provisions for the application of tolerances, specified in the U.S. Standards for Tangerines: *Provided,* That during any week of the periods specified in this subparagraph (2), any handler may ship a quantity of tangerines which are smaller than the size prescribed in this subdivision (ii) if (*a*) the number of standard packed boxes of such smaller tangerines does not exceed 50 percent of the total standard packed boxes of all sizes of tangerines shipped by such handler during the same week; and (*b*) such smaller tangerines are of a size not smaller than 2$\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Tangerines.

(3) During the period December 22, 1968, through December 29, 1968, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines, grown in the production area.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; the term "week" shall mean the 7-day period beginning at 12:01 a.m., local time, on Monday of 1 calendar week and ending at 12:01 a.m., local time, on Monday of the following calendar week; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

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

Dated: December 5, 1968.

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

[F.R. Doc. 68–14695; Filed, Dec. 6, 1968; 8:45 a.m.]

[Orange Reg. 62]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 9, 1968. Domestic shipments of Florida oranges, except Temple oranges, are currently regulated pursuant to Orange Regulation 61 (33 F.R. 14067, 17348) and determinations as to the need for, and extent of, regulation of domestic shipments of Temple oranges must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such orange shipments subsequent to December 9, 1968, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on December 3, 1968, held to consider recommendations for regulation; the provisions of this regulation are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of such oranges; it is necessary to make this regulation effective as hereinafter set forth to preclude the shipment of immature Temple oranges and to otherwise effectuate the declared policy of the act; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.512 Orange Regulation 62.

(a) Order: (1) Orange Regulation 61, as amended (33 F.R. 14067, 17348) is hereby terminated December 9, 1968.

(2) During the periods December 9, 1968, through December 21, 1968, and December 30, 1968, through September 14, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any orange, except Temple and Murcott Honey oranges, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Temple and Murcott Honey oranges, grown in Regulation Area II, which do not grade at least U.S. No. 1;

(iii) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$\frac{1}{16}$ inches in diameter and smaller;

(iv) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(v) Any Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos;

(vi) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(vii) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$\frac{11}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

(3) During the period December 22, 1968, through December 29, 1968, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges, including Temple and Murcott Honey oranges, grown in the production area.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

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

Dated: December 5, 1968.

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

[F.R. Doc. 68–14729; Filed, Dec. 6, 1968; 8:45 a.m.]

[Lemon Reg. 351]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.651 Lemon Regulation 351.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 3, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period December 8, 1968, through December 14, 1968, are hereby fixed as follows:

(i) District 1: 16,740 cartons;
(ii) District 2: 54,870 cartons;
(iii) District 3: 114,390 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: December 5, 1968.

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

[F.R. Doc. 68–14696; Filed, Dec. 6, 1968; 8:45 a.m.]

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Expenses and Fixing of Rate of Assessment for 1968–69 Fiscal Period

Notice was published in the November 21, 1968, issue of the FEDERAL REGISTER (33 F.R. 17244) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period beginning August 1, 1968, and ending August 31, 1969, pursuant to the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929 and 33 F.R. 11639), regulating the handling of cranberries. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including the proposals which were submitted by the Cranberry Marketing Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, and other available information, it is hereby found and determined that:

§ 929.209 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period August 1, 1968, through August 31, 1969, will amount to $64,500.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 929.41, is fixed at four and one-half cents ($0.045) per barrel of cranberries, or equivalent quantity of cranberries.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipment of cranberries are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cranberries handled during the aforesaid period, and (3) such period began on August 1, 1968, and said rate of assessment will automatically apply to all such cranberries beginning with such date.

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

Dated: December 4, 1968.

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

[F.R. Doc. 68–14651; Filed, Dec. 6, 1968; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 101]

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Knoxville, Tenn., marketing area (7 CFR Part 1101), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act:

(1) Sections 1101.15, 1101.16, 1101.60, 1101.61, 1101.62, 1101.72, and 1101.73(b) in their entirety.

(2) In § 1101.30(a)(1), "including for the months of April through August a statement of the aggregate quantity of base milk".

(3) In § 1101.31(b)(1)(i), "including for the months of April through August the total pounds of base and excess milk".

(4) In the introductory text of § 1101.71, "for each of the months of September through March".

(5) In § 1101.71(f), "in each of the months of September through March".

(6) In §§ 1101.73(c) and 1101.82(b)(1), "and 1101.72".

(7) In the introductory text of § 1101.80(b), "for the months of September through March, or at not less than the uniform price for base milk computed pursuant to § 1101.72 with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 1101.72 with respect to excess milk received from such producer, for the months of April through August".

(8) In § 1101.85(b)(1), "and the uniform base price computed pursuant to § 1101.72".

(9) In § 1101.86(b), "including for the months of April through August, the pounds of base milk and excess milk".

(10) The center head "Determination of Base" immediately preceding § 1101.60.

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) Under the base-excess plan, producers establish daily bases in September through February. In the following April through August, producers are paid a base price for their deliveries that are not in excess of their base and a lower price for any additional milk delivered.

Discontinuance of the base-excess plan was requested by Tennessee Valley Milk Producers, which represents 98 percent of the Knoxville producers and about 75 percent of the Chattanooga order producers. The cooperative reblends the proceeds from the sale of members' milk, irrespective of where sold, and pays its members under both orders on the same basis.

Different base-making and base-paying months are provided in the base-excess plans in the Knoxville and Chattanooga orders. The cooperative desires to establish for its members in the Knoxville market the same base-excess plan now applicable in the Chattanooga market. Discontinuance of the Knoxville plan will assist the cooperative in using a uniform base-excess plan in paying its members under both orders.

(4) Interested parties were afforded the opportunity to file written data, views or arguments concerning this termination (33 F.R. 17145). None were filed in opposition to the proposed termination.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

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

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 4, 1968.

TED J. DAVIS,
Assistant Secretary.

[F.R. Doc. 68–14669; Filed, Dec. 6, 1968; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,369]

PART 556—STATEMENTS OF POLICY

Branch Offices and Mobile Facilities

NOVEMBER 27, 1968.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending the Statement of Policy, relating to branch offices for Federal savings and loan associations, contained in § 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5) for the purpose of (1) including mobile facilities in such Statement of Policy, (2) eliminating from such statement certain criteria which are otherwise contained in the regulation governing the establishment of branch offices by Federal savings and loan associations (12 CFR 545.14) and (3) changing the present policy of considering applications for permission to establish such a branch office only when it is to be located within 75 miles of a Federal association's home office to a policy of considering such applications when the location is to be within 100 miles of a home office, and to apply such policy to mobile facilities, hereby amends said § 556.5 to read as follows:

§ 556.5 Establishment of branch offices and mobile facilities.

(a) As a general policy, the Board permits branches and mobile facilities by Federal savings and loan associations in a particular State if the State law, or State practice in absence of statutory prohibition, permits savings and loan associations, savings banks, or commercial banks of the State to establish branches in such State or to conduct chain, group, or affiliate operations.

(b) It is the Board's policy not to approve the establishment of a branch office or a mobile facility by such an association in a State other than that where the home office of the association is located.

(c) It is the Board's policy to consider applications by such an association for permission to establish a branch office or a mobile facility, or to maintain a branch office acquired as a result of merger, only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office, unless the association is located in Alaska, Hawaii, or Puerto Rico. This policy is applicable whether or not an association was converted from a State-chartered institution at a time when it made loans on the security of real estate located more than 100 miles from its home office and whether or not it was organized initially as a Federal savings and loan association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68–14661; Filed, Dec. 6, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9294; Amdt. 95–174]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

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

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective January 9, 1969 as follows:

1. By amending Subpart C as follows:

Section 95.47 *Green Federal airway 7* is amended to read in part:

From, to, and MEA

Koyuk INT, Alaska; Galena, Alaska NDB; *6,000. *5,800—MOCA.

Galena, Alaska, NDB; Fairtan INT, Alaska; 5,800.

Section 95.48 *Green Federal airway 8* is amended to read in part:

Matanuska INT, Alaska; Gulkana, Alaska, LFR; *10,000. *9,300—MOCA.

Gulkana, Alaska, LFR; *Duffy INT, Alaska; 6,000. *7,000—MCA Duffy INT, northeastbound.

Duffy INT, Alaska; Northway, Alaska, LFR; *10,000. *8,400—MOCA.

Section 95.663 *Blue Federal airway 63* is amended to delete:

Laconia, N.H., LF/RBN; North Conway, N.H., LF/RBN; 6,000.

North Conway, N.H., LF/RBN; Berlin, N.H., LF/RBN; 8,000.

