[Airspace Docket No. 66-SO-81]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Waycross, Ga., transition area.

The Waycross transition area is described in § 71.181 (31 F.R. 2149). An extension to the 700-foot portion is described as "* * * within 2 miles each side of the Waycross, Ga., VOR 100° radial, extending from the 5-mile radius area to the Waycross VOR 207° and 027° radials * * *." An extension to the 1,200-foot portion is described as "* * * and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Waycross VOR 297° radial, extending from the VOR to 12 miles NW * * *."

Because of an error in the description, it is necessary to alter the transition area by redesignating the 700-foot extension predicated on the 100° radial to the 099° radial; redesignate the radials, 207° and 027°, that limit the extension to the 206° and 026° radials; and redesignate the 1,200-foot extension predicated on the 297° radial to the 296° radial.

Since this amendment is editorial in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Waycross, Ga., transition area is amended to read:

WAYCROSS, GA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Waycross-Ware County Airport (latitude 31°14'55" N., longitude 82°23'48" W.); within 2 miles each side of the Waycross, Ga., VOR 099° radial, extending from the 5-mile radius area to the Waycross VOR 206° and 026° radials; and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Waycross VOR 296° radial, extending from the VOR to 12 miles NW.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 7, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-11293; Filed, Oct. 17, 1966; 8:45 a.m.]

[Regulatory Docket No. 7672; Amdt. 73-1]

PART 73—SPECIAL USE AIRSPACE

Prohibited Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to establish Subpart C—Prohibited Areas, change the boundaries of Prohibited Area P-56 as described in Executive Order 10126, and include the redescribed P-56 in the new subpart.

In keeping with its continuing policy of reexamining restrictions on the public use of airspace, the FAA has reviewed the airspace affected by Executive Order 10126 and has determined that it is possible to reduce the size of the prohibited area involved.

Concurrently, the Executive Office of the President has advised that it has no objection to this alteration.

The insertion of the revised description of P-56 in Subpart C of Part 73 does not change the present prohibition of flight therein. No person may navigate an aircraft within the Prohibited Area unless authorization is first obtained from the Administrator of the Federal Aviation Agency.

Due to the length and complexity of the descriptions of prohibited areas, they and all subsequent changes thereto will not be carried in the publication, Federal Aviation Regulations, Part 73, Special Use Airspace. Such descriptions and subsequent changes will be published in the FEDERAL REGISTER and will be included on appropriate aeronautical charts.

Since these amendments return airspace to the public for use, or are editorial in nature, notice and public procedure thereon are unnecessary and they may be made effective in less than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as follows:

§ 73.1 [Amended]

1. In Subpart A—General, § 73.1 *Applicability* is amended by adding "and Subpart C" after the words "Subpart B".

§ 73.15 [Amended]

2. In Subpart B § 73.15(a) is amended by deleting "part" and substituting "subpart" therefor.

§ 73.21 [Amended]

3. In Subpart B the center heading preceding § 73.21 is deleted.

4. Following Subpart B, add:

Subpart C—Prohibited Areas

Sec.
73.81 Applicability.
73.83 Restrictions.
73.85 Using agency.

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS

73.87 P-56, District of Columbia.

AUTHORITY: The provisions of this Subpart C issued under secs. 307, 1501, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1301.

Subpart C—Prohibited Areas

§ 73.81 Applicability.

This subpart designates prohibited areas and prescribes limitations on the operation of aircraft therein.

§ 73.83 Restrictions.

No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency.

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirement for the prohibited area.

NOTE: Sections 73.87 through 73.99 are reserved for descriptions of designated prohibited areas.[1]

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS

§ 73.87 P-56, District of Columbia.

BOUNDARIES:

A. Beginning at the southwest corner of the Lincoln Memorial (latitude 38°53'20" N.; longitude 77°03'03" W.);

Thence via a 327° bearing, 0.6 mile, to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway NW. (latitude 38°53'45" N.; longitude 77°03'24" W.);

Thence northeast along New Hampshire Avenue, 0.6 mile, to Washington Circle, at the intersection of New Hampshire Avenue and K Street NW. (latitude 38°54'08" N.; longitude 77°03'02" W.);

Thence east along K Street, 2.5 miles, to the railroad overpass between First and Second Streets NE. (latitude 38°54'08" N.; longitude 77°00'14" W.);

Thence southeast via a 158° bearing, 0.7 mile, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street NE. (latitude 38°53'35" N.; longitude 76°59'57" W.);

Thence southwest via a 211° bearing, 0.8 mile, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street SE. (latitude 38°52'59" N.; longitude 77°00'25" W.);

Thence west via a 265° bearing, 0.7 mile, to the intersection of the Southwest Freeway (Interstate Route 95) and Sixth Street SW., extended (latitude 38°52'56" N.; longitude 77°01'13" W.);

