

FEDERAL REGISTER

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Pages 183-230

Agencies in this issue—

The President
Agriculture Department
Business and Defense Services Administration
Commerce Department
Consumer and Marketing Service
Customs Bureau
Education Office
Federal Aviation Administration
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
General Services Administration
Health, Education, and Welfare Department
Indian Affairs Bureau
Interior Department
Interstate Commerce Commission
Labor Department
Land Management Bureau
National Security Agency
Securities and Exchange Commission
Small Business Administration
Social and Rehabilitation Service
Social Security Administration

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Volume 81

**UNITED STATES
STATUTES AT LARGE**

[90th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1967, reorganization plans, the twenty-fifth amendment to the Constitution, and Presidential proclamations. Also included are: a subject index, tables

of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Title 3—THE PRESIDENT

Executive Order 11442

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE LONG ISLAND RAILROAD AND CERTAIN OF ITS EMPLOYEES

WHEREAS, a dispute exists between the Long Island Railroad and certain of its employees represented by the Brotherhood of Railroad Trainmen, a labor organization; and

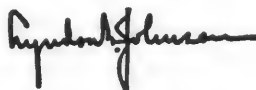
WHEREAS, this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS, this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt Interstate Commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a Board of three members, to be appointed by me, to investigate this dispute. No member of the Board shall be pecuniarily or otherwise interested in any organization of Railroad employees or any carrier.

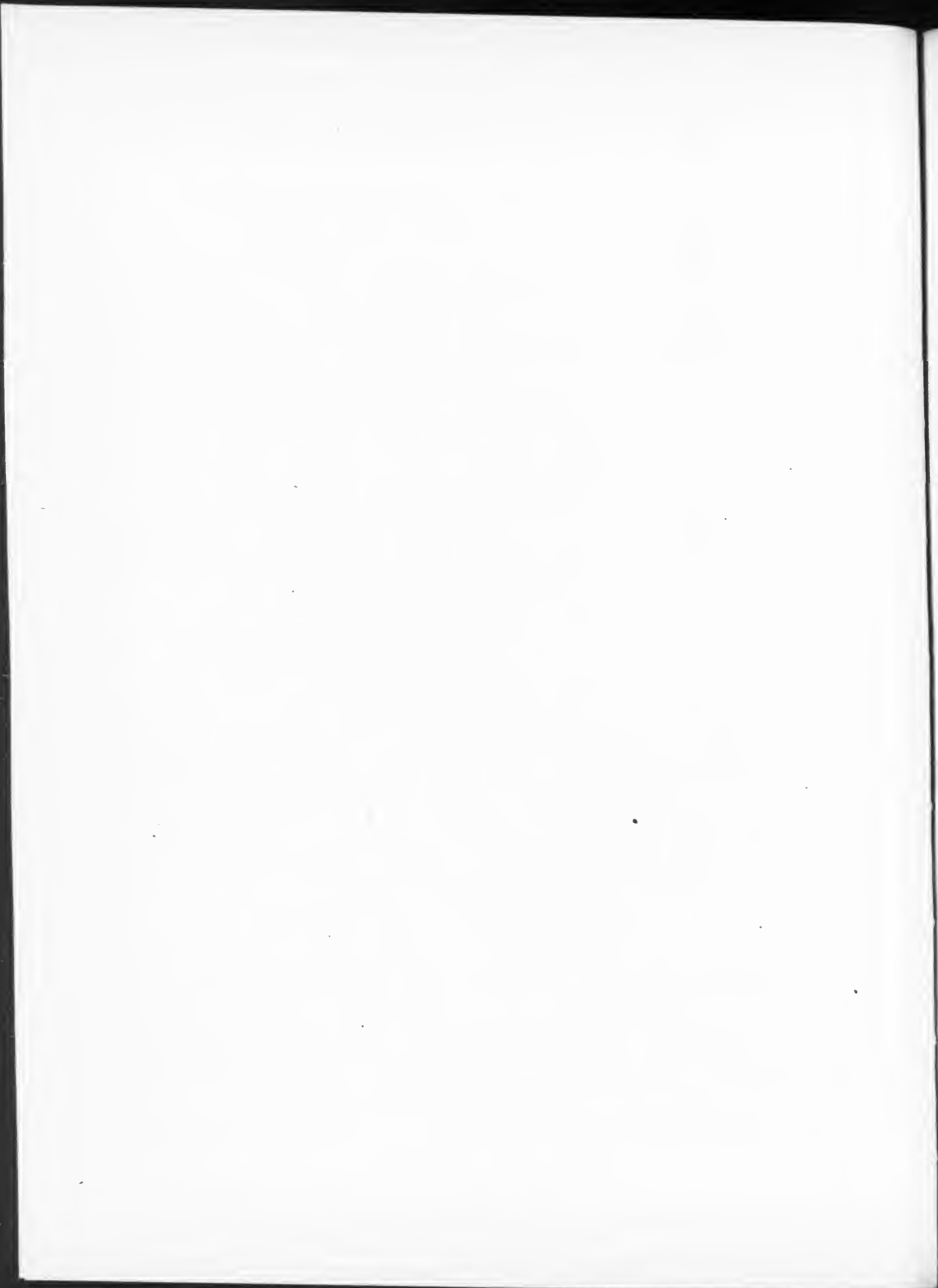
The Board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the Board has made its report to the President, no change, except by agreement, shall be made by the Long Island Railroad, or by its employees, in the conditions out of which the dispute arose.



THE WHITE HOUSE,
December 27, 1968.

[F.R. Doc. 69-275; Filed, Jan. 6, 1969; 10:21 a.m.]



Rules and Regulations

Title 7—AGRICULTURE

Chapter 1—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fee for Rice Type Samples

Statement of considerations. The Agricultural Marketing Act of 1946 provides for certain services to the public and for the collection of fees as nearly as possible to the cost of providing the services. On November 7, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 16347) proposing that sets of rice type samples illustrating the lower limit for the milling degrees for rice be offered for sale to the public at \$50 per set.

Opportunity was afforded interested parties to submit written data, views, or arguments, with respect to the request to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by December 7, 1968. One written response was received favoring the proposal and one written response was received expressing concern that it will not be understood that the rice type samples represent only the lower limit of milling degrees. To avoid possible misunderstanding, each rice type sample container will clearly show that the type sample illustrates the lower limit of milling degree only.

Pursuant to the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), § 68.42 of the Part 68 regulations (7 CFR 68.42) governing fees and charges, is amended by inserting between the lines reading "Straw Inspection: (see Hay inspection)" and "U.S. Grain in Canada:" the following:

Type samples, rice milling degrees.... *50.00
(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

* The type samples illustrate the lower limit for milling degrees only. Type samples will be available for examination at, or may be purchased from the Grain Inspection Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782. Type samples will also be available for examination at selected field offices of the Grain Division. A list of the field offices may be obtained from the above address.

Done at Washington, D.C., this 2d day of January, 1969.

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

[F.R. Doc. 69-166; Filed, Jan. 6, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter 1—Federal Aviation Administration, Department of Transportation

[Docket No. 8070; Special Federal Aviation Regulation No. 23]

PART 23—AIRWORTHINESS STANDARDS; NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

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

Airworthiness Standards; Small Airplanes Capable of Carrying More Than 10 Occupants

The purpose of this Special Federal Aviation Regulation is to establish additional airworthiness standards for small airplanes that are to be certificated to carry more than 10 occupants and that are intended to be used in operations conducted under Part 135 of the Federal Aviation Regulations.

This action is based on the notice of proposed rule making set forth in Notice 67-11 and published in the FEDERAL REGISTER (32 F.R. 5698) on April 7, 1967.

The FAA has received numerous applications for type certification of small reciprocating-engine powered airplanes and turbopropeller powered airplanes that are designed to be capable of carrying more than 10 persons and are intended for use in Part 135 operations. The FAA has determined that the pertinent airworthiness standards of Part 23 and the related regulations in Part 135 would not be adequate for airplanes having that carrying capacity that are to be used in operations under Part 135.

In the past, the FAA has applied special conditions in the type certification of airplanes capable of carrying more than 10 persons to ensure an adequate level of safety. The additional airworthiness standards set forth in Notice 67-11 were based on those special conditions. However, rather than continue to apply detailed and complex special conditions on an individual basis, the FAA proposed, in Notice 67-11, to establish rules of general applicability for the type certification of airplanes capable of carrying

more than 10 occupants that are intended for use in Part 135 operations.

Aside from the requirements of Part 25 of the Federal Aviation Regulations which are designed for transport category airplanes, there are no rules of general applicability providing the airworthiness standards which are considered adequate for the type certification of airplanes having a carrying capacity of more than 10 persons that are to be used in operations under Part 135. In the light of the FAA's plan, as announced in Notice 67-11, to impose additional airworthiness standards on airplanes used in Part 135 operations, this special regulation is necessary to provide the manufacturers who are in the process of type certifying their airplanes, with the airworthiness standards necessary to make their airplanes eligible for Part 135 operations. The airworthiness standards set forth in this special regulation are applicable to reciprocating-engine powered and turbopropeller powered airplanes and not to turbojet powered airplanes. Furthermore, the airframe standards are considered appropriate only for altitudes below 25,000 feet. It should also be noted that the term "occupant" as used in this special regulation includes the flight crew. Furthermore, the kinds of operation referred to in the minimum flight crew requirement are those set forth in FAR 23.1559 and include VFR, IFR, day, or night, and meteorological conditions such as icing conditions.

Concurrently with this regulation, the FAA is proposing an amendment to Part 135 containing updated additional airworthiness standards for airplanes. As indicated in that notice, the proposed amendment to Part 135 will require that all airplanes used in operations under that part after June 1, 1972 which are certificated to carry more than 10 persons be shown to meet the special airworthiness requirements set forth in that part, unless the airplanes (1) have been type certificated in the Transport Category under Part 25 of the FARs, or (2) have been type certificated prior to January 1, 1970, in accordance with the special conditions developed for airplanes capable of carrying more than 10 persons and intended for Part 135 operations, or (3) have been type certificated prior to January 1, 1970, in accordance with this Special Federal Aviation Regulation.

Numerous comments were received in response to Notice 67-11. However, many of the comments recommended more stringent requirements or changes to the proposal that would increase the burden of compliance beyond that specified in the notice. These comments involve substantive changes that go beyond the scope of Notice 67-11 and for this reason they have not been incorporated into this final regulation. However, the FAA sees merit in many of them and some of

them have been considered in the notice of proposed rule making being issued concurrently herewith and the remaining will be considered in a future notice of proposed rule making contemplated by the FAA to further update the airworthiness standards in FAR 23 for airplanes having a capacity of more than 10 persons that are to be used in Part 135 operations.

There were other comments concerned with the application of these regulations to the Part 135 operators. This rule making action is intended only to establish airworthiness regulations which may be applied in the type certification of aircraft capable of carrying more than 10 persons. The application of these regulations to Part 135 operations is covered in the proposed amendment to that part referred to above and the comments concerning the application of these regulations to air taxi operations are considered in that rule making action.

As provided in Notice 67-11, any inconsistencies in the proposed regulations and the detailed review of FAR 23 covered by Notice 67-14, will be resolved before the issuance of that rule. Moreover, many of the comments received in response to Notice 67-11 are identical to those received in response to Notice 67-14. Those comments will, therefore, be considered in connection with the rule making action on Notice 67-14.

Various comments recommended changes to the proposal which the FAA did not consider necessary or appropriate or which were not supported by sufficient justification. In this connection, a recommendation was made that the proposals concerning airplane performance should be deferred until such time as an airplane has been certificated under these regulations and, if possible, operating experience with such an airplane is available. The FAA does not agree with this recommendation. On the basis of experience gained in the type certification of at least one airplane in accordance with special conditions and also on the basis of type certification programs in process, the FAA considers the performance requirements to be appropriate. Moreover, the effect of performance standards on any airplane can be readily evaluated with reasonable accuracy from basic design parameters of the airplane.

Another comment raised by a number of commentators concerned the emergency evacuation provisions in Notice 67-11. The comments pointed out that the emergency exit requirements proposed for 16-23 occupants under Notice 67-11 were more severe than those required for 11-19 passengers under FAR 25 and suggested that they be patterned after FAR 25. The FAA does not agree with this comment. When considered as an overall exit system, the standards proposed in Notice 67-11 are equivalent to those in FAR 25. Exit system requirements consist of standards for (1) number of exits, (2) size of exits, (3) distribution of exits, (4) exit orientation, and (5) step-up and stepdown provisions associated with exits as well as related standards for such things as automatic

slides and interior and exterior lighting. The comments were concerned only with the relationship between number and size of exits. However, the number and size of exits are merely segments of the system which were taken into consideration in developing the proposal in Notice 67-11. It should also be noted that the special regulation does not prohibit the use of chemical light for illuminating the exit sign. A recommendation was also made to reduce the emergency evacuation demonstration time for airplanes covered by this regulation. Such a substantive change is, of course, outside the scope of this rule making action. However, like other such recommendations, it will be given consideration in connection with the future rulemaking actions currently being contemplated.

Numerous changes have been made to the proposal in response to comments received on Notice 67-11. While many of these are minor changes of an editorial or clarifying nature, there were certain changes which should be specifically mentioned. In this connection, the proposed oxygen requirements have been withdrawn. As indicated in the comments to Notice 67-11, the proposed oxygen requirements are basically operating rules. They have, therefore, been considered in connection with the notice of proposed rule making amending the operating requirements in Part 135 that is being issued concurrently with this regulation. Consistent with the gradual transition from statute miles to nautical miles being made throughout the Federal Aviation Regulations, the references to "miles per hour" have been converted to "knots." In response to a comment designed to prevent any misunderstanding with respect to the stall warning requirement and to make this requirement consistent with Notice 67-14, the proposed rule has been revised to specifically state that the warning must give clearly distinguishable indications. In addition, the flap operated landing gear warning device requirement has been revised to state the rule in an objective manner in order to provide an effective warning for various airplane type designs.

The reference to "other ignition sources" in the proposed lightning strike protection requirement has been deleted since the requirement was intended to cover only protection from lightning strikes. Furthermore, while compliance with AC 20-53, formerly AC 25-3A, for fuel vents will be evidence of compliance with the rule, it is not the only means of compliance, and the reference to AC 25-3A has been deleted in order to prevent any misunderstanding as to the requirement of the rule. The statement in the proposed maintenance information rule that "the information must be made available for use by operator's maintenance facilities to assist them in developing maintenance procedures for the proper maintenance of their aircraft" has also been deleted. While this is one of the reasons for the rule, the requirement is that the information be made available at the time of delivery of the airplane.

Finally, the proposed retirement concerning fire protection of the cowl and nacelle skin has been revised to make it clear that the engine cowl must be designed and constructed so that no fire originating in the engine compartment can enter, either through an opening or by burning through, any other region where it would create additional hazards. As proposed, the rule would have permitted the applicant the alternative of meeting the foregoing requirement or of fireproofing the cowl. However, it has subsequently been determined that fireproofing alone would not provide the necessary fire protection and that removal of this alternative is necessary in the interest of safety. Furthermore, contrary to a comment received concerning this requirement, the FAA does not consider that fire detection would provide the necessary level of safety.

Throughout the proposals set forth in Notice 67-11, the FAA made reference to the present provisions of FAR 23. This meant those provisions of FAR 23 in effect on March 30, 1967, the date the notice was issued. This has been made clear in the final rule. As it now reads, the requirements of FAR 23 with which compliance must be shown under this regulation are those that are applicable to the applicant's airplane as determined in accordance with § 21.17 of Part 21 of the FARs, except where the regulation specifies the requirements of FAR 23 in effect on March 30, 1967.

While Notice 67-11 proposed to incorporate these additional airworthiness requirements in an amendment to Part 23, it has been determined that in view of the concurrent rule making action being taken concerning airplanes capable of carrying more than 10 persons and intended for use in operations under Part 135, a special regulation would be more appropriate at this time. The format of the proposal has been changed for purposes of clarification and to accommodate the changes resulting from the comments. In addition, appropriate revisions and rearrangement of the proposals have been made consistent with their issuance as a special regulation. Upon completion of the Part 135 rule making action on this matter, it is contemplated that this special regulation will be incorporated as an appendix to Part 135. This is not a substantive change to the notice and imposes no additional burden on any person.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

Since this regulation is necessary in order to enable manufacturers to proceed with the type certification of their airplanes for use in Part 135 operations, I find that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted to become effective January 7, 1969:

1. *Applicability.* An applicant is entitled to a type certificate in the normal

category for a reciprocating or turbo-propeller engine powered small airplane that is to be certificated to carry more than 10 occupants and that is intended for use in operations under Part 135 of the Federal Aviation Regulations if he shows compliance with the applicable requirements of Part 23 of the Federal Aviation Regulations, as supplemented or modified by the additional airworthiness requirements of this regulation.

2. *References.* Unless otherwise provided, all references in this regulation to specific sections of Part 23 of the Federal Aviation Regulations are those sections of Part 23 in effect on March 30, 1967.

FLIGHT REQUIREMENTS

3. *General.* Compliance must be shown with the applicable requirements of Subpart B of Part 23 of the Federal Aviation Regulations in effect on March 30, 1967, as supplemented or modified in sections 4 through 10 of this regulation.

PERFORMANCE

4. *General.* (a) Unless otherwise prescribed in this regulation, compliance with each applicable performance requirement in sections 4 through 7 of this regulation must be shown for ambient atmospheric conditions and still air.

(b) The performance must correspond to the propulsive thrust available under the particular ambient atmospheric conditions and the particular flight condition. The available propulsive thrust must correspond to engine power or thrust, not exceeding the approved power or thrust less—

(1) Installation losses; and

(2) The power or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(c) Unless otherwise prescribed in this regulation, the applicant must select the takeoff, en route, and landing configurations for the airplane.

(d) The airplane configuration may vary with weight, altitude, and temperature, to the extent they are compatible with the operating procedures required by paragraph (f) of this section.

(e) Unless otherwise prescribed in this regulation, in determining the critical engine inoperative takeoff performance, the accelerate-stop distance, takeoff distance, changes in the airplane's configuration, speed, power, and thrust, must be made in accordance with procedures established by the applicant for operation in service.

(f) Procedures for the execution of balked landings must be established by the applicant and included in the Airplane Flight Manual.

(g) The procedures established under paragraphs (e) and (f) of this section must—

(1) Be able to be consistently executed in service by a crew of average skill;

(2) Use methods or devices that are safe and reliable; and

(3) Include allowance for any time delays, in the execution of the procedures, that may reasonably be expected in service.

5. *Takeoff—(a) General.* The takeoff speeds described in paragraph (b), the accelerate-stop distance described in paragraph (c), and the takeoff distance described in paragraph (d), must be determined for—

(1) Each weight, altitude, and ambient temperature within the operational limits selected by the applicant;

(2) The selected configuration for takeoff;

(3) The center of gravity in the most unfavorable position;

(4) The operating engine within approved operating limitation; and

(5) Takeoff data based on smooth, dry, hard-surface runway.

(b) *Takeoff speeds.* (1) The decision speed V_1 is the calibrated airspeed at which, as a result of engine failure or other reasons, the pilot is assumed to have made a decision to continue or discontinue the takeoff. The speed V_1 must be selected by the applicant but may not be less than—

(i) $1.10V_{S1}$;

(ii) $1.10V_{MC}$;

(iii) A speed that permits acceleration to V_1 and stop in accordance with paragraph (c) allowing credit for an overrun distance equal to that required to stop the airplane from a ground speed of 35 knots utilizing maximum braking; or

(iv) A speed at which the airplane is rotated for takeoff and shown to be adequate to safely continue the takeoff, using normal piloting skill, when the critical engine is suddenly made inoperative.

(2) Other essential takeoff speeds necessary for safe operation of the airplane must be determined and shown in the Airplane Flight Manual.

(c) *Accelerate-stop distance.* (1) The accelerate-stop distance is the sum of the distances necessary to—

(i) Accelerate the airplane from a standing start to V_1 ; and

(ii) Decelerate the airplane from V_1 to a speed not greater than 35 knots, assuming that the critical engine fails at V_1 and landing gear remains in the extended position. Maximum braking may be utilized during deceleration.

(2) Means other than wheel brakes may be used to determine the accelerate-stop distance if that means is available with the critical engine inoperative and—

(i) Is safe and reliable;

(ii) Is used so that consistent results can be expected under normal operating conditions; and

(iii) Is such that exceptional skill is not required to control the airplane.

(d) *All engines operating takeoff distance.* The all engine operating takeoff distance is the horizontal distance required to takeoff and climb to a height of 50 feet above the takeoff surface according to procedures in FAR 23.51(a).

(e) *One-engine-inoperative takeoff.* The maximum weight must be determined for each altitude and temperature within the operational limits established for the airplane, at which the airplane

has takeoff capability after failure of the critical engine at or above V_1 determined in accordance with paragraph (b) of this section. This capability may be established—

(1) By demonstrating a measurably positive rate of climb with the airplane in the takeoff configuration, landing gear extended; or

(2) By demonstrating the capability of maintaining flight after engine failure utilizing procedures prescribed by the applicant.

6. *Climb—(a) Landing climb: All-engines-operating.* The maximum weight must be determined with the airplane in the landing configuration, for each altitude, and ambient temperature within the operational limits established for the airplane and with the most unfavorable center of gravity and out-of-ground effect in free air, at which the steady gradient of climb will not be less than 3.3 percent, with:

(1) The engines at the power that is available 8 seconds after initiation of movement of the power or thrust controls from the minimum flight idle to the takeoff position.

(2) A safe climb speed not less than the approved speed established under section 7 of this regulation.

(b) *En route climb, one-engine-inoperative.* (1) The maximum weight must be determined, with the airplane in the en route configuration, the critical engine inoperative, the remaining engine at not more than maximum continuous power or thrust, and the most unfavorable center of gravity, at which the gradient at climb will be not less than—

(i) 1.2 percent (or a gradient equivalent to $0.02V_{S0}^2$, if greater) at 5,000 feet and an ambient temperature of 41°F .; or

(ii) 0.6 percent (or a gradient equivalent to $0.01V_{S0}^2$, if greater) at 5,000 feet and ambient temperature of 81°F .

(2) The minimum climb gradient specified in subdivisions (i) and (ii) of subparagraph (1) of this paragraph must vary linearly between 41°F . and 81°F . and must change at the same rate up to the maximum operational temperature approved for the airplane.

7. *Landing.* The landing distance must be determined for standard atmosphere at each weight and altitude in accordance with FAR 23.75(a), except that instead of the gliding approach specified in FAR 23.75(a)(1), the landing may be preceded by a steady approach down to the 50-foot height at a gradient of descent not greater than 5.2 percent (3°) at a calibrated airspeed not less than $1.3V_{S1}$.

TRIM

8. *Trim—(a) Lateral and directional trim.* The airplane must maintain lateral and directional trim in level flight at a speed of V_H or V_{H0}/M_{H0} , whichever is lower, with landing gear and wing flaps retracted.

(b) *Longitudinal trim.* The airplane must maintain longitudinal trim during the following conditions, except that it need not maintain trim at a speed greater than V_{H0}/M_{H0} :

(1) In the approach conditions specified in FAR 23.161(c) (3) through (5), except that instead of the speeds specified therein, trim must be maintained with a stick force of not more than 10 pounds down to a speed used in showing compliance with section 7 of this regulation or $1.4V_s$, whichever is lower.

(2) In level flight at any speed from V_H or V_{MO}/M_{MO} , whichever is lower, to either V_X or $1.4V_s$, with the landing gear and wing flaps retracted.

STABILITY

9. *Static longitudinal stability.* (a) In showing compliance with the provisions of FAR 23.175(b) and with paragraph (b) of this section, the airspeed must return to within $\pm 7\frac{1}{2}$ percent of the trim speed.

(b) *Cruise stability.* The stick force curve must have a stable slope for a speed range of ± 50 knots from the trim speed except that the speeds need not exceed V_{FC}/M_{FC} or be less than $1.4V_s$. This speed range will be considered to begin at the outer extremes of the friction band and the stick force may not exceed 50 pounds with—

(i) Landing gear retracted;

(ii) Wing flaps retracted;

(iii) The maximum cruising power as selected by the applicant as an operating limitation for turbine engines or 75 percent of maximum continuous power for reciprocating engines except that the power need not exceed that required at V_{MO}/M_{MO} ;

(iv) Maximum takeoff weight; and

(v) The airplane trimmed for level flight with the power specified in subparagraph (iii) of this paragraph.

V_{rc}/M_{rc} may not be less than a speed midway between V_{MO}/M_{MO} and V_{DF}/M_{DF} , except that, for altitudes where Mach number is the limiting factor, M_{rc} need not exceed the Mach number at which effective speed warning occurs.

(c) *Climb stability.* For turbopropeller powered airplanes only.) In showing compliance with FAR 23.175(a), an applicant must in lieu of the power specified in FAR 23.175(a) (4), use the maximum power or thrust selected by the applicant as an operating limitation for use during climb at the best rate of climb speed, except that the speed need not be less than $1.4V_s$.

STALLS

10. *Stall warning.* If artificial stall warning is required to comply with the requirements of FAR 23.207, the warning device must give clearly distinguishable indications under expected conditions of flight. The use of a visual warning device that requires the attention of the crew within the cockpit is not acceptable by itself.

CONTROL SYSTEMS

11. *Electric trim tabs.* The airplane must meet the requirements of FAR 23.677 and in addition it must be shown that the airplane is safely controllable and that a pilot can perform all the maneuvers and operations necessary to effect a safe landing following any probable electric trim tab runaway which

might be reasonably expected in service allowing for appropriate time delay after pilot recognition of the runaway. This demonstration must be conducted at the critical airplane weights and center of gravity positions.

INSTRUMENTS: INSTALLATION

12. *Arrangement and visibility.* Each instrument must meet the requirements of FAR 23.1321 and in addition—

(a) Each flight, navigation, and powerplant instrument for use by any pilot must be plainly visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking forward along the flight path.

(b) The flight instruments required by FAR 23.1303 and by the applicable operating rules must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of the pilot's forward vision. In addition—

(1) The instrument that most effectively indicates the attitude must be on the panel in the top center position;

(2) The instrument that most effectively indicates airspeed must be adjacent to and directly to the left of the instrument in the top center position;

(3) The instrument that most effectively indicates altitude must be adjacent to and directly to the right of the instrument in the top center position; and

(4) The instrument that most effectively indicates direction of flight must be adjacent to and directly below the instrument in the top center position.

13. *Airspeed indicating system.* Each airspeed indicating system must meet the requirements of FAR 23.1323 and in addition—

(a) Airspeed indicating instruments must be of an approved type and must be calibrated to indicate true airspeed at sea level in the standard atmosphere with a minimum practicable instrument calibration error when the corresponding pilot and static pressures are supplied to the instruments.

(b) The airspeed indicating system must be calibrated to determine the system error, i.e., the relation between IAS and CAS, in flight and during the accelerate takeoff ground run. The ground run calibration must be obtained between 0.8 of the minimum value of V_1 and 1.2 times the maximum value of V_1 , considering the approved ranges of altitude and weight. The ground run calibration will be determined assuming an engine failure at the minimum value of V_1 .

(c) The airspeed error of the installation excluding the instrument calibration error, must not exceed 3 percent or 5 knots whichever is greater, throughout the speed range from V_{MO} to 1.3 S , with flaps retracted and from 1.3 V_S to V_{DF} with flaps in the landing position.

(d) Information showing the relationship between IAS and CAS must be shown in the Airplane Flight Manual.

14. *Static air vent system.* The static air vent system must meet the requirements of FAR 23.1325. The altimeter system calibration must be determined and shown in the Airplane Flight Manual.