Section 95.626 *Blue Federal airway 26* is amended by adding:

Fort Yukon, Alaska, NDB; *Barter Island, Alaska, NDB; **12,000. *5,000—MCA Barter Island NDB, southeastbound. **11,000—MOCA.

Section 95.612 *Blue Federal airway 12* is amended to read in part:

McGrath, Alaska, LFR; Galena, Alaska, NDB; *6,000. *5,500—MOCA.

Galena, Alaska, NDB; Kotzebue, Alaska, NDB; *6,000. *5,300—MOCA.

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

From, To and MEA

Caesar INT, Miss.; Gulfport, Miss., VOR; *1,900. *1,500—MOCA.
Caesar INT, Miss.; Poplarville INT, Miss.; *1,900. *1,400—MOCA.
Chico, Calif., VOR; Jewell INT, Calif.; northeastbound, *3,000 southwestbound, *2,500. *2,400—MOCA, MAA—12,000.
Langley INT, Ga.; Augusta, Ga., LOM; 2,900.
Marysville, Calif., VOR; Grimes INT, Calif.; *2,000. *1,300—MOCA. MAA—12,000.
Marysville, Calif., VOR; Yuba City INT, Calif.; westbound, *3,000; eastbound, *2,500. *1,300—MOCA. MAA—12,000.

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

Beaver INT, Alaska; *Chandalar, Alaska, NDB; **7,000. *10,000—MCA Chandalar NDB, northwestbound. **6,900—MOCA.
Chandalar, Alaska, NDB; Sagwon, Alaska, NDB; 10,000.
Emory, Ga., LF RBN; Int, 264° M rad, Augusta, Ga., VOR and 277° M bearing from Emory, Ga., LF/RBN; 2,000.
Fairbanks, Alaska, NDB; Beaver INT, Alaska; *6,000. *5,300—MOCA.
Gulfport, Miss., VOR; Poplarville INT, Miss.; *2,000. *1,500—MOCA.
Hills INT, Alaska; Umiat, Alaska, NDB; *3,000. *2,900—MOCA.
Mitchell, INT, Ga.; Blythe INT, Ga.; *5,000. *2,900—MOCA.
Prudhoe Bay, Alaska, NDB; Bettles, Alaska, NDB; *10,000. *9,700—MOCA.
Prudhoe Bay, Alaska, NDB; Hills INT, Alaska; *2,000. *1,200—MOCA.
Prudhoe Bay, Alaska, NDB; Oliktok, Alaska, NDB; *2,000. *1,300—MOCA.
Sagwon, Alaska, NDB; Flaxman Island, Alaska, NDB; 3,000.
*Sagwon, Alaska, NDB; Prudhoe Bay, Alaska, NDB; 2,000. *4,000—MCA Sagwon NDB, southeastbound.
Savannah, Ga., VOR; Blythe INT, Ga.; *6,500. *1,700—MOCA.
Sharon INT, Ga.; Blythe INT, Ga.; *4,000. *2,900—MOCA.
Schooner INT, Calif.; Westlake INT, Calif.; 2,700.
Umiat, Alaska, NDB; Point Barrow, Alaska, NDB; *3,000. *2,900—MOCA.
Umiat, Alaska, NDB; Bettles, Alaska, NDB; *10,000. *9,800—MOCA.
*Westlake INT, Calif.; Fillmore Calif., VORTAC; 4,800. *4,100—MCA Westlake INT, northbound.

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

Linden, Calif., VOR; Coaldale, Nev., VOR; *18,000. *14,400—MOCA. MAA—39,000.

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

Ellensburg, Wash., VOR; Potholes INT, Wash.; 6,000. Potholes INT, Wash.; Moses Lake, Wash., VOR; 4,000. Moses Lake, Wash., VOR; Batum INT, Wash.; 4,000. Batum INT, Wash.; Spokane, Wash., VOR; 5,000.

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

Pueblo, Colo., VORTAC; Ordway INT, Colo.; 7,000. Ordway INT, Colo.; Lamar, Colo., VORTAC; *7,000. *6,800—MOCA.

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

Int., 239° M rad, Gage VOR and 050° M rad, Borger VOR via N alter.; Gage, Okla., VOR via N alter.; *4,700. *4,400—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

From, To and MEA

Malad City, Idaho, VOR; *Bannock INT, Idaho; 10,000. *11,000—MRA.
Bannock INT, Idaho; *Pocatello, Idaho, VOR; 9,000. *7,500—MCA Pocatello VOR, southeastbound.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Cincinnati, Ohio, VOR via Walter; New Baltimore INT, Ohio, via Walter; 2,500.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Slayden INT, Miss.; Iuka INT, Miss.; *3,500. *2,100—MOCA.
Iuka INT, Miss.; Muscle Shoals, Ala., VOR; *2,600. *2,100—MOCA.

Section 95.6093 *VOR Federal airway 93* is amended to read in part:

Grasonville INT, Md.; Baltimore, Md., VOR; 2,000.

Section 95.6121 *VOR Federal airway 121* is amended to read in part:

*Eugene, Oreg., VORTAC; Coburg INT, Oreg.; northeastbound, **10,000; southwestbound, 4,400. *4,700—MCA Eugene, northeastbound. **4,400—MOCA.
Coburg, INT, Oreg.; Mohawk INT, Oreg.; northeastbound, 10,000; southwestbound, 5,200.

Section 95.6123 *VOR Federal airway 123* is amended to delete:

Carmel, N.Y., VOR; Litchfield INT, Conn.; *3,000. *2,200—MOCA.
Litchfield INT, Conn.; Westfield, Mass., VOR; *3,000. *2,700—MOCA.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

Cincinnati, Ohio, VOR; California INT, Ky.; 2,500.
Cincinnati, Ohio, VOR via N alter.; York, Ky., VOR via N alter.; 3,000.

Section 95.6130 *VOR Federal airway 130* is amended to read in part:

Albany, N.Y., VOR; Canaan INT, N.Y.; 3,400.
Canaan INT, N.Y.; Monterey INT, Mass.; 4,000.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

Concord, N.H., VOR via E alter.; Gunstock INT, N.H., via E alter.; 4,000.
Gunstock INT, N.H., via E alter.; Lebanon, N.H., VOR via E alter.; 5,000.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

Great Falls, Mont., VOR; Dearborn DME Fix, Mont.; northeastbound, *8,000; southwestbound, *10,000. *7,500—MOCA.
Dearborn DME Fix, Mont.; Blackfoot DME Fix, Mont.; *13,000. *11,400—MOCA.
Blackfoot DME Fix, Mont.; Bonner DME Fix, Mont.; *10,000. *9,600—MOCA.
Bonner DME Fix, Mont.; Missoula, Mont., VOR; *10,000. *9,200—MOCA.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

*Lake Int. Ariz.; **Salt River INT, Ariz.; ***#12,000. *8,600—MCA Lake INT, northeastbound. **14,000—MRA. ***10,000—MOCA. #MEA is established with a gap in navigation signal coverage.

Section 95.6203 *VOR Federal airway 203* is amended to read in part:

From, To and MEA

Chester, Mass., VOR; Canaan INT, N.Y.; 4,000. Canaan INT, N.Y.; Albany, N.Y., VOR; 3,400.

Section 95.6204 *VOR Federal airway 204* is amended to read in part:

*Olympia, Wash., VOR; **McKenna INT, Wash.; 4,000. *3,200—MCA Olympia VOR, westbound. **5,000—MCA McKenna INT, eastbound

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Fredericksburg INT, Tex.; *Guadalupe INT, Tex.; **4,000. *4,300—MRA. **3,200—MOCA.

Section 95.6240 *VOR Federal airway 240* is amended to read in part:

Drum INT, Ala.; Mobile, Ala., VOR; *2,000. *1,300—MOCA.

Section 95.6242 *VOR Federal airway 242* is amended to read:

Mobile, Ala., VOR; Brookley, Ala., VOR; *1,800. *1,400—MOCA.

Section 95.6244 *VOR Federal airway 244* is amended to read in part:

Pueblo, Colo., VORTAC; Ordway INT, Colo.; 7,000.
Ordway INT, Colo.; Lamar, Colo., VORTAC; *7,000. *6,800—MOCA.

Section 95.6253 *VOR Federal airway 253* is amended to read in part:

McCall, Idaho, VOR; *Lewiston, Idaho, VOR; 12,000. *6,400—MCA Lewiston VOR, southeastbound.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Malad City, Idaho, VOR; *Bannock INT, Idaho; 10,000. *11,000—MRA.
Bannock INT, Idaho; *Pocatello, Idaho, VOR; 9,000. *7,500—MCA Pocatello VOR, southeastbound.

