. 466) effective November 20, 1967. The Commission is authorized to conduct hearings anywhere in the

United States; to require by special or general orders the submittal of written reports and answers to Commission inquiries; to administer oaths; to require by subpoena attendance and testimony of witnesses and the production of documentary evidence; to invoke the aid of any district court of the United States to ensure compliance with such subpoena or order; to order that testimony be taken by deposition before a duly selected designee of the Commission with power to administer oaths; to pay witness fees; to request from any other department, agency, or independent instrumentality of the government such information as is deemed necessary to carry out the functions of the Commission; to enter into contracts for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties; to publish or withhold from publication information obtained by it; to delegate any of its functions to individual members of the Commission or to designated individuals on its staff; and to make such rules and regulations as are necessary for the conduct of its business.

(b) *Functions.* (1) Pursuant to statute, the Commission is to conduct a comprehensive study and investigation of the scope and adequacy of measures currently employed to protect consumers against unreasonable risk of injuries which may be caused by hazardous household products. Such study and investigation shall include consideration of the following:

(i) The identity of categories of household products which may present an unreasonable hazard to the health and safety of the consuming public;

(ii) The extent to which self-regulation by industry affords such protection;

(iii) The protection against such hazardous products afforded at common law in the States, including the relationship of product warranty to such protection; and

(iv) A review of Federal, State, and local laws relating to the protection of consumers against categories of such hazardous products, including scope of coverage, effectiveness of sanctions, adequacy of investigatory powers, uniformity of application, and quality of enforcement.

The Commission is to submit to the President and to the Congress such interim reports as it deems advisable and shall submit its final report to the President and to the Congress.

(2) The foregoing enumeration of powers and functions is for the information of the public and should not be construed to limit any additional powers or functions inherent in the existence of agencies of the U.S. Government, nor to limit other authority reserved to the Commission by Public Law 90–146.

(c) *Organization.* (1) The Commission consists of seven Commissioners appointed by the President, one of whom is designated Chairman by the President.

(2) The principal staff consists of Executive Director, General Counsel, Operations Chief, and Director of Public Affairs.

(3) The location of the Commission is at 1016 16th Street NW., Washington, D.C. 20036. The public may obtain information or make submittals or requests by writing to the Executive Director, or appearing, at that address.

(4) The Commission has no field offices.

SEC. 4 *Public information.* Information in the following classes is public and may be obtained upon written request to the Executive Director, 1016 16th Street NW., Washington, D.C. 20036, or by appearing personally at the office of the Commission between the hours of 1:30 and 4:30 p.m., Monday through Friday:

(a) Copies of Public Law 90–146 (81 Stat. 466), establishing the Commission;

(b) The Commission's regulations and a description of its organization as published in the FEDERAL REGISTER;

(c) Transcripts of testimony taken in public hearings, and other documentary evidence introduced at such public hearings;

(d) Written communications from members of the public claiming that a household product is hazardous, unless such communications request confidentiality (names and addresses of writers to be deleted);

(e) Official statements of policy and interpretations adopted by the Commission and not published in the FEDERAL REGISTER;

(f) Administrative staff manuals and staff instructions that affect a member of the public; and

(g) Such additional information concerning the activities of the Commission as is released from time to time through the Commission's Office of Public Affairs.

SEC. 5 *Confidential information.* The records and files of the Commission and all documents, memoranda, correspondence, exhibits, and information of whatever nature, other than the items described in section 4, coming into the possession or within the knowledge of the Commission or any of its officers and employees in the discharge of their official duties, are confidential. Except to the extent that disclosure of such material or information is specifically authorized by the Commission, the above-mentioned matter may be disclosed, divulged, or produced for inspection or copying only in accordance with the procedures set forth hereinunder.

SEC. 6 *Requests.* (a) Application by a member of the public for public or confidential information shall request an identifiable record and be in writing. For confidential information, the applicant must set forth the nature of his interest in the subject matter; identification of the specific information, files, documents, or other material, inspection of which is requested; whether copies are desired; and the purpose for which the information or material, or copies will be used if the application is granted.