OPERATING LIMITATIONS AND INFORMATION

15. *Maximum operating limit speed* V_{MO}/M_{MO} . Instead of establishing operating limitations based on V_{NE} and V_{NO} , the applicant must establish a maximum operating limit speed V_{MO}/M_{MO} in accordance with the following:

(a) The maximum operating limit speed must not exceed the design cruising speed V_c and must be sufficiently below V_D/M_D or V_{DF}/M_{DF} to make it highly improbable that the latter speeds will be inadvertently exceeded in flight.

(b) The speed V_{MO} must not exceed $0.8V_D/M_D$ or $0.8V_{DF}/M_{DF}$ unless flight demonstrations involving upsets as specified by the Administrator indicates a lower speed margin will not result in speeds exceeding V_D/M_D or V_{DF} . Atmospheric variations, horizontal gusts, system and equipment errors, and airframe production variations will be taken into account.

16. *Minimum flight crew.* In addition to meeting the requirements of FAR 23.1523, the applicant must establish the minimum number and type of qualified flight crew personnel sufficient for safe operation of the airplane considering—

(a) Each kind of operation for which the applicant desires approval;

(b) The workload on each crewmember considering the following:

(1) Flight path control.

(2) Collision avoidance.

(3) Navigation.

(4) Communications.

(5) Operation and monitoring of all essential aircraft systems.

(6) Command decisions; and

(c) The accessibility and ease of operation of necessary controls by the appropriate crewmember during all normal and emergency operations when at his flight station.

17. *Airspeed indicator.* The airspeed indicator must meet the requirements of FAR 23.1545 except that, the airspeed notations and markings in terms of V_{NO} and V_{NE} must be replaced by the V_{MO}/M_{MO} notations. The airspeed indicator markings must be easily read and understood by the pilot. A placard adjacent to the airspeed indicator is an acceptable means of showing compliance with the requirements of FAR 23.1545(c).

AIRPLANE FLIGHT MANUAL

18. *General.* The Airplane Flight Manual must be prepared in accordance with the requirements of FARs 23.1583 and 23.1587, and in addition the operating limitations and performance information set forth in sections 19 and 20 must be included.

19. *Operating limitations.* The airplane Flight Manual must include the following limitations—

(a) *Airspeed limitations.* (1) The maximum operating limit speed V_{MO}/M_{MO} and a statement that this speed limit may not be deliberately exceeded in any regime of flight (climb, cruise, or descent) unless a higher speed is authorized for flight test or pilot training;

(2) If an airspeed limitation is based upon compressibility effects, a statement to this effect and information as to any

symptoms, the probable behavior of the airplane, and the recommended recovery procedures; and

(3) The airspeed limits, shown in terms of V_{MO}/M_{MO} instead of V_{NO} and V_{NE} .

(b) *Takeoff weight limitations.* The maximum takeoff weight for each airport elevation, ambient temperature, and available takeoff runway length within the range selected by the applicant. This weight may not exceed the weight at which:

(1) The all-engine operating takeoff distance determined in accordance with section 5(d) or the accelerate-stop distance determined in accordance with section 5(c), whichever is greater, is equal to the available runway length;

(2) The airplane complies with the one-engine-inoperative takeoff requirements specified in § 5(e); and

(3) The airplane complies with the one-engine-inoperative en route climb requirement specified in § 6(b), assuming that a standard temperature lapse rate exists from the airport elevation to the altitude of 5,000 feet, except that the weight may not exceed that corresponding to a temperature of 41° F. at 5,000 feet.

20. *Performance information.* The Airplane Flight Manual must contain the performance information determined in accordance with the provisions of the performance requirements of this regulation. The information must include the following:

(a) Sufficient information so that the takeoff weight limits specified in § 19(b) can be determined for all temperatures and altitudes within the operation limitations selected by the applicant.

(b) The conditions under which the performance information was obtained, including the airspeed at the 50-foot height used to determine landing distances.

(c) The performance information (determined by extrapolation and computed for the range of weights between the maximum landing and takeoff weights) for—

(1) Climb in the landing configuration; and

(2) Landing distance.

(d) Procedure established under section 4 of this regulation related to the limitations and information required by this section in the form of guidance material including any relevant limitations or information.

(e) An explanation of significant or unusual flight or ground handling characteristics of the airplane.

(f) Airspeeds, as indicated airspeeds, corresponding to those determined for takeoff in accordance with section 5(b).

21. *Maximum operating altitudes.* The maximum operating altitude to which operation is permitted, as limited by flight, structural, powerplant, functional, or equipment characteristics, must be specified in the Airplane Flight Manual.

22. *Stowage provision for Airplane Flight Manual.* Provision must be made for stowing the Airplane Flight Manual in a suitable fixed container which is readily accessible to the pilot.

23. *Operating procedures.* Procedures for restarting turbine engines in flight (including the effects of altitude) must be set forth in the Airplane Flight Manual.

AIRFRAME REQUIREMENTS

FLIGHT LOADS

24. *Engine torque.* (a) Each turbopropeller engine mount and its supporting structure must be designed for the torque effects of—

(1) The conditions set forth in FAR 23.361(a).

(2) The limit engine torque corresponding to takeoff power and propeller speed, multiplied by a factor accounting for propeller control system malfunction, including quick feathering action, simultaneously with 1g level flight loads. In the absence of a rational analysis, a factor of 1.6 must be used.

(b) The limit torque is obtained by multiplying the mean torque by a factor of 1.25.

25. *Turbine engine gyroscopic loads.* Each turbopropeller engine mount and its supporting structure must be designed for the gyroscopic loads that result, with the engines at maximum continuous r.p.m., under either—

(a) The conditions prescribed in FARs 23.351 and 23.423; or

(b) All possible combinations of the following:

(1) A yaw velocity of 2.5 radians per second.

(2) A pitch velocity of 1.0 radians per second.

(3) A normal load factor of 2.5.

(4) Maximum continuous thrust.

26. *Unsymmetrical loads due to engine failure.* (a) Turbopropeller powered airplanes must be designed for the unsymmetrical loads resulting from the failure of the critical engine including the following conditions in combination with a single malfunction of the propeller drag limiting system, considering the probable pilot corrective action on the flight controls:

(1) At speeds between V_{mc} and V_D , the loads resulting from power failure because of fuel flow interruption are considered to be limit loads.

(2) At speeds between V_{mc} and V_c , the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

(3) The time history of the thrust decay and drag buildup occurring as a result of the prescribed engine failures must be substantiated by test or other data applicable to the particular engine-propeller combination.

(4) The timing and magnitude of the probable pilot corrective action must be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

(b) Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than two seconds after the engine failure. The magnitude of the corrective action may be based on the control forces specified in FAR 23.397 except that lower

forces may be assumed where it is shown by analysis or test that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

GROUND LOADS

27. *Dual wheel landing gear units.* Each dual wheel landing gear unit and its supporting structure must be shown to comply with the following:

(a) *Pivoting.* The airplane must be assumed to pivot about one side of the main gear with the brakes on that side locked. The limit vertical load factor must be 1.0 and the coefficient of friction 0.8. This condition need apply only to the main gear and its supporting structure.

(b) *Unequal tire inflation.* A 60-40 percent distribution of the loads established in accordance with FAR 23.471 through FAR 23.483 must be applied to the dual wheels.

(c) *Flat tire.* (1) Sixty percent of the loads specified in FAR 23.471 through FAR 23.483 must be applied to either wheel in a unit.

(2) Sixty percent of the limit drag and side loads and 100 percent of the limit vertical load established in accordance with FARs 23.493 and 23.485 must be applied to either wheel in a unit except that the vertical load need not exceed the maximum vertical load in paragraph (c) (1) of this section.

FATIGUE EVALUATION

28. *Fatigue evaluation of wing and associated structure.* Unless it is shown that the structure, operating stress levels, materials, and expected use are comparable from a fatigue standpoint to a similar design which has had substantial satisfactory service experience, the strength, detail design, and the fabrication of those parts of the wing, wing carrythrough, and attaching structure whose failure would be catastrophic must be evaluated under either—

(a) A fatigue strength investigation in which the structure is shown by analysis, tests, or both to be able to withstand the repeated loads of variable magnitude expected in service; or

(b) A fail-safe strength investigation in which it is shown by analysis, tests, or both that catastrophic failure of the structure is not probable after fatigue, or obvious partial failure, of a principal structural element, and that the remaining structure is able to withstand a static ultimate load factor of 75 percent of the critical limit load factor at V_c . These loads must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered.

DESIGN AND CONSTRUCTION

29. *Flutter.* For multiengine turbopropeller powered airplanes, a dynamic evaluation must be made and must include—

(a) The significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of the propeller; and

(b) Engine-propeller-nacelle stiffness and damping variations appropriate to the particular configuration.

LANDING GEAR

30. *Flap operated landing gear warning device.* Airplanes having retractable landing gear and wing flaps must be equipped with a warning device that functions continuously when the wing flaps are extended to a flap position that activates the warning device to give adequate warning before landing, using normal landing procedures, if the landing gear is not fully extended and locked. There may not be a manual shut off for this warning device. The flap position sensing unit may be installed at any suitable location. The system for this device may use any part of the system (including the aural warning device) provided for other landing gear warning devices.

PERSONNEL AND CARGO ACCOMMODATIONS

31. *Cargo and baggage compartments.* Cargo and baggage compartments must be designed to meet the requirements of FAR 23.787 (a) and (b), and in addition means must be provided to protect passengers from injury by the contents of any cargo or baggage compartment when the ultimate forward inertia force is 9g.

32. *Doors and exits.* The airplane must meet the requirements of FAR 23.783 and FAR 23.807 (a) (3), (b), and (c), and in addition:

(a) There must be a means to lock and safeguard each external door and exit against opening in flight either inadvertently by persons, or as a result of mechanical failure. Each external door must be operable from both the inside and the outside.

(b) There must be means for direct visual inspection of the locking mechanism by crewmembers to determine whether external doors and exits, for which the initial opening movement is outward, are fully locked. In addition, there must be a visual means to signal to crewmembers when normally used external doors are closed and fully locked.

(c) The passenger entrance door must qualify as a floor level emergency exit. Each additional required emergency exit except floor level exits must be located over the wing or must be provided with acceptable means to assist the occupants in descending to the ground. In addition to the passenger entrance door:

(1) For a total seating capacity of 15 or less, an emergency exit as defined in FAR 23.807(b) is required on each side of the cabin.

(2) For a total seating capacity of 16 through 23, three emergency exits as defined in 23.807(b) are required with one on the same side as the door and two on the side opposite the door.

(d) An evacuation demonstration must be conducted utilizing the maximum number of occupants for which certification is desired. It must be conducted under simulated night conditions utilizing only the emergency exits on the most critical side of the aircraft. The participants must be representative of average airline passengers with no prior practice or rehearsal for the demonstration. Evacuation must be completed within 90 seconds.

(e) Each emergency exit must be marked with the word "Exit" by a sign which has white letters 1 inch high on a red background 2 inches high, be self-illuminated or independently internally electrically illuminated, and have a minimum luminescence (brightness) of at least 160 microlamberts. The colors may be reversed if the passenger compartment illumination is essentially the same.

(f) Access to window type emergency exits must not be obstructed by seats or seat backs.

(g) The width of the main passenger aisle at any point between seats must equal or exceed the values in the following table.

Total seating capacity	Minimum main passenger aisle width	
	Less than 25 inches from floor	25 inches and more from floor
10 through 23.....	9 inches.....	15 inches.

MISCELLANEOUS

33. *Lightning strike protection.* Parts that are electrically insulated from the basic airframe must be connected to it through lightning arrestors unless a lightning strike on the insulated part—

(a) Is improbable because of shielding by other parts; or

(b) Is not hazardous.

34. *Ice protection.* If certification with ice protection provisions is desired, compliance with the following requirements must be shown:

(a) The recommended procedures for the use of the ice protection equipment must be set forth in the Airplane Flight Manual.

(b) An analysis must be performed to establish, on the basis of the airplane's operational needs, the adequacy of the ice protection system for the various components of the airplane. In addition, tests of the ice protection system must be conducted to demonstrate that the airplane is capable of operating safely in continuous maximum and intermittent maximum icing conditions as described in FAR 25, Appendix C.

(c) Compliance with all or portions of this section may be accomplished by reference, where applicable because of similarity of the designs, to analysis and tests performed by the applicant for a type certificated model.

35. *Maintenance information.* The applicant must make available to the owner at the time of delivery of the airplane the information he considers essential for the proper maintenance of the airplane. That information must include the following:

(a) Description of systems, including electrical, hydraulic, and fuel controls.

(b) Lubrication instructions setting forth the frequency and the lubricants and fluids which are to be used in the various systems.

(c) Pressures and electrical loads applicable to the various systems.

(d) Tolerances and adjustments necessary for proper functioning.

(c) Methods of leveling, raising, and towing.

(f) Methods of balancing control surfaces.

(g) Identification of primary and secondary structures.

(h) Frequency and extent of inspections necessary to the proper operation of the aircraft.

(i) Special repair methods applicable to the aircraft.

(j) Special inspection techniques, including those that require X-ray, ultrasonic, and magnetic particle inspection.

(k) List of special tools.

PROPULSION

GENERAL

36. *Vibration characteristics.* For turbopropeller powered airplanes, the engine installation must not result in vibration characteristics of the engine exceeding those established during the type certification of the engine.

37. *In-flight restarting of engine.* If the engine on turbopropeller powered airplanes cannot be restarted at the maximum cruise altitude, a determination must be made of the altitude below which restarts can be consistently accomplished. Restart information must be provided in the Airplane Flight Manual.

38. *Engines—(a) For turbopropeller powered airplanes.* The engine installation must comply with the following requirements:

(1) *Engine isolation.* The powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect the engine, will not—

(i) Prevent the continued safe operation of the remaining engines; or

(ii) Require immediate action by any crewmember for continued safe operation.

(2) *Control of engine rotation.* There must be a means to individually stop and restart the rotation of any engine in flight except that engine rotation need not be stopped if continued rotation could not jeopardize the safety of the airplane. Each component of the stopping and restarting system on the engine side of the firewall, and that might be exposed to fire, must be at least fire resistant. If hydraulic propeller feathering systems are used for this purpose, the feathering lines must be at least fire resistant under the operating conditions that may be expected to exist during feathering.

(3) *Engine speed and gas temperature control devices.* The powerplant systems associated with engine control devices, systems, and instrumentation must provide reasonable assurance that those engine operating limitations that adversely affect turbine rotor structural integrity will not be exceeded in service.

(b) *For reciprocating-engine powered airplanes.* To provide engine isolation, the powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect that engine, will not—

(1) Prevent the continued safe operation of the remaining engines; or

(2) Require immediate action by any crewmember for continued safe operation.

39. *Turbopropeller reversing systems.*

(a) Turbopropeller reversing systems intended for ground operation must be designed so that no single failure or malfunction of the system will result in unwanted reverse thrust under any expected operating condition. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(b) Turbopropeller reversing systems intended for in-flight use must be designed so that no unsafe condition will result during normal operation of the system, or from any failure (or reasonably likely combination of failures) of the reversing system, under any anticipated condition of operation of the airplane. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(c) Compliance with this section may be shown by failure analysis, testing, or both for propeller systems that allow propeller blades to move from the flight low-pitch position to a position that is substantially less than that at the normal flight low-pitch stop position. The analysis may include or be supported by the analysis made to show compliance with the type certification of the propeller and associated installation components. Credit will be given for pertinent analysis and testing completed by the engine and propeller manufacturers.

40. *Turbopropeller drag-limiting systems.* Turbopropeller drag-limiting systems must be designed so that no single failure or malfunction of any of the systems during normal or emergency operation results in propeller drag in excess of that for which the airplane was designed. Failure of structural elements of the drag-limiting systems need not be considered if the probability of this kind of failure is extremely remote.

41. *Turbine engine powerplant operating characteristics.* For turbopropeller powered airplanes, the turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

42. *Fuel flow.* (a) For turbopropeller powered airplanes—

(1) The fuel system must provide for continuous supply of fuel to the engines for normal operation without interruption due to depletion of fuel in any tank other than the main tank; and

(2) The fuel flow rate for turbopropeller engine fuel pump systems must not be less than 125 percent of the fuel flow required to develop the standard sea level atmospheric conditions takeoff power selected and included as an operating limitation in the Airplane Flight Manual.

(b) For reciprocating engine powered airplanes, it is acceptable for the fuel flow rate for each pump system (main and reserve supply) to be 125 percent of the takeoff fuel consumption of the engine.

FUEL SYSTEM COMPONENTS

43. *Fuel pumps.* For turbopropeller powered airplanes, a reliable and independent power source must be provided for each pump used with turbine engines which do not have provisions for mechanically driving the main pumps. It must be demonstrated that the pump installations provide a reliability and durability equivalent to that provided by FAR 23.991(a).

44. *Fuel strainer or filter.* For turbopropeller powered airplanes, the following apply:

(a) There must be a fuel strainer or filter between the tank outlet and the fuel metering device of the engine. In addition, the fuel strainer or filter must be—

(1) Between the tank outlet and the engine-driven positive displacement pump inlet, if there is an engine-driven positive displacement pump;

(2) Accessible for drainage and cleaning and, for the strainer screen, easily removable; and

(3) Mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself.

(b) Unless there are means in the fuel system to prevent the accumulation of ice on the filter, there must be means to automatically maintain the fuel flow if ice-clogging of the filter occurs; and

(c) The fuel strainer or filter must be of adequate capacity (with respect to operating limitations established to insure proper service) and of appropriate mesh to insure proper engine operation, with the fuel contaminated to a degree (with respect to particle size and density) that can be reasonably expected in service. The degree of fuel filtering may not be less than that established for the engine type certification.

45. *Lightning strike protection.* Protection must be provided against the ignition of flammable vapors in the fuel vent system due to lightning strikes.

COOLING

46. *Cooling test procedures for turbopropeller powered airplanes.* (a) Turbopropeller powered airplanes must be shown to comply with the requirements of FAR 23.1041 during takeoff, climb en route, and landing stages of flight that correspond to the applicable performance requirements. The cooling tests must be conducted with the airplane in the configuration, and operating under the conditions that are critical relative to cooling during each stage of flight. For the cooling tests a temperature is "stabilized" when its rate of change is less than 2° F. per minute.

(b) Temperatures must be stabilized under the conditions from which entry is made into each stage of flight being investigated unless the entry condition is not one during which component and

engine fluid temperatures would stabilize, in which case, operation through the full entry condition must be conducted before entry into the stage of flight being investigated in order to allow temperatures to reach their natural levels at the time of entry. The takeoff cooling test must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engines at ground idle.

(c) Cooling tests for each stage of flight must be continued until—

(1) The component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

INDUCTION SYSTEM

47. *Air induction.* For turbopropeller powered airplanes—

(a) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine intake system; and

(b) The air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

48. *Induction system icing protection.* For turbopropeller powered airplanes, each turbine engine must be able to operate throughout its flight power range without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of FAR 25. In addition, there must be means to indicate to appropriate flight crewmembers the functioning of the powerplant ice protection system.

49. *Turbine engine bleed air systems.* Turbine engine bleed air systems of turbopropeller powered airplanes must be investigated to determine—

(a) That no hazard to the airplane will result if a duct rupture occurs. This condition must consider that a failure of the duct can occur anywhere between the engine port and the airplane bleed service; and

(b) That, if the bleed air system is used for direct cabin pressurization, it is not possible for hazardous contamination of the cabin air system to occur in event of lubrication system failure.

EXHAUST SYSTEM

50. *Exhaust system drains.* Turbopropeller engine exhaust systems having low spots or pockets must incorporate drains at such locations. These drains must discharge clear of the airplane in normal and ground attitudes to prevent the accumulation of fuel after the failure of an attempted engine start.

POWERPLANT CONTROLS AND ACCESSORIES

51. *Engine controls.* If throttles or power levers for turbopropeller powered airplanes are such that any position of these controls will reduce the fuel flow to the engine(s) below that necessary for satisfactory and safe idle operation of the engine while the airplane is in flight, a means must be provided to prevent inadvertent movement of the con-

trol into this position. The means provided must incorporate a positive lock or stop at this idle position and must require a separate and distinct operation by the crew to displace the control from the normal engine operating range.

52. *Reverse thrust controls.* For turbopropeller powered airplanes, the propeller reverse thrust controls must have a means to prevent their inadvertent operation. The means must have a positive lock or stop at the idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime.

53. *Engine ignition systems.* Each turbopropeller airplane ignition system must be considered an essential electrical load.

54. *Powerplant accessories.* The powerplant accessories must meet the requirements of FAR 23.1163, and if the continued rotation of any accessory remotely driven by the engine is hazardous when malfunctioning occurs, there must be means to prevent rotation without interfering with the continued operation of the engine.

POWERPLANT FIRE PROTECTION

55. *Fire detector system.* For turbopropeller powered airplanes, the following apply:

(a) There must be a means that ensures prompt detection of fire in the engine compartment. An overtemperature switch in each engine cooling air exit is an acceptable method of meeting this requirement.

(b) Each fire detector must be constructed and installed to withstand the vibration, inertia, and other loads to which it may be subjected in operation.

(c) No fire detector may be affected by any oil, water, other fluids, or fumes that might be present.

(d) There must be means to allow the flight crew to check, in flight, the functioning of each fire detector electric circuit.

(e) Wiring and other components of each fire detector system in a fire zone must be at least fire resistant.

56. *Fire protection, cowling and nacelle skin.* For reciprocating engine powered airplanes, the engine cowling must be designed and constructed so that no fire originating in the engine compartment can enter, either through openings or by burn through, any other region where it would create additional hazards.

57. *Flammable fluid fire protection.* If flammable fluids or vapors might be liberated by the leakage of fluid systems in areas other than engine compartments, there must be means to—

(a) Prevent the ignition of those fluids or vapors by any other equipment; or

(b) Control any fire resulting from that ignition.

EQUIPMENT

58. *Powerplant instruments.* (a) The following are required for turbopropeller airplanes:

(1) The instruments required by FAR 23.1305 (a) (1) through (4), (b) (2) and (4).

(2) A gas temperature indicator for each engine.

(3) Free air temperature indicator.

(4) A fuel flowmeter indicator for each engine.

(5) Oil pressure warning means for each engine.

(6) A torque indicator or adequate means for indicating power output for each engine.

(7) Fire warning indicator for each engine.

(8) A means to indicate when the propeller blade angle is below the low-pitch position corresponding to idle operation in flight.

(9) A means to indicate the functioning of the ice protection system for each engine.

(b) For turbopropeller powered airplanes, the turbopropeller blade position indicator must begin indicating when the blade has moved below the flight low-pitch position.

(c) The following instruments are required for reciprocating-engine powered airplanes:

(1) The instruments required by FAR 23.1305.

(2) A cylinder head temperature indicator for each engine.

(3) A manifold pressure indicator for each engine.

SYSTEMS AND EQUIPMENTS

GENERAL

59. *Function and installation.* The systems and equipment of the airplane must meet the requirements of FAR 23.1301, and the following:

(a) Each item of additional installed equipment must—

(1) Be of a kind and design appropriate to its intended function;

(2) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors, unless misuse or inadvertent actuation cannot create a hazard;

(3) Be installed according to limitations specified for that equipment; and

(4) Function properly when installed.

(b) Systems and installations must be designed to safeguard against hazards to the aircraft in the event of their malfunction or failure.

(c) Where an installation, the functioning of which is necessary in showing compliance with the applicable requirements, requires a power supply, such installation must be considered an essential load on the power supply, and the power sources and the distribution system must be capable of supplying the following power loads in probable operation combinations and for probable durations:

(1) All essential loads after failure of any prime mover, power converter, or energy storage device.

(2) All essential loads after failure of any one engine on two-engine airplanes.

(3) In determining the probable operating combinations and durations of essential loads for the power failure conditions described in subparagraphs (1) and (2) of this paragraph, it is permissible to assume that the power loads are reduced in accordance with a monitoring

procedure which is consistent with safety in the types of operations authorized.

60. *Ventilation.* The ventilation system of the airplane must meet the requirements of FAR 23.831, and in addition, for pressurized aircraft the ventilating air in flight crew and passenger compartments must be free of harmful or hazardous concentrations of gases and vapors in normal operation and in the event of reasonably probable failures or malfunctioning of the ventilating, heating, pressurization, or other systems, and equipment. If accumulation of hazardous quantities of smoke in the cockpit area is reasonably probable, smoke evacuation must be readily accomplished.

ELECTRICAL SYSTEMS AND EQUIPMENT

61. *General.* The electrical systems and equipment of the airplane must meet the requirements of FAR 23.1351, and the following:

(a) *Electrical system capacity.* The required generating capacity, and number and kinds of power sources must—

(1) Be determined by an electrical load analysis; and

(2) Meet the requirements of FAR 23.1301.

(b) *Generating system.* The generating system includes electrical power sources, main power busses, transmission cables, and associated control, regulation, and protective devices. It must be designed so that—

(1) The system voltage and frequency (as applicable) at the terminals of all essential load equipment can be maintained within the limits for which the equipment is designed, during any probable operating conditions;

(2) System transients due to switching, fault clearing, or other causes do not make essential loads inoperative, and do not cause a smoke or fire hazard;

(3) There are means, accessible in flight to appropriate crewmembers, for the individual and collective disconnection of the electrical power sources from the system; and

(4) There are means to indicate to appropriate crewmembers the generating system quantities essential for the safe operation of the system, including the voltage and current supplied by each generator.

62. *Electrical equipment and installation.* Electrical equipment, controls, and wiring must be installed so that operation of any one unit or system of units will not adversely affect the simultaneous operation of any other electrical unit or system essential to the safe operation.

63. *Distribution system.* (a) For the purpose of complying with this section, the distribution system includes the distribution busses, their associated feeders, and each control and protective device.

(b) Each system must be designed so that essential load circuits can be supplied in the event of reasonably probable faults or open circuits, including faults in heavy current carrying cables.

(c) If two independent sources of electrical power for particular equipment or systems are required by this regulation, their electrical energy supply must be

insured by means such as duplicate electrical equipment, throwover switching, or multichannel or loop circuits separately routed.

64. *Circuit protective devices.* The circuit protective devices for the electrical circuits of the airplane must meet the requirements of FAR 23.1357, and in addition circuits for loads which are essential to safe operation must have individual and exclusive circuit protection.

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

Issued in Washington, D.C., on December 27, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-59; Filed, Jan. 6, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-15]

PART 1—GENERAL PROVISIONS

Minneapolis-St. Paul, Minn.; Port of Entry

DECEMBER 23, 1968.

Notice that it was proposed to revoke the designation of Minneapolis and St. Paul, Minn., as separate Customs ports of entry, and simultaneously create a single Minneapolis-St. Paul, Minn., Customs port of entry, comprised of the area of the present ports of Minneapolis and St. Paul, was published in the FEDERAL REGISTER on July 17, 1968 (33 F.R. 10210). After careful consideration of all data, views, and arguments received in connection with this notice, it has been decided to adopt the proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 5 (33 F.R. 5811), the designations of Minneapolis, Minn., and St. Paul, Minn., as Customs ports of entry in the Minneapolis, Minn., Customs district (Region IX), are hereby revoked, and there is simultaneously created a new Customs port of entry designated "Minneapolis-St. Paul" in the Minneapolis, Minn., Customs district (Region IX).