Section 95.6263 *VOR Federal airway 263* is amended to read in part:

Hugo, Colo., VOR; Gill, Colo., VOR; *10,000. *8,000—MOCA.

Section 95.6275 *VOR Federal airway 275* is amended to read in part:

Cincinnati, Ohio, VOR; New Baltimore INT, Ohio; 2,500.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

Medford, Oreg., VORTAC; Camas Valley INT, Oreg.; *8,500. *7,300—MOCA.
Delwood INT, Oreg.; North Bend, Oreg., VOR TAC; northwestbound, 4,000; southeastbound, 5,200.

Section 95.6321 *VOR Federal airway 321* is amended to read in part:

Gadsden, Ala., VOR; *Gunter INT, Ala.; 3,000. *3,100—MRA.

Section 95.6322 *VOR Federal airway 322* is amended to read:

Concord, N.H., VOR; Gunstock INT, N.H.; 4,000.
Gunstock INT, N.H.; *North Conway INT, N.H.; **5,000. *6,000—MCA North Conway INT, northbound. **4,700—MOCA.
North Conway, INT, N.H.; Wylie INT, N.H.; *7,000. *5,300—MOCA.

From, To and MEA

Wylie INT, N.H.; *Gorham INT, N.H.; **7,000. *7,000—MCA Gorham INT, southbound. **5,700—MOCA.

Gorham INT, N.H.; Berlin, N.H., VOR; 5,300.

Berlin, N.H., VOR; United States-Canadian border; 5,300.

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

*Yakima, Wash., VOR; Royal INT, Wash.; 6,000. *9,500—MCA Yakima VOR, southwestbound.

Royal INT, Wash.; Moses Lake, Wash., VOR; 5,000.

Moses Lake, Wash., VOR; Batum INT, Wash., 4,000.

Batum INT, Wash.; *Spokane, Wash., VOR; 5,000. *5,200—MCA Spokane VOR, eastbound.

Section 95.6453 *VOR Federal airway 453* is amended to read in part:

King Salmon, Alaska, VOR; Dillingham, Alaska, VOR; *#2,000. *1,400—MOCA. #MEA 6,500 feet westbound when Dillingham FSS is shutdown.

King Salmon, Alaska, VOR via Salter.; Dillingham, Alaska, VOR via Salter.; *#2,000. *1,300—MOCA. #MEA 6,500 feet westbound when Dillingham FSS is shutdown.

Section 95.6487 *VOR Federal airway 487* is amended to read in part:

Hillsdale INT, N.Y.; Canaan INT, N.Y.; 4,000.

Canaan INT, N.Y.; Cambridge, N.Y., VOR; 4,400.

Section 95.6494 *VOR Federal airway 494* is amended to read in part:

Santa Rosa, Calif., VOR; *Rag INT, Calif.; **5,000. *6,500—MRA. **4,700—MOCA.

Rag INT, Calif.; Sacramento, Calif., VOR; *5,000. *4,600—MOCA.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

Ono INT, Hawaii, via S alter.; Pansy INT, Hawaii, via S alter.; *3,000. *1,000—MOCA.

Pansy INT, Hawaii, via S alter.; Int., 117° M rad, Honolulu VOR and 278° M rad, Lanai VOR via S alter.; *3,000. *1,000—MOCA.

Int, 117° M rad, Honolulu VOR and 278° M rad, Lanai VOR via S alter.; Sampan INT, Hawaii, via S alter.; 2,000.

Section 95.6416 *Hawaii VOR Federal airway 16* is amended to read in part:

Pineapple INT, Hawaii; Southgate INT, Hawaii; *2,000. *1,000—MOCA.

Section 95.7120 *Jet Route No. 120* is amended by adding:

From, to, MEA, and MAA

Fort Yukon, Alaska, VOR; Barter Island, Alaska, NDB; 18,000; 45,000.

Section 95.7153 *Jet Route No. 153* is amended to read in part:

*Shad INT, Va.; Sea Isle, N.J., VORTAC; 18,000; 45,000. *22,000—MRA of ORF 078° rad at Shad VHF Fix (High Alt.) NOTE: 11,000—MRA of SIE 143° rad/118 NM at Shad DME Fix (Low Alt.).

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

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

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 68-14588; Filed, Dec. 6, 1968; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-548; Amdt. 11]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Liability Insurance Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of November 1968.

In a notice of proposed rule making issued December 5, 1967, EDR-130, Docket 19352, and published at 32 F.R. 17598, the Board announced its intention to amend Part 298 of the economic regulations (14 CFR 298) so as to require Board-regulated air taxi operators to carry liability insurance and to register with the Board.

Comments directed to the insurance issued were filed by numerous air taxi operators, the Department of Transportation, the American Trial Lawyers Association, and the major aviation insurance companies. Most parties favored some form of mandatory insurance. After full consideration, the Board has decided to adopt the insurance rule with certain modifications.

Objections to mandatory insurance. Only a few of the 30 persons commenting on the insurance issue suggest that insurance should be optional or left to State regulatory authorities. None of those parties' comments purports to challenge the Board's tentative findings, which we adopt. Although many air taxi operators carry insurance, some hold policies which give little protection and others have no insurance at all. Less than 15 States have financial responsibility laws covering carriage by air; only a few have insurance laws applying to carriers operating under Board authority. Notwithstanding suggestions that bonding and surety arrangements can provide a satisfactory alternative, the Board finds that mandatory insurance is needed to protect the public.

Three nonscheduled air taxi operators contend that insurance which complies with the Board's proposal will be costly. In order to minimize the cost of insurance. the Board has made a number of changes in the final rule. Thus, air taxi operators who do not carry passengers will not need to obtain passenger liability coverage. And the property damage coverage required from all air taxi operators will be reduced from $300,000 to $100,000. The Board recognizes that its rule can lead to increased costs for those operators who now carry too little insurance or no insurance at all. In our judgment, however, air taxi operators who hold themselves out to operate in air transportation under the Act should be required to protect the public by carrying adequate insurance.

Policy exclusions. For an interim period, the Board will accept policies which continue to contain the insurance companies' standard "safety" exclusions, though in modified form. According to the insurers, those policy exclusions are customary in the industry and form the keystone of the insurance contracts. The Board recognizes that its new regulation will lead hundreds of air taxi operators to seek new or improved insurance. While the industry seeks to adjust itself to the rule that air transportation must be covered by insurance, the insurers' ability to retain traditional policy provisions will enhance the likelihood that all Board-authorized air taxi operators will be able to obtain adequate insurance at the lowest possible rates.

The Board is aware that air taxi operators will gain increased insurance coverage if the customary exclusions, and the proposed large-aircraft exclusion, are eliminated. Even with the exclusions, however, the Board's insurance rule is a giant step forward in securing protection for the public and more than matches the most progressive State enactments. In our view, it constitutes a firm but prudent first step. Once the air taxi insurance program is safely on the road to success, the Board intends to reexamine the need for the customary exclusions.

Limits of liability. For passenger injury, the Board will adhere to its proposal to require air taxi operators to obtain insurance with a minimum limit of liability per passenger of $75,000, identical to the Part 208 limits. In the Board's judgment air taxi operators should not carry less insurance than supplemental carriers do. Although several parties point out that States like California now require only $50,000 coverage per passenger, the Board notes that California is now considering whether to increase its insurance minimums.

On the other hand, the Board is not persuaded that the minimum limits of liability should be higher for air taxi operators than for supplemental carriers. The Board has, however, stated before that it will maintain a continuing surveillance over the adequacy of the supplemental carriers' insurance (Reg. ER-497). Similarly, the Board recognizes a responsibility towards the traveling public's interest in securing maximum protection for satisfaction of claims for death and serious injury caused by air taxi aircraft accidents. The Board will therefore give further consideration to increasing the passenger liability limits for both supplemental carriers and air taxi operators. Meanwhile, it is desirable to put the rule into effect so as to provide the public with the major new protection proposed.

For property damage, as noted earlier, the Board will reduce the prescribed liability coverage from $300,000 to $100,000.

Other matters. The Board has also revised the proposed rule to permit surplus line insurers to participate in the aviation underwriting business, and to require that policies include service-of-suit clauses. And, in response to a suggestion by the American Trial Lawyers Association, the Board will direct that policies must require insurers to notify the Board when policies expire and to

hold up cancellation or modification of policies until after the Board is notified.

In order to allow ample time for Board-regulated air taxi operators to obtain insurance, the rule will not be made effective until March 7, 1969. The Board is postponing that part of the proposed rule relating to registration for later action. When adopted, the registration rule will require each air taxi operator to file a copy of the certificate of insurance with its registration.