Thence north along Sixth Street, 0.4 mile, to the intersection of Sixth Street and Independence Avenue SW. (latitude 38°53'15" N.; longitude 77°01'13" W.);

Thence west along the north side of Independence Avenue, 0.8 mile, to the intersection of Independence Avenue and 15th Street SW. (latitude 38°53'16" N.; longitude 77°02'02" W.);

Thence west along the southern lane of Independence Avenue, 0.4 mile to the west end of the Kutz Memorial Bridge over the Tidal Basin (latitude 38°53'12" N.; longitude 77°02'28" W.);

Thence west via a 285° bearing, 0.6 mile, to the southwest corner of the Lincoln Memorial, the point of beginning.

B. That area within a one-half mile radius from the center of the U.S. Naval Observatory located between Wisconsin and Massachusetts Avenues at 34th Street NW. (latitude 38°55'17" N.; longitude 77°04'02" W.).

Designated altitudes: Surface to unlimited.
Time of designation: Continuous.
Using agency: Administrator, Federal Aviation Agency, Washington, D.C.

(Secs. 307, 1501, Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1301)

Issued in Washington, D.C., on October 11, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-11294; Filed, Oct. 17, 1966; 8:45 a.m.]

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[1] The airspace descriptions in this part and their subsequent changes are published in the FEDERAL REGISTER. Due to their complexity and length, they will not be included in this publication of Part 73.

SUBCHAPTER I—AIRPORTS

[Docket No. 7673; Amdt. 151-15]

PART 151—FEDERAL AID TO AIRPORTS

Additional Technical Guidelines

Appendix I sets forth the list of Advisory Circulars providing technical guidelines that are made mandatory by § 151.72 of the Federal Aviation Regulations (14 CFR 151.72). The purpose of this amendment is to add to Appendix I to Part 151 an additional Advisory Circular, AC 150/5335-1, "Airport Taxiways"; to cancel AC 150/5340-4 and replace it with AC 150/5340-4A; and to cancel AC 150/5345-1 and replace it with AC 150/5345-1A.

This rule-making action is taken on the authority of sections 2 through 15, and 17 through 20 of the Federal Airport Act (49 U.S.C. 1101-1114, 1116-1119), and under the delegation of authority to the Director, Airports Service in § 151.72(b) of the Federal Aviation Regulations (14 CFR 151.72(b)). Since this amendment relates to public grants and benefits, notice and public procedure thereon are not required.

In consideration of the foregoing, effective November 17, 1966, Part 151, Appendix I, subsection (a), "Circulars available free of charge", is amended as follows:

1. By inserting Advisory Circular 150/5335-1, "Airport Taxiways", immediately following the listing of Advisory Circular 150/5330-2, "Runway/Taxiway Widths and Lengths", and preceding the listing of Advisory Circular 150/5340-1A, "Marking of Serviceable Runways and Taxiways".

2. By deleting AC 150/5340-4, "Installation Details for In-Runway Lighting", and inserting in its place AC 150/5340-4A, "Installation Details for Centerline and Touchdown Zone Lighting Systems".

3. By deleting AC 150/5345-1, "Approved Airport Lighting Equipment", and inserting in its place AC 150/5345-1A, "Approved Airport Lighting Equipment".

Issued in Washington, D.C., on October 10, 1966.

CHESTER G. BOWERS,
Acting Director, Airports Service.

[F.R. Doc. 66-11295; Filed, Oct. 17, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8629 o.]

PART 13—PROHIBITED TRADE PRACTICES

Rabiner & Jontow, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Rabiner & Jontow, Inc., New York, N.Y., Docket 8629, Sept. 19, 1966]

Order requiring a New York City manufacturer of ladies' coats and suits to cease discriminating among its competing retail customers in paying promotional allowances in violation of section 2(d) of the Clayton Act.

The order to cease and desist, is as follows:

Now, therefore, it is ordered, That respondent Rabiner & Jontow, Inc., a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

By "Final Order" further order requiring report of compliance is as follows:

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

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11309; Filed, Oct. 17, 1966; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Promotional Assistance Plans Must Be Reasonable and Nondiscriminatory

§ 15.94 **Promotional assistance plans must be reasonable and nondiscriminatory.**

(a) The Commission issued an advisory opinion regarding the obligations of a supplier in offering alternatives to his basic plan for providing promotional assistance to his competing retailer-customers by placing advertisements on shopping carts.

(b) The requesting party, a promoter, had a basic promotional assistance plan which some competing retailer-customers of suppliers participating in the plan were functionally unable to use because the retailer-customers did not have or use shopping carts. The plan provided that such competing retailer-customers were to be offered a reasonably usable alternative way of obtaining the proportionally equal assistance to which they are entitled under the provisions of section 2 (d) and (e) of the Robinson-Patman amendment to the Clayton Act.