The geographical boundaries of the new Minneapolis-St. Paul port of entry, which comprise the cities of Minneapolis, St. Paul, South St. Paul, West St. Paul, and portions of the counties of Anoka, Hennepin, Carver, Scott, Dakota, and Ramsey, in the State of Minnesota, are described as follows:

Commencing at the junction of State Highway 101 and County Highway 30 and follow-

ing State Highway 101 in a southerly direction to a point where State Highway 101 and County Highway 17 meet; thence continuing on County Highway 17 in a southerly direction until this highway converges with County Highway 16; thence in an easterly direction on County Highway 16 to the point where County Highway 16 converges with County Road 34; thence following County Road 34 to where it converges with State Highway 13; thence in an easterly direction on State Highway 13 to the point where this highway meets County Road 32; thence in an easterly direction on County Road 32 to County Road 73; thence continuing on County Road 73 to the point of junction with County Highway 71; thence extending on a line from that intersection due east to the Mississippi River; thence north following the Mississippi River to the point where U.S. Highway 494 crosses the Mississippi River and extending on a line due east to the eastern boundary of Ramsey County; thence north along the eastern boundary of Ramsey County to the northern boundary of Ramsey County; thence west along the northern boundary of Ramsey County to the western boundary of Ramsey County; thence continuing west from this point on County Highway 32 to its end; then extending in a direct line to the beginning of County Highway 30 at the Mississippi River and continuing west on this highway to the point of beginning.

Section 1.2(c) of the Customs Regulations is amended by deleting from the column headed "Ports of entry" in the Minneapolis, Minnesota, Customs district (Region IX), "Minneapolis (E.O. 4295, Aug. 26, 1925) (including territory described in T.D. 68-92)" and "St. Paul (E.O. 4295, Aug. 26, 1925) (including territory described in T.D. 68-92)" and inserting in lieu thereof "Minneapolis-St. Paul (including the territory described in T.D. 69-15)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury Decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-151; Filed, Jan. 6, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 1, further amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Information Concerning Whereabouts of Absent Parents

Regulation No. 1 of the Social Security Administration (20 CFR 401.1 et seq.), is amended as set forth below.

Section 401.3 is amended by revising paragraphs (b), (g) (3) and (4), and adding new paragraph (s) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

- (b) After the death of an individual;
 - (1) As to information concerning the fact, date, or circumstances of death of the individual, to any person; or
 - (2) As to other information relating to the individual (except medical information), to a surviving relative or the legal representative of the estate of the individual, or to others when necessary for a determination as to what supplementary benefits or services such deceased individual was eligible to receive under a public or private hospital or medical insurance or benefit plan, where the individual had consented to such disclosure prior to his death or the surviving relative or legal representative consents to such disclosure; or
 - (3) As to medical information relating to the individual and obtained in the administration of title II, to a surviving relative or legal representative of the estate of the individual, but only if disclosure of such medical information is reasonably necessary for a title II purpose; or
 - (4) As to medical information relating to the individual and obtained in the administration of title XVIII,
 - (i) To a surviving relative or legal representative of the estate of the individual when reasonably necessary for a title XVIII purpose; or
 - (ii) To a surviving relative or legal representative of the estate of the individual or to others for other than a title XVIII purpose, when such information is necessary for a determination as specified in paragraph (a) (3) (iii) of this section, a statement limited to the nature of the illness or injury and the services rendered, if the source of such information does not object to the disclosure, and in the case of disclosure to others than a surviving relative or legal representative, only if the individual had consented to such disclosure prior to his death or the surviving relative or legal representative consents to such disclosure.
 - (5) Statements of earnings and medical information authorized to be furnished under this paragraph may be furnished in summary form or in such detail as is determined by the Department to be consistent with the proper and efficient administration of the old-age, survivors, disability, and health insurance programs under titles II and XVIII. None of the foregoing information under this paragraph (except information furnished for the purpose of determining what benefits or services the deceased individual was eligible to receive under a public or private hospital or medical insurance or benefit program), shall be disclosed except upon written request stating the purpose thereof, and where

such disclosure is considered not detrimental to the individual or to his estate.

(g) (1) * * *

(3) To any officer or employee of an agency of a State government lawfully charged with the administration of a program receiving grants-in-aid under part A of title IV of the Social Security Act, the information specified in subparagraph (1) of this paragraph and in addition, in accordance with requirements and procedures issued from time to time by the Social and Rehabilitation Service, information concerning the whereabouts of an absent parent of a child of a family eligible for, an applicant for, or a recipient of, aid under a program receiving grants-in-aid under part A of title IV of the Social Security Act.

(4) Upon request in writing, to any officer or employee of a State or local agency participating in the administration of a State plan approved under titles I, X, XIV, XVI, or XIX of the Social Security Act, or any other State or local public assistance program, the most recent address of an individual, and/or the address of his most recent employer, included in the files of the Department maintained pursuant to section 205 of the Act, if:

(i) Such agency certifies that (a) an order has been issued by a court of competent jurisdiction against such individual for the support and maintenance of his child or children who are under the age of 16 in destitute or necessitous circumstances, (b) such child or children are applicants for or recipients of assistance available under such a plan or program, (c) such agency has attempted without success to secure such information from all other sources reasonably available to it, and (d) such information is requested (either for the agency's own use, or on the request and for the use of the court which issued the order) for the purpose of obtaining such support and maintenance; and

(ii) Such request referred to in this subparagraph (4) is accompanied by a certified copy of the order referred to in subdivisions (i) (a) and (d) of this subparagraph.

(s) Upon request in writing by a court having jurisdiction to issue orders or entertain petitions against individuals for the support and maintenance of their children, to such court, the most recent address of an individual or the address of the individual's most recent employer, or both, for the court's exclusive use (and for no other purpose)—

(1) In issuing or determining whether to issue such an order against such individual, or

(2) In determining (in the event such individual is not within the jurisdiction of the court) the court to which a petition for support and maintenance against such individual should be forwarded under any reciprocal arrangements with other States to obtain or modify court orders for support,

upon certification by the court that the information is requested for the use specified in this paragraph. Such certification must bear the signature of the judge or clerk of the court.

(Secs. 205, 1102, 1106, 1871, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 53 Stat. 1398, as amended, 79 Stat. 331; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 1302, 1306, 1395hh)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: December 23, 1968.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 27, 1968.

WILBUR J. COHEN,
*Secretary of Health,
Education, and Welfare.*

[F.R. Doc. 69-159; Filed, Jan. 6, 1969;
8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14—Department of the Interior

GENERAL, PROCUREMENT BY ADVERTISING, CONTRACT CLAUSES

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 22 (1964 Edition), the following sections of Parts 14-1, 14-2, and 14-7 of Chapter 14, Title 41 of the Code of Federal Regulations are hereby revised as set forth below.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rule-making process. However, because these parts are largely a general statement of Departmental policy and internal procedure the rule-making process will be waived and these parts will become effective upon publication in the FEDERAL REGISTER.

DAVID S. BLACK,
Under Secretary of the Interior.

DECEMBER 31, 1968.

PART 14-1—GENERAL

Subpart 14-1.0—Regulation System

Subpart 14-1.0, published at 33 F.R. 853, is hereby amended by the addition of § 14-1.008 *Agency implementation*:

§ 14-1.008 *Agency implementation.*

(a) IPR will implement, supplement, or deviate from the FPR when a procedure different than indicated in FPR is required. Implementing material expands upon or indicates the manner of compliance with related FPR. Supplementing material has no counterpart in FPR. Deviating material is defined in § 1-1.009 of this title.

(b) Where IPR does not implement, supplement, or deviate from the FPR, the latter shall be applicable as issued.

(c) The Assistant Secretary for Administration and bureaus and offices may implement or supplement FPR and IPR by prescribing procurement regulations and instructions for internal guidance which are essential for the efficient performance of procurement functions. Regulations shall

(1) Be consistent with the policies and procedures contained in FPR and IPR;
(2) Follow the format, arrangement, and numbering system of FPR and IPR; and

(3) Contain no material which duplicates or paraphrases the material contained in the FPR and IPR.

(d) Deviations from FPR and IPR will be processed in accordance with § 14-1.009-2 prior to publication.

Subpart 14-1.3—General Policies

§§ 14-1.315, 14-1.315-2 [Deleted]

Subpart 14-1.3, published at 33 F.R. 853, is hereby amended by the deletion of § 14-1.315 and § 14-1.315-2:

Subpart 14-1.9—Reporting Possible Antitrust Violations

The general regulations are revised by the addition of Subpart 14-1.9, Reporting Possible Antitrust Violations:

§ 14-1.902 Documents to be transmitted.

Whenever any contracting officer has factual information leading him to believe or to suspect that bids received in response to a particular invitation evidence collusion on the part of two or more bidders, consisting of collusive bidding, rotated low bids, division of business, or other practices designed to eliminate competition or to restrain trade, a transmittal letter (see following format) should be submitted to the Solicitor containing a summary of the pertinent facts concerning the reported case and one copy of the following documents: (a) Invitation for Bids; (b) Abstract of Bids; (c) bid of the bidder(s) suspect of irregular practices; (d) name of the successful bidder and reason why the award was made to him; and (e) any other information available which might tend to establish possible violation of the antitrust laws. The additional information called for by § 1-1.902 of this title will not be included in transmittals to the Department of Justice except in those cases or classes of transactions specifically designated from time to time. Reports required by this paragraph are in addition to and not in lieu of the identical bid reports required by § 1-1.16 of this title and § 14-1.1603-3.

ASSISTANT ATTORNEY GENERAL,
*Antitrust Division,
Department of Justice,
Washington, D.C. 20530.*

DEAR SIR: We transmit to you a case where bids received in response to Invitation No. ----- for (item(s) description), to be delivered (delivery date), were opened by (procurement bureau or office and location) on -----, 19... Evidence of collusion or other conduct in violation of antitrust laws is herewith reported as follows:

Award was made to -----
 ----- (In next sentence, explain the method by which the successful bidder was selected, i.e., low bidder, preference to surplus labor area producer, small business concern, or draw-by-lot, etc., unless all bids rejected and procurement effected by readvertisement or negotiation, in which case furnish details.)
 Sincerely yours,

 Solicitor.

PART 14-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 14-2.1—Types of Contracts

The general regulations are revised by the addition of Subpart 14-2.1, Types of Contracts:

§ 14-2.104 Types of contracts.

§ 14-2.104-1 General.

The head of each bureau and office is responsible for determining the conditions under which contracting officers under his supervision will make provision for the submission of bids containing escalation stipulations. Each invitation must contain specific information as to whether or not a bid with provision for escalation will be considered responsive, and in those cases wherein such a bid will be considered responsive, evaluation procedures shall be set forth in the invitation. In all cases, invitations and contracts must provide that periods of delay in delivery or performance not excusable under the contract shall not be subject to escalation computations.

Subpart 14-2.2—Solicitation of Bids

Subpart 14-2.2, published at 33 F.R. 3341, is hereby amended by the following addition of § 14-2.201-50:

§ 14-2.201-50 Provisions in invitations for bids.

Bidders shall be notified by appropriate provisions in invitations for bids and solicitations for proposals, that any supply contract will contain the provisions in § 14-7.153.

PART 14-7—CONTRACT CLAUSES

Subpart 14-7.1—Fixed Price Supply Contracts

Subpart 14-7.1, published at 33 F.R. 7432, is hereby amended by the following revision of § 14-7.153:

§ 14-7.153 Ocean freight shipments—use of American-flag vessels.

It is the policy of Interior to encourage and foster the American Merchant Marine. Pursuant to the provisions of section 901(b) of the Merchant Marine Act of 1936 (46 U.S.C. 1241) invitations for bids and requests for proposals shall in appropriate cases contain the following provision:

U.S.-FLAG VESSEL PROVISION

The Contractor agrees to ship on privately owned U.S.-flag commercial vessels at least 50 per centum of the gross tonnage of any equipment, materials, or commodities (com-

puted separately for dry bulk carriers, dry cargo liners, and tankers) which may be transported on ocean vessels. Pursuant to section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. sec. 1241(b)), the Secretary or his duly authorized representative may permit shipment in a manner other than that required by this provision upon the basis of evidence furnished by the Contractor that U.S.-flag commercial vessels are not available at fair and reasonable rates for U.S.-flag commercial vessels. The contractor will be required to certify compliance with this requirement prior to final payment. For purposes of this section, the term "privately owned United States-flag commercial vessels" shall not be deemed to include any vessel which, subsequent to September 21, 1961, shall have been either (a) built outside the United States, (b) rebuilt outside the United States, or (c) documented under any foreign registry, until such vessel shall have been documented under the laws of the United States for a period of 3 years.

Subpart 14-7.6—Fixed Price Construction Contracts

Subpart 14-7.6, published at 33 F.R. 7432, is hereby revised by the revision of the following § 14-7.602-50(6) (b), and by the addition of §§ 14-7.602-50(6) (d), 14-7.602-50(6) (e), 14-7.602-50(6) (f):

§ 14-7.602-50(6) (b) Texas limited sales, excise, and use tax.

The following clause is prescribed for use in all fixed price construction contracts when the work is to be performed in the State of Texas:

This contract is issued by an organization which qualifies for exemption pursuant to the provisions of Article 20.04(F) of the Texas Limited Sales, Excise, and Use Tax Act.

The contractor performing this contract may purchase, rent, or lease free of such tax all materials, supplies, and equipment used or consumed in the performance of this contract by issuing to his supplier an exemption certificate in lieu of the tax, said exemption certificate complying with State Comptroller's ruling No. 95-0.07. Any such exemption certificate issued by the contractor in lieu of the tax shall be subject to the provisions of the State Comptroller's ruling No. 95-0.09 as amended to be effective October 2, 1968.

§ 14-7.602-50(6) (d) Colorado sales and use tax.

(a) A specific exemption from Colorado Sales and Use Tax is available with respect to materials of a value of \$2,500 or more incorporated by a prime contractor or subcontractor into a structure furnished under contract to a Government agency.

(b) Exemption certificates will be issued to such contractors or subcontractors upon personal application therefor to the Department of Revenue, State of Colorado, State Capital, Denver, Colo. The contractor or subcontractor will be required to submit the date of the contract, the contract number, the amount of the contract, and the proposed date of completion.

(c) Invitations for bids for construction contracts which may reasonably be expected to involve purchases of materials of more than \$2,500 should contain a notification to bidders concerning the availability of this exemption, a requirement that the bidder exclude these

taxes from the bid price, and the method of obtaining exemption certificates.

§ 14-7.602-50(6) (c) Indiana gross income tax.

(a) The Indiana Gross Income Tax is applicable to gross receipts received by a Government contractor under a contract for services performed in Indiana, and under a contract for supplies produced in Indiana and delivered to the Government in Indiana (including contracts requiring delivery f.o.b. carries equipment, wharf, or freight station in Indiana for shipment on a Government bill of lading to destinations outside Indiana).

(b) The tax does not apply to gross receipts received by a Government contractor under a contract for supplies produced in Indiana and delivered to the Government at a destination outside Indiana if the contract provides that title to the supplies shall vest in the Government at destination, and shipment is made on a commercial bill of lading or a commercial bill of lading convertible to a Government bill of lading at destination.

§ 14-7.602-50(6) (f) Iowa sales and use tax.

(a) Government agencies may obtain from the Iowa State Tax Commission refunds of Sales or Use Tax paid by their construction contractors with respect to goods, wares, or merchandise which becomes an integral part of the project.

(b) The contracting officer shall obtain from the contractor the statement required by section 422.45(6a), Iowa Code Annotated, and file an application for refund with the Iowa State Tax Commission within 60 days after final settlement as required by section 422.45(6b), Iowa Code Annotated.

(c) A provision shall be inserted in invitations for bids and construction contracts to the effect that the contractor will be required to furnish to the contracting officer statements pursuant to section 422.45(6a), Iowa Code Annotated.

[F.R. Doc. 69-128; Filed, Jan. 6, 1969; 8:46 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT USE OF LONG SUPPLY AS PREFERRED SOURCE OF SUPPLY AND MODIFICATION OF POLICY ON AUGMENTING INVENTORY LEVELS THROUGH ACQUISITION OF EXCESS PROPERTY

This amendment provides for the use of long supply in addition to excess property as a preferred source of supply in lieu of procurement from commercial sources. The policy which allows inventory levels to be adjusted upward through acquisition of stock from excess sources is modified to exclude inventories with established economic retention limits or which are eligible for return to GSA for credit.

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

The table of contents for Part 101-26 is amended as follows:

Sec.
101-26.101 Utilization of long supply and excess personal property.

Subpart 101-26.1—General

Section 101-26.101 is revised to read as follows:

§ 101-26.101 Utilization of long supply and excess personal property.

To the fullest extent practicable, agencies shall utilize inventories in long supply, as prescribed in Subpart 101-27.3, and excess personal property, as prescribed in Part 101-43, as a first source of supply in fulfilling their requirements.

PART 101-27—INVENTORY MANAGEMENT

Subpart 101-27.1—Stock Replenishment

Section 101-27.103 is revised to read as follows:

§ 101-27.103 Acquisition of excess property.

Except for inventories eligible for return to GSA for credit pursuant to the provisions of 101-26.312, and for inventories for which an economic retention limit has been established in accordance with the provisions of Subpart 101-27.3, inventory levels may be adjusted upward when items of stock are to be acquired from excess sources. Such adjustments should be tempered by caution and arrived at after careful consideration. Generally, acquisitions of items for inventory from excess sources shall not exceed a 2-year supply except when:

(a) A greater quantity is needed to meet known requirements for an authorized planned program.

(b) The item is not available without special manufacture and a predictable requirement exists.

(c) Administrative determination has been made that in application of the EOQ principle of stock replenishment within an agency an inventory level in excess of 2 years is appropriate for low dollar-volume items.

(d) The items are being transferred into authorized stock funds for resale to other Government agencies.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: December 31, 1968.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 69-164; Filed, Jan. 6, 1969; 8:49 a.m.]

Chapter 105—General Services Administration

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Miscellaneous Amendments

Part 105-61 is amended to revise the definition of "director" and reflect minor technical and editorial changes.

SECTION 105-61.001—DEFINITIONS

Sections 105-61.001-1 and 105-61.001-5 are revised to read as follows:

§ 105-61.001-1 Records.

"Records" means only records that have been transferred to the National Archives and Records Service, in accordance with 44 U.S.C. 2103, 3103; namely, archives and Federal records center records, as those terms are defined in this § 105-61.001. The term "records" does not include current operating records of the National Archives and Records Service, the public availability of which is governed by Part 105-60, or donated historical materials, as defined and considered in this part.

§ 105-61.001-5 Director.

"Director" means the head of a Presidential library, the head of an Office of the National Archives division, branch, or unit responsible for servicing records, or the head of a Reference Service Branch or an Archives Branch in a Federal records center.

Subpart 105-61.1—Public Use of Archives and FRC Records

Section 105-61.101-3(c) is revised to read as follows:

§ 105-61.101-3 Application procedures.

(c) In addition to the procedures prescribed in this § 105-61.101.3, researchers desiring to apply for the use of archives that contain defense-classified information shall follow procedures prescribed in § 105-61.104.

Section 105-61.104 is revised to read as follows:

§ 105-61.104 Access to defense-classified archives.

Access to archives containing defense-classified information will be governed by Executive Order 10501 (3 CFR), as amended, particularly by Executive Order 10816 (3 CFR).

Section 105-61.106-2 is revised to read as follows:

§ 105-61.106-2 From records.

Normally, information contained in the records will be furnished in the form of photocopies of the records, subject to the provisions of § 105-61.105. The National Archives and Records Service will certify facts and make administrative

determinations on the basis of archives or FRC records when appropriate officials of other agencies have authorized GSA to do so. When similarly authorized, such certifications and determinations will be authenticated by the seal of the National Archives of the United States or by the seal of GSA, as appropriate.

Subpart 105-61.3—Public Use of Facilities of the National Archives and Records Service

Section 105-61.306-4 is revised to read as follows:

§ 105-61.306-4 Flash photography.

Flash equipment and other photolithing devices shall not be used in the National Archives Exhibition Hall or anywhere in a Presidential library or adjacent building where such use may cause damage to documents. Persons desiring to use photolithing devices shall request special permission from the Educational Programs Division in the Archives Building or from the director of the Presidential library concerned.

Subpart 105-61.48—Exhibits

Sections 105-61.4801(b) and 105-61-4801(j)(12) are revised to read as follows:

§ 105-61.4801 Location of records and hours of use.

(b) [Reserved]

(j) Regional Federal records centers, as follows:

(12) 6125 Sand Point Way, Seattle, Wash. 98115.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: December 31, 1968.

LAWSON B. KNOTTS, JR.,
Administrator of General Services.

[F.R. Doc. 69-165; Filed, Jan. 6, 1969; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4561]

[Idaho 015614]

IDAHO

Withdrawal for Experimental Range Pasture Research Area

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, for an experimental range pasture research area:

BOISE MERIDIAN

- T. 6 S., R. 9 E.,
- Sec. 17;
- Sec. 18, E $\frac{1}{2}$;
- Sec. 19, E $\frac{1}{2}$;
- Sec. 20;
- Sec. 21;
- Sec. 22, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$;
- Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 28, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
- Sec. 29, N $\frac{1}{2}$.

The areas described aggregate 4,200 acres in Elmore County.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 31, 1968.

[F.R. Doc. 69-125; Filed, Jan. 6, 1969;
8:45 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 8—INVENTIONS RESULTING FROM RESEARCH GRANTS, FELLOWSHIP AWARDS, AND CONTRACTS FOR RESEARCH

Screening of Compounds Generated Under DHEW Grants and Awards

Part 8 is amended by adding § 8.8 as follows:

§ 8.8 Screening of compounds generated under DHEW grants and awards.

(a) *General policy.* (1) Chemical compounds having potential medicinal and other utilities are often synthesized or identified during the course of research financed under DHEW research grants and awards. Reporting, filing patent applications on, and determining ownership in inventions relating to such compounds pose problems which require special attention. After a compound has been synthesized, it generally will not constitute a patentable invention under the patent laws of the United States until a specific utility for the compound has been established. It is the policy of the Department that all compounds synthesized or identified during the course of grant-supported research should be adequately

screened and tested in Government or non-Government facilities in order that all possible utilities may be ascertained and that any promising compounds may be fully developed for widest possible use. The Department encourages the utilization, whenever appropriate, of the screening services of the Cancer Chemotherapy National Service Center and the Walter Reed Army Institute of Research.

(2) It is the policy of the Department notwithstanding anything to the contrary under patent law of the United States or requirements of U.S. Patent Office practice, to acquire no ownership rights to inventions claiming novel methods of using compounds, where such use inventions are first conceived and reduced to practice solely by the screening or testing organization without the use of grant funds.

(b) *Screening performed with use of grant funds.* Where nongovernmental facilities are utilized for screening services to be performed and paid for by the grantee (as used in this section, the term "grantee" refers to awardees in addition grantee (as used in this section, the term to grantee institutions) with grant funds, the grantee shall obtain an agreement with the screening organization providing that the screener shall promptly report to the grantee the details of any positive findings of utility for the compound and that all invention rights relating to the compound and its utility shall, as between the grantee and the screener, vest in the grantee. Upon receipt of such report of positive findings, the grantee shall promptly forward copies to DHEW. Ownership of all invention rights to the compound or reported utilities shall be subject to the disposition by the Assistant Secretary (Health and Scientific Affairs) as provided by the terms of the grant or award in accordance with § 8.2, except that where the grantee institution has entered into an Institutional Patent Agreement with the Department pursuant to § 8.1(b), ownership of the invention rights shall be in accordance with the terms of that Agreement.

(c) *Screening performed without the use of grant funds.* Where screening is to be performed at nongovernmental facilities without the use of grant funds, the grantee may proceed to have compounds screened under one of the following arrangements:

(1) *Institutional Patent Agreement.* Where the grantee institution has entered into an Institutional Patent Agreement with the Department under § 8.1(b) of the Department Patent Regulations, the grantee shall enter into an agreement with the screener which shall be consistent with, and will permit the grantee to fully comply with its obligations under such Institutional Patent Agreement. The agreement with the screener shall, as a minimum, provide that ownership of patent rights to inventions resulting from the screening process shall vest, depending on the law of inventorship, in the grantee, the screener, or both, except that such agreement may leave to screening or testing organizations ownership rights to inventions claiming novel meth-

ods of using compounds, where such inventions are first conceived and reduced to practice solely by the screening or testing organization without the use of grant awards. The grantee shall administer all invention rights to the compound and all other invention rights vested in the grantee in accordance with the terms of the Institutional Patent Agreement.

(2) *Patent Agreements for Screening.* Where an Institutional Patent Agreement is not in effect, the grantee shall enter into an agreement with a screener to govern disposition of rights to inventions resulting from the screening. Such agreements shall be in the form prescribed by or as may be approved by the Department and shall be consistent with the policy set forth in paragraph (a) of this section.

(3) *Determination of invention rights prior to screening.* Where a grantee has not entered into an Institutional Patent Agreement, it may, prior to making arrangements for screening, petition the Assistant Secretary (Health and Scientific Affairs) requesting a determination that invention rights pertaining to an identified compound be assigned to the grantee for administration, pursuant to the provisions of § 8.2(b). Determinations under § 8.2(b) normally permit the grantee to grant exclusive licenses for a limited period of time. Such petition must demonstrate that an assignment is required in order to achieve effective screening of the compound and any resulting inventions will thereby be more adequately and quickly developed for widest use.

Dated: December 27, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-155; Filed, Jan. 6, 1969;
8:48 a.m.]

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

PART 123—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS

Grants made pursuant to the regulations set forth below are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (Public Law 88-352).

Part 123 reads as follows:

	Subpart A—Definitions
Sec.	
123.1	Definitions.
	Subpart B—Project Proposals
123.2	General provisions.
123.3	Designation and certification of applicant agency.
123.4	Purpose.
123.5	Information required in the project proposal.
123.6	Amendments.
123.7-123.12	[Reserved]

Subpart C—Approval of Project Applications

Sec.

- 123.13 Criteria for the evaluation of proposals.
 123.14 Disposition.
 123.15-123.20 [Reserved]

Subpart D—Federal Financial Participation and Payment Procedures

- 123.21 Effective date of an approved project.
 123.22 Extent of participation under title VII of the Act.
 123.23 Availability of funds for approved projects.
 123.24 Fiscal and auditing procedures.
 123.25 Adjustments.
 123.26 Disposal of records.
 123.27 Cooperative agreements.
 123.28 Eligible expenditures.
 123.29 Funds not expended.
 123.30-123.34 [Reserved]

Subpart E—Equipment and Teaching Materials

- 123.35 Title to equipment and teaching materials.
 123.36 Use and control.
 123.37 Inventories of equipment.
 123.38 Copyrights and patents.
 123.39-123.43 [Reserved]

Subpart F—Joint Project Applications

- 123.44 Budgets.
 123.45-123.49 [Reserved]

Subpart G—Eligibility of Children To Participate

- 123.50 Participation by children from families other than low-income families.
 123.51 Participation by children from environments where English is the dominant language.

AUTHORITY: The regulations in this Part 123 issued under 5 U.S.C. 301, interpret or apply secs. 702-708, 81 Stat. 816-819, 20 U.S.C. 880b-880b-6.

Subpart A—Definitions**§ 123.1 Definitions.**

As used in this part:

- (a) "Act" means the Elementary and Secondary Education Act of 1965, Public Law 89-10, as amended, title VII of which is known as the "Bilingual Education Act".
 (b) "Bilingual education" means the use of two languages, one of which is English, as mediums of instruction.
 (c) "Children of limited English-speaking ability" means children who come from environments where the dominant language is one other than English.
 (d) "Commissioner" means the U.S. Commissioner of Education.
 (e) "Cultural and educational resources" includes, but is not limited to, State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, and educational radio and television.
 (f) "Dominant language" means with respect to a child the language commonly used in the child's home or community.
 (g) "Dropout" means a person who withdraws from school membership before completing his elementary and secondary school education.
 (h) "Elementary school" means a day or residential school which provides ele-

mentary education, as determined under State law.