Accordingly, the Civil Aeronautics Board hereby amends Part 298 of its Economic Regulations (14 CFR Part 298) effective March 7, 1969, as follows: [1]

1. Add new subparagraph (3) to § 298.3(a) to read as follows:

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated "air taxi operators," which engage in the direct air transportation of passengers and/or property and/or in the transportation within the 48 contiguous States or Hawaii of mail by aircraft and which:

* * * * *

(3) Have and maintain in effect liability insurance coverage in compliance with the requirements set forth in Subpart D of this part.

* * * * *

2. Amend § 298.21 by revising paragraph (a) and adding a new paragraph (g) to read:

§ 298.21 Scope of service authorized.

(a) *General scope.* Subject to the prohibitions of paragraphs (b), (c), (d), (f), (g), and (h) of this section, the exemption authority provided to air taxi operators by this part shall extend to the direct air transportation of persons, property and mail (subject to the limitations imposed in §§ 298.3(a) and 298.13) (1) in aircraft having a maximum takeoff weight of 12,500 pounds or less, and (2) in planeload charter flights in turbojet aircraft having a maximum certificated takeoff weight of over 12,500 pounds and under 27,000 pounds [2] and a maximum passenger capacity of not more than twelve (12) persons: *Provided, however,* That the authorization in subparagraph (2) of this paragraph shall not be applicable to operations within the States of Alaska or Hawaii. For purposes of this section, "charter flight" means air transportation performed by an air taxi operator on a time, mileage, or trip basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and property by a person for his own use; or by a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group.

* * * * *

(g) *Prohibition of services not covered by insurance.* An air taxi operator is prohibited from providing air transportation, or holding out to the public expressly or by course of conduct, that it provides any air transportation for which there is not in effect liability insurance which complies with the requirements of Subpart D of this part and which covers such transportation.

3. Reletter Subpart D as Subpart E and change designation of § 298.30 to § 298.70; and insert a new Subpart D to read as follows:

Subpart D—Liability Insurance Requirements

Sec.
298.41 Basic requirements.
298.42 Minimum limits of liability.
298.43 Terms and conditions of insurance coverage.
298.44 Authorized exclusions of liability.
298.45 Cancellation, withdrawal, modification, expiration, or replacement of insurance coverage.

AUTHORITY: The provisions of this Subpart D issued under secs. 204(a), 416, Federal Aviation Act of 1958, as amended, 72 Stat. 771; 49 U.S.C. 1324, 1386.

Subpart D—Liability Insurance Requirements

§ 298.41 Basic requirements.

(a) Each air taxi operator engaging in air transportation shall maintain in effect liability insurance coverage which complies with the requirements of this subpart and which is evidenced by a currently effective policy of insurance, with an attached standard endorsement, available for inspection by the Board and the public at its principal place of business. Notwithstanding the provisions of § 298.44 (b), (g), (h), and (j), no liability insurance will be deemed to comply with this subpart unless it covers all aircraft which the operator operates in air transportation and all services which the operator performs in air transportation.

(b) "Certificate of insurance," as used herein, means one or more certificates, evidencing the following: Issuance by one or more insurers of one or more currently effective policies of aircraft liability insurance in compliance with this subpart and properly endorsed, which alone or in combination provide the minimum coverage prescribed in § 298.42. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance. The certificate of insurance shall also state whether the policy of insurance provides coverage for liability for bodily injury to or death of aircraft passengers. In addition, the certificate of insurance shall state whether the policy of insurance excludes coverage for operations with any aircraft falling within the groupings specified in § 298.44(j). Each certificate of insurance, and each endorsement limiting the permitted exclusions, shall be signed in ink by an authorized officer or agent of the insurer and shall be on forms prescribed and furnished by the Board.[3]

(c) The insurance coverage and certificate required by this subpart shall be obtained from one or more (1) reputable and financially responsible insurance companies or associations which are licensed to issue aircraft liability policies in any State in the United States or in the District of Columbia, or (2) surplus line insurers named on a current list of approved surplus line insurers promulgated by the insurance regulatory authority of any State in the United States or in the District of Columbia: *Provided,* That if any such surplus line insurer provides more than ten percent (10%) of the liability insurance coverage of an air taxi operator required by this subpart, it shall maintain, in a bank or other financial institution organized or operating under the laws of the United States or a State thereof or the District of Columbia, a trust fund of at least three hundred thousand dollars ($300,000) for the benefit of its policyholders.

(d) Each air taxi operator shall prominently post at each place where it deals with the public a copy of its currently effective certificate or certificates of insurance, and shall file a copy of each with the Board in accordance with the provisions of Subpart E of this part.[4] No certificate of insurance shall be posted unless the policy or policies of insurance to which it relates remain in effect.

§ 298.42 Minimum limits of liability.

(a) The minimum limits of liability coverage maintained by an air taxi operator who carries passengers in air transportation shall be:

(1) *Liability for bodily injury to or death of aircraft passengers.* A limit for any one passenger of at least seventy-five thousand dollars ($75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars ($75,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(2) *Liability for bodily injury to or death of persons (excluding passengers).* A limit of at least seventy-five thousand dollars ($75,000) for any one person in any one occurrence, and a limit of at lease three hundred thousand dollars ($300,000) for each occurrence.

---

[1] These amendments (§§ 298.21(a), 298.44 (b), and par. 4(b) of Appendix B) reflect another amendment to Part 298 with respect to the use of turbojet aircraft in excess of 12,500 pounds takeoff weight in planeload charter operations, ER-549, issued simultaneously herewith.

[2] The carriers are cautioned that the safety regulations of the FAA applicable to air taxi aircraft in excess of 12,500 pounds may be different from those applicable to aircraft under 12,500 pounds and that, as in the case of all operations conducted under this part, the operations with aircraft in excess of 12,500 pounds must be conducted pursuant to applicable safety regulations.

[3] CAB Forms 257 and 262 are filed as part of the original document and can be obtained from the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

[4] The Board proposed Subpart E in EDR-130 and will make that subpart final with modifications at a later date. Accordingly, the filing requirements specified in § 298.41 (d) shall be effective upon the effective date of Subpart E.

(3) *Liability for loss of or damage to property.* A limit of at least one hundred thousand dollars ($100,000) for each occurrence.

(b) The minimum limits of liability coverage maintained by an air taxi operator who restricts his operations in air transportation to the carriage of mail or property, or both, shall be those specified in paragraphs (a) (2) and (3) of this section.

§ 298.43 Terms and conditions of insurance coverage.

Liability insurance coverage required by this part shall meet the following minimum requirements:

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured air taxi operator, within the specified limits of liability, of all sums which the insured carrier shall become legally obligated to pay as damages for bodily injury to or death of persons, or for loss or damage to property of others (except as exclusion of coverage is permitted by § 298.44) resulting from the insured operator's negligent operation, maintenance or use of aircraft in "air transportation," as that term is defined by the Federal Aviation Act of 1958.

(b) The liability of the insurer shall apply to all operations by the insured operator in "air transportation," as that term is defined by the Federal Aviation Act of 1958. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured operator, of any applicable safety or economic provision of the Federal Aviation Act or of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Administration or the Civil Aeronautics Board or any other State or Federal law or regulation. No special waiver or exemption issued by the Federal Aviation Administration or the Civil Aeronautics Board shall affect the insurance afforded by the policy.

(c) The liability of the insurer shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each occurrence. Any payment made under the policy because of any one occurrence shall not reduce the liability of the insurer for payment of other damages resulting from any other occurrence.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition, warranty, or exclusion in the policy or any endorsement thereon, or violation thereof by the insured air taxi operator, other than by the exclusions set forth in § 298.44 or such other exclusions as may be individually approved by the Board.

(e) The policy of insurance shall state that, pursuant to any statute of any State, Territory, or District of the United States which makes provision therefor, the insurer designates the Superintendent, Commissioner, or Director of Insurance or other officer specified for that purpose in the statute (or his successor or successors in office) as the insurer's attorney upon whom may be served process in any action arising out of the policy of insurance.

