have an interest; and two or more heirs with a combined interest in the estate of over 50 percent, each of whom is participating in the program, can earn no payment or certificates if the estate exceeds the wheat allotment on any farm in which it has an interest); (iv) a trust and a beneficiary of the trust with over a 50 percent interest in the trust (in applying this rule, a trust can earn no payment or certificates if two or more beneficiaries with a combined interest in the trust of over 50 percent exceed the wheat allotment on other farms in which they have an interest; and two or more beneficiaries with a combined interest in the trust of over 50 percent, each of whom is participating in the program, can earn no payment or certificates if the trust exceeds the wheat allotment on any farm in which it has an interest); (v) minor children and the parent, guardian, or other person legally responsible for the minor unless they do not occupy the same household and share no interest in the farming operations of the minor; (vi) husband and wife, except that the husband and wife may be considered as separate producers if the spouse receiving benefits under the program does not share to any degree in crops or proceeds thereof from the other farm, managerial control of the other farm is not shared by the spouse, and there have been no changes in the operations or managerial control of the other farm which would tend to defeat the purpose of the provisions of this subparagraph."

5A. Section 728.501(c)(2) is further amended by deleting the last sentence thereof and inserting after the fifth sentence the following: "Notwithstanding the foregoing, (i) any person who places land in a trust the beneficiary of which is such person's parent, brother, sister, spouse, child, or grandchild shall be considered a producer with an interest in the trust land for purposes of this subparagraph if he acts as the trustee or trust officer for the trust or in any other way retains management responsibility for the trust land even though he does not receive any share of the crops or proceeds thereof from the trust land; (ii) for 1969, when the State committee, or the county committee with the approval of the State committee, determines that a corporation or trust was formed, modified, or used for the purpose of circumventing the provisions of this subparagraph, the corporation and any stockholder of the corporation, or the trust and any beneficiary of the trust, shall be considered as the same producer and fully responsible for the actions of the corporation or trust or of any stockholder or beneficiary of the corporation or trust; (iii) for 1969, different corporations or trusts or estates having common stockholders or beneficiaries with a combined majority interest shall be considered as the same producer for purposes of applying the provisions of this subparagraph."

§ 728.506 [Amended]

6. Section 728.506(e) is amended by changing the last sentence thereof to read as follows: "The operator may, upon approval of the county committee, withdraw Form 477 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage on the farm which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Part 718 and Part 791 of this chapter, as amended."

7. Section 728.507a is amended by changing paragraphs (b), (c), and (d) to read as follows:

§ 728.507a Oats-rye base; substitution of feed grains for wheat and wheat for feed grains and oats and rye for 1969.

* * * * *

(b) *Substitution.* Producers who file intentions to participate in both the feed grain program and the wheat program shall be eligible to (1) substitute feed grains for wheat and wheat for feed grains and oats and rye and (2) receive diversion payments as provided in this section. Feed grain acreage in excess of the permitted acreage of feed grains shall be considered as wheat acreage and wheat acreage in excess of the permitted acreage of wheat shall be considered as feed grain acreage or oats-rye acreage: *Provided,* That if an oats-rye base is in effect for the farm, feed grain acreage in excess of the permitted acreage of feed grains shall not be considered as wheat acreage.

(c) *Diversion payment under substitution.* (1) Payment for diversion shall be made for the crop actually underplanted without regard to the stated intention for each commodity for a number of acres not to exceed the total acreage eligible for payment: *Provided,* That the acreage for minimum diversion payment shall be credited only to feed grains with payment for such minimum diversion limited to the actual acreage of underplanted feed grains, and acreage credited to feed grains at the additional diversion payment rate shall be limited to the actual acreage of underplanted feed grains minus the minimum feed grain acreage diversion requirement.

(2) If more than one commodity is actually underplanted, the total acreage eligible for payment, subject to the provisions of subparagraph (1) of this paragraph, shall be credited first to the commodity with the largest applicable payment rate to the extent of the actual underplanted acreage of such commodity, and the remaining acreage, if any, eligible for payment shall be credited to other commodities in high to low payment rate order to the extent of the actual underplanting of such commodities: *Provided,* That the total diversion payment for barley, corn, and grain sorghums shall not be made for an acreage in excess of the total actual underplanted acreage of such crops.

(3) When underplanted acreage is credited to oats and rye, in accordance with the provisions of subparagraphs (1) and (2) of this paragraph, a diversion payment for such acreage shall be made at a rate of payment equal to 50 per centum of the wheat diversion payment rate approved for the farm.

(d) *Applicability.* This section shall be applicable only if the farm is in total compliance with all the requirements of the regulations governing this program and all the requirements of the regulations governing the feed grain program with the exception that the acreage of wheat or feed grains may exceed the permitted acreage for the crop in accordance with this section. The provisions of this section are not applicable if excess wheat produced on the farm is stored under the provisions of § 728.513.