(i) "Fiscal year" is the period of time which begins July 1 and ends June 30 of the following year.

(j) "High concentration" means a concentration of substantial numbers of children of limited English-speaking abilities from families with incomes below \$3,000 per year or receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.

(k) "Inservice training" means short-term or part-time training in the instruction of children of limited English-speaking ability for persons while participating as teachers, teacher-aides, or other ancillary education personnel in bilingual education programs in elementary (including preelementary) or secondary schools, or in accredited trade, vocational, or technical schools.

(l) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate; (2) is legally authorized within such a State to provide a program of education beyond secondary education; (3) provides an educational program for which it awards a bachelor's degree, or provides not less than a 2-year program which is acceptable for full credit toward such a degree, or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare a student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association included on the list of such agencies or associations published by the Commissioner, or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. In the case of an institution offering a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order

to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards.

(m) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(n) "Nonprofit", as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(o) "Preservice training" means training for college undergraduates and graduates and other persons who present reasonable evidence of intention to become teachers, supervisors, counselors, or teacher aides, or to perform other essential functions related to the instruction of children of limited English-speaking ability.

(p) "Project proposal" means an application for a grant for the planning, establishing, operating, or maintaining of services and activities designed for the purposes of title VII of the Act and submitted to the Commissioner for his approval.

(q) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include education beyond grade 12.

(r) "Service function" means an educational service which is performed by a legal entity, such as an intermediate agency, whose jurisdiction does not extend to the whole of the State and which is authorized to provide consultative, advisory, or educational program services to public elementary or secondary schools, or which has regulatory functions over agencies having administrative control or direction of public elementary or secondary schools.

(s) "Special educational needs" means educational needs of or associated with children of limited English-speaking ability.

(t) "State" includes, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(u) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an

officer or agency designated by the Governor or by State law.

(20 U.S.C. 880b-3, 881)

Subpart B—Project Proposals

§ 123.2 General provisions.

A grant under this part will be made to a local educational agency or agencies, or to an institution of higher education applying jointly with a local educational agency, only upon submission of an application (in the form of a project proposal) for such a grant at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary, and upon approval of the application by the Commissioner. Each project proposal must also be submitted to the appropriate State educational agency for its review and recommendations.

(20 U.S.C. 880b-3)

§ 123.3 Designation and certification of applicant agency.

(a) Each project proposal and amendment thereto shall give the official name of the applicant or applicants, which shall be the agency or agencies responsible for carrying out the project.

(b) Each such proposal shall include a certification by the officer authorized to make and submit the proposal on behalf of the applicant to the effect that the proposal has been adopted by the applicant.

(20 U.S.C. 880b-3)

§ 123.4 Purpose.

In order to stimulate and promote the development and operation of new imaginative elementary and secondary school programs designed to meet the special educational needs of children of limited English-speaking ability who are enrolled in schools having high concentrations of such children from families with incomes below \$3,000 per year or receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, grants will be made to cover the costs of services and activities under such programs, including but not limited to the following:

(a) Planning for and taking other steps leading to the development of such programs;

(b) Research projects;

(c) Pilot projects;

(d) Development and dissemination of special instructional materials;

(e) Preservice training to prepare persons to participate as teachers, supervisors, counselors, teacher aides, or other ancillary education personnel;

(f) Inservice training of teachers, teacher aides, or other ancillary education personnel;

(g) Acquisition of necessary teaching materials and equipment;

(h) Provision of bilingual instruction;

(i) Impartment to students of a knowledge of the history and culture associated with their respective dominant language;

(j) Efforts to establish closer cooperation between the school and the home;

(k) Early childhood education designed to improve the potential of children of limited English-speaking ability for profitable learning;

(l) Related adult education, particularly for parents of participating children;

(m) Bilingual education activities designed for dropouts on potential dropouts; and

(n) Bilingual education activities in accredited trade, vocational, or technical schools.

(20 U.S.C. 880b-2)

§ 123.5 Information required in the project proposal.

Each project proposal shall describe the special services and activities previously provided with the use of State and local funds to children of limited English-speaking ability in the area to be served, the services and activities to be provided with funds made available under this part and how they are expected to meet the special educational needs, and substantially increase the educational opportunities, of children of limited English-speaking ability in the area to be served. In addition, it shall provide:

(a) That the services and activities for which assistance under this part is sought will be administered by or under the supervision of the applicant or applicants;

(b) That such services and activities will be carried out using such methods of administration as are necessary for the proper and efficient operation of the project;

(c) That an annual report and other reports will be made in such form, and containing such information, as the Commissioner may reasonably require to carry out his functions under title VII of the Act, and to determine the extent to which the use of funds provided under this part has been effective in improving the educational opportunities of persons in the area served;

(d) That the applicant or applicants will keep such records, and afford such access thereto, as the Commissioner may find necessary to assure the correctness of such reports;

(e) That the project is of sufficient size, scope, and design to make substantial progress toward achieving the purposes of title VII of the Act;

(f) That the policies and procedures of the applicant or applicants will assure that funds made available under title VII of the Act for the project will be so used to supplement and, to the extent practicable, increase the level of funds (including funds made available under title I of the Act) that would, in the absence of funds under title VII of the Act, have been used by the grantee or grantees from State and local public sources for the purposes of this part and will in no case supplant such funds, taking into consideration the total amount of State and local funds budgeted for expenditures in the current fiscal year as com-

pared with the total amount expended for such purposes in prior years;

(g) That there have been established such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant or applicants under title VII of the Act;

(h) That, to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which this part is intended to meet, there will be genuine opportunities for participation by such children. Wherever practicable, programs and services made available to children enrolled in nonprofit private schools shall be provided on public premises. Provisions for services for children enrolled in nonprofit private elementary or secondary schools shall not include the paying of salaries of teachers or other employees of such schools except for services performed outside their regular hours of duty and under the supervision and control of a grantee, or the leaving of equipment on private school premises beyond the duration of the project, or the remodeling of private school facilities. None of the funds made available under title VII of the Act may be used for religious worship or instruction;

(i) That children of limited English-speaking ability who are not enrolled in school on a full-time basis will be given opportunities to participate in the project;

(j) That in planning the project the applicant or applicants have determined or will determine the needs of the children to be served after consultation with persons in families of limited English-speaking ability or with others knowledgeable of the needs of such children;

(k) That in carrying out the project the applicant or applicants will utilize assistance of persons with expertise in the educational problems of children of limited English-speaking ability and will make optimum use of the cultural and educational resources of the area to be served;

(l) That the project will be carried out only in schools having a high concentration of children of limited English-speaking ability from families (1) with incomes below \$3,000 per year, or (2) receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act;

(m) That the project will be coordinated with other public and private programs having the same or similar purpose, including programs under other titles of the Act.

(20 U.S.C. 880b-3, 885)

§ 123.6 Amendments.

Whenever there is any change in the administration of an approved project, or in organization, policies, or operations affecting an approved project, the project proposal shall be appropriately amended. Substantive amendments will be subject

to approval in the same manner as original applications.

(20 U.S.C. 880b-3)

§ 123.7-123.12 [Reserved]

Subpart C—Approval of Project Applications

§ 123.13 Criteria for the evaluation of proposals.

(a) Each proposal complying with the provisions of § 123.5 will be evaluated in the light of the recommendations of the appropriate State educational agency and in terms of the proposals, project design and educational significance, the qualifications of the personnel designated or intended to be used and the use of the best available talents and resources to conduct the project, the adequacy of designated facilities, economic efficiency, feasibility and degree of participation in the planning of the project by persons in families of limited English-speaking ability with low incomes.

(b) The Commissioner will, in order to achieve equitable distribution, take into consideration (1) the geographical distribution within the State of children of limited English-speaking ability, (2) their relative need for a project under this part, and (3) the relative ability of local educational agencies to provide the required services and activities.

(20 U.S.C. 880b-3)

§ 123.14 Disposition of project proposals.

The Commissioner will, on the basis of an evaluation of a project proposal, (a) approve the project proposal in whole or in part, (b) disapprove the project proposal, or (c) defer action on the project proposal. Any deferral or disapproval of a proposal will not preclude its reconsideration or resubmission at a later date. The Commissioner will notify the applicant or applicants and the respective State educational agency of the disposition of the project proposal. The grant award document for an approved project will include a project budget and the terms and conditions upon which the grant is made.

(20 U.S.C. 880b-3)

§§ 123.15-123.20 [Reserved]

Subpart D—Federal Financial Participation and Payment Procedures

§ 123.21 Effective date of an approved project.

The effective date of any approved project shall be the date indicated in the grant award document. There will be no financial participation under title VII of the Act with respect to expenditures made prior to the effective date of such grant award.

(20 U.S.C. 880b-4)

§ 123.22 Extent of participation under title VII of the Act.

(a) Participation under title VII of the Act will be provided only for the services and activities which are of a type not

previously carried on with the use of State or local funds in the area served or which increase the quantity or improve the quality of services and activities of the same type previously carried on with such funds in the area served.

(b) Funds made available under title VII of the Act will be so used to supplement and, to the extent practical, increase the level of other funds (including funds made available under title I of the Act) that would, in the absence of funds made available under title VII of the Act, be made available for services and activities for the same purposes, and will in no case supplant such other funds, including funds made available under title I of the Act.

(20 U.S.C. 880b-3)

§ 123.23 Availability of funds for approved projects.

The issuance of a grant award document will be regarded as an obligation of the Government of the United States in the amount of the grant award. Federal appropriations so obligated will remain available for expenditure by the grantee or grantees during the period for which the grant is awarded. For purposes of the regulations in this part, funds will be considered to have been expended by a grantee on the basis of documentary evidence of binding commitments for the acquisition of goods or property, or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities will be considered to have been expended as of the time such services were rendered, such travel was performed, and such rented facilities were used, respectively. Such binding commitments shall be liquidated within a reasonable period of time.

(31 U.S.C. 200)

§ 123.24 Fiscal and auditing procedures.

(a) Each project proposal shall designate the officer or officers who will receive and have custody of project funds.

(b) Each grantee receiving Federal funds for an approved project shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit.

(c) Each grantee shall make appropriate provision for the auditing of project expenditure records, and such records as well as the audit reports shall be available to auditors of the Federal Government.

(20 U.S.C. 880b-3)

§ 123.25 Adjustments.

Each grantee shall, in maintaining program expenditure accounts, records, and reports, make any necessary adjustments to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from Federal or local administrative reviews and au-

ditions. Such adjustments shall be set forth in the financial reports filed with the Commissioner.

(20 U.S.C. 880b-3)

§ 123.26 Disposal of records.

(a) Each grantee shall keep intact and accessible all records pertaining to such Federal grants or relating to the expenditure of grant funds (1) for 5 years after the close of the fiscal year in which the expenditure is liquidated, or (2) until the grantee is notified that such records are not needed for program administrative review, whichever occurs first.

(b) The records pertaining to any claim or expenditure which has been questioned at the time of audit shall be further maintained until necessary adjustments have been reviewed and cleared by the Department of Health, Education, and Welfare.

(20 U.S.C. 880b-3)

§ 123.27 Cooperative agreements.

A grantee under this part may enter into a cooperative agreement or contract to receive services under a project if the services so received, as well as the cooperating institution, organization, or agency are specified in the project proposal, but only if the grantee retains responsibility for the project and the project remains under its supervision and control.

(20 U.S.C. 880b-3)

§ 123.28 Eligible expenditures.

The Commissioner will pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant under the application for the purposes set forth therein. Expenditures which are eligible under this part are those expenditures which (1) conform to the terms of the approved project, (2) are incurred for activities which supplement instruction and other activities, services and programs that had previously been provided for children in public schools, and (3) are clearly identifiable as additional expenditures incurred as a result of the program under this part, including expenditures for necessary minor remodeling.

(20 U.S.C. 880b-4)

§ 123.29 Funds not expended.

In the event that funds previously made available under this part have not been expended pursuant to the approved project and, in the judgment of the Commissioner, will not be expended for such purposes, the Commissioner may, upon notice to the recipient, reduce the amount of the grant or payment to an amount consistent with the recipient's needs. In the event that an excess over the sum needed for completion of the project shall have actually been paid to the recipient, the custodian of the project funds shall pay that excess over to the Commissioner.

(20 U.S.C. 880b-4)

§§ 123.30-123.34 [Reserved]

Subpart E—Equipment and Teaching Materials

§ 123.35 Title to equipment and teaching materials.

Title to equipment and teaching materials acquired under title VII of the Act must be vested in, and be retained by, the grantee or some public agency.

(20 U.S.C. 880b-2)

§ 123.36 Use and control.

All equipment and teaching materials acquired under title VII of the Act must for the expected useful life of the equipment or until it is disposed of, be used for the purposes specified in the approved project, and such materials and their use must be subject to the administrative control of the grantee.

(20 U.S.C. 880b-2)

§ 123.37 Inventories of equipment.

(a) Where equipment which costs \$100 or more per item is purchased by the grantee under an approved project, inventories and other records supporting accountability shall be maintained for the expected useful life of the equipment or until the equipment is disposed of, whichever occurs first.

(b) The records of such inventorying shall be retained for a period of 1 year after the end of the expected useful life of the equipment or after the equipment is disposed of.

(20 U.S.C. 880b-3)

§ 123.38 Copyrights and patents.

(a) Any material of a copyrightable nature produced through a project with financial assistance under title VII of the Act shall not be copyrighted, but shall be placed in the public domain unless, at the request of the grantee and upon a showing that it will result in more effective development or dissemination of the material and would otherwise be in the public interest, the Commissioner may authorize arrangements for the copyright of the material for a limited period of time.

(b) Any materials of a patentable nature produced through a project with financial assistance under title VII of the Act shall be subject to the provisions of 45 CFR Parts 6 and 8.

(BOB letter of Sept. 3, 1964 to Register of Copyrights and 28 F.R. 10943, Oct. 12, 1963)

§§ 123.39–123.43 [Reserved]

Subpart F—Joint Project Applications

§ 123.44 Budgets.

A joint application made by two or more local educational agencies, or by an institution of higher education and one or more local educational agencies may have separate budgets corresponding to the programs, services, and activities performed by each of the joint applicants, or may have a combined budget. If joint applications present separate budgets the Commissioner may grant

separate amounts to each of the joint applicants.

(20 U.S.C. 880b-3)

§§ 123.45–123.49 [Reserved]

Subpart G—Eligibility of Children To Participate

§ 123.50 Participation by children from families other than low income families.

None of the children with limited English-speaking ability in the area to be served by a project under this part who would benefit from the services and activities to be provided through a grant under this title of the Act shall be denied the opportunity to participate in those services and activities on the ground that they are not children from families with incomes below \$3,000 per year or receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.

(20 U.S.C. 880b-2)

§ 123.51 Participation by children from environments where English is the dominant language.

Children in the area to be served who are from environments where English is the dominant language should be allowed to participate in an approved project if such a participation would enhance the effectiveness of the project.

(20 U.S.C. 880b-2)

Dated: December 6, 1968.

HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: December 19, 1968.

WILBUR J. COHEN,
*Secretary of Health,
Education, and Welfare.*

[F.R. Doc. 69-156; Filed, Jan. 6, 1969;
8:48 a.m.]

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

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Subpart B—Personnel Administration

STAFFING FOR ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS, FEDERAL FINANCIAL PARTICIPATION

Interim Policy Statement No. 2 setting forth regulations for medical assistance programs with respect to increased matching for professional personnel was published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10228). No views having been received from any person, such regulations are hereby issued as Part 250—Subpart B, § 250.120 of Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 250.120 Staffing for administration of medical assistance programs, Federal financial participation.

With respect to expenditures made after December 31, 1967, under a State plan for medical assistance approved under title XIX of the Social Security Act, Federal financial participation at 75 percent is available for the compensation of skilled professional medical personnel, and staff directly supporting such personnel, of the State agency or any other public agency, in the administration of the medical assistance program at the State or local level, and for their training and educational leave with respect to title XIX.

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

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

Dated: December 12, 1968.

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

Approved: December 28, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-157; Filed, Jan. 6, 1969;
8:48 a.m.]

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Subpart C—Fiscal Administration

STATE FINANCIAL PARTICIPATION; STATE PLAN REQUIREMENTS

Interim Policy Statement No. 2 setting forth regulations for medical assistance programs with respect to the change of date on which State plans must meet certain financial participation requirements was published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10228). No views having been received from any person, such regulations are hereby issued as Part 250—Subpart C, § 250.210 of Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 250.210 State financial participation; State plan requirements.

Effective July 1, 1969, a State plan for medical assistance under title XIX of the Social Security Act must:

(a) Provide that State funds will be used to pay all of the non-Federal share of the total expenditures under the plan; or

(b) If there is local financial participation, provide a method of apportioning State and Federal funds among the political subdivisions on an equalization or other basis that will assure that lack of funds from local sources does not result in lowering the amount, duration, scope or quality of care and services or level of administration under the plan in any part of the State.

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

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

Dated: December 12, 1968.

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

Approved: December 28, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-158; Filed, Jan. 6, 1969;
8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1002, Amdt. 2]

PART 1033—CAR SERVICE

Car Distribution Directions; Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 30th day of December 1968.

Upon further consideration of Service Order No. 1002 (33 F.R. 11453, 17919) and good cause appearing therefor:

It is ordered, That:

Section 1033.1002 *Car distribution directions—appointment of agents* of Service Order No. 1002, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This section shall expire at 11:59 p.m., March 31, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1968.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served

upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-147; Filed, Jan. 6, 1969;
8:47 a.m.]

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Released Rates Order MC-505]

PART 1307—FREIGHT RATE TARIFFS; SCHEDULES AND CLASSIFICATION OF MOTOR CARRIERS

Released Rates of Motor Common Carriers of Household Goods

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 23d day of December, 1968.

Upon consideration of a petition filed November 13, 1968, by the Household Goods Carriers' Bureau, to which no reply has been filed, seeking further amendment of this order (entered June 7, 1966, 102 M.C.C. 267, 277, published in 31 F.R. 8919), to permit continued assessment of an increased valuation charge on shipments of household goods destined to points in Mexico;

It appearing, that special conditions continue to exist on such shipments because carriers operating in the United States, under authority of the Commission, cannot operate in Mexico, thus requiring unloading of the goods at the border, which increases the cost of insuring such shipments; therefore:

It is ordered, That paragraph (a) of § 1307.201 of Title 49 of the Code of Federal Regulations be, and it is hereby, further amended as follows:

§ 1307.201 Released rates on household goods.

(a) *Establishment authorized; rate bases.* * * *

Released values and liability limitations	Transportation rate basis	Storage in transit rate basis
***	***	***
***	Base transportation rate plus a valuation charge of 50 cents for each \$100, or fraction thereof of the released value of the entire shipment. On shipments destined to a point in Mexico and picked up prior to December 31, 1969, the valuation charge will be \$1.50 for each \$100, or fraction thereof of the released value of the entire shipment.	

It is further ordered, That this amendment become effective December 31, 1968.

(Secs. 204, 219, as amended, 220, as amended; 49 Stat. 546, 563; 49 U.S.C. 304, 319, 320)

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-148; Filed, Jan. 6, 1969;
8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

De Soto National Wildlife Refuge, Iowa and Nebr.; Correction

In F.R. Doc. 68-14832; appearing in the issue Vol. 33, No. 241 for Thursday, December 12, 1968, subparagraph (2) should read as follows:

(2) Open season: Daylight hours January 1, 1969, through February 28, 1969, and 4:30 a.m. to 10 p.m., May 1, 1969, through September 15, 1969.

KERMIT D. DYBSETTER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

DECEMBER 26, 1968.

[F.R. Doc. 69-138; Filed, Jan. 6, 1969;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Ch. III]

INEDIBLE ANIMAL FATS

Federal Meat Inspection Regulations Requirements

Notice is hereby given, under the administrative procedure provisions in 5 U.S.C., section 553, that pursuant to the Federal Meat Inspection Act (21 U.S.C. Supp. III 601 et seq.), the Consumer and Marketing Service proposes to amend the Federal Meat Inspection Regulations (9 CFR Chapter III, Subchapter A) to change the conditions for distribution in "commerce" as defined in the Act or for importation of "technical animal fats." These are products which possess the physical characteristics of a meat food product fit for human food but are not intended for such use and are prepared from carcasses or parts thereof that are condemned or not handled as required for human food at federally inspected establishments or are prepared at non-federally inspected plants. Heretofore, such fats have been required by the regulations to be denatured with various substances which change their appearance, taste or odor. These denaturants also make the fats less desirable for industrial uses and export.

Therefore, it is proposed to amend the regulations to permit the exportation or other distribution in "commerce" or the importation of such technical animal fats without such denaturing under the following conditions which would deter their use for human food and exclude them from classification as articles "capable of use as human food" as defined in the Act.

1. They could be sold or transported in commerce or imported only by rendering companies, dealers, brokers, or others who obtain a numbered permit for such activities from the Director, Processed Food Inspection Division.

2. They could be so distributed only if destined to a manufacturer of products not for human food or to an export terminal for exportation or storage for exportation for use other than human food.

3. When transported in commerce or imported they would have to be marked conspicuously with the words, "Technical Animal Fat Not Intended for Human Food," on the ends of the shipping containers, in letters not less than 2 inches high in the case of shipping containers such as drums, tierces, barrels, and half barrels and not less than 4 inches high in the case of tank cars and trucks. All shipping containers would have to have both ends painted with durable paint if necessary to provide a contrasting background for the required marking.

4. They could be transported only in sealed shipping containers bearing seals with official symbols applied by the shipper, which would have to include the identification number assigned by said Director for the permit holder; and the technical animal fats would have to be accompanied by a shipper's certificate specifying the identification number. The number would be required to appear on the bill of lading or other transportation documents for the shipment. Breaking of the seal, or altering, or defacing the symbol by any person other than the consignee or program personnel would be prohibited (except in cases of emergencies as provided in the regulations). The consignees in the United States would be required to retain the seals in their records for 6 months after the shipment.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during the regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 31st day of December 1968.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 69-144; Filed, Jan. 6, 1969;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regs. No. 4]

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Procedures, Payment of Benefits, and Representation of Parties

Notice is hereby given pursuant to the Administrative Procedure Act approved June 11, 1946, 5 U.S.C. 553, that amendments in Subpart J of Part 404 of Title 20 of the Code of Federal Regulations are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare, as set forth in tentative form below. The proposed regulations relate to procedures concerning the suspension or disqualification of individuals from acting

as representatives of claimants in proceedings before the Secretary affecting matters within the jurisdiction of the Social Security Administration.

Interested persons are invited to submit written comments, views, or objections to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20001, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205, 206, 1102, and 1872, 53 Stat. 1368, as amended, 53 Stat. 1372, as amended, 49 Stat. 647, as amended, 79 Stat. 332; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 406, 1302, and 1395ii.

Dated: December 23, 1968.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 27, 1968.

WILBUR J. COHEN,
Secretary of Health,
Education, and Welfare.

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.906, paragraph (g), is added to read as follows:

§ 404.906 Administrative actions which are not initial determinations.

(g) The disqualification or suspension of an individual from acting as a representative in a proceeding before the Social Security Administration (see § 404.979).

2. Sections 404.979, 404.980, and 404.981 are amended to read as follows:

§ 404.979 Disqualification or suspension of an individual from acting as a representative in proceedings before the Social Security Administration.

Whenever it appears that an individual has violated any of the rules in § 404.978, or has been convicted of a violation under section 206 of the Social Security Act, or has otherwise refused to comply with the Secretary's rules and regulations governing representation of claimants before the Social Security Administration, the Director (or Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance may institute proceedings as herein provided to suspend or disqualify such individual from acting as a repre-

sentative in proceedings before the Administration.

§ 404.980 Notice of charges.

The Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance will prepare a notice containing a statement of charges that constitutes the basis for the proceeding against the individual. This notice will be delivered to the individual charged, either by certified or registered mail to his last known address or by personal delivery, and will advise the individual charged to file an answer, within 30 days from the date the notice was mailed, or was delivered to him personally, indicating why he should not be suspended or disqualified from acting as a representative before the Social Security Administration. This 30-day period may be extended for good cause shown, by the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance. The answer must be in writing under oath (or affirmation) and filed with the Social Security Administration, Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Md. 21235, within the prescribed time limitation. If an individual charged does not file an answer within the time prescribed, he shall not have the right to present evidence. However, see § 404.983(f) relating to statements with respect to sufficiency of the evidence upon which the charges are based or challenging the validity of the proceedings.

§ 404.981 Withdrawal of charges.

If an answer is filed or evidence is obtained that establishes, to the satisfaction of the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, that reasonable doubt exists about whether the individual charged should be suspended or disqualified from acting as a representative before the Social Security Administration, the charges may be withdrawn. The notice of withdrawal shall be mailed to the individual charged at his last known address.

3. Sections 404.982 through 404.990 are added to read as follows:

§ 404.982 Referral to Bureau of Hearings and Appeals for hearing and decision.

If action is not taken to withdraw the charges before the expiration of 15 days after the time within which an answer may be filed, the record of the evidence in support of the charges shall be referred to the Bureau of Hearings and Appeals with a request for a hearing and a decision on the charges.

§ 404.983 Hearing on charges.

(a) *Hearing officer.* Upon receipt of the notice of charges, the record, and the request for hearing (see § 404.982), the Director, Bureau of Hearings and Appeals, or his delegate shall designate a hearing examiner to act as a hearing

officer to hold a hearing on the charges. No hearing officer shall conduct a hearing in a case in which he is prejudiced or partial with respect to any party, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party to the hearing may have to the hearing officer who has been designated to conduct the hearing shall be made at the earliest opportunity. The hearing officer shall consider the objection(s) and shall, in his discretion, either proceed with the hearing or withdraw. If the hearing officer withdraws, another hearing officer shall be designated as provided in this section to conduct the hearing. If the hearing officer does not withdraw, the objecting party may, after the hearing, present his objections to the Appeals Council as reason why he believes the hearing officer's decision should be revised or a new hearing held before another hearing officer.

(b) *Time and place of hearing.* The hearing officer shall notify the individual charged and the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, of the time and place for a hearing on the charges. The notice of the hearing shall be mailed to the individual charged at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, not less than 20 days prior to the date fixed for the hearing.

(c) *Change of time and place for hearing.* The hearing officer may change the time and place for the hearing (see paragraph (b) of this section) either on his own motion or at the request of a party for good cause shown. The hearing officer may adjourn or postpone the hearing, or he may reopen the hearing for the receipt of additional evidence at any time prior to the mailing of notice of the decision in the case (see § 404.984). Reasonable notice shall be given to the parties of any change in the time or place of hearing or of an adjournment or reopening of the hearing.

(d) *Parties.* A person against whom charges have been preferred under the provisions of § 404.979 shall be a party to the hearing. The Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, shall also be a party to the hearing.

(e) *Subpoenas.* Any party to the hearing may request the hearing officer or a member of the Appeals Council to issue subpoenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, or other documents which are relevant and material to any matter in issue at the hearing. The hearing officer may on his own motion issue subpoenas for the same purposes when he deems such action reasonably necessary for the full presentation of the facts. Any party who desires the issuance of a subpoena shall, not less than 5 days prior to the time fixed for the hearing, file with the hearing officer a written request there-

for, designating the witnesses or documents to be produced, and describing the address or location thereof with sufficient particularity to permit such witnesses or documents to be found. The request for a subpoena shall state the pertinent facts which the party expects to establish by such witness or document and whether such facts could be established by other evidence without the use of a subpoena. Subpoenas, as provided for above, shall be issued in the name of the Secretary of Health, Education, and Welfare, and the Social Security Administration shall pay the cost of the issuance and the fees and mileage of any witness so subpoenaed, as provided in section 205(d) of the Act.