§ 298.44 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:

(a) Any loss against which the named insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be in excess of the limits provided by such other valid and collectible insurance up to the limits certified in a certificate of insurance, but in no event exceeding the limits of liability expressed elsewhere in this policy;

(b) Any loss arising from the ownership, maintenance, or use of any large aircraft except, subject to the provisions of paragraph (j) of this section, turbojet aircraft having a maximum takeoff weight of over 12,500 pounds authorized for use by air taxi operators pursuant to § 298.21;

(c) Liability assumed by the named insured under any contract or agreement, unless such liability would have attached to the insured even in the absence of such contract or agreement;

(d) Bodily injury, sickness, disease, mental anguish, or death of any employee of the named insured while engaged in the duties of his employment, or any obligation for which the named insured or any company as his insurer may be held liable under any workmen's compensation or occupational disease law;

(e) Loss of or damage to property owned, rented, occupied, or used by, or in the care, custody, or control of the named insured, or carried in or on any aircraft with respect to which the insurance afforded by this policy applies;

(f) Personal injuries or death, or damage to or destruction of property, caused directly or indirectly by hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority, or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radioactive materials; insurrection, rebellion, revolution, civil war, or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority;

(g) Any loss arising from operations within any geographic areas other than the following:

(1) Between points in the 48 contiguous States, the District of Columbia, Canada, and Mexico;

(2) Between points in Puerto Rico and the Virgin Islands;

(3) Between points within the States of Alaska and Hawaii;

(4) Between points in Alaska and points in Canada; and

(5) Within any other geographic area for which coverage is specified in the policy of insurance;

Provided, That a loss caused by mere misadventure in flying over or landing in any geographic area not specified in subparagraphs (1) through (5) of this paragraph shall not be excluded;

(h) Any loss arising from operations by the named insured to or from installations of the Distant Early Warning System (DEW line) or the Ballistic Missile Early Warning System (BMEWS);

(i) Any loss arising from operation of an aircraft under command of a pilot not named in or meeting the equalification, experience, and currency requirements provided in the policy of insurance:

(j) Any loss arising from the operation of an aircraft falling within any of the following aircraft groupings, if specified in the policy of insurance: Piston engine rotary-wing; turbine engine rotary-wing; single engine piston fixed-wing; multiengine piston fixed-wing; single engine turbo prop fixed-wing; multiengine turbo prop fixed-wing; multiengine turbo jet fixed-wing; multiengine center line thrust fixed-wing; single engine water alighting fixed-wing; multiengine water alighting fixed-wing: *Provided,* That no grouping shall be so specified if any aircraft type falling within such grouping is included within the coverage of the policy;

(k) Any loss arising from operations other than the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in interstate, overseas, or foreign air transportation;

(l) Any loss arising from operations with aircraft for which an airworthiness certificate has not been issued, has been surrendered, or has been suspended or revoked by the Administrator of the Federal Aviation Administration, or has expired by its terms;

(m) Any loss arising from operations with aircraft which, at takeoff, have not had inspections, maintenance, preventive maintenance, and alterations performed when required by the Federal Aviation Regulations, or which have not had such inspections, maintenance, preventive maintenance, and alterations performed by persons authorized by the Federal Aviation Regulations.

§ 298.45 Cancellation, withdrawal, modification, expiration, or replacement of insurance coverage.

(a) Each policy of insurance shall specify that, unless replaced as provided in paragraph (b) of this section, it may not be canceled or withdrawn, or modified to reduce the limits of liability, until after 10 days' written notice by the insurer to the Board's Bureau of Operating Rights, Washington, D.C. 20428, which 10-day notice period shall commence to run from the date such notice is actually received by the Board. Each policy shall further provide that the insurer will notify the Board, 10 days

before the expiration date of the policy, unless the policy has been renewed.

(b) Policies of aircraft liability insurance, and certificates of insurance accepted by the Board under this part, may be replaced by other policies of insurance and certificates of insurance conforming to this subpart. The liability of the retiring insurer shall be considered terminated as of the effective date of the replacement policy of aircraft liability insurance and certificate of insurance.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-14690; Filed, Dec. 6, 1968; 8:45 a.m.]

[Reg. ER-549; Amdt. 12]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Planeload Charter Operations Conducted With Turbojet Aircraft in Excess of 12,500 and Under 27,000 Pounds Certificated Takeoff Weight When Maximum Passenger Capacity Does Not Exceed 12 Persons

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of November 1968.

In a notice of proposed rule making published in the FEDERAL REGISTER on October 9, 1965 (30 F.R. 12891), and circulated to the industry as EDR-93, Docket 16544, the Board proposed to amend Part 298 of the Board's economic regulations (14 CFR Part 298) to permit air taxi operators to use turbojet aircraft whose maximum certificated takeoff weight is over 12,500 pounds and under 25,000 pounds, and whose maximum passenger capacity does not exceed 12 persons. Such authorization would be in addition to that found in existing Part 298 to use any type of aircraft without limitation as to passenger payload capacity so long as its maximum certificated takeoff weight does not exceed 12,500 pounds. In the notice the Board invited interested persons to submit written data, views, or arguments with respect to the proposed rule.

Pursuant to the above notice, 35 comments were received, including 12 from air taxi operators,[1] two from trunkline air carriers,[2] five from local service carriers,[3] one joint comment from certain intra-Alaska route carriers,[4] two comments from the Hawaiian route carriers,[5] one from a supplemental air carrier,[6] two from helicopter route carriers,[7] a comment from the Federal Aviation Administration (FAA), two comments from other governmental agencies,[8] four comments from air carrier trade associations,[9] and three comments from aircraft manufacturers or distributors.[10]

After due consideration of all of the comments and for the reasons hereinafter set forth, we have determined to finalize the proposed rule with respect to planeload charter operations, but not as to individually ticketed services. Also, we shall increase the maximum certificated gross takeoff weight of turbojet aircraft so as to permit such operations with aircraft under 27,000 pounds. Specifically, we shall authorize air taxi operators to use turbojet aircraft with maximum certificated takeoff weight in excess of 12,500 and under 27,000 pounds in planeload charter operations when the maximum passenger capacity thereof does not exceed 12 persons,[11] in the case of passenger configuration. In the case of cargo configuration, the only limitation is the maximum certificated weight of the aircraft (under 27,000 pounds): *Provided,* That the FAA type certificate data sheet applicable thereto has a maximum passenger capacity of not more than 12 persons. The rule also contains a definition of charter flight. Further, we shall exclude intra-Alaskan and intra-Hawaiian operations from the scope of the rule (§ 298.21, infra) and make clear that air taxi operators under the blanket exemption of Part 298 cannot use in air transportation piston-powered or turboprop aircraft whose maximum certificated takeoff weight exceeds 12,500 pounds (§ 298.21, infra).[12] In addition, we have made certain editorial modifications in the proposed rule.[13]

Discussion. As set forth above, the proposed rule would permit air taxi operators to use turbojet aircraft whose maximum certificated weight is over 12,500 pounds and under 25,000 pounds in both charter and individually ticketed services so long as the maximum passenger capacity of such aircraft does not exceed 12 persons. A number of the comments filed raise the issue of undue competition with the certificated local service carriers.[14] In the light of the present financial condition of the local service carriers, the fact of the large amount of subsidy paid to this class of carriers and the risk that operations of the larger jets in scheduled air taxi operations would create undue diversion from the local service carriers and burden their subsidy requirements even further, the Board has determined not to finalize the rule with respect to individually ticketed services. Accordingly, carriers desiring to utilize the larger jet aircraft in individually ticketed services will be required to obtain special exemptions from the Board. On the other hand, we see no reason not to finalize the rule with respect to planeload charter operations. The Board has during the past 2 years processed a number of applications of air taxis to use turbojet aircraft over 12,500 pounds takeoff weight in planeload charter operations and has granted 33 of them. On the basis of the Board's experience it is now apparent that charter operations in turbojet aircraft with a maximum design configuration of 12 seats should pose no threat of diversion to the operations of the certificated carriers generally. To continue to require individual applications for such exemptions would be unduly burdensome on the Board as well as on the carriers.

Maximum certificated weight. Business Jets, the exclusive distributor in the

---

[1] Atlantic Aviation, Inc. (Atlantic); Beckett Aviation Corp. (Beckett); Commander Aviation, Inc. (Commander); Commuter Airlines, Inc., Binghamton, N.Y. (Commuter-Binghamton); Commuter Airlines, Inc., Sioux City, Iowa (Commuter-Sioux City;) Midstate Air Commuter (Midstate); Midwest Airways (Midwest); Phelps Aero Corp. (Phelps); Ringo Airways, Inc. (Ringo); Southeast Airlines Inc. (Southeast); Skyway Air Cargo, Inc. (Skyway); Western Commander, Inc. (Western Commander).

[2] National Airlines, Inc. (National); Trans World Airlines (TWA).

[3] Allegheny Airlines, Inc. (Allegheny); Bonanza Air Lines (Bonanza); Frontier Airlines, Inc. (Frontier); Lake Central Airlines, Inc. (Lake Central); Trans-Texas Airways, Inc. (Trans-Texas).