(c) The question presented was whether a retailer-customer, whose business operation was such that he was functionally able to use and benefit from the basic—shopping cart—plan could demand the alternative form of assistance, if he so desired.

(d) In its opinion, the Commission stated that whether a supplier's promotional assistance plans are reasonable and nondiscriminatory in their application is essentially a question of fact. The Commission held that if the retailer-customer was able, in fact, to use and benefit from the basic plan offered, but rejected same, the supplier need not offer such retailer-customer the alternative plan. The Commission pointed out that the burden of proof on this issue of fact as it may arise in particular cases will rest upon the supplier. The Commission added that if a competing retailer-customer is unable to use the basic plan, because of the nature of his business operation, he must be offered an alternative plan. However, if he rejects the alternative plan for reasons of his own and said plan could be reasonably used to his benefit, then, the supplier would incur no liability for declining to offer another alternative.

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

Issued: October 17, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11306; Filed, Oct. 17, 1966; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin; Computers

§ 15.95 **Foreign origin; computers.**

The Commission issued an Advisory Opinion to the effect that it would be improper to use the "Made in U.S.A." designation in labeling or advertising a computer of which 23 percent of the factory cost was accounted for by imported parts and 77 percent was accounted for by domestically produced parts, assembling and factory testing in the United States.

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

Issued: October 17, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11307; Filed, Oct. 17, 1966; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-224]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Empty Cargo Vans and Shipping Tanks by Swedish Vessels

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Sweden extends to vessels of the United States in ports of Sweden privileges reciprocal to those provided for in § 4.93(a) of the Customs Regulations. Vessels of Sweden are therefore entitled to the privileges granted by this section.

Accordingly, § 4.93(b) of the Customs Regulations is amended by the insertion of "Sweden" in appropriate alphabetical order in the list of countries in that section.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 883)

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

Approved: October 11, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11303; Filed, Oct. 17, 1966; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

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

[Reg. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965 ------)

Subpart J—Conditions of Participation; Hospitals

In the matter of proposing regulations relating to conditions of participation by hospitals in the Health Insurance for the Aged program (Title XVIII of the Social Security Act, as amended); on February 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 2748). Interested parties were given the opportunity to submit written views or arguments within 30 days after publication of such notice.

All of the written comments submitted were considered, and modifications have been made in the proposed regulations accordingly. In addition, changes in the proposed regulations which are editorial and clarifying in nature were made throughout the sections. Discussion of the more significant changes follows:

(1) Section 405.1001 was amended by adding a paragraph (g) which gives recognition to the American Osteopathic Association hospital accreditation program, and stipulates that periodic reevaluation of the implementation of the American Osteopathic Association accreditation program will be undertaken.

(2) Section 405.1027 has been changed to indicate, more precisely, the role of the consulting pharmacist and the functions of the pharmacy and therapeutics committee, and also, to indicate more clearly that it is acceptable for a hospital to dispense combination drugs.

(3) In § 405.1031 there has been added revised language designed to indicate more clearly the services which may appropriately be available in a rehabilitation department, and to clarify who can serve as the director of a separate physical or occupational therapy department. Additionally, language of paragraph (d) (3) and (4) was modified to more clearly define the qualifications of required personnel where physical and/or occupational therapy services are offered.

Chapter III, Title 20 is amended by adding thereto Subpart J of Part 405 to read as set forth below. The addition of Subpart J of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 3, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 8, 1966.

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

Subpart J—Conditions of Participation; Hospitals

AUTHORITY: The provisions of this Subpart J issued under secs. 1102, 1861 (c), (f), and (g), 1864 and 1871; 49 Stat. 647, as amended; 79 Stat. 314-316, 79 Stat. 326; 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.1001 General.

(a) In order to participate as a hospital in the health insurance program for the aged, an institution must be a "hospital" within the meaning of section 1861(e) of the Act. This section of the law states a number of specific requirements which must be met by participating hospitals and authorizes the Secretary of Health, Education, and Welfare to prescribe other requirements considered necessary in the interest of health and safety of beneficiaries.

Section 1861. For purposes of this title—

* * * * *

(e) The term "hospital" (except for purposes of section 1814(d), subsection (a)(2) of this section, paragraph (7) of this subsection, and subsections (i) and (n) of this section) means an institution which—

(1) is primarily engaged in providing, by or under the supervision of physicians, to inpatients, (a) diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or (b) rehabilitation services for the rehabilitation of injured, disabled, or sick persons;

(2) maintains clinical records on all patients;

(3) has bylaws in effect with respect to its staff of physicians;

(4) has a requirement that every patient must be under the care of a physician;

(5) provides 24-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;