(f) *Conduct of the hearing.* The hearing shall be open to the parties and to such other persons as the hearing officer or the individual charged deems necessary or proper. The hearing officer shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters: *Provided, however,* That if the individual charged has filed no answer with the hearing officer in accordance with this section he shall have no right to present evidence but in the discretion of the hearing officer may appear for the purpose of presenting a statement of his contentions with regard to the sufficiency of the evidence or the validity of the proceedings upon which his suspension or disqualification, if it occurred, would be predicated or, in his discretion, the hearing officer may make or recommend a decision (see § 404.984) on the basis of the record referred in accordance with § 404.982. If the individual has filed an answer with the hearing officer and if the hearing officer believes that there is relevant and material evidence available which has not been presented at the hearing, the hearing officer may at any time prior to the mailing of notice of the decision, or submittal of a recommended decision, reopen the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the hearing officer.

(g) *Evidence.* Evidence may be received at the hearing, subject to the provisions herein, even though inadmissible under the rules of evidence applicable to court procedure. The hearing officer shall rule on the admissibility of evidence.

(h) *Witnesses.* Witnesses at the hearing shall testify under oath or affirmation. The representatives of each party shall be permitted to examine his own witnesses subject to interrogation by the representative of the other party. The hearing officer may ask such questions as he deems necessary. He shall rule upon any objection made by either party as to the propriety of any question.

(i) *Oral and written summation.* The parties shall be given, upon request, a reasonable time for the presentation of an oral summation and for the filing of briefs or other written statements of proposed findings of fact and conclusions

of law. Copies of such briefs or other written statements shall be filed in sufficient number that they may be made available to any party in interest requesting a copy and to any other party designated by the Appeals Council.

(j) *Record of hearing.* A complete record of the proceedings at the hearing shall be made and transcribed in all cases.

(k) *Representation.* The individual charged may appear in person and he may be represented by counsel or other representative.

(l) *Failure to appear.* If after due notice of the time and place for the hearing, a party to the hearing fails to appear and fails to show good cause as to why he could not appear, such party shall be considered to have waived his right to be present at the hearing. The hearing officer may hold the hearing so that the party present may offer evidence to sustain or rebut the charges.

(m) *Dismissal of charges.* The hearing officer may dismiss the charges in the event of the death of the individual charged.

(n) *Cost of transcript.* On the request of a party, a transcript of the hearing before the hearing officer will be prepared and sent to the requesting party upon the payment of cost, or if the cost is not readily determinable, the estimated amount thereof, unless for good cause such payment is waived.

§ 404.984 Decision by hearing officer.

(a) *General.* As soon as practicable after the close of the hearing, the hearing officer shall issue a decision (or certify the case with a recommended decision to the Appeals Council for decision under the rules and procedures described in §§ 404.942 through 404.944) which shall be in writing and contain findings of fact and conclusions of law. The decision shall be based upon the evidence of record. If the hearing officer finds that the charges have been sustained, he shall either

(1) Suspend the individual for a specified period of not less than 1 year, nor more than 5 years, from the date of the decision, or

(2) Disqualify the individual from further practice before the Administration until such time as the individual may be reinstated under § 404.990.

A copy of the decision shall be mailed to the individual charged at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, together with notice of the right of either party to request the Appeals Council to review the decision of the hearing officer.

(b) *Effect of hearing officer's decision.* The hearing officer's decision shall be final and binding unless reversed or modified by the Appeals Council upon review (see § 404.988).

(1) If the final decision is that the individual is disqualified from practice before the Social Security Administration, he shall not be permitted to represent an individual in a proceeding before

the Administration until authorized to do so under the provisions of § 404.990.

(2) If the final decision suspends the individual for a specified period of time, he shall not be permitted to represent an individual in a proceeding before the Social Security Administration during the period of suspension unless authorized to do so under the provisions of § 404.990.

§ 404.985 Right to request review of the hearing officer's decision.

(a) *General.* After the hearing officer has issued a decision, either of the parties (see § 404.983) may request the Appeals Council to review the decision.

(b) *Time and place of filing request for review.* The request for review shall be made in writing and filed with the Appeals Council within 30 days from the date of mailing the notice of the hearing officer's decision, except where the time is extended for good cause. The requesting party shall certify that a copy of the request for review and of any documents that are submitted therewith (see § 404.986) have been mailed to the opposing party.

§ 404.986 Procedure before Appeals Council on review of hearing officer's decision.

The parties shall be given, upon request, a reasonable time to file briefs or other written statements as to fact and law and to appear before the Appeals Council for the purpose of presenting oral argument. Any brief or other written statement of contentions shall be filed with the Appeals Council, and the presenting party shall certify that a copy has been mailed to the opposing party.

§ 404.987 Evidence admissible on review.

(a) *General.* Evidence in addition to that introduced at the hearing before the hearing officer may not be admitted except where it appears to the Appeals Council that the evidence is relevant and material to an issue before it and subject to the provisions in this section.

(b) *Individual charged filed answer.* Where it appears to the Appeals Council that additional relevant material is available and the individual charged filed an answer to the charges (see § 404.980), the Appeals Council shall require the production of such evidence and may designate a hearing officer or member of the Appeals Council to receive such evidence. Before additional evidence is admitted into the record, notice that evidence will be received with respect to certain issues shall be mailed to the parties, and each party shall be given a reasonable opportunity to comment on such evidence and to present other evidence which is relevant and material to the issues unless such notice is waived.

(c) *Individual charged did not file answer.* Where the individual charged filed no answer to the charges (see § 404.980), evidence in addition to that introduced at the hearing before the

hearing officer may not be admitted by the Appeals Council.

§ 404.988 Decision by Appeals Council on review of hearing officer's decision.

The decision of the Appeals Council shall be based upon evidence received into the hearing record (see § 404.983 (f)) and such further evidence as the Appeals Council may receive (see § 404.987) and shall either affirm, reverse, or modify the hearing officer's decision. The Appeals Council, in modifying a hearing officer's decision suspending the individual for a specified period shall in no event reduce a period of suspension to less than 1 year, or in modifying a hearing officer's decision to disqualify an individual shall in no event impose a period of suspension of less than 1 year. Where the Appeals Council affirms or modifies a hearing officer's decision, the period of suspension or disqualification shall be effective from the date of the Appeals Council's decision. Where a period of suspension or disqualification is initially imposed by the Appeals Council, such suspension or disqualification shall be effective from the date of the Appeals Council's decision. The decision of the Appeals Council will be in writing and a copy of the decision will be mailed to the individual at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance.

§ 404.989 Dismissal by Appeals Council.

The Appeals Council may dismiss a request for the review of any proceedings instituted under § 404.979 pending before it in any of the following circumstances:

(a) *Upon request of party.* Proceedings pending before the Appeals Council may be discontinued and dismissed upon written application of the party or parties who filed the request for review provided there is no party who objects to discontinuance and dismissal.

(b) *Death of party.* Proceedings before the Appeals Council may be dismissed upon death of a party against whom charges have been preferred.

(c) *Request for review not timely filed.* A request for review of a hearing officer's decision shall be dismissed when the party has failed to file a request for review within the time specified in § 404.985 and such time is not extended for good cause.

§ 404.990 Reinstatement after suspension or disqualification.

(a) *General.* An individual shall be automatically reinstated to serve as a representative before the Social Security Administration at the expiration of any period of suspension. In addition, after 1 year from the effective date of any suspension or disqualification, an individual who has been suspended or disqualified from acting as a representative in proceedings before the Social Security Administration may petition the Appeals Council for reinstatement prior to the expiration of a period of suspension or

following a disqualification order. The petition for reinstatement shall be accompanied by any evidence the individual wishes to submit. The Appeals Council shall notify the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, of the receipt of the petition and grant him 30 days in which to present a written report of any experiences which the Administration may have had with the suspended or disqualified individual during the period subsequent to the suspension or disqualification. A copy of any such report shall be made available to the suspended or disqualified individual.

(b) *Basis of action.* A request for revocation of a suspension or a disqualification shall not be granted unless the Appeals Council is reasonably satisfied that the petitioner is not likely in the future to conduct himself contrary to the provisions of section 206(a) of the Social Security Act or the rules and regulations of the Social Security Administration.

(c) *Notice.* Notice of the decision on the request for reinstatement shall be mailed to the petitioner and a copy shall be mailed to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance.

(d) *Effect of denial.* If a petition for reinstatement is denied, a subsequent petition for reinstatement shall not be considered prior to the expiration of 1 year from the date of notice of the previous denial.

[F.R. Doc. 69-161; Filed, Jan. 6, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 135]

[Docket No. 9323; Notice 68-37]

AIRPLANES CAPABLE OF CARRYING MORE THAN 10 OCCUPANTS

Additional Airworthiness Standards

The Federal Aviation Administration is considering amending Part 135 of the Federal Aviation Regulations to require that reciprocating or turbopropeller engine powered small airplanes certificated to carry more than 10 occupants to be used in operations under Part 135 on and after June 1, 1972, meet certain additional airworthiness standards, and to require that certain airplanes certificated to carry more than 10 occupants and operated under Part 135 be operated in compliance with specified performance operating limitations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and

be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before April 3, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This action is based on the notice of proposed rule making set forth in Notice 67-11 and published in the FEDERAL REGISTER (32 F.R. 5698) on April 7, 1967, and is part of a three-step regulatory program intended to upgrade the level of airworthiness for airplanes in Part 135 operations. The first step in this program is represented by the issuance of Special Federal Aviation Regulation No. 23, which is being published concurrently with this notice, and establishes additional airworthiness standards for small airplanes that are to be certificated to carry more than 10 occupants and are intended to be used in operations conducted under Part 135.

The proposals contained in this notice of proposed rule making initiates the second step of the program.

The third step contemplated by the FAA, following completion of the detailed review of Part 23 covered by Notice 67-14, will be the issuance of a notice of proposed rule making which will propose a general upgrading of airworthiness standards for certification of airplanes intended to be used in operations under Part 135.

In addition, a comprehensive amendment of Part 135 operating rules, based on Advance Notice of Proposed Rule Making 67-9 (32 F.R. 4500), published on March 24, 1967, is being proposed to increase the level of safety in operations under Part 135.

In the Special Federal Aviation Regulation being issued concurrently with this notice, it is indicated that certain of the comments received in response to Notice 67-11 would be considered in the issuance of this notice. Among these comments was a number which contended that the proposals in Notice 67-11 were not necessary and should be withdrawn. Some operators of Lockheed 10A, DeHavilland 104, and Beech 18 airplanes commented that application of the proposed requirements to those airplanes would be economically prohibitive and would rule out their use under Part 135. There was also a comment stating that application of these provisions to airplanes currently in production would pose an undue burden on the manufacturing industry. On the other hand, a number of comments were received which contended that the level of airworthiness contemplated by Notice 67-11 was inadequate, especially in the areas of performance and crashworthiness. A number of comments cited the paying passenger's expectation of being afforded the same level of safety under Part 135

operations as with transport category airplanes operating in air carrier service under Part 121.

The FAA is persuaded by the comments advocating a higher level of airworthiness for airplanes to be operated under Part 135, and is mindful of the provision in the Federal Aviation Act which requires the Administrator to give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest. The FAA does not agree that there is no need or justification for upgrading the level of airworthiness for airplanes used in operations under Part 135 over the level now defined by Part 23.

The FAA believes that operations with airplanes which would be affected by the increased requirements represent a relatively small sample of total operations, and that a satisfactory operating history with these airplanes does not necessarily support the claim that the level of airworthiness is now adequate. Review of the development of the transport category airworthiness standards and the substantial experience gained with transport category airplanes certificated under those standards clearly indicate that the current level of airworthiness defined by Part 23, especially in the areas of airplane performance and crashworthiness, could be inadequate for high-capacity airplanes, when operations with such airplanes are expanded as is anticipated. The three-step regulatory program described above is designed to achieve an adequate level of airworthiness for future operations with these airplanes.

The FAA is mindful of comments to the effect that an undue economic burden might be imposed upon certain manufacturers and operators with respect to airplanes currently in operation and currently in production. It is believed, however, that the early notice of our intent to impose additional airworthiness standards contained in Notice 67-11, and the deferred compliance date of June 1, 1972, will afford manufacturers and operators sufficient time and opportunity to amortize a substantial amount of the cost of affected equipment and related production tooling.

Some comments suggested that the proposed airworthiness standards be made applicable to airplanes carrying more than 12 occupants, so that most airplanes currently in operation under Part 135 would be allowed to operate for an indefinite future period. The FAA does not accept this recommendation as it would result in a substantial lowering of the level of safety for future operations by allowing a lower level of airworthiness for a class of airplane which while not now typically used in operations under Part 135, is expected to be used in greater numbers in the future. When Notice 67-11 was issued there were relatively few small airplanes with more than 10 seats in operation under Part 135. In view of this, the economic burden should be minimized if affected manufacturers and operators take ap-

appropriate action in the interim pending mandatory application of the standards on June 1, 1972. The costs are considered justified by the safety benefits accruing to the public over the long term by the increased level of airworthiness.

The FAA believes that the level of airworthiness reflected in Notice 67-11 and by the special regulation issued concurrently with this notice represents an acceptable minimum for airplanes of current design, but that upgrading from that level is necessary and justified for future certification programs. The initial upgrading of these standards is proposed in this notice in the area of airplane performance. The proposed airworthiness standards in this notice are comprised of the standards contained in the special regulation with revisions to reflect an increased level of airplane performance. Under the proposal all airplanes of a type which have been certificated as capable of carrying more than 10 occupants would have to comply with these standards in order to operate under Part 135 on and after June 1, 1972, unless the airplane is type certificated in the transport category under Part 25, or was type certificated prior to January 1, 1970, in accordance with special conditions issued by the Administrator for airplanes intended to be used in operations under Part 135, or was type certificated prior to January 1, 1970, in accordance with the special regulation. Therefore, prior to January 1, 1970, affected airplanes could be type certificated under the Special Federal Aviation Regulation. After that date, the standards in proposed Appendix A to Part 135 would apply to type certification of airplanes to be operated under Part 135, unless an applicant for certification elects to comply with the provisions of Part 25. The date of January 1, 1970, was selected on the assumption that applicants for certification of airplanes currently undergoing type certification under provisions other than those contained in Appendix A would be afforded sufficient time to complete such certification programs. Future eligibility for operations under Part 135 will be ensured by obtaining certification prior to January 1, 1970, in accordance with the provisions of the special regulation or with the previously issued special conditions.

As indicated previously, the proposed standards in Appendix A are comprised of standards currently issued in the special regulation, with revisions to the performance requirements to reflect an increased level of performance. These revisions do not go as far as suggested by some comments, which contended that the level of performance should be equivalent to that required by Part 25 for large air carriers. The FAA believes that the Part 25 level of performance should be considered for application to future certification of airplanes for use under Part 135. It is believed that the performance requirements proposed in this notice will insure a reasonably high degree of safety in Part 135 operations without imposing an undue economic burden on manufacturers or operators.

In response comments which advocated a higher level of performance, the accelerate-stop distance has been redefined as the distance the airplane travels in accelerating from a standing start to the speed V_1 and decelerating to a full stop, rather than slowing to 35 knots as defined in the special regulation.

A number of comments on Notice 67-11 pointed out that the performance proposals do not provide for adequate climb ability and obstacle clearance during a one-engine-inoperative takeoff. In this regard, the performance requirements proposed in this notice specify that the airplane be able with one engine inoperative, to take off and climb to 1,000 feet above the takeoff surface at ambient conditions. A minimum gradient of climb greater than zero is specified for the takeoff configuration with the landing gear extended. Also, to insure that the airplane will reach a safe altitude within a reasonable time, a minimum gradient of climb of 2 percent is specified for the takeoff configuration with the landing gear retracted. Provisions are also included which would require establishment of an initial climb out speed V_2 for use in one-engine-inoperative takeoffs, and that gross takeoff flight path data to 1,000 feet be determined and included in the information section of the Airplane Flight Manual for use in ascertaining obstacle clearance. The one-engine-inoperative en route climb requirement provides for a uniform minimum performance of not less than 1.2 percent gradient of climb at 1,000 feet above the takeoff surface.

The FAA was persuaded by comments that operating experience with transport category airplanes shows that there is a need to provide for the operational use of a landing field length which has appropriate margins for slippery runways and other operational factors. Accordingly, there is a performance requirement that the landing distance be divided by a 0.6 factor and be applied as an operational limitation.

A number of comments were received on performance requirements which are not reflected in this proposal but warrant discussion.

A suggestion was made to establish rough air penetration speed boundaries. As most upsets in turbulence have been experienced by turbojets, it appears that this suggestion warrants consideration for application to the certification of turbojet airplanes.

One comment received suggested that the adverse effects of hydroplaning should be required to be incorporated in the Airplane Flight Manual as an operational aid. The FAA agrees that all pilots should be fully apprised of the adverse effects of hydroplaning, which are loss of braking effectiveness and directional control. However, it does not appear that this matter warrants regulatory action since the information would be of a general nature and equally applicable to all airplanes under similar conditions. The subject would appear to be appropriate material for pilot training and education programs.

A suggestion was made to require that all power-operated tabs, irrespective of the power source, be subject to the fail-safe conditions proposed for electric trim tabs. This suggestion is viewed as having merit and will be considered in connection with future rule making actions.

With respect to the airframe proposals in Notice 67-11, a recommendation was made that the provisions on lightning strike protection be made the same as those proposed in Notice 67-14, since these were more comprehensive. The FAA is of the view that service experience with small airplanes may not justify application of such comprehensive requirements to currently operated airplanes. Instead, the more comprehensive rules will be considered in the rule making action under Notice 67-14.

A number of comments took issue with the crashworthiness proposals, contending that the emergency evacuation demonstration time of 90 seconds, and the aisle width specifications, were unrealistic. The FAA believes that these proposals represent a minimum acceptable level of airworthiness for currently operated airplanes, but that these factors warrant further consideration in future rule making actions.

With respect to the propulsion requirements in Notice 67-11, an assertion was made that a powerplant fire detection system on reciprocating engine powered airplanes is as important as for turbine engine powered airplanes, and that reciprocating engine powered airplanes should be equipped with fire detectors and extinguishing systems. Considering the proposal on engine cowling and nacelle in Notice 67-11, the FAA believes that additional requirements for currently operating reciprocating engine powered airplanes cannot be supported by service experience. The matter will, however, be considered further in connection with rule making action under Notice 67-14.

With respect to equipment proposals in Notice 67-11, a suggestion was made that wing ice inspection lights for operation in icing conditions at night be required. A suggestion was also made to require use of radar for weather avoidance. These suggestions are viewed as having merit and will be considered in future rule making actions in connection with operations under Part 135.

A number of comments contended that the proposed oxygen requirements in Notice 67-11, which would relax the current rules applicable to use of oxygen, would not provide for adequate safety on pressurized airplanes. The FAA accepts these comments and has not proposed any change to the current operating rules. It appears that additional operating experience with this class of airplanes would be helpful in determining whether relaxation of the rules would be appropriate.

It is proposed that § 135.85 be amended to permit airplanes equipped with the ice protection provisions specified in section 34 of the proposed appendix to operate in forecast icing conditions. Since addi-

tional amendments to § 135.85 are being proposed in the NPRM proposing amendments to the operating rules, this proposed amendment is being included in that notice.

A new § 135.148 is proposed which would require certain transport category airplanes operating under Part 135 to comply with substantially the same performance operating limitations imposed for operation of such aircraft under Part 121 of the Federal Aviation Regulations, with exceptions appropriate to the character of operations under Part 135. Airplanes certificated in accordance with paragraphs (b), (c), or (d) of proposed § 135.144 would be required to comply with the takeoff weight limitations prescribed in the Airplane Flight Manual for operations under Part 135, and with landing weight limitations prescribed for Part 135 operations if the airplane is certificated in accordance with proposed Appendix A. These requirements are considered appropriate to operations under Part 135.

In consideration of the foregoing, it is proposed to amend Part 135 of the Federal Aviation Regulations as follows:

1. By adding a new § 135.144 to read as follows:

§ 135.144 Airplanes certificated to carry more than 10 occupants.

On and after June 1, 1972, no person may operate a reciprocating or turbopropeller engine powered small airplane in operations under this part of a type that is certificated to carry more than 10 occupants, unless that airplane has been type certificated—

(a) In the transport category; or
(b) Prior to January 1, 1970, in accordance with Part 23 of this chapter and special conditions issued by the Administrator for airplanes intended for use in operations under this part; or
(c) Prior to January 1, 1970, in the normal category in accordance with Special Federal Aviation Regulation No. 23; or

(d) In the normal category and meets the additional airworthiness standards prescribed in Appendix A of this part.

2. By adding a new § 135.148 to read as follows:

§ 135.148 Performance operating limitations; small airplanes certificated to carry more than 10 occupants.

(a) No person may operate a reciprocating engine powered transport category airplane unless he complies with the weight limitations prescribed in § 121.175 of this chapter, the takeoff limitations prescribed in § 121.173(e) and § 121.177 (except subparagraph (a) (3) of § 121.177), and the landing limitations prescribed in § 121.185.

(b) No person may operate a turbine engine powered transport category airplane unless he complies with the takeoff limitations prescribed in § 121.189 (except paragraphs (d) and (f) of § 121.189), and the landing limitations prescribed in § 121.195.

(c) No person may operate a reciprocating or turbopropeller engine powered airplane that is certificated in accord-

ance with paragraphs (b), (c), or (d) of § 135.144 unless he complies with the takeoff weight limitations prescribed in the Airplane Flight Manual for operations under this part. In addition, if the airplane is certificated in accordance with paragraph (d) of § 135.144, he must comply with the landing weight limitations prescribed in the Airplane Flight Manual for operations under this part.

3. By adding a new Appendix A to read as follows:

APPENDIX A

ADDITIONAL AIRWORTHINESS STANDARDS FOR CERTAIN AIRPLANES CERTIFICATED TO CARRY MORE THAN 10 OCCUPANTS

Applicability

1. *Applicability.* This appendix prescribes additional airworthiness standards applicable to small reciprocating or turbopropeller engine powered airplanes to be type certificated in the normal category to carry more than 10 occupants that are intended for use in operations under this part in accordance with § 135.144(d) of this part.

2. *References.* Unless otherwise provided, all references in this appendix to specific sections of Part 23 of the Federal Aviation Regulations are those sections of Part 23 in effect on March 30, 1967.

Flight Requirements

3. *General.* Compliance must be shown with the applicable requirements of Subpart B of Part 23 of the Federal Aviation Regulations in effect on March 30, 1967, as supplemented or modified in sections 4 through 10 of this appendix.

Performance

4. *General.* (a) Unless otherwise prescribed in this appendix, compliance with each applicable performance requirement in sections 4 through 7 of this appendix must be shown for ambient atmospheric conditions and still air.

(b) The performance must correspond to the propulsive thrust available under the particular ambient atmospheric conditions and the particular flight condition. The available propulsive thrust must correspond to engine power or thrust, not exceeding the approved power or thrust less—

(1) Installation losses; and
(2) The power or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(c) Unless otherwise prescribed in this appendix, the applicant must select the takeoff en route, and landing configurations for the airplane.

(d) The airplane configuration may vary with weight, altitude, and temperature, to the extent they are compatible with the operating procedures required by paragraph (f) of this section.

(e) Unless otherwise prescribed in this appendix, in determining the critical engine inoperative takeoff performance, the accelerate-stop distance, takeoff distance, changes in the airplane's configuration, speed, power, and thrust, must be made in accordance with procedures established by the applicant for operation in service.

(f) Procedures for the execution of balked landings must be established by the applicant and included in the Airplane Flight Manual.

(g) The procedures established under paragraphs (e) and (f) of this section must—

(1) Be able to be consistently executed in service by a crew of average skill;

(2) Use methods or devices that are safe and reliable; and

(3) Include allowance for any time delays, in the execution of the procedures, that may reasonably be expected in service.

5. *Takeoff*—(a) *General.* Takeoff speeds described in paragraph (b), the accelerate-stop distance described in paragraph (c), the takeoff distance described in paragraph (d), and the one engine inoperative takeoff flight path data described in paragraph (f), must be determined for—

(1) Each weight, altitude, and ambient temperature within the operational limits selected by the applicant;

(2) The selected configuration for takeoff;

(3) The center of gravity in the most unfavorable position;

(4) The operating engine within approved operating limitations; and

(5) Takeoff data based on smooth, dry, hard-surface runway.

(b) *Takeoff speeds.* (1) The decision speed V_1 is the calibrated airspeed at which, as a result of engine failure or other reasons, the pilot is assumed to have made a decision to continue or discontinue the takeoff. The speed V_1 must be selected by the applicant but may not be less than—

(i) $1.10V_{S1}$;

(ii) $1.10V_{SR}$;

(iii) A speed that permits acceleration to V_1 and stop in accordance with paragraph (c); or

(iv) A speed at which the airplane is rotated for takeoff and shown to be adequate to safely continue the takeoff, using normal piloting skill, when the critical engine is suddenly made inoperative.

(2) The initial climb out speed V_2 , in terms of calibrated airspeed, must be selected by the applicant so as to permit the gradient of climb required in section 6(b)(2), but it must not be less than V_1 nor less than $1.2V_{S1}$.

(3) Other essential takeoff speeds necessary for safe operation of the airplane must be determined and shown in the Airplane Flight Manual.

(c) *Accelerate-stop distance.* (1) The accelerate-stop distance is the sum of the distances necessary to—

(i) Accelerate the airplane from a standing start to V_1 ; and

(ii) Come to a full stop from the point at which V_1 is reached, assuming that the critical engine falls at V_1 .

(2) Means other than wheel brakes may be used to determine the accelerate-stop distance if that means is available with the critical engine inoperative and—

(i) Is safe and reliable;

(ii) Is used so that consistent results can be expected under normal operating conditions; and

(iii) Is such that exceptional skill is not required to control the airplane.

(d) *All engines operating takeoff distance.* The all engine operating takeoff distance is the horizontal distance required to takeoff and climb to a height of 50 feet above the takeoff surface according to procedures in FAR 23.51(a).

(e) *One-engine-inoperative takeoff.* Determine the weight for each altitude and temperature within the operational limits established for the airplane, at which the airplane has the capability, after failure of the critical engine at V_1 determined in accordance with paragraph (b) of this section, to take off and climb at not less than V_2 , to a height 1,000 feet above the takeoff surface, and attain the speed and configuration at which compliance is shown with the enroute one-engine inoperative gradient of climb specified in section 6(c).

(f) *One-engine-inoperative takeoff flight path data.* The one-engine-inoperative take-

off flight path data consist of takeoff flight paths extending from a standing start to a point in the takeoff at which the airplane reaches a height 1,000 feet above the takeoff surface in accordance with paragraph (e) of this section.

6. *Climb*—(a) *Landing climb: All-engines-operating.* The maximum weight must be determined with the airplane in the landing configuration, for each altitude, and ambient temperature within the operational limits established for the airplane, with the most unfavorable center of gravity, and out-of-ground effect in free air, at which the steady gradient of climb will not be less than 3.3 percent, with:

(1) The engines at the power that is available 8 seconds after initiation of movement of the power or thrust controls from the minimum flight idle to the takeoff position.

(2) A safe climb speed not less than the approved speed established under section 7 of this appendix.