[4] Alaska Coastal-Ellis Airlines, Northern Consolidated Airlines, Inc., and Wien Alaska Airlines, Inc. (Coastal-Northern-Consolidated-Wien).

[5] Aloha Airlines, Inc. (Aloha); Hawaiian Airlines, Inc. (Hawaiian).

[6] Purdue Aeronautics Corp. (Purdue).

[7] Los Angeles Airways, Inc. (LAA); New York Airways, Inc. (NYA).

[8] Kansas City Flying Service Municipal Airport (Kansas City); New Hampshire Aeronautics Commission (New Hampshire).

[9] Association of Commuter Airlines (Association Commuter); Helicopter Association of America (Helicopter Association); National Air Taxi Conference (National Conference); The New England Council (Council).

[10] American Nord-Aviation, Inc. (American Nord); Beech Aircraft Corp. (Beech); Business Jets, a division of Pan American World Airways, Inc. (Business Jets).

[11] One comment suggested that the definition of "maximum passenger capacity" in the proposed rule "exclude the crew from the category of passengers." We see no need to modify the definition of "maximum passenger capacity" as requested. The requirement in the rule that the maximum passenger capacity of turbojet aircraft over 12,500 pounds certificated takeoff weight be 12 persons means 12 passengers and, in the context of this regulation, the term "passenger" does not include members of an aircraft crew.

[12] Some persons requested a blanket exemption for the use of any type of aircraft so long as the maximum certificated takeoff weight would not exceed 25,000 or 27,000 pounds. In our view, such a request is beyond the scope of this proceeding and will therefore be rejected. See infra, p. 6, et seq.

[13] We shall amend § 298.21 entitled "Scope of service authorized" to authorize the use of turbojet aircraft instead of amending § 298.2 "large aircraft" as the notice proposed. See § 298.21, infra.

[14] The only comments on the proposed rule from the trunkline air carriers were filed by National and TWA. In the case of TWA, no opposition was expressed concerning EDR-93 as such, but modification was requested as to "the scope of the exemptions extended by Part 298 with respect to operations with such aircraft [aircraft permitted by EDR-93]." Specifically, TWA objects to the blanket exemption from the anti-discrimination provisions of section 404(b), the tariff provisions of section 403 and the agreements provisions of section 412 of the Act. In our view, TWA has not shown a need for the modification it requests.

United States of the French Mystere 20–Falcon, points out that this existing small turbojet aircraft, which the Board listed in the notice in this proceeding as having a maximum gross takeoff weight of 24,750 pounds, has current FAA certificated weight of 25,578 pounds, which will increase to 26,500 as a result of engineering work now in progress.[15] It requests that the Board increase the maximum gross certificated takeoff weight for small turbojets from 25,000 pounds (proposed in the notice) to 27,500 pounds to qualify the present and prospective Mystere under the rule and to permit some latitude for future modification of this aircraft.

We shall amend the rule so as to permit use of turbojet aircraft with maximum certificated weight under 27,000 pounds. This will bring under the rule the present Mystere aircraft. That this aircraft falls within the classification of small aircraft is evident from the fact that its maximum certificated seating capacity is 8 to 10 passengers exclusive of crew.[16]

Thus, the rule will apply to all turbojet aircraft in excess of 12,500 pounds and under 27,000 pounds [17] certificated takeoff weight so long as the design configuration, as set forth in the FAA type certificate of the aircraft, is not more than 12 passengers.[18]

Use of turboprop aircraft. Although the rule as proposed was limited to the use of turbojet aircraft in excess of 12,500 certificated takeoff weight,[19] several persons [20] asked that the rule be expanded to permit the use of turboprop aircraft with the same weight and capacity limitations as those proposed in EDR–93. They assert that the use of turboprop aircraft by air taxi operators would have the following advantages over their use of turbojet equipment: (1) The initial purchase price would be substantially lower; (2) turboprop aircraft can operate in and out of airports which would be operationally precluded to turbojets; and (3) in short distance operations, the costs of the turbojets are higher than those of the turboprops. It was further pointed out that, as in the case of the small turbojets, the ratio of fuel weight to aircraft weight has increased over the older piston-powered equipment so that increased fuel load does not increase payload potential; and service with small turboprop aircraft would not be competitive with that provided by the local service carriers since the cost per seat mile of the turboprops used by air taxi operators would be over double that of the aircraft operated by the local service carriers.

In our view, the proposal is not consistent with the air taxi concept. The ratio of gross weight to payload capacity of turboprop aircraft is comparable to piston aircraft, rather than to turbojets. An authorization to use prop jets with takeoff weights of up to 27,000 pounds would permit the use of aircraft with passenger payload capability approximately double that of aircraft currently used by air taxis. For example, the small turbojets with maximum gross takeoff weight of between 16,800 and 27,000 pounds have maximum passenger capacity of between seven and 12 persons; whereas it appears that turboprops with comparable gross takeoff weights have passenger payload capacities of up to 27.[21] While we could restrict the use of such aircraft to those which are configured for a maximum of 12 persons, it does not appear that such an artificial restriction would permit economical operations, and it would be difficult to enforce.

For these reasons, we are unable to authorize air taxi use of turboprop aircraft over 12,500 pounds takeoff weight.

Use of jet aircraft in Alaska and Hawaii. Certain intra-Alaska route carriers [22] oppose EDR–93 insofar as it would apply to air taxi operations within Alaska. They assert that none of the intra-Alaska route carriers use jet aircraft; that a substantial portion of intra-Alaska route service is with bush or small-type aircraft under 12,500 pounds; that the State of Alaska restricts air taxi operations in certain areas of the state such as Southeastern Alaska to the use of aircraft not in excess of 7,900 pounds gross certificated weight and that EDR–93 would have substantial adverse impact upon subsidized air transportation within Alaska and would increase the amount of subsidy.[23] We have concluded that the circumstances in Alaska are sufficiently different from those of the other geographical areas as to warrant exclusion of intra-Alaskan operations from the regulation.

The Hawaiian route carriers similarly oppose EDR–93 to the extent it would authorize the prescribed air taxi operations in the Islands. Aloha requests, in the alternative, that a hearing be held to determine the possibility of operating on an economic basis with small jet equipment under the present regulations. The Hawaiian carriers also assert, inter alia, that under existing Part 298, air taxi operators are diverting substantial amounts of traffic from the route carriers, that they are presently conducting scheduled service over substantially the same routes as the route carriers in violation of the Board's economic regulations (Part 298),[24] that during yearly periods, one Hawaiian route carrier lost $168,000 in revenue and both Hawaiian route carriers suffered diversion of $600,000 as a result of air taxi operations, and that air taxi operators carried 50,000 passengers a year between points served by the Hawaiian route carriers which represents over 90 percent of the total passengers carried by air taxi operators in the State of Hawaii during such period.

With respect to air taxi operations in Hawaii, unlike those in the 48 contiguous States, there is no history of charter services by air taxis with turbojet aircraft in excess of 12,500 pounds certificated takeoff weight. Thus, we have no factual basis for making a judgment as to the nature of such charters or their impact on the Hawaiian route carriers. Under these circumstances and considering the present marginal financial condition of the two Hawaiian route carriers, the Board is reluctant to include Hawaiian air taxi operators within the scope of the expanded blanket exemption, and the rule therefore excludes Hawaii from its coverage. This determination, of course, is without prejudice to the filing by air taxi operators in Hawaii of individual applications for exemption to use such aircraft in planeload charter operations.

Insurance and reporting requirements. The authority granted in the exemption orders which the Board has issued during the past 2 years to air taxi operators authorizing them to use jet aircraft over 12,500 pounds weight in only planeload charter operations was conditioned upon the carrier's compliance with the insurance requirements of §§ 208.11–208.13 of the Board's economic regulations. By ER–548 dated November 29, 1968, the Board amended Part 298 by adopting a new Subpart D entitled "Liability Insurance Requirements." This subpart requires Board-regulated air taxi operators to carry liability insurance for all operations in air transportation on and after March 7, 1969, the effective date of the

---

[15] It now appears that the FAA type certificate date sheets for the French Mystere 20–Falcon show a maximum certificated takeoff weight of approximately 26,450 and a passenger capacity of 9 or 10. See Order E–26403 dated Feb. 26, 1968, application of Aircraft Management, Inc., Docket 19499; application of Northern Airmotive, Docket 20321.

[16] Ibid.

[17] Operations with turbojet aircraft with seating capacity of 12 or less but with a maximum weight of 27,000 or more will be considered on the basis of individual exemption applications. Cf. Orders E–25859 and E–26852 dated Oct. 27, 1967, and May 29, 1968, respectively.