(b) Requests should be made to the Commission's Executive Director. Where the request is for information or materials of which copies are not available and photostating or reproduction by other means is required, such service will be provided only upon payment of the costs involved.

(c) In the event that Commission records are desired for inspection, copying, or use by an agency of the Federal or a State Government, a request therefor shall be made by the administrative head of the agency. Such request shall be in writing, and shall describe the information or material desired, its relevancy to the work and function of the agency and, if the production of documents or records or the making of copies thereof is requested, the use which is intended to be made of them.

(d) Any officer or employee who is served with a subpoena requiring the production of any document or records, or the disclosure, shall promptly advise the Commission of the service of such subpoena, the nature of the documents or information sought, and all relevant facts and circumstances. The Commission will thereupon enter such order or give such instructions as it shall deem advisable, consistent with statutory restrictions, its rules, and the public interest.

If an officer or employee so served has not received instructions from the Commission prior to the return date of the subpoena, he shall appear in court and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon these regulations.

SEC. 7 *Exceptions to release.* (a) The records of the Commission which are exempt from availability for public inspection and copying pursuant to 5 U.S.C. 552(b) are:

(1) Records related solely to internal personnel rules and practices of the Commission;

(2) Trade secrets, names of customers and commercial or financial information obtained from any person which is customarily privileged or which is expressly received by the Commission in confidence;

(3) Inter-agency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Commission;

(4) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(5) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party; and testimony, exhibits, and other material obtained in executive sessions of the Commission;

(6) Official minutes of Commission meetings;

(7) Such other files and records of the Commission exempted from disclosure by statute or by Executive order.

(b) (1) Notwithstanding the foregoing, the Commission, in its discretion, upon request for confidential information, may determine that such information be withheld and the request denied whenever there are reasonable grounds to believe that disclosure would give an unfair competitive advantage to any person, or unfairly affect the economic interests of

any person, or would otherwise be contrary to the provisions of Public Law 90–146.

(2) For the purposes of this section, "unfair competitive advantage" means economic advantage which is caused by different treatment of one or more of a group of competitors, unless such treatment is (a) warranted by differences in safety characteristics of products, or (b) necessary to protect the public from potential risk of injury from a product.

SEC. 8 *Effective date.* These regulations shall be effective October 1, 1968.

Dated: September 23, 1968.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 68–11717; Filed, Oct. 7, 1968; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 07/15–0023]

CREATIVE CAPITAL CORP.

Notice of Issuance of Small Business Investment Company License

On September 14, 1968, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (33 F.R. 13052) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for a license as a small business investment company by Creative Capital Corp., 1500 North Woodward Avenue, Birmingham, Mich. 48012.

Interested parties were given to the close of business September 24, 1968, to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 07/15–0023 to Creative Capital Corp., as of September 25, 1968, to operate as a small business investment company.

Dated: September 25, 1968.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68–12202; Filed, Oct. 7, 1968; 8:47 a.m.]

[License 05/05–0030]

SOUTHERN EQUITIES, INC.

Notice of Surrender of License

Notice is hereby given that Southern Equities, Inc., Atlanta, Ga., has, pursuant to § 107.105 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), surrendered its license to operate as a small business investment company. It was incorporated on August 25, 1961, under the laws of the State of Georgia, and licensed by the Small Business Administration (SBA) on October 6, 1961, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

On June 28, 1967, Southern Equities, Inc., assigned its assets to SBA as a result of a judgment on indebtedness in favor of the United States, entered by the U.S. District Court for the Northern District of Georgia on December 1, 1965.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and the Regulations promulgated thereunder, the surrender of the license of Southern Equities, Inc., is hereby accepted, and Southern Equities, Inc., accordingly, is no longer licensed to operate as a small business investment company.

Dated: September 24, 1968.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68–12203; Filed, Oct. 7, 1968; 8:47 a.m.]

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