(b) *Takeoff climb; one-engine-inoperative.* The maximum weight at which the airplane meets the minimum climb performance specified in subparagraphs (1) and (2) of this paragraph must be determined for each altitude and ambient temperature within the operational limits established for the airplane, out of ground effect in free air, with the airplane in the takeoff configuration, with the most unfavorable center of gravity, the critical engine inoperative, the remaining engines at the maximum takeoff power or thrust, and the propeller of the inoperative engine windmilling with the propeller controls in the normal position except that, if an approved automatic feathering system is installed, the propellers may be in the feathered position:

(1) *Takeoff landing gear extended.* The minimum steady gradient of climb must be measurably positive at the speed V_1 .

(2) *Takeoff; landing gear retracted.* The minimum steady gradient of climb may not be less than 2 percent at speed V_2 . For airplanes with fixed landing gear this requirement must be met with the landing gear extended.

(c) *En route climb; one-engine-inoperative.* The maximum weight must be determined for each altitude and ambient temperature within the operational limits established for the airplane, at which the steady gradient of climb is not less than 1.2 percent at an altitude 1,000 feet above the takeoff surface, with the airplane in the en route configuration, the critical engine inoperative, the remaining engine at the maximum continuous power or thrust, and the most unfavorable center of gravity.

7. *Landing.* (a) The landing field length described in paragraph (b) must be determined for standard atmosphere at each weight and altitude within the operational limits established by the applicant.

(b) The landing field length is equal to the landing distance determined in accordance with FAR 23.75(a) divided by a factor of 0.6. Instead of the gliding approach specified in FAR 23.75(a)(1), the landing may be preceded by a steady approach down to the 50-foot height at a gradient of descent not greater than 5.2 percent (3°) at a calibrated airspeed not less than $1.3V_{SI}$.

Trim

8. *Trim* (a) *Lateral and directional trim.* The airplane must maintain lateral and directional trim in level flight at a speed of V_H or V_{MO}/V_{MO} , whichever is lower, with landing gear and wing flaps retracted.

(b) *Longitudinal trim.* The airplane must maintain longitudinal trim during the following conditions, except that it need not maintain trim at a speed greater than V_{MO}/V_{MO} :

(1) In the approach conditions specified in FAR 23.161(c) (3) through (5), except that instead of the speeds specified therein, trim must be maintained with a stick force of not more than 10 pounds down to a speed used in showing compliance with section 7 of this appendix or $1.4V_{SI}$, whichever is lower.

(2) In level flight at any speed from V_H or V_{MO}/V_{MO} , whichever is lower, to either V_X or $1.4V_{SI}$, with the landing gear and wing flaps retracted.

Stability

9. *Static longitudinal stability.* (a) In showing compliance with the provisions of FAR 23.175(b) and with paragraph (b) of this section, the airspeed must return to within $\pm 7\frac{1}{2}$ percent of the trim speed.

(b) *Cruise stability.* The stick force curve must have a stable slope for a speed range of ± 50 knots from the trim speed except that the speeds need not exceed V_{FC}/M_{FC} or be less than $1.4V_{SI}$. This speed range will be considered to begin at the outer extremes of the friction band and the stick force may not exceed 50 pounds with—

(i) Landing gear retracted;

(ii) Wing flaps retracted;

(iii) The maximum cruising power as selected by the applicant as an operating limitation for turbine engines or 75 percent of maximum continuous power for reciprocating engines except that the power need not exceed that required at V_{MO}/V_{MO} ;

(iv) Maximum takeoff weight; and

(v) The airplane trimmed for level flight with the power specified in subparagraph (iii) of this paragraph.

V_{FC}/M_{FC} may not be less than a speed midway between V_{MO}/V_{MO} and V_{DF}/M_{DF} , except that, for altitudes where Mach number is the limiting factor, M_{FC} need not exceed the Mach number at which effective speed warning occurs.

(c) *Climb stability.* (For turbopropeller powered airplanes only). In showing compliance with FAR 23.175(a), an applicant must, in lieu of the power specified in FAR 23.175(a)(4), use the maximum power or thrust selected by the applicant as an operating limitation for use during climb at the best rate of climb speed, except that the speed need not be less than $1.4V_{SI}$.

Stalls

10. *Stall warning.* If artificial stall warning is required to comply with the requirements of FAR 23.207, the warning device must give clearly distinguishable indications under expected conditions of flight. The use of a visual warning device that requires the attention of the crew within the cockpit is not acceptable by itself.

Control Systems

11. *Electric trim tabs.* The airplane must meet the requirements of FAR 23.677 and in addition it must be shown that the airplane is safely controllable and that a pilot can perform all the maneuvers and operations necessary to effect a safe landing following any probable electric trim tab runaway which might be reasonably expected in service allowing for appropriate time delay after pilot recognition of the runaway. This demonstration must be conducted at the critical airplane weights and center of gravity positions.

Instruments: Installation

12. *Arrangement and visibility.* Each instrument must meet the requirements of FAR 23.1321 and in addition—

(a) Each flight, navigation, and power-panel instrument for use by any pilot must be plainly visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking forward along the flight path.

(b) The flight instruments required by FAR 23.1303 and by the applicable operating rules must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of the pilot's forward vision. In addition—

(1) The instrument that most effectively indicates the attitude must be in the panel in the top center position;

(2) The instrument that most effectively indicates the attitude must be on the panel directly to the left of the instrument in the top center position;

(3) The instrument that most effectively indicates altitude must be adjacent to and directly to the right of the instrument in the top center position; and

(4) The instrument that most effectively indicates direction of flight must be adjacent to and directly below the instrument in the top center position.

13. *Airspeed indicating system.* Each airspeed indicating system must meet the requirements of FAR 23.1323 and in addition—

(a) Airspeed indicating instruments must be of an approved type and must be calibrated to indicate true airspeed at sea level in the standard atmosphere with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are supplied to the instruments.

(b) The airspeed indicating system must be calibrated to determine the system error, i.e., the relation between IAS and CAS, in flight and during the accelerate takeoff ground run. The ground run calibration must be obtained between 0.8 of the minimum value of V_1 and 1.2 times the maximum value of V_1 , considering the approved ranges of altitude and weight. The ground run calibration will be determined assuming an engine failure at the minimum value of V_1 .

(c) The airspeed error of the installation excluding the instrument calibration error, must not exceed 3 percent or 5 knots whichever is greater, throughout the speed range from V_{MO} to $1.3V_{SI}$, with flaps retracted and from $1.3V_{SO}$ to V_{FE} with flaps in the landing position.

(d) Information showing the relationship between IAS and CAS must be shown in the Airplane Flight manual.

14. *Static air vent system.* The static air vent system must meet the requirements of FAR 23.1325. The altimeter system calibration must be determined and shown in the Airplane Flight Manual.

Operating Limitations and Information

15. *Maximum operating limit speed V_{MO}/M_{MO} .* Instead of establishing operating limitations based on V_{NE} and V_{NO} , the applicant must establish a maximum operating limit speed V_{MO}/M_{MO} in accordance with the following:

(a) The maximum operating limit speed must not exceed the design cruising speed V_C and must be sufficiently below V_D/M_D or V_{DF}/M_{DF} to make it highly improbable that the latter speeds will be inadvertently exceeded in flight.

(b) The speed V_{MO} must not exceed $0.8V_D/M_D$ or $0.8V_{DF}/M_{DF}$ unless flight demonstrations involving upsets as specified by the Administrator indicates a lower speed margin will not result in speeds exceeding V_D/M_D or V_{DF}/M_{DF} . Atmospheric variations, horizontal gusts, system and equipment errors, and airframe production variations will be taken into account.

16. *Minimum flight crew.* In addition to meeting the requirements of FAR 23.1523, the applicant must establish the minimum number and type of qualified flight crew personnel sufficient for safe operation of the airplane considering—

(a) Each kind of operation for which the applicant desires approval;

(b) The workload on each crewmember considering the following:

- (1) Flight path control.
- (2) Collision avoidance.
- (3) Navigation.
- (4) Communications.
- (5) Operation and monitoring of all essential aircraft systems.
- (6) Command decisions; and
- (c) The accessibility and ease of operation of necessary controls by the appropriate crewmember during all normal and emergency operations when at his flight station.

17. *Airspeed indicator.* The airspeed indicator must meet the requirements of FAR 23.1545 except that, the airspeed notations and markings in terms of V_{NO} and V_{NE} must be replaced by the V_{MO}/M_{MO} notations. The airspeed indicator markings must be easily read and understood by the pilot. A placard adjacent to the airspeed indicator is an acceptable means of showing compliance with the requirements of FAR 23.1545(c).

Airplane Flight Manual

18. *General.* The Airplane Flight Manual must be prepared in accordance with the requirements of FARs 23.1583 and 23.1587, and in addition the operating limitations and performance information set forth in sections 19 and 20 must be included.

19. *Operating limitations.* The Airplane Flight Manual must include the following limitations—

(a) *Airspeed limitations.* (1) The maximum operating limit speed V_{MO}/M_{MO} and a statement that this speed limit may not be deliberately exceeded in any regime of flight (climb, cruise, or descent) unless a higher speed is authorized for flight test or pilot training;

(2) If an airspeed limitation is based upon compressibility effects, a statement to this effect and information as to any symptoms, the probable behavior of the airplane, and the recommended recovery procedures; and

(3) The airspeed limits, shown in terms of V_{MO}/M_{MO} instead of V_{NO} and V_{NE} .

(b) *Takeoff weight limitations.* The maximum takeoff weight for each airport elevation, ambient temperature, and available takeoff runway length within the range selected by the applicant. This weight may not exceed the weight at which:

(1) The all-engine operating takeoff distance determined in accordance with section 5(b) or the accelerate-stop distance determined in accordance with section 5(c), whichever is greater, is equal to the available runway length;

(2) The airplane complies with the one-engine-inoperative takeoff requirements specified in § 5(e); and

(3) The airplane complies with the one-engine-inoperative takeoff and en route climb requirements specified in § 6 (b) and (c).

(c) *Landing weight limitations.* The maximum landing weight for each airport elevation (standard temperature) and available landing runway length, within the range selected by the applicant. This weight may not exceed the weight at which the landing field length determined in accordance with section 7(b) is equal to the available runway length. In showing compliance with this operating limitation, it is acceptable to assume that the landing weight at the destination will be equal to the takeoff weight reduced by the normal consumption of fuel and oil en route.

20. *Performance information.* The Airplane Flight Manual must contain the performance information determined in accordance with the provisions of the performance requirements of this appendix. The information must include the following:

(a) Sufficient information so that the takeoff weight limits specified in § 19(b) can be determined for all temperatures and altitudes within the operation limitations selected by the applicant.

(b) The conditions under which the performance information was obtained, including the airspeed at the 50-foot height used to determine landing distances.

(c) The performance information (determined by extrapolation and computed for the range of weights between the maximum landing and takeoff weights) for—

(1) Climb in the landing configuration; and

(2) Landing distance.

(d) Procedure established under section 4 of this regulation related to the limitations and information required by this section in the form of guidance material including any relevant limitations or information.

(e) An explanation of significant or unusual flight or ground handling characteristics of the airplane.

(f) Airspeeds, as indicated airspeeds, corresponding to those determined for takeoff in accordance with section 5(b).

21. *Maximum operating altitudes.* The maximum operating altitude to which operation is permitted, as limited by flight, structural, powerplant, functional, or equipment characteristics, must be specified in the Airplane Flight Manual.

22. *Stowage provision for airplane flight manual.* Provision must be made for stowing the Airplane Flight Manual in a suitable fixed container which is readily accessible to the pilot.

23. *Operating procedures.* Procedures for restarting turbine engines in flight (including the effects of altitude) must be set forth in the Airplane Flight Manual.

Airframe Requirements

Flight Loads

24. *Engine Torque.* (a) Each turbopropeller engine mount and its supporting structure must be designed for the torque effects of—

(1) The conditions set forth in FAR 23.361 (a).

(2) The limit engine torque corresponding to takeoff power and propeller speed, multiplied by a factor accounting for propeller control system malfunction, including quick feathering action, simultaneously with 1g level flight loads. In the absence of a rational analysis, a factor of 1.6 must be used.

(b) The limit torque is obtained by multiplying the mean torque by a factor of 1.25.

25. *Turbine engine gyroscopic loads.* Each turbopropeller engine mount and its supporting structure must be designed for the gyroscopic loads that result, with the engines at maximum continuous r.p.m., under either—

(a) The conditions prescribed in FARs 23.351 and 23.423; or

(b) All possible combinations of the following:

(1) A yaw velocity of 2.5 radians per second.

(2) A pitch velocity of 1.0 radians per second.

(3) A normal load factor of 2.5.

(4) Maximum continuous thrust.

26. *Unsymmetrical loads due to engine failure.* (a) Turbopropeller powered airplanes must be designed for the unsymmetrical loads resulting from the failure of the critical engine including the following conditions in combination with a single malfunction of the propeller drag limiting system, considering the probable pilot corrective action on the flight controls:

(1) At speeds between V_{mc} and V_D , the loads resulting from power failure because of fuel flow interruption are considered to be limit loads.

(2) At speeds between V_{mc} and V_c , the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

(3) The time history of the thrust decay and drag buildup occurring as a result of the prescribed engine failures must be substantiated by test or other data applicable to the particular engine-propeller combination.

(4) The timing and magnitude of the probable pilot corrective action must be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

(b) Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than 2 seconds after the engine failure. The magnitude of the corrective action may be based on the control forces specified in FAR 23.397 except that lower forces may be assumed where it is shown by analysis or test that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

Ground Loads

27. *Dual wheel landing gear units.* Each dual wheel landing gear unit and its supporting structure must be shown to comply with the following:

(a) *Pivoting.* The airplane must be assumed to pivot about one side of the main gear with the brakes on that side locked. The limit vertical load factor must be 1.0 and the coefficient of friction 0.8. This condition need apply only to the main gear and its supporting structure.

(b) *Unequal tire inflation.* A 60-40 percent distribution of the loads established in accordance with FAR 23.471 through FAR 23.483 must be applied to the dual wheels.

(c) *Flat tire.* (1) Sixty percent of the loads specified in FAR 23.471 through FAR 23.483 must be applied to either wheel in a unit.

(2) Sixty percent of the limit drag and side loads and 100 percent of the limit vertical load established in accordance with FARs 23.493 and 23.485 must be applied to either wheel in a unit except that the vertical load need not exceed the maximum vertical load in paragraph (c)(1) of this section.

Fatigue Evaluation

28. *Fatigue evaluation of wing and associated structure.* Unless it is shown that the structure, operating stress levels, materials and expected use are comparable from a fatigue standpoint to a similar design which has had substantial satisfactory service experience, the strength, detail design, and the fabrication of those parts of the wing, wing carrythrough, and attaching structure whose failure would be catastrophic must be evaluated under either—

(a) A fatigue strength investigation in which the structure is shown by analysis, tests, or both to be able to withstand the repeated loads of variable magnitude expected in service; or

(b) A fail-safe strength investigation in which it is shown by analysis, tests, or both that catastrophic failure of the structure is not probable after fatigue, or obvious partial failure, of a principal structural element, and that the remaining structure is able to withstand a static ultimate load factor of 75 percent of the critical limit load factor at V_c . These loads must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered.

Design and Construction

29. *Flutter.* For multiengine turbopropeller powered airplanes, a dynamic evaluation must be made and must include—

- (a) The significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of the propeller; and
- (b) Engine-propeller-nacelle stiffness and damping variations appropriate to the particular configuration.

Landing Gear

30. *Flap operated landing gear warning device.* Airplanes having retractable landing gear and wing flaps must be equipped with a warning device that functions continuously when the wing flaps are extended to a flap position that activates the warning device to give adequate warning before landing, using normal landing procedures, if the landing gear is not fully extended and locked. There may not be a manual shut off for this warning device. The flap position sensing unit may be installed at any suitable location. The system for this device may use any part of the system (including the aural warning device) provided for other landing gear warning devices.

Personnel and Cargo Accommodations

31. *Cargo and baggage compartments.* Cargo and baggage compartments must be designed to meet the requirements of FAR 23.787 (a) and (b), and in addition means must be provided to protect passengers from injury by the contents of any cargo or baggage compartment when the ultimate forward inertia force is 9g.

32. *Doors and exits.* The airplane must meet the requirements of FAR 23.783 and FAR 23.807 (a)(3), (b), and (c), and in addition:

- (a) There must be a means to lock and safeguard each external door and exit against opening in flight either inadvertently by persons, or as a result of mechanical failure. Each external door must be operable from both the inside and the outside.
- (b) There must be means for direct visual inspection of the locking mechanism by crewmembers to determine whether external doors and exits, for which the initial opening movement is outward, are fully locked. In addition, there must be a visual means to signal to crewmembers when normally used external doors are closed and fully locked.
- (c) The passenger entrance door must qualify as a floor level emergency exit. Each additional required emergency exit except floor level exists must be located over the wing or must be provided with acceptable means to assist the occupants in descending to the ground. In addition to the passenger entrance door:
 - (1) For a total seating capacity of 15 or less, an emergency exit as defined in FAR 23.807(b) is required on each side of the cabin.
 - (2) For a total seating capacity of 16 through 23, three emergency exits as defined in 23.807(b) are required with one on the same side as the door and two on the side opposite the door.
 - (d) An evacuation demonstration must be conducted utilizing the maximum number of occupants for which certification is desired. It must be conducted under simulated night conditions utilizing only the emergency exits on the most critical side of the aircraft. The participants must be representative of average airline passengers with no prior practice or rehearsal for the demonstration. Evacuation must be completed within 90 seconds.
 - (e) Each emergency exit must be marked with the word "Exit" by a sign which has white letters 1 inch high on a red background

2 inches high, be self-illuminated or independently internally electrically illuminated, and have a minimum luminescence (brightness) of at least 160 microlamberts. The colors may be reversed if the passenger compartment illumination is essentially the same.

- (f) Access to window type emergency exits must not be obstructed by seats or seat backs.
- (g) The width of the main passenger aisle at any point between seats must equal or exceed the values in the following table.

Total seating capacity	Minimum main passenger aisle width	
	Less than 25 inches from floor	25 inches and more from floor
10 through 23.....	9 inches.....	15 inches.

Miscellaneous

33. *Lightning strike protection.* Parts that are electrically insulated from the basic airframe must be connected to it through lightning arrestors unless a lightning strike on the insulated part—

- (a) Is improbable because of shielding by other parts; or
- (b) Is not hazardous.

34. *Ice protection.* If certification with ice protection provisions is desired, compliance with the following requirements must be shown:

- (a) The recommended procedures for the use of the ice protection equipment must be set forth in the Airplane Flight Manual.
- (b) An analysis must be performed to establish, on the basis of the airplane's operational needs, the adequacy of the ice protection system for the various components of the airplane. In addition, tests of the ice protection system must be conducted to demonstrate that the airplane is capable of operating safely in continuous maximum and intermittent maximum icing conditions as described in FAR 25, Appendix C.
- (c) Compliance with all or portions of this section may be accomplished by reference, where applicable because of similarity of the designs, to analysis and tests performed by the applicant for a type certificated model.

35. *Maintenance information.* The applicant must make available to the owner at the time of delivery of the airplane the information he considers essential for the proper maintenance of the airplane. That information must include the following:

- (a) Description of systems, including electrical, hydraulic, and fuel controls.
- (b) Lubrication instructions setting forth the frequency and the lubricants and fluids which are to be used in the various systems.
- (c) Pressures and electrical loads applicable to the various systems.
- (d) Tolerances and adjustments necessary for proper functioning.
- (e) Methods of leveling, raising, and towing.
- (f) Methods of balancing control surfaces.
- (g) Identification of primary and secondary structures.
- (h) Frequency and extent of inspections necessary to the proper operation of the aircraft.
- (i) Special repair methods applicable to the aircraft.
- (j) Special inspection techniques, including those that require X-ray, ultrasonic, and magnetic particle inspection.
- (k) List of special tools.

Propulsion

General

36. *Vibration characteristics.* For turbopropeller powered airplanes, the engine in-

stallation must not result in vibration characteristics of the engine exceeding those established during the type certification of the engine.

37. *In-Flight restarting of engine.* If the engine on turbopropeller powered airplanes cannot be restarted at the maximum cruise altitude, a determination must be made of the altitude below which restarts can be consistently accomplished. Restart information must be provided in the Airplane Flight Manual.

38. *Engines.*—(a) For turbopropeller powered airplanes. The engine installation must comply with the following requirements:

- (1) *Engine isolation.* The powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect the engine, will not—
 - (i) Prevent the continued safe operation of the remaining engines; or
 - (ii) Require immediate action by any crewmember for continued safe operation.
- (2) *Control of engine rotation.* There must be a means to individually stop and restart the rotation of any engine in flight except that engine rotation need not be stopped if continued rotation could not jeopardize the safety of the airplane. Each component of the stopping and restarting system on the engine side of the firewall, and that might be exposed to fire, must be at least fire resistant. If hydraulic propeller feathering systems are used for this purpose, the feathering lines must be at least fire resistant under the operating conditions that may be expected to exist during feathering.

(3) *Engine speed and gas temperature control devices.* The powerplant systems associated with engine control devices, systems, and instrumentation must provide reasonable assurance that those engine operating limitations that adversely affect turbine rotor structural integrity will not be exceeded in service.

- (b) For reciprocating-engine powered airplanes. To provide engine isolation, the powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect that engine, will not—
 - (1) Prevent the continued safe operation of the remaining engines; or
 - (2) Require immediate action by any crewmember for continued safe operation.

39. *Turbopropeller reversing systems.* (a) Turbopropeller reversing systems intended for ground operation must be designed so that no single failure or malfunction of the system will result in unwanted reverse thrust under any expected operating condition. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(b) Turbopropeller reversing systems intended for in-flight use must be designed so that no unsafe condition will result during normal operation of the system, or from any failure (or reasonably likely combination of failures) of the reversing system, under any anticipated condition of operation of the airplane. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(c) Compliance with this section may be shown by failure analysis, testing, or both for propeller systems that allow propeller blades to move from the flight low-pitch position to a position that is substantially less than that at the normal flight low-pitch stop position. The analysis may include or be supported by the analysis made to show compliance with the type certification of the propeller and associated installation components. Credit will be given for pertinent

analysis and testing completed by the engine and propeller manufacturers.

40. *Turbopropeller drag-limiting systems.* Turbopropeller drag-limiting systems must be designed so that no single failure or malfunction of any of the systems during normal or emergency operation results in propeller drag in excess of that for which the airplane was designed. Failure of structural elements of the drag-limiting systems need not be considered if the probability of this kind of failure is extremely remote.

41. *Turbine engine powerplant operating characteristics.* For turbopropeller powered airplanes, the turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flame-out) are present to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

42. *Fuel flow.* (a) For turbopropeller powered airplanes—

(1) The fuel system must provide for continuous supply of fuel to the engines for normal operation without interruption due to depletion of fuel in any tank other than the main tank; and

(2) The fuel flow rate for turbopropeller engine fuel pump systems must not be less than 125 percent of the fuel flow required to develop the standard sea level atmospheric conditions takeoff power selected and included as an operating limitation in the Airplane Flight Manual.

(b) For reciprocating engine powered airplanes, it is acceptable for the fuel flow rate for each pump system (main and reserve supply) to be 125 percent of the takeoff fuel consumption of the engine.

Fuel System Components

43. *Fuel pumps.* For turbopropeller powered airplanes, a reliable and independent power source must be provided for each pump used with turbine engines which do not have provisions for mechanically driving the main pumps. It must be demonstrated that the pump installations provide a reliability and durability equivalent to that provided by FAR 23.991(a).

44. *Fuel strainer or filter.* For turbopropeller powered airplanes, the following apply:

(a) There must be a fuel strainer or filter between the tank outlet and the fuel metering device of the engine. In addition, the fuel strainer or filter must be—

(1) Between the tank outlet and the engine-driven positive displacement pump inlet, if there is an engine-driven positive displacement pump;

(2) Accessible for drainage and cleaning and, for the strainer screen, easily removable; and

(3) Mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself.

(b) Unless there are means in the fuel system to prevent the accumulation of ice on the filter, there must be means to automatically maintain the fuel flow if ice-clogging of the filter occurs; and

(c) The fuel strainer or filter must be of adequate capacity (with respect to operating limitations established to insure proper service) and of appropriate mesh to insure proper engine operation, with the fuel contaminated to a degree (with respect to particle size and density) that can be reasonably expected in service. The degree of fuel filtering may not be less than that established for the engine type certification.

45. *Lightning strike protection.* Protection must be provided against the ignition of flammable vapors in the fuel vent system due to lightning strikes.

Cooling

46. *Cooling test procedures for turbopropeller powered airplanes.* (a) Turbopropeller powered airplanes must be shown to comply with the requirements of FAR 23.1041 during takeoff, climb, en route, and landing stages of flight that correspond to the applicable performance requirements. The cooling tests must be conducted with the airplane in the configuration, and operating under the conditions that are critical relative to cooling during each stage of flight. For the cooling tests a temperature is "stabilized" when its rate of change is less than 2° F. per minute.

(b) Temperatures must be stabilized under the conditions from which entry is made into each stage of flight being investigated unless the entry condition is not one during which component and engine fluid temperatures would stabilize, in which case, operation through the full entry condition must be conducted before entry into the stage of flight being investigated in order to allow temperatures to reach their natural levels at the time of entry. The takeoff cooling test must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engines at ground idle.

(c) Cooling tests for each stage of flight must be continued until—

(1) The component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

Induction System

47. *Air induction.* For turbopropeller powered airplanes—

(a) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine intake systems; and

(b) The air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

48. *Induction system icing protection.* For turbopropeller powered airplanes, each turbine engine must be able to operate throughout its flight power range without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of FAR 25. In addition, there must be means to indicate to appropriate flight crewmembers the functioning of the powerplant ice protection system.

49. *Turbine engine bleed air systems.* Turbine engine bleed air systems of turbopropeller powered airplanes must be investigated to determine—

(a) That no hazard to the airplane will result if a duct rupture occurs. This condition must consider that a failure of the duct can occur anywhere between the engine port and the airplane bleed service; and

(b) That, if the bleed air system is used for direct cabin pressurization, it is not possible for hazardous contamination of the cabin air system to occur in event of lubrication system failure.

Exhaust System

50. *Exhaust system drains.* Turbopropeller engine exhaust systems having low spots or pockets must incorporate drains at such locations. These drains must discharge clear of the airplane in normal and ground attitudes to prevent the accumulation of fuel after the failure of an attempted engine start.

Powerplant Controls and Accessories

51. *Engine controls.* If throttles or power levers for turbopropeller powered airplanes are such that any position of these controls will reduce the fuel flow to the engine(s) below that necessary for satisfactory and

safe idle operation of the engine while the airplane is in flight, a means must be provided to prevent inadvertent movement of the control into this position. The means provided must incorporate a positive lock or stop at this idle position and must require a separate and distinct operation by the crew to displace the control from the normal engine operating range.

52. *Reverse thrust controls.* For turbopropeller powered airplanes, the propeller reverse thrust controls must have a means to prevent their inadvertent operation. The means must have a positive lock or stop at the idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime.

53. *Engine ignition systems.* Each turbopropeller airplane ignition system must be considered an essential electrical load.

54. *Powerplant accessories.* The powerplant accessories must meet the requirements of FAR 23.1163, and if the continued rotation of any accessory remotely driven by the engine is hazardous when malfunctioning occurs, there must be means to prevent rotation without interfering with the continued operation of the engine.