[18] It should be noted that the regulation would not permit the use of aircraft whose aircraft type certificate authorizes more than 12 passenger seats even though the particular aircraft being used has 12 seats or less.

[19] EDR–93 and EDR–93A.

[20] The air taxi operators Atlantic, Commuter-Binghamton, Commuter-Sioux City and Skyway. Also, the National Air Taxi Conference and American Nord (manufacturer of the Nord 262 turboprop aircraft with maximum gross takeoff weight of 22,710 pounds and maximum passenger capacity of 27) request expansion of the rule to embrace turboprop aircraft.

[21] The Nord 262 (turboprop) with a maximum gross takeoff weight of 22,710 pounds has a passenger capacity of 27; and the POTAZ (turboprop) with maximum gross takeoff weight of 19,600 pounds has a maximum passenger load of from 16 to 24. Another turboprop is the GUREMI (Argentina) with takeoff weight of 15,700 pounds and passenger load capacity of between 10 and 15.

[22] Coastal, Northern Consolidated and Wien.

[23] These intra-Alaska route carriers also request that Part 298 be amended to impose the maximum passenger capacity limitation of 12 persons (proposed in EDR–93 for turbojets in excess of 12,500 pounds takeoff weight) on all aircraft used in Alaskan air taxi operations even that under 12,500 pounds. This suggestion is beyond the scope of the proceeding and it is rejected.

[24] At the time the comments were filed, Part 298 contained restrictions on regular operations by air taxis within Hawaii. Those restrictions have since been removed. See ER–481, adopted Dec. 30, 1966, 32 F.R. 488.

subpart. For the interim period preceding the effective date of ER–548, we shall give air taxi operators employing turbojet aircraft under the blanket exemption provided for herein the option of complying with (1) the insurance requirements of Part 208 (as they are required to do under the exemption orders now outstanding) or (2) the insurance requirements of new Subpart D of Part 298. However, upon the effective date of the new subpart, air taxi operators performing services in air transportation must comply with the insurance requirements of the new subpart.

Further, the exemption orders relating to operations conducted with such turbojet aircraft require the filing of quarterly reports with the Board setting forth prescribed data with respect to the charter flights performed under such orders. We shall incorporate a similar provision in this rule (see § 298.21(i), infra).

Term of authorization. We shall provide an indefinite term for this authority. In view of the Board's 2 years experience in granting exemptions to air taxis to use turbojet aircraft over 12,500 pounds in planeload charter operations, we see no reason to limit the duration of this authorization.

The same considerations which warranted the previous grants of exemption authority to air taxi operators are applicable to the amendments to Part 298 adopted herein. The services of air taxi operators are relatively limited and to require them to engage in certification proceedings in order to conduct the services authorized herein would subject them to a financial burden wholly disproportionate to their operations and would be an undue burden on the air taxi operators and not in the public interest. Therefore, with respect to the operations of air taxi operators with small turbojet aircraft above 12,500 pounds takeoff weight, the Board finds that, except to the extent and subject to the conditions provided in Part 298 as hereinafter amended, the enforcement of the provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the rules and regulations issued thereunder is or would be an undue burden on such air taxi operators by reason of the limited extent of and unusual circumstances affecting their operations and is not in the public interest.

Accordingly, the Civil Aeronautics Board hereby amends Part 298 of its economic regulations (14 CFR Part 298), effective January 6, 1969, as follows: [25]

1. Amend § 298.2 by adding definition of "maximum passenger capacity" following the definition of "maximum certificated takeoff weight" as follows:

§ 298.2 Definitions.

* * * * *

"Maximum passenger capacity" means the maximum passenger capacity listed in the applicable Federal Aviation Administration (FAA) type certificate data sheet (including supplemental type certificates).

* * * * *

2. Amend § 298.3(a)(1) to read as follows:

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated "air taxi operators" which engage in the direct air transportation of passengers and/or property and/or in the transportation within the 48 contiguous States or Hawaii of mail by aircraft and which:

(1) Do not, directly or indirectly, utilize in air transportation large aircraft (other than turbojet aircraft authorized for use by air taxi operators pursuant to § 298.21) and

* * * * *

3. Amend § 298.21 by revising paragraph (a) and adopting new paragraphs (h) and (i). As amended § 298.21 will read, in part, as follows:

§ 298.21 Scope of service authorized.

(a) *General scope.* Subject to the prohibitions of paragraphs (b), (c), (d), (f), (g), and (h) of this section, the exemption authority provided to air taxi operators by this part shall extend to the direct air transportation of persons, property and mail (subject to the limitations imposed in §§ 298.3(a) and 298.13) (1) in aircraft having a maximum takeoff weight of 12,500 pounds or less, and (2) in planeload charter flights in turbojet aircraft having a maximum certificated takeoff weight of over 12,500 pounds and under 27,000 pounds [26] and a maximum passenger capacity of not more than twelve (12) persons: *Provided, however,* That the authorization in subparagraph (2) of this paragraph shall not be applicable to operations within the States of Alaska or Hawaii. For purposes of this section "charter flight" means air transportation performed by an air taxi operator on a time, mileage or trip basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and property by a person for his own use; or by a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group.

* * * * *

(h) *Interim prohibition of certain character services not covered by insurance.* Until the effective date of paragraph (g) of this section, an air taxi operator is prohibited from providing air transportation, or holding out to the public expressly or by course of conduct, that it provides any air transportation in turbojet aircraft over 12,500 pounds certificated takeoff weight under the authority of this section for which there is not in effect

(1) Liability insurance which complies with the requirements of Subpart D of this part as set forth in ER–548, or

(2) Insurance which meets the requirements of §§ 208.11—208.13 of the Board's economic regulations of this chapter,

and which covers such transportation.

(i) *Filing of reports by operators of turbojet aircraft.* Air taxi operators which engage in air transportation with turbojet aircraft whose maximum certificated takeoff weight is over 12,500 pounds shall file with the Board's Bureau of Accounts and Statistics, not later than 15 days after the end of each calendar quarter, a report setting forth the points between which each charter flight performed with such aircraft is operated during such quarter and, with respect to each flight, the number of passengers and/or pounds of cargo transported, the charter price, and the model aircraft used.

4. Amend § 298.22(a) to read as follows:

§ 298.22 Operation of large aircraft.

(a) *Prohibition of operation of large aircraft in air transportation.* Nothing in this part shall be construed as authorizing the operation of aircraft having a maximum takeoff weight of more than 12,500 pounds by air taxi operators in air transportation other than turbojet aircraft authorized for use by air taxi operators pursuant to § 298.21.

* * * * *

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(a), 416(b), 72 Stat. 754, 771; 49 U.S.C. 1371, 1386)

By the Civil Aeronautics Board.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68–14691; Filed, Dec. 6, 1968; 8:45 a.m.]

[25] These amendments (§ 298.21 (a) and (h)) reflect another amendment to Part 298 with respect to liability insurance requirements, ER–548, issued simultaneously herewith.

[26] The carriers are cautioned that the safety regulations of the FAA applicable to air taxi aircraft in excess of 12,500 pounds may be different from those applicable to aircraft under 12,500 pounds and that, as in the case of all operations conducted under this part, the operations with aircraft in excess of 12,500 pounds must be conducted pursuant to applicable safety regulations.

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Directive 9]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart AA—Bureau of Narcotics and Dangerous Drugs

ASSISTANT DIRECTOR FOR COMPLIANCE; REDELEGATION OF FUNCTIONS

Under the authority vested in me by the Attorney General in Subpart AA of

Part 0 of Title 28 of the Code of Federal Regulations, I hereby rescind paragraph 1 of Directive No. 4, 33 F.R. 163, and the authority to perform all functions with respect to the issuance of narcotic drug importation and exportation permits pursuant to sections 173 and 182 of title 21, United States Code, and Part 302 of Title 21, Code of Federal Regulations, is hereby redelegated to the Assistant Director for Compliance, or in his absence to the Chief of the Registration and Permits Division.

Dated: November 26, 1968.

JOHN E. INGERSOLL,
Director.

[F.R. Doc. 68-14663; Filed, Dec. 6, 1968; 8:46 a.m.]

[Directive 8]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart AA—Bureau of Narcotics and Dangerous Drugs

ENFORCEMENT OFFICERS; DELEGATION OF AUTHORITY TO CARRY FIREARMS

Pursuant to the authority vested in me by the Attorney General in Subpart AA of Part 0 of Title 28 of the Code of Federal Regulations, and 21 U.S.C. 372(e)(1), the following officers and employees of the Bureau of Narcotics and Dangerous Drugs are authorized to carry firearms:

1. The Director
2. The Associate Directors
3. All criminal investigators, Series 1811 under Civil Service Commission regulations.