Powerplant Fire Protection

55. *Fire detector system.* For turbopropeller powered airplanes, the following apply:

(a) There must be a means that insures prompt detection of fire in the engine compartment. An overtemperature switch in each engine cooling air exit is an acceptable method of meeting this requirement.

(b) Each fire detector must be constructed and installed to withstand the vibration, inertia, and other loads to which it may be subjected in operation.

(c) No fire detector may be affected by any oil, water, other fluids, or fumes that might be present.

(d) There must be means to allow the flight crew to check, in flight, the functioning of each fire detector electric circuit.

(e) Wiring and other components of each fire detector system in a fire zone must be at least fire resistant.

56. *Fire protection, cowling and nacelle skin.* For reciprocating engine powered airplanes, the engine cowling must be designed and constructed so that no fire originating in the engine compartment can enter, either through openings or by burn through, any other region where it would create additional hazards.

57. *Flammable fluid fire protection.* If flammable fluids or vapors might be liberated by the leakage of fluid systems in areas other than engine compartments, there must be means to—

(a) Prevent the ignition of those fluids or vapors by any other equipment; or

(b) Control any fire resulting from that ignition.

Equipment

58. *Powerplant instruments.* (a) The following are required for turbopropeller airplanes:

(1) The instruments required by FAR 23.1305(a) (1) through (4), (b) (2) and (4).

(2) A gas temperature indicator for each engine.

(3) Free air temperature indicator.

(4) A fuel flowmeter indicator for each engine.

(5) Oil pressure warning means for each engine.

(6) A torque indicator or adequate means for indicating power output for each engine.

(7) Fire warning indicator for each engine.

(8) A means to indicate when the propeller blade angle is below the low-pitch position corresponding to idle operation in flight.

(9) A means to indicate the functioning of the ice protection system for each engine.

(b) For turbopropeller powered airplanes, the turbopropeller blade position indicator must begin indicating when the blade has moved below the flight low-pitch position.

(c) The following instruments are required for reciprocating-engine powered airplanes:

(1) The instruments required by FAR 23.1305.

(2) A cylinder head temperature indicator for each engine.

(3) A manifold pressure indicator for each engine.

Systems and Equipments

General

59. *Function and Installation.* The systems and equipment of the airplane must meet the requirements of FAR 23.1301, and the following:

(a) Each item of additional installed equipment must—

(1) Be of a kind and design appropriate to its intended function;

(2) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors, unless misuse or inadvertent actuation cannot create a hazard;

(3) Be installed according to limitations specified for that equipment; and

(4) Function properly when installed.

(b) Systems and installations must be designed to safeguard against hazards to the aircraft in the event of their malfunction or failure.

(c) Where an installation, the functioning of which is necessary in showing compliance with the applicable requirements, requires a power supply, such installation must be considered an essential load on the power supply, and the power sources and the distribution system must be capable of supplying the following power loads in probable operation combinations and for probable durations:

(1) All essential loads after failure of any prime mover, power converter, or energy storage device.

(2) All essential loads after failure of any one engine of two-engine airplanes.

(3) In determining the probable operating combinations and durations of essential loads for the power failure conditions described in subparagraphs (1) and (2) of this paragraph, it is permissible to assume that the power loads are reduced in accordance with a monitoring procedure which is consistent with safety in the types of operations authorized.

60. *Ventilation.* The ventilation system of the airplane must meet the requirements of FAR 23.831, and in addition, for pressurized aircraft the ventilating air in flight crew and passenger compartments must be free of harmful or hazardous concentrations of gases and vapors in normal operation and in the event of reasonably probable failures or malfunctioning of the ventilating, heating, pressurization, or other systems, and equipment. If accumulation of hazardous quantities of smoke in the cockpit area is reasonably probable, smoke evacuation must be readily accomplished.

Electrical Systems and Equipment

61. *General.* The electrical systems and equipment of the airplane must meet the requirements of FAR 23.1351, and the following:

(a) *Electrical system capacity.* The required generating capacity, and number and kinds of power sources must—

(1) Be determined by an electrical load analysis; and

(2) Meet the requirements of FAR 23.1301.

(b) *Generating system.* The generating system includes electrical power sources, main power busses, transmission cables, and associated control, regulation and protective devices. It must be designed so that—

(1) The system voltage and frequency (as applicable) at the terminals of all essential load equipment can be maintained within the limits for which the equipment is designed, during any probable operating conditions;

(2) System transients due to switching, fault clearing, or other causes do not make essential loads inoperative, and do not cause a smoke or fire hazard;

(3) There are means, accessible in flight to appropriate crewmembers, for the individual and collective disconnection of the electrical power sources from the system; and

(4) There are means to indicate to appropriate crewmembers the generating system quantities essential for the safe operation of the system, including the voltage and current supplied by each generator.

62. *Electrical equipment and installation.* Electrical equipment, controls, and wiring must be installed so that operation of any one unit or system of units will not adversely affect the simultaneous operation of any other electrical unit or system essential to the safe operation.

63. *Distribution system.* (a) For the purpose of complying with this section, the distribution system includes the distribution busses, their associated feeders, and each control and protective device.

(b) Each system must be designed so that essential load circuits can be supplied in the event of reasonably probable faults or open circuits, including faults in heavy current carrying cables.

(c) If two independent sources of electrical power for particular equipment or systems are required by this regulation, their electrical energy supply must be ensured by means such as duplicate electrical equipment, throwover switching, or multichannel or loop circuits separately routed.

64. *Circuit protective devices.* The circuit protective devices for the electrical circuits of the airplane must meet the requirements of FAR 23.1357, and in addition circuits for loads which are essential to safe operation must have individual and exclusive circuit protection.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 27, 1968.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-60; Filed, Jan. 6, 1969;
8:45 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 540]

[Docket No. 69-1]

**INDEMNIFICATION OF PASSENGERS
FOR NONPERFORMANCE OF
WATER TRANSPORTATION**

**Waiver of Maintenance of Working
Capital Requirement for Self-
Insurers**

On March 11, 1967, the Federal Maritime Commission published in the FED-

ERAL REGISTER (32 F.R. 3986) its rules and regulations (General Order 20) carrying out the provisions of section 3 of Public Law 89-777 (80 Stat. 1357), which concerns the indemnification of passengers for nonperformance of water transportation.

Section 540.5 of General Order 20 (46 CFR 540.5) provides that evidence of adequate financial responsibility may be established by one or a combination of methods including qualification as a self-insurer. Paragraph (d) of § 540.5 prescribes the requirements to be met by self-insurers including the requirement that working capital be maintained in an amount determined by the Commission to be no less than 110 percent of the unearned passenger revenue of the self-insurer on the date within the 2 fiscal years immediately prior to the filing of the application by the self-insurer which reflects the greatest amount of unearned passenger revenue.

Several carriers have demonstrated to the Commission that in certain instances the maintenance of the working capital requirement may be costly and unnecessary particularly where a carrier meets the net worth requirements of General Order 20. In such instances, the net worths of these carriers would provide sufficient collateral for a substantial long-term loan to insure indemnification of passengers for nonperformance of transportation.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and section 3 of Public Law 89-777 (80 Stat. 1357) notice is hereby given that the Commission proposes to amend § 540.5 of 46 CFR to provide for a waiver of the maintenance of working capital requirement for self-insurers for good cause shown. It is proposed that paragraph (d) of § 540.5 be amended by adding the following language to the end of the second sentence: “* * * : *Provided, however,* That the Commission for good cause shown may waive the requirement as to the amount of working capital.”

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within ten (10) days of publication of this notice in the FEDERAL REGISTER, an original and fifteen (15) copies of their views or comments pertaining to the proposed rule. Any suggestions for changes in the proposed rule should be supported by statements relating the proposed change to the purposes of section 3 of Public Law 89-777 and General Order 20, of the Commission's rules.

The Federal Maritime Commission, Office of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments within ten (10) days from the final date for filing comments by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed comments. Answers to Hearing Counsel's replies shall be submitted to the Federal

Maritime Commission within 10 days of the final date for filing replies.

By the Commission.

[SEAL]

THOMAS LIST,
Secretary.

[F.R. Doc. 69-152; Filed, Jan. 6, 1969;
8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 419]

FOOD RETAILING AND GASOLINE INDUSTRIES

Proposed Trade Regulation Regarding Games of Chance

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of Trade Regulation Rules regarding games of chance in the food retailing and gasoline industries.

For purposes of this proceeding "games of chance" shall mean games or contests in which the elements of chance and prize are present but in which the element of consideration is not necessarily present.

The Commission has initiated this proceeding having reason to believe, as in part set forth in the staff report on the use of games of chance in food and gasoline retailing, that:

(1) Food and grocery retailers and gasoline suppliers, such as oil companies, and their retail dealer customers, utilize games of chance merchandising programs as a major form of sales promotion;

(2) The purpose of such games is to build consumer traffic, increase the sales of retailers using them and in the case of games of chance in the oil industry, to increase the sales of the oil company suppliers;

(3) Advertising and other promotions for such games feature the opportunity for participants to win prizes, and in particular a major prize of cash or merchandise;

(4) Such games are designed and conducted in such a manner that the chances of participants winning any prize are frequently improbable and chances of winning the major prize are highly improbable;

(5) Advertising and promotions for such games frequently misrepresent, directly and indirectly, such as by exaggeration, overstatement, and overemphasis, participants' chances of winning a prize, particularly their chances of winning the major prize;

(6) Advertising and promotions for such games often fail to disclose material facts concerning them, such as the exact number of prizes in each category or denomination to be awarded in a specified area during a specified period of time;

(7) Promoters and manufacturers of the games and, in many instances, food and grocery retailers, gasoline suppliers and retail dealers have in some instances engaged in manipulation and rigging of the games, and in particular the winning game pieces for the major prizes, by such methods as allocating winning game pieces to certain retailers or certain participants, or allocating winning game pieces to certain periods of the game program, usually the early weeks to achieve maximum promotional effect, or removing winning game pieces for their own personal gain, all of which further lessen participants' chances of winning;

(8) Such practices result in the deception of game participants, misleading them as to their actual chances of winning a prize; and, therefore, that

(9) Such practices constitute unfair and deceptive acts or practices in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission therefore proposes the following Trade Regulation Rule:

In connection with the use of games of chance in the food retailing and gasoline industries, it constitutes an unfair and deceptive act or practice for industry members and promoters and manufacturers of such games to:

(1) Engage in advertising or other promotions which misrepresent by any means, directly or indirectly, participants' chances of winning any prize; or to

(2) Engage in advertising or other promotions, such as store signs or display materials, or issue any game piece if such game piece refers in any manner to prizes or their number or availability, which fail to disclose clearly and conspicuously the exact number of prizes in each category or denomination to be awarded (such disclosure to be revised each week of the game period, for any game of 30 days duration or longer, to reflect any reduction in the number of major prizes, i.e., prizes in the amount or value of \$25 or more, which are still available as the game progresses and major prizes are awarded), and which fail to disclose clearly and conspicuously the geographic area covered by the game; or to

(3) Manipulate or rig any game so that winning game pieces or prizes are dispersed on a predetermined basis.

The Commission also has reason to believe, as in part set forth in the staff report on the use of games of chance in food and gasoline retailing, that:

(1) Games of chance in the gasoline industry are offered and promoted by gasoline suppliers, such as oil companies, with the participation of retail dealers being necessary to present the games to consumers;

(2) Such games of chance frequently are not profitable to the retail dealers because in many instances they add more to the dealers' costs than to their revenue;

(3) Many retail dealers participate in such games unwillingly and against their

better business judgment because their supplier, who is often their lessor, directly or indirectly coerces their participation through threats of lease cancellations or other economic reprisals, or by creating a consumer demand for the games through the use of extensive advertising and promotional effort in the mass media;

(4) Such coercion, whether directly, indirectly or subtly applied, constitutes an unfair method of competition and an unfair act or practice in violation of section 5 of the Federal Trade Commission Act.

Accordingly the Commission therefore proposes the following Trade Regulation Rule:

In connection with the use of games of chance in the gasoline industry, it constitutes an unfair method of competition and an unfair act or practice for a gasoline supplier, or any of its employees or representatives, to coerce by any means a retail dealer to participate in such games. Such coercion will be presumed:

(1) Where a course of business conduct extending over a period of 1 year or longer between a gasoline supplier and a dealer is materially changed coincident with a failure or refusal of the dealer to participate in such games; or

(2) Where a gasoline supplier advertises generally that a game is available at its dealers, unless the supplier can establish that a majority of its dealers have decided, without demand, request or suggestion by the supplier, to participate in the game.

All interested persons are hereby notified that they may file written data, views, or arguments concerning the proposed rules set forth above in this notice, with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, not later than February 10, 1969. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested parties are also given notice of opportunity to orally present data, views, or arguments with respect to the proposed rules at a hearing to be held at 10 a.m., e.s.t., on February 24, 1969 in Room 532 of the Federal Trade Commission Building, Washington, D.C.

The data, views, or arguments presented orally or in writing with respect to the proposed rules will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in the manufacture, promotion or use of games of chance in commerce, as "commerce" is defined in the Federal Trade Commission Act, in the retail food and gasoline industries would be subject to the requirements of any Trade Regulation Rules promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue; *Provided*, That the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, con-

cerning the substantive requirements of the statutes which it administers.

The Commission has reason to believe that the practices which would be prohibited by the proposed rules are widespread in the industries involved. This proceeding is designed to inform all industry members and manufacturers and promoters of games of chance of their obligations under the law and assure equitable treatment in complying therewith.

Food and grocery retailers, suppliers and retail dealers of gasoline, and manu-

facturers and promoters of games of chance and other interested parties are urged to express their approval or disapproval of the proposed rules, or to recommend revisions thereof, and give a full statement of their views in connection therewith.

Issued: January 6, 1969.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-191; Filed, Jan. 6, 1969;
8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Phoenix Area Office Redlegation Order 1, Amdt. 12]

SUPERINTENDENTS, SCHOOL SUPERINTENDENT PROJECT ENGINEER, AND OFFICER IN CHARGE OF AREA FIELD OFFICE

Redelegation of Authority With Respect to Leases and Permits (Non-mineral)

Phoenix Order 1, 20 F.R. 992 (an order by which the Area Director, Phoenix Area, redelegates authority to Superintendents, School Superintendent, Project Engineer, and Officer in Charge of Area Field Office), as amended, is further amended as hereinafter indicated:

Section 2.12 under the heading, "Functions Relating to Lands and Minerals," is amended to read as follows:

Sec. 2.12 *Leases and permits (non-mineral)*. All those matters set forth in 25 CFR Part 131 except:

(1) The approval of leases which provide for a duration in excess of 10 years, inclusive of any provisions for extensions or renewals thereof; and, the approval of any amendment of such lease changing the use purpose or reducing the rental. This exception does not apply to:

(a) The leasing of tribal land for homesite purposes to members of the tribe or to tribal housing authorities.

(b) Approval of residential leases for a 25-year term on specifically approved lease forms for the Hawley Lake and Hondah areas on the Fort Apache Reservation.

(c) Approval of residential leases for a 25-year term on specifically approved lease forms for the Blue Water area on the Colorado River Reservation.

(2) Modification of any forms approved by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Area Director.

ALBERT LASSITER,
Acting Area Director.

Approved: December 30, 1968.

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 69-139; Filed, Jan. 6, 1969; 8:47 a.m.]

[Serial No. C-1329]

Bureau of Land Management COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

DECEMBER 31, 1968.

Notice of an application, Serial No. C-1329, for withdrawal and reservation of

lands was published as F.R. Doc. 67-2811 on page 4081 of the issue for March 15, 1967. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be at 10 a.m. on February 5, 1969, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SIXTH PRINCIPAL MERIDIAN, COLORADO
KITE LAKE CAMPGROUND

T. 8 S., R. 78 W.,
Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The above area aggregates approximately 50 acres.

A. J. SENTI,
Acting Land Office Manager.

[F.R. Doc. 69-126; Filed, Jan. 6, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. C-296]

CHARLES CRAVEY

Notice of Loan Application

DECEMBER 30, 1968.

Charles Cravey, 225 Brevus Street, Crescent City, Calif. 95531, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 43.1-foot registered length wood vessel to engage in the fishery for salmon, albacore, Dungeness crab, and bottomfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. M. PATTON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-127; Filed, Jan. 6, 1969; 8:45 a.m.]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Rules Governing Allocation of Quotas for Calendar Year 1969 Among Producers Located in the Virgin Islands, Guam and American Samoa

CROSS REFERENCE: For a document issued jointly by the Department of Commerce and the Department of the Interior relating to the allocation of quotas of watches and watch movements for the calendar year 1969 among producers located in the Virgin Islands, Guam, and American Samoa, see F.R. Doc. 69-123, Commerce Department, Office of the Secretary, *infra*.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MEAT IMPORT LIMITATIONS

First Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following first quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act be imported during calendar year 1969 is 1,035 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1969 is 988 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1969 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88-482 at this time.

Done at Washington, D.C., this 31st day of December 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 69-167; Filed, Jan. 6, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services
Administration

BATTELLE MEMORIAL INSTITUTE

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. 69-00052-98-72000. Applicant: Battelle Memorial Institute, Columbus Laboratories, 505 King Avenue, Columbus, Ohio 43201. Article: Weissenberg rheogoniometer, Model R. 18. Manufacturer: Sangamo Controls, Ltd., United Kingdom (England). Intended use of article: The article will be used for measuring rheological properties. Specifically, it will be used to measure viscosity as to shear rates, tangential stress via oscillatory motion, normal force, and the Weissenberg effect. The research concerned will involve measurement of these characteristics and correlating them with structural properties and polymer processing conditions. Application received by Commissioner of Customs: July 22, 1968. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has the capability of measuring normal force, as well as viscosity, as a function of the rate of shear. For the purposes for which the foreign article is intended to be used, this capability is a pertinent characteristic.

The Department of Commerce knows of no instrument being manufactured in the United States, which provides the capability of measuring both normal stress and viscosity as a function of the rate of shear.

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

[F.R. Doc. 69-118; Filed, Jan. 6, 1969;
8:45 a.m.]

MICHAEL REESE HOSPITAL AND 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 scien-

tific 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. 69-00044-33-46040. Applicant: Michael Reese Hospital and Medical Center, 29th Street and Ellis Avenue, Chicago, Ill. 60616. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments Inc., The Netherlands. Intended use of article: The article will be used for studying the vasculature of the lung and other tissues under different disease processes and experimental situations. Large areas of tissue have to be mapped out carefully and their morphological aspect correlated at low and high magnifications. In one facet of the study, tracer particles of very low molecular weight injected into vessels are being used. 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 on June 28, 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 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 was being manufactured in the United States at the time the applicant placed its order for the foreign article.

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

[F.R. Doc. 69-121; Filed, Jan. 6, 1969;
8:45 a.m.]

MICHIGAN STATE UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (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. 69-00043-33-46040. Applicant: Michigan State University, Department of Zoology, 220 Natural Science Building, East Lansing, Mich. 48823. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study the division times of cystocytes under conditions where temperature is maintained at 25° C. in a hanging drop. Subsequently to study the effect of temperature shocks and various chemicals which retard the formation of mitotic apparatus on mitosis; the further development of ovaries grown in vitro and vivo, using phase contrast microscopy, electron microscopy and histochemistry as applied to 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: 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 December 12, 1967, 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, 50, 75, and 100 kilovolts. The only known comparable domestic electron microscope, 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. It has been experimentally determined that the lower accelerating voltages of the foreign article afford optimum contrast for unstained ultrathin 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 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 was being manufactured in the United States at the time the applicant placed its order for the foreign article.

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

[F.R. Doc. 69-119; Filed, Jan. 6, 1969; 8:45 a.m.]

NATIONAL COMMUNICABLE DISEASE 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. 69-00050-00-77040. Applicant: National Communicable Disease Center, Toxicology Laboratory Pesticides Program, 1600 Clifton Road NE., Atlanta, Ga. 30333. Article: Mass Marker, Model LKB 9010, for use with mass spectrometer. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used as an accessory to an existing mass spectrometer. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a combined mass spectrometer-gas chromatograph unit which was manufactured by LKB Produkter AB, Stockholm, Sweden, which had been previously imported by the applicant. We know of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be adapted to the instrument with which the foreign article is intended to be used.

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

[F.R. Doc. 69-120; Filed, Jan. 6, 1969; 8:45 a.m.]

Office of the Secretary

[Dept. Order 90-A, Amdt. 1]

NATIONAL BUREAU OF STANDARDS

Delegation of Authority

The following amendment to the order was issued by the Secretary of Commerce on December 26, 1968. This material amends the material appearing at 33 F.R. 15564 of October 19, 1968.

Department Order 90-A of October 1, 1968, is hereby amended as follows:

In section 3 *Delegation of authority*, a new subparagraph .04c is added to read:

c. Public Law 85-934 (72 Stat. 1793; 42 U.S.C. 1891-3) to make grants for the support of basic scientific research to nonprofit institutions of higher education and to nonprofit organizations whose primary purpose is the conduct of scientific research.

DAVID R. BALDWIN,
Assistant Secretary
for Administration.

[F.R. Doc. 69-122; Filed, Jan. 6, 1969; 8:45 a.m.]

WATCHES AND WATCH MOVEMENTS

Rules Governing Allocation of Quotas for Calendar Year 1969 Among Producers Located in the Virgin Islands, Guam and American Samoa

On December 4, 1968, the Departments of Commerce and of the Interior published a joint notice of proposed rule making under Public Law 89-805, setting out the proposed formula for allocation of 1969 watch quotas among producers located in the Virgin Islands, Guam, and American Samoa (33 F.R. 18061). Interested parties were invited to participate in the proposed rule making by submitting their written views within 15 days from the filing date of the notice of proposed rule making in the FEDERAL REGISTER.

The Departments have reviewed carefully the comments received and have concluded that the proposed rules should not be changed or modified in substance. Accordingly, the following rules shall be effective as of January 8, 1969:

SECTION 1. Upon effective date of these rules, or as soon thereafter as practicable, each watch producer located in the Virgin Islands, Guam and American Samoa which received a duty-free watch quota allocation for calendar year 1968, will receive an initial quota allocation for calendar year 1969 equal to 50 percent of the number of watch units assembled by such firm in the particular territory and entered duty-free into the customs territory of the United States during the first ten months of calendar year 1968, or 5,000 units, whichever is greater.

SEC. 2. Each firm to which an initial quota has been allocated pursuant to section 1, hereof must, on or before April 1, 1969, have assembled and entered duty-free into the customs territory of the United States at least 30 percent of its initial quota allocation. Any firm failing to enter duty-free into the customs territory of the United States on or before April 1, 1969, a number of watch units assembled by it in a particular territory equal to, or greater than, 30 percent of the number of units initially allocated to such firm for duty-free entry from that territory will, upon receipt of a show cause order from the Departments, be given an opportunity, within 30 days from such receipt, to show cause why the duty-free quota which it would otherwise be entitled to receive should not be canceled or reduced by the Departments. Such a show cause order may also be issued whenever there is reason to believe that shipments through December 31, 1969, by any firm under the quota allocated to it for calendar year 1969 will be less than 80 percent of the number of units allocated to it.

Upon failure of any such firm to show good cause, deemed satisfactory by the Departments, why the remaining, unused portion of the quota to which it would otherwise be entitled should not be canceled or reduced, said remaining, unused portion of its quota shall be either canceled or reduced, whichever is appropriate under the show cause order. In the event of a quota cancellation or reduction under this section, the Departments shall promptly reallocate the quota involved, in a manner best suited to contribute to the economy of the islands, among the remaining firms: *Provided, however*, That, if in the judgment of the Departments it is appropriate, competitive bids from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder.

Every firm to which a quota is granted is required to file a report on April 15, July 15, and on October 15, of each year covering the periods January 1 to March 31, April 1 to June 30, and July 1 to September 30, respectively via registered mail on a form which will be forwarded

to each firm at its territorial address of record, at least 15 days prior to the required reporting date, and will also be available during office hours at the offices of the Scientific and Business Equipment Division, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, which will provide the Departments with information regarding the firm's watch movement assembly operation in the insular possessions. Such information may include the status of beginning and ending finished watch movement and component parts inventories, scheduled delivery rates and number of watch movements parts and components ordered, number of watch movements assembled, number of watch movements entered into the customs territory of the United States, and a list of confirmed orders for shipment of finished watch movements into the customs territory of the United States prior to December 31, 1969.

SEC. 3. The annual quotas for calendar year 1969 will be allocated as soon as practicable after April 1, 1969, on the basis of the number of units assembled by each firm in the particular territory and entered by it duty-free into the customs territory of the United States during calendar year 1968, and the total dollar amount of wages subject of FICA taxes paid by such firm in the particular territory during calendar year 1968 which are attributable to its watch operation. In making allocations under this formula, equal weight will be assigned to production and shipment history and to wages subject to FICA taxes. Since the total American Samoan quota has heretofore been awarded to a single firm this section shall not apply to that territory.

SEC. 4. Application forms will be mailed to recipients of initial quota allocations as soon as practicable and must be filed with the Departments on or before January 31, 1969. All data required must be supplied as a condition for annual allocations and are subject to verification by the Departments. In order to accomplish this verification it will be necessary for representatives of the Departments to meet with appropriate officials of quota recipients in the insular possessions in order to have access to company records. Representatives of the Departments plan to perform this verification beginning on or about February 10, 1969, in Guam and American Samoa and beginning on or about March 3, 1969, in the Virgin Islands; and will contact each firm locally regarding the verification of its data.

SEC. 5. The rules restricting transfers of duty-free quotas issued on January 29, 1968, and published in the FEDERAL REGISTER on January 31, 1968 (33 F.R. 2399), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar year 1969.

SEC. 6. Any interested party has the right to petition for the amendment or repeal of these rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by the Secretaries of Commerce and the

Interior which were published in the FEDERAL REGISTER on November 17, 1967 (32 F.R. 15818).

LAWRENCE C. MCQUADE,
*Assistant Secretary for Domestic and International Business,
Department of Commerce.*

HARRY R. ANDERSON,
Assistant Secretary for Public Land Management, Department of the Interior.

DECEMBER 31, 1968.

[F.R. Doc. 69-123; Filed, Jan. 6, 1969;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ACTING DEPUTY COMMISSIONER OF EDUCATION

Appointment

Notice is hereby given that on August 20, 1968, the Commissioner of Education appointed Peter P. Muirhead as Acting Deputy Commissioner of Education, effective September 10, 1968.

Dated: December 27, 1968.

BERNARD SISCO,
*Acting Assistant Secretary
for Administration.*

[F.R. Doc. 69-160; Filed, Jan. 6, 1969;
8:48 a.m.]

Office of the Secretary

PUBLIC HEALTH SERVICE; HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 212; Oct. 30, 1968), is hereby amended with regard to section 5-B, Organization, as follows:

In the section on the National Communicable Disease Center (2300) the title "Malaria Eradication Program (2355)" is changed to read "Malaria Program (2355)."

Dated: December 30, 1968.

WILLIAM H. MITCHEL,
*Deputy Assistant Secretary
for Management Systems.*

[F.R. Doc. 69-160; Filed, Jan. 6, 1969;
8:48 a.m.]

SUPPLEMENTARY MEDICAL INSURANCE FOR THE AGED

Notice of Premium Rate

Title XVIII of the Social Security Act—Health Insurance for the Aged.

Pursuant to authority contained in section 1839(b)(2) of the Social Security Act (42 U.S.C. 1395r(b)(2)), as amended by Public Law 90-248, I hereby determine and announce that the dollar amount which shall be applicable for premiums, for purposes of section 1839(b)(2) of the Act, as amended, shall be \$4 for months in the 12-month period beginning July 1969 and ending June 1970.

Dated: December 31, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-163; Filed, Jan. 6, 1969;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Eric G. Brown, Secretary, Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, 10, Place de la Jollette (2me), Marseilles, France.

Agreement No. 9020-6, between the member Lines of the Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, modifies the first paragraph of Article 19 to provide that 18 months' notice of withdrawal of a member be given prior to the commencement of the season in which such carrier will withdraw from participation in the Pool rather than before March 1st of any year. This Article is further amended to provide, as follows:

If one or several Members have given their notice of withdrawal from the Pool within such terms, other Members have 30 days from that date to consider their own withdrawal, which may then become effective on the same

date as the withdrawal of the first Line to give notice.

Dated: January 2, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-153; Filed, Jan. 6, 1969;
8:47 a.m.]

**SOUTH ATLANTIC AND CARIBBEAN
LINE, INC., AND PORT CHESTER
SHIPPING CO.**

**Notice of Agreement Filed for
Approval**

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Gerald A. Malia, Esq., Ragan and Mason, The Farragut Building, 900 Seventeenth Street NW., Washington, D.C. 20006.

Agreement No. 9747-1, between South Atlantic & Caribbean Line, Inc., and Port Chester Shipping Co., adds ports in the Dominican Republic to the basic agreement covering a through billing arrangement for the movement of fresh and frozen meat and frozen fish from ports in Central America to the ports of Miami and Jacksonville, Fla., with transshipment at San Juan, P.R., in accordance with the terms and conditions set forth in the agreement.

Dated: January 2, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-154; Filed, Jan. 6, 1969;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-353 etc.]

DARCESA CORP. ET AL.

**Order Providing for Hearings on and
Suspension of Proposed Changes in
Rates ¹**

DECEMBER 27, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under

¹ Does not consolidate for hearing or dispose of the several matters herein.

Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 15, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI69-353..	Darcesa Corp., Post Office Box 1207, Scottsdale, Ariz. 85252, Attention: Thomas B. Scott, Jr. president.	2	5	El Paso Natural Gas Co. (Blanco Mesa Verde Field, Rio Arriba County, N. Mex.) (San Juan Basin) and La Plata County, Colo.		11-4-68	1-1-69	6-1-69	\$ 14.0	\$* 14.0	RI64-392.
RI69-354..	Brookhaven Oil Co. et al., Post Office Box 1267, Scottsdale, Ariz. 85252, Attention: Thomas B. Scott, president.	3	23	El Paso Natural Gas Co. (Blanco Mesa Verde Field, Rio Arriba and San Juan Counties, N. Mex.) (San Juan Basin Area) and La Plata County, Colo.		11-4-68	1-1-69	6-1-69	\$ 14.0	\$* 14.0	RI64-358.
RI69-355..	Roy L. Cook, 1116 Bank of New Mexico Bldg., Albuquerque, N. Mex. 87101.	2	2	El Paso Natural Gas Co. (caveage in San Juan County, N. Mex.) (San Juan Basin Area).		11-27-68	1-1-69	6-1-69	\$ 14.0	\$* 14.0	RI64-773.
RI69-356..	Robert P. Tinnin et al., Post Office Box 1854, Albuquerque, N. Mex. 87103.	1	*4	El Paso Natural Gas Co. (Mesa Verde and Dakota Formations, Canyon Largo Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).		10-31-68	1-1-69	6-1-69	\$ 14.0	\$* 14.0	RI64-457.
RI69-357..	J. Gregory Merrion et al., Petroleum Plaza Bldg., Farmington, N. Mex.	7	12	El Paso Natural Gas Co. (Flora Vista, Mesa Verde Pool, San Juan County, N. Mex.) (San Juan Basin Area).	\$2,000	12-2-68	1-2-69	6-2-69	\$ 13.0	\$* 14.0	
RI69-358..	Amerado Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102, Attention: W. H. Bourne, manager gas department.	2	6	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex., and La Plata and Archuleta Counties, Colo.)	233	11-29-68	1-1-69	6-1-69	\$* 10 14.2436 10 11 14.0	\$* * * 14.2678 \$* 11 14.0	RI65-332. Do.

See footnotes at end of table.

NOTICES

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
	Amerada Petroleum Corp.	49	7	El Paso Natural Gas Co. (San Juan Field, Rio Arriba County, N. Mex.).	767	11-29-68	2 1- 1-69	6- 1-69	9 10 14.2486	8 4 0 14.2678	Do.
	.....do.....	99	3	El Paso Natural Gas Co. (Ignacio Field, La Plata County, Colo.).		12- 2-68	7 1- 2-69	6- 1-69	10 14.0	8 4 14.0	Do.
RI69-359..	American Petrofina Co. of Texas, Post Office Box 2189, Dallas, Tex. 75221, Attention: Walker W. Smith, Esq.	16	18	El Paso Natural Gas Co., (Blanco Field, Rio Arriba County, N. Mex.).		11-29-68	2 1- 1-69	6- 1-69	10 14.0	8 4 14.0	RI64-456.
	.....do.....	22	5	El Paso Natural Gas Co. (San Juan Field, San Juan County, N. Mex.).		11-29-68	2 1- 1-69	6- 1-69	10 14.0	8 4 14.0	Do.
	.....do.....	23	5	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.).		11-29-68	2 1- 1-69	6- 1-69	10 14.0	8 4 14.0	Do.
	.....do.....	24	6	El Paso Natural Gas Co. (Blanco Field, Rio Arriba County, N. Mex.).		11-29-68	2 1- 1-69	6- 1-69	10 14.0	8 4 14.0	Do.
	.....do.....	26	15	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.).		11-29-68	2 1- 1-69	6- 1-69	10 14.0	8 4 14.0	Do.
RI69-360..	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840, Attention: R. N. Ayars, manager, natural gas contract department.	24	6	.....do.....	7 4	11-29-68	2 1- 1-69	6- 1-69	10 14.0536 9 10 13 14.2486	8 4 12 14.0578 8 4 0 13 14.2678	RI65-491. Do.
RI69-361..	Marathon Oil Co. (Operator) et al.	55	6	El Paso Natural Gas Co. (Kutz Canyon Field, Dakota Formation, San Juan County, N. Mex.).	62 29 7,436 913	11-29-68	2 1- 1-69	6- 1-69	7 10 14.0536 9 10 13 14.2486 13.0 13.0	8 4 12 14 14.0578 8 4 0 13 14 14.2678 8 4 12 15 14.0578 8 4 0 13 15 14.2678	RI65-492. Do.
RI69-362..	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102, Attention: Richard J. Dent, Esq.	90	11	El Paso Natural Gas Co. (South Blanco Field, Rio Arriba County, N. Mex.).	8,703 38	11-29-68	2 1- 1-69	6- 1-69	10 12.0495 10 10 14.0536	8 4 10 17 13.0551 8 4 17 10 14.0593	(1)
	.....do.....	157	5	El Paso Natural Gas Co. (Basin Dakota and Devil Fork-Gallup Fields, Rio Arriba County, N. Mex.) (San Juan Basin Area).	4	12- 2-68	7 1- 2-69	6- 2-69	10 12 14.0536	8 4 17 14.0593	RI64-520.
	.....do.....	46	20	El Paso Natural Gas Co. (Gallegos-Gallup Sand Unit, Blanco Field) (Other Units, Blanco Field) (San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	861 25	12- 2-68	7 1- 2-69	6- 2-69	12.0 10 14.0551	8 4 17 13.0551 8 4 17 14.0593	RI64-508.
	.....do.....	116	5	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).		11-29-68	2 1- 1-69	6- 1-69	10 14.0	8 4 14.0	RI64-497.
	.....do.....	141	17	El Paso Natural Gas Co. (San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	82	12- 2-68	7 1- 2-69	6- 2-69	10 14.0536	8 4 17 14.0593	RI64-508.
	.....do.....	140	9	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).		11-29-68	2 1- 1-69	6- 1-69	22 14.0	4 20 14.0	(2)
RI69-363..	Caulkins Oil Co. (Operator) agent for Caulkins Producing Co. et al., 1130 First National Bank Bldg., Denver, Colo. 80202.	5	2	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).		11-21-68	2 1- 1-69	6- 1-69	10 14.0	8 4 14.0	RI64-604.
RI69-364..	Pan American Petroleum Corp., Security Life Bldg., Denver, Colo. 80202, Attention: Frank H. Hoack, Esq.	497	16	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	254	11-22-68	2 1- 1-69	6- 1-69	13.0	8 4 23 14.2678	
	.....do.....	498	21	.....do.....	887	11-22-68	2 1- 1-69	6- 1-69	13.0	8 4 23 14.2678	
	.....do.....	499	13	.....do.....	2,028	11-22-68	2 1- 1-69	6- 1-69	13.0	8 4 23 14.2678	
	.....do.....	500	10	.....do.....	2,662	11-22-68	2 1- 1-69	6- 1-69	13.0	8 4 23 14.2678	
	.....do.....	109	11	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	38,079	11-22-68	2 1- 1-69	6- 1-69	28 13.0	4 24 24 14.2693	
	.....do.....	302	7	El Paso Natural Gas Co. (Huerfano Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	4,586 634	11-22-68	2 1- 1-69	6- 1-69	22 20 12.2295 20 13.0	4 20 24 13.2486 4 20 24 14.2678	
	.....do.....	371	24	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	4,379	11-22-68	2 1- 1-69	6- 1-69	20 13.0	4 24 24 14.2693	
RI69-365..	Redfern Development Corp. et al., Post Office Box 1747, Midland, Tex. 79701, Attention: Mr. John J. Redfern, Jr.	1	1	El Paso Natural Gas Co. (Carson Gas Unit, San Juan County, N. Mex.) (San Juan Basin Area).	240	11-27-68	2 1- 1-69	6- 1-69	27 13.0	8 4 14.0	

See footnotes at end of table.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI69-366..	R & G Drilling Co., Inc. (Operator) et al., 1775 Broadway, New York, N. Y. 10019, Attention: Mr. William C. Russell.	2	8	El Paso Natural Gas Co. (Basin Dakota and Blanco Mesa Verde, San Juan County, N. Mex.) (San Juan Basin Area).	-----	11-27-68	2 1- 1-69	6- 1-69	10 14.0	2 4 14.0	RI65-204.
RI69-367..	William C. Russell (Operator) et al., 1775 Broadway, New York, N. Y. 10019.	2	8	El Paso Natural Gas Co. (Blanco Mesa Verde and Chacra Wildcat, San Juan County, N. Mex.) (San Juan Basin Area).	2,000	11-27-68	2 1- 1-69	6- 1-69	10 13.0	2 4 14.0	
RI69-368..	Pan American Petroleum Corp. (Operator) et al.	117	28	El Paso Natural Gas Co. (Blanco and Flora Vista Fields, San Juan County, N. Mex.) (San Juan Basin Area).	113 148,508	11-22-68	2 1- 1-69	6- 1-69	20 12.0 20 13.0	2 4 25 23 13.2501 2 4 25 23 14.2698	
.....do.....	.....do.....	199	17	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	13,946	11-22-68	2 1- 1-69	6- 1-69	20 13.0	2 4 25 24 14.2578	
RI69-369..	Alex N. Campbell, Post Office Box 842, Aztec, N. Mex. 87410.	1	2	.....do.....	-----	11-18-68	2 1- 1-69	6- 1-69	10 14.0	2 4 25 14.0	RI64-506.
RI69-370..	John L. Morrison et al., Post Office Box 842, Aztec, N. Mex. 87410.	1	6	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	-----	11-28-68	2 1- 1-69	6- 1-69	10 14.0	2 4 25 14.0	RI64-509.
RI69-371..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, Attention: Mr. John J. Carter.	162	7	El Paso Natural Gas Co. (North Lindrith-Mesa Verde Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	15	11-25-68	2 1- 1-69	6- 1-69	20 31 13.2535	2 4 25 31 14.2730	RI68-1.
.....do.....	.....do.....	336	7	El Paso Natural Gas Co. (Blanco Field, La Plata County, Colo.).	571	11-25-68	2 1- 1-69	6- 1-69	20 13.0	2 4 25 14.0	
RI69-372..	Southern Union Production Co., 1500 Fidelity Union Tower, Dallas, Tex. 75201, Attention: A. S. Grenier, Esq.	10	5	El Paso Natural Gas Co. (San Juan Basin Area, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	-----	11-29-68	2 1- 1-69	6- 1-69	10 14.0	2 4 14.0	RI64-504.
RI69-373..	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al., Post Office Box 2120, Houston, Tex. 77001, Attention: Mr. Elliott G. Flowers.	65	24	El Paso Natural Gas Co., (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	89	11-29-68	2 1- 1-69	6- 1-69	10 23 14.2501	2 4 25 14.2694	RI64-485.

¹ The stated effective date is the effective date requested by Respondent.

² Periodic rate increase.

³ Pressure base is 15.025 p.s.i.a.

⁴ Includes 1-cent per Mcf minimum guarantee for liquids.

⁵ Applicable to gas delivered from formations below the top of the Mesa Verde Formation.

⁶ The stated effective date is the first day after expiration of the 30 days notice.

⁷ New Mexico sales.

⁸ Rate includes reimbursement by buyer of a portion of the full 2.55 percent New Mexico Emergency School Tax.

⁹ Includes 1-cent minimum guarantee for liquids.

¹⁰ Colorado sales.

¹¹ Includes partial reimbursement for the additional 0.55 percent New Mexico Emergency School Tax.

¹² Applicable to shrinkage volumes (gas converted to liquids).

¹³ Applicable to acreage dedicated under the basic contract.

¹⁴ Applicable to acreage added by agreement dated Nov. 3, 1966 (Supplement No. 4).

¹⁵ Applicable to gas produced from Pictured Cliffs Formation and from the Chacra Formation in Jicarilla "C" well Nos. 12, 13, and 15.

¹⁶ Includes partial reimbursement for the additional 0.55 percent New Mexico Emergency School Tax plus 0.015 percent Conservation Tax.

¹⁷ Rate is effective subject to refund in Docket No. RI64-627 insofar as it pertains to gas produced from Chacra Formation (below Pictured Cliffs) in Jicarilla "C" well Nos. 12, 13, and 15.

¹⁸ Applicable to gas produced from below the Pictured Cliffs Formation exclusive of the Chacra Formation in Jicarilla "C" well Nos. 12, 13, and 15.

¹⁹ Periodic rate increase from 13 cents to 14 cents per Mcf.

J. Gregory Merrion et al. (Merrion), requests that their proposed rate increase be permitted to become effective on January 1, 1969. Skelly Oil Co. (Skelly) also requests an effective date of January 1, 1969, for Supplement Nos. 5 and 20 to its FPC Gas Rate Schedule Nos. 157 and 46, respectively. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Merrion and Skelly's rate filings and such requests are denied.

Eighteen of the rate increases suspended herein reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased on April 1, 1963. The buyer, El Paso Natural Gas Co.

(El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file protests to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increase in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the

increased rates containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the producers' proposed increased rates and charges.

All of the basic contracts related to the proposed rate increases filed by the producers herein, contain a 1 cent per Mcf minimum guarantee for liquids provision. However, none of the proposed increased rates include the 1 cent minimum guarantee. Before the producers may collect the 1 cent per Mcf minimum guarantee for liquids, they will be required to file a notice of change in rate relating thereto. See the Commission's order issued December 7, 1967, in Docket No. RI64-491, et al., Union Texas

²¹ Rate effective subject to refund in Docket No. RI64-519 except for acreage added by Supplement No. 8 (added acreage was certificated at 13 cents and seller waived the right to collect the 1-cent minimum guarantee for liquids).

²² Includes 1-cent minimum guarantee for liquids except for acreage added by Supplement No. 8.

²³ Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

²⁴ Increase from settlement rate to contract rate plus tax reimbursement.

²⁵ Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax and 0.015 percent increase in New Mexico Conservation Tax.

²⁶ Settlement rate approved by order issued Apr. 13, 1966.

²⁷ 12 cents base rate plus 1-cent minimum for liquid products.

²⁸ Gas delivered from the Mesa Verde Formation underlying the acreage specifically described in amendment dated May 17, 1968, filed as Supplement No. 29 to the rate schedule.

²⁹ Does not include minimum guarantee for liquids. Notice of Change reflects payment for liquids as presently being above 1-cent per Mcf.

³⁰ Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax added progressively.

³¹ Does not include the 1-cent per Mcf minimum guarantee for liquids.

³² Increase from settlement rate to current contract rate.

³³ Settlement rate approved by order issued July 8, 1964, as amended Aug. 7, 1964, in Docket Nos. G-9287 and G-9288 et al. Moratorium on filing increased rates expired June 1, 1967.

³⁴ Filing excludes acreage added by Supplement Nos. 2, 3, and 5 for which Union Texas is receiving 13 cents for gas delivered.

³⁵ Blanco Mesa Verde gas.

Petroleum, a division of Allied Chemical Corp. (Operator) et al.

The proposed notices of change filed by Alex N. Campbell (Campbell) and John L. Morrison et al. (Morrison), reflect that payment for liquids presently exceeds 1 cent per Mcf, making the minimum guarantee provision inoperative. Campbell and Morrison are advised that a notice of change in rate will be required before they may collect the 1 cent per Mcf minimum guarantee in the event the liquid payment falls below 1 cent per Mcf.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 69-69; Filed, Jan. 6, 1969; 8:45 a.m.]

[Docket No. RI69-351, etc.]

**PAN AMERICAN PETROLEUM CORP.
Order Providing for Hearing on and
Suspension of Proposed Changes in
Rates, and Allowing Rate Changes
To Become Effective Subject to
Refund¹**

DECEMBER 27, 1968.

The Respondents named herein have filed proposed changes in rates and

¹ Does not consolidate for hearing or disposal of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date

of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date ¹ unless suspended	Date suspended until—	Cents per Mcf ²	
									Rate in effect	Proposed increased rate
RI69-351....	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	416	6	Northern Natural Gas Co. (Northwest Lemon Field, Haskell County., Kans.).	\$700	12-2-68	1-2-69	1-3-69	³ 14.0	⁴ 15.0
RI69-352....	Sun Oil Co. (Operator) et al., 1608 Walnut St., Philadelphia, Pa. 19103.	213	18	Valley Gas Transmission, Inc. (South Elsa Field, Hidalgo County., Texas R.R. District No. 4).	1,600	12-5-68	1-5-69	1-6-69	³ 15.0	⁴ 16.0

¹ The stated effective date is the first day after expiration of the 30-day statutory notice period.

² The pressure base is 14.65 p.s.i.a.

³ Rate provided by company-wide settlement order issued Apr. 13, 1966 in Dockets Nos. G-9279 et al.

⁴ Subject to downward B.t.u. adjustment.

⁵ Periodic rate increase.

⁶ Effective subject to refund in Docket No. RI64-719.

Respondents have requested effective dates for which adequate notice was not given. Since good cause has not been shown in either instance for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Respondents' filings, such requests are denied.

The contracts, underlying Respondents' subject rate schedules, were executed after September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and Respondents' increased rate proposals exceed the applicable area increased rate ceiling but do not exceed the initial service ceiling set forth in the Commission's statement of general policy No. 61-1, as amended. We believe, in this situation, that Respondents' proposed increased rates should be suspended for one day as ordered herein.

[F.R. Doc. 69-72; Filed, Jan. 6, 1969; 8:45 a.m.]

**GENERAL SERVICES
ADMINISTRATION**

[Federal Property Management Reg.,
Temporary Reg. F-36]

SECRETARY OF DEFENSE

**Delegation of Authority Regarding
Gas Service Rate Proceedings**

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in gas service rate proceedings.

2. *Effective date.* This regulation is effective December 24, 1968.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, et seq., as amended, particularly sections 201(a) (4) and 205(d) (40 U.S.C. 481(a) (4) and 486(d)), authority is delegated to the Secretary of Defense to represent the in-

terests of the executive agencies of the Federal Government before the Public Utilities Commission of the State of California in proceedings involving gas service rates of Southern California Gas Co., Southern Counties Gas Company of California, and Pacific Lighting Service and Supply Co. (California PUC Applications Nos. 50713, 50714, and 50715).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

DECEMBER 30, 1968.

[F.R. Doc. 69-124; Filed, Jan. 6, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 31, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 per cent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 2, 1969, through January 11, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-132; Filed, Jan. 6, 1969;
8:46 a.m.]

[File No. 7-3016]

GULTON INDUSTRIES, INC. (DELAWARE)

Notice of Application for Unlisted Trading Privileges and of Oppor- tunity for Hearing

DECEMBER 31, 1968.

In the Matter of Application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Gulton Industries, Inc. (Delaware), File No. 7-3016.

Upon receipt of a request, on or before January 15, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts

stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-133; Filed, Jan. 6, 1969;
8:46 a.m.]

[File No. 7-3017]

LING-TEMCO-VOUGHT, INC.

Notice of Application for Unlisted Trading Privileges and of Oppor- tunity for Hearing

DECEMBER 31, 1968.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the Special stock of the following company, which security is listed and registered on one or more other national securities exchange:

Ling-Temco-Vought, Inc., Special Stock, Class AA Accumulating Convertible, \$0.50 par value, File No. 7-3017.

Upon receipt of a request, on or before January 15, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-134; Filed, Jan. 6, 1969;
8:48 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

DECEMBER 31, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 2, 1969, through January 11, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-135; Filed, Jan. 6, 1969;
8:46 a.m.]

NATIONAL SECURITY AGENCY

PUBLIC ACCESS TO RECORDS

Procedures

1. *Purpose.* Pursuant to the requirements of the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552), the following rules of procedure are established with respect to public access to the records of the National Security Agency.

2. *Organization and requests for information.* The Headquarters of the National Security Agency is located at Fort George G. Meade, Md. Requests for information and decisions and other submittals may be addressed to the Executive Assistant to the Director, National Security Agency, Fort George G. Meade, Md. 20755.

3. *Procedures for request of records.*
a. Requests for access to records of the National Security Agency may be filed by mail addressed to the Executive Assistant to the Director, National Security Agency, Fort George G. Meade, Md. 20755. Requests need not be made on any special form but may be by letter or other written statement setting forth sufficient information to identify the requested record.

b. When the requested record has been identified, the Agency will determine whether it is exempt from public inspection under the provisions of 5 U.S.C. 552(b). If it is exempt, the Executive Assistant to the Director shall deny the request.

c. If the Agency determines that the requested record is not subject to exemption, the Executive Assistant to the Director will inform the requestor as to the appropriate reproduction fee, and, upon receipt of this fee, will have the record reproduced and sent to the requestor. Fees paid in accordance with this paragraph will be paid by check or postal money order forwarded to the Executive Assistant to the Director and made payable to the Treasurer of the United States.

4. *Appeals.* Any person denied access to records may, within 30 days after notification of such denial, file an appeal to

the Director, National Security Agency. Such an appeal shall be in writing addressed to the Director, National Security Agency, Fort George G. Meade, Md. 20755.

5. *Effective date.* This notice shall become effective upon its publication in the FEDERAL REGISTER.

GERARD P. BURKE,
*Executive Assistant
to the Director.*

[F.R. Doc. 69-131; Filed, Jan. 6, 1969;
8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO SECRETARY OF THE TREASURY PURSUANT TO SECTION 3303(b)(1) OF INTERNAL REVENUE CODE OF 1954

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable year 1968 as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304), are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable year 1968.

Alabama.	Missouri.
Alaska.	Montana.
Arizona.	Nebraska.
Arkansas.	Nevada.
California.	New Hampshire.
Colorado.	New Jersey.
Connecticut.	New Mexico.
Delaware.	New York.
District of Columbia.	North Carolina.
Florida.	North Dakota.
Georgia.	Ohio.
Hawaii.	Oklahoma.
Idaho.	Oregon.
Illinois.	Pennsylvania.
Indiana.	Rhode Island.
Iowa.	South Carolina.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Texas.
Maine.	Utah.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	Washington.
Minnesota.	West Virginia.
Mississippi.	Wisconsin.
	Wyoming.

WILLARD WIRTZ,
Secretary of Labor.

DECEMBER 31, 1968.

[F.R. Doc. 69-129; Filed, Jan. 6, 1969;
8:46 a.m.]

CERTIFICATION OF STATES TO SECRETARY OF THE TREASURY PURSUANT TO SECTION 3304 OF INTERNAL REVENUE CODE OF 1954

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C.

3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama.	Montana.
Alaska.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Idaho.	Pennsylvania.
Illinois.	Puerto Rico.
Indiana.	Rhode Island.
Iowa.	South Carolina.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Texas.
Maine.	Utah.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	Washington.
Minnesota.	West Virginia.
Mississippi.	Wisconsin.
Missouri.	Wyoming.

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1968.

WILLARD WIRTZ,
Secretary of Labor.

DECEMBER 31, 1968.

[F.R. Doc. 69-130; Filed, Jan. 6, 1969;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

NORTH AMERICAN CORP.

Notice of Application for Change in Ownership and Control of Licensed Small Business Investment Company

North American Corp., New York, N.Y., is a Federal Licensee Under the Small Business Investment Act of 1958, as amended. The company has asked the Small Business Administration (SBA) to approve a proposed change in its ownership and control. Such prior approval is required under § 107.701 of SBA rules and regulations.

The stockholders of the Licensee have entered into an agreement subject to SBA approval, to sell their interests in that company to Mr. Morris Silverman, 173-38 Croydon Road, Jamaica Estates, N.Y. The purchaser will increase the paid-in capital from \$150,000 to \$500,000 immediately after the purchase is completed.

Comments on the change of control should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within 10 days after the publication of this notice. SBA will decide on the application after that time.

For SBA (pursuant to delegated authority).

Dated: December 26, 1968.

GLENN R. BROWN,
*Associate Administrator
for Investment.*

[F.R. Doc. 69-136; Filed, Jan. 6, 1969;
8:46 a.m.]

ROYAL STREET INVESTMENT CORP.

Notice of Filing Application for Approval or Conflict of Interest Transactions Between Associates

Notice is hereby given that Royal Street Investment Corp. (Royal Street) 520 Royal Street, New Orleans, La., a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application pursuant to section 312 of the Act and governed by § 107.1004 of the Small Business Investment Company Regulations (13 CFR Part 107) for approval of a conflict of interest transaction falling within the scope of the above sections of the Act and regulations.

Subject to such approval, Royal Street has agreed to invest approximately \$300,000 in a small business concern. This investment will represent 22½ percent of the voting securities of such concern. Mr. Edgar B. Stern, Jr., is an officer and director of Royal Street and is the principal stockholder of Royal Street's parent (Royal Street Corp.).

Starwood Corp., is to invest approximately \$425,000 in the small business concern, representing 22½ percent of the voting securities of such concern. Mr. Edgar Stern's brother, Philip M. Stern, and Mr. Edgar Stern's mother, Mrs. Edgar B. Stern, Sr., are stockholders of Starwood Corp., and their respective interest through Starwood Corp., will be approximately 10½ percent of the voting securities of the small business concern.

The Board of Directors of Royal Street have unanimously approved the investment with Mr. Edgar Stern absent and abstaining.

Royal Street further represents that the terms and conditions of the investment are fair and reasonable with respect to the licensee and its stockholders.

Notice is hereby given that any interested person may, not later than 10 days from the publication of this notice, submit to SBA in writing, relevant comments on this proposed transaction. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

Notice is further given that any time after said date, SBA may, under the regulations, dispose of the application upon the basis of the information stated in said application and other relevant data.

For SBA (pursuant to delegated authority).

Dated: December 26, 1968.

GLENN R. BROWN,
*Associate Administrator
for Investment.*

[F.R. Doc. 69-137; Filed, Jan. 6, 1969;
8:46 a.m.]

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