Dated: November 26, 1968.

JOHN E. INGERSOLL,
Director.

[F.R. Doc. 68-14664; Filed, Dec. 6, 1968; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 152—WHO MAY CARRY LETTERS

Permissible Carriage of Letters

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

In § 152.3 paragraph (f)(4) is amended to delete a requirement that if letters (within the meaning of the Private Express Statutes) are forwarded by air express or air freight sufficient additional postage must be placed on each such letter to bring the total postage up to the airmail rate. With this deletion the cited paragraph (f)(4) now reads as set out below.

§ 152.3 **Permissible carriage of letters.**

* * * * *

(f) *Where postage is paid.* * * *

(4) It is permissible to establish a service for collecting for the addressees letters received at the post office, provided the letters remain unopened. Letters received through the mail at one office of a firm may be forwarded by surface means outside the mail without payment of additional postage so long as they remain unopened. This applies likewise to letters addressed to one firm in care of another to which they are to be forwarded. Moreover, if the letters are opened before they are forwarded, the forwarding of the open letters would be considered a new shipment of the matter. Such forwarding will then be regarded as the transmission of letters upon which additional postage will be due, if they are intended to convey to the ultimate addressee live, current information upon which he may act, rely, or refrain from acting.

NOTE: The corresponding postal Manual section is 152.364.

(5 U.S.C. 301, 39 U.S.C. 501, 901-906)

TIMOTHY J. MAY,
General Counsel.

DECEMBER 3, 1968.

[F.R. Doc. 68-14648; Filed, Dec. 6, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER F—TRANSPORTATION

PART 174—OCEAN TRANSPORTATION SERVICE

Part 200, Ocean Transportation Service, revised, published at 33 F.R. 7034, should read Part 174, Ocean Transportation Service.

MAURICE W. ROCHE,
Chief, Correspondence and Directives Division, OASD (Administration).

DECEMBER 2, 1968.

[F.R. Doc. 68-14639; Filed, Dec. 6, 1968; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4540]

[Idaho 2351]

IDAHO

Withdrawal for National Forest Recreation Site

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 national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

COEUR D'ALENE NATIONAL FOREST

BOISE MERIDIAN

Devils Elbow Campground

T. 51 N., R. 3 E.,
Sec. 14, lots 1, 2, 4, and 5.

The areas described aggregate 64.80 acres in Shoshone County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest 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 3, 1968.

[F.R. Doc. 68-14641; Filed, Dec. 6, 1968; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 68-122]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

NOROTON HARBOR, DARIEN, CONN.

1. The Board of Selectmen of Darien, Conn., by letter dated November 22, 1966, requested the establishment of a special anchorage area in Noroton Harbor, Darien, Conn. A public notice dated December 22, 1966, was issued by the New England Division, Corps of Engineers, describing the proposed anchorage area. All known interested parties were notified, and minor objections were received. These objections were weighed and evaluated. However, it is felt that the establishment of the Special Anchorage Area is in the best interest of the public. Therefore, the request is granted and the establishment of a special anchorage area, as described in 33 CFR 110.56 below, is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. The purpose of this document is to establish and describe the special anchorage area in Noroton Harbor, Darien, Conn., in 33 CFR 110.56 below, wherein vessels not more than 65 feet in length, when at anchor in such special anchorage area, shall not be required to carry or exhibit anchor lights. The area will be principally for use by yachts and other recreational craft. The mooring and anchoring of vessels in the special anchorage area is under the jurisdiction and at the discretion of the local Harbor Master.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard by 14 U.S.C. 632 and the delegation in

49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), 33 CFR Part 110 is amended as follows, to become effective on and after the date of publication of this document in the FEDERAL REGISTER:

I. Part 110 is amended by adding a new § 110.56, reading as follows:

§ 110.56 Noroton Harbor, Darien, Conn.

(a) Beginning at a point on the southwesterly side of Long Neck Point at latitude 41°02'10", longitude 73°28'44"; thence northwesterly to latitude 41°02'17", longitude 73°29'11"; thence in a north-northwesterly direction to the southeast side of Pratt Island at latitude 41°02'28", longitude 73°29'17"; thence following the shoreline around the easterly and northerly sides of Pratt Island, the westerly and northerly sides of Pratt Cove, and the westerly side of the Darien River to the causeway and dam at Gorham Pond on the north; thence along the downstream side of the causeway and dam to the easterly side of the Darien River, thence along the easterly shoreline to the point of beginning.

NOTE: An ordinance of the town of Darien, Conn. requires the Darien Harbor Master's approval of the location and type of any mooring placed in this special anchorage area.

(R.S. 4233, as amended, 28 Stat. 647; as amended, 30 Stat. 98, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322; 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: November 27, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68-14665; Filed, Dec. 6, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 240]

GROUNDFISH FISHERIES

Extension of Time for Comment

On November 6, 1968, a notice of proposed rulemaking announcing proposed changes in regulations, issued pursuant to the Atlantic Fisheries Act of 1950 (16 U.S.C. 981), was published in the FEDERAL REGISTER (33 F.R. 16280). In that notice of proposed rule making it was announced that consideration would be given to any data, views, or arguments pertaining to the proposed regulations which were submitted in writing to the Director, Bureau of Commercial Fisheries, Washington, D.C., within 30 days from the date of publication of the notice in the FEDERAL REGISTER. Due to unforeseen developments and to allow maximum opportunity for the submission of any data, views, or arguments, the period within which written comments may be submitted has been extended for a period of 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated December 6, 1968.

RUSSELL T. NORRIS,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-14760; Filed, Dec. 6, 1968; 8:50 a.m.]

National Park Service

[36 CFR Part 7]

PIPESTONE NATIONAL MONUMENT, MINN.

Quarrying and Sale of Pipestone

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of August 25, 1937 (50 Stat. 804; 16 U.S.C. 445c(c)), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Midwest Region Order No. 4 (31 F.R. 5769), as amended, it is proposed to revise § 7.42 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this revision is to eliminate material on speed limits which is no longer needed and to clarify the intent of the special regulations governing pipestone quarrying activities and sales of American Indian handicraft.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Pipestone National Monument, Post Office Box 727, Pipestone, Minn. 56164, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.42 of Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 7.42 **Pipestone National Monument.**

(a) An American Indian desiring to quarry and work 'Catlinite' pipestone shall first secure a permit from the Superintendent. The Superintendent shall issue a permit to any American Indian applicant provided that (1) in the judgment of the Superintendent, the number of permittees then quarrying or working the pipestone is not so large as to be inconsistent with preservation of the deposit and (2) a suitable area is available for conduct of the operation. The permit shall be issued without charge and shall be valid only during the calendar year in which it is issued.

(b) An American Indian desiring to sell handicraft products produced by him, members of his family, or by other Indians under his supervision or under contract to him, including pipestone articles, shall apply to the Superintendent. The Superintendent shall grant the permit provided that (1) in his judgment the number of permittees selling handicraft products is not so large as to be inconsistent with the enjoyment of visitors to the Pipestone National Monument and (2) a suitable area is available for conduct of the operation. The permit shall be issued without charge and shall be valid only during the calendar year in which it is issued.

CECIL D. LEWIS, Jr.,
Superintendent,
Pipestone National Monument.

[F.R. Doc. 68-14644; Filed, Dec. 6, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1106]

[Docket No. AO210-A27]

MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Notice of Cancellation of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a notice was issued on November 25, 1968 (33 F.R. 17853), of a public hearing to be held at the Quality Courts Motel, 3131 East 51st Street, Tulsa, Okla., on December 12, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma Metropolitan marketing area.

Notice is hereby given that said public hearing is canceled.

Signed at Washington, D.C., on December 5, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-14709; Filed, Dec. 6, 1968; 8:45 a.m.]

[7 CFR Part 1106]

MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area is being considered for the period of December 1968 through January 1969.

The provision proposed to be suspended is that portion of § 1106.7(c) which reads "on routes" after the word "milk" and before the word "and", relating to pooling standards for distributing plants.

The proposed change would pool a distributing plant that disposes of 50 percent of Grade A receipts from dairy farmers and pool plants as Class I milk. The present provision requires that 50 percent of such receipts be disposed of as Class I milk on routes.

A public hearing had been scheduled for December 12 to receive evidence concerning a proposed amendment to delete the order provision for which suspension is under consideration. It now develops that a handler whose plant might be affected could not be represented at the hearing. Suspension for the period proposed will provide opportunity to reschedule an amendment hearing at a time convenient to interested parties.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building,