(Secs. 339(g), 375(b), 379j; 52 Stat. 66, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. 1339(g), 1375(b), 1379j)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 18, 1969.

CARROLL BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-3430; Filed, Mar. 21, 1969; 8:47 a.m.]

PART 729—PEANUTS

Subpart—1969 Crop of Peanuts; Acreage Allotments and Marketing Quotas

VALENCIA SHORT SUPPLY DETERMINATION

Basis and purpose. The provisions of § 729.106 are issued under section 358(c)(2) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)(2)). The purpose of § 729.106 is to make a determination on the basis of the average yield per acre of Valencia type peanuts during the 5-year period 1964–68, adjusted for trends in yields and abnormal conditions of production affecting yields, that the supply of Valencia type peanuts for the 1969–70 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by CCC. The State allotments for States producing Valencia type peanuts are increased in order to meet such demand. The latest available statistics of the Federal Government were used in making these determinations.

Notice of the proposed determinations with respect to Valencia type peanuts under section 358(c)(2) of the act was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER of February 6, 1969 (34 F.R. 1773). The recommendations received in response to such notice were considered and adopted to the extent permitted by the act. In order that peanut farmers may be notified as soon as possible of any increases of farm allotments for the 1969 crop, it is essential that § 729.106 be made effective as soon as possible. Accordingly, it is hereby determined and

found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 729.106 shall be effective upon filing of this document with the Director, Office of the Federal Register.

§ 729.106 Additional allotments for Valencia type peanuts of the 1969 crop.

(a) *Determination of short supply.* The term "Valencia type peanuts" means the type of peanuts as defined in § 729.7 (c) of the Allotment and Marketing Quota Regulations for Peanuts of the 1969 and Subsequent Crops (33 F.R. 18351, 18981). It is hereby determined that the supply of Valencia type peanuts for the 1969–70 marketing year (Aug. 1, 1969, through July 31, 1970) determined in accordance with section 358(c)(2) of the act will be insufficient to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(b) *State allotment increases for 1969 crop.* The State allotments for peanuts of the 1969 crop for States which produced Valencia type peanuts during any one or more of the years 1966, 1967, and 1968 shall be increased in the aggregate by 2,310 acres which is determined to be the additional acreage required to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at the price at which CCC may sell for such purposes peanuts owned or controlled by it.

(c) *Apportionment of allotment increase to States for 1969 crop.* The aggregate of State allotment increases in the amount of 2,310 acres established under paragraph (b) of this section, less a national reserve of one-fourth of 1 percent (6 acres), is hereby apportioned to States on the basis of the average acreage of Valencia type peanuts in each State in 1966, 1967, and 1968. For this purpose, the term "farm allotment" means the allotment before any increase from released acreage or any additional allotment for the farm under section 358(c)(2) of the act in the 3 base years. The national reserve of 6 acres shall be used by the Deputy Administrator to adjust the State allotments of States receiving increases under this section where incomplete or inaccurate data was used in apportioning such increases. The apportionment of additional allotment under this paragraph does not increase the State allotment for any State above the 1947 harvested acreage of peanuts for such State. The following table sets forth the apportionment to States.

State	1947 harvested acreage of peanuts	1966–68 acreage harvested Valencia peanuts [1]	1969 increase in basic State allotment for Valencia type peanuts	1969 previous State allotment [2]	1969 revised State allotment
			Acres		
Alabama	463,000	25	11	217,135.0	217,146.0
Arizona				763.0	763.0
Arkansas	8,000			4,192.0	4,192.0
California				932.0	932.0
Florida	105,000	52	23	55,465.3	55,488.3
Georgia	1,124,000	9	4	529,431.7	529,435.7
Louisiana	4,000			1,949.0	1,949.0
Mississippi	13,000			7,506.0	7,506.0
Missouri				247.0	247.0
New Mexico	14,000	4,862	2,138	5,743.5	7,881.5
North Carolina	292,000			168,139.0	168,139.0
Oklahoma	325,000			138,438.4	138,438.4
South Carolina	26,000	15	6	13,914.2	13,920.2
Tennessee	5,000	6	3	3,614.0	3,617.0
Texas	836,000	270	119	357,515.9	357,634.9
Virginia	162,000			105,014.0	105,014.0
Reserve [3]			6		6.0
U.S. total	3,377,000	5,239	2,310	1,610,000.0	1,612,310.0

[1] Less increase in State allotment for Valencia short supply.
[2] Including the acreage apportioned from the reserve for new farm allotments on the basis of approved applications for new farms, as follows (acres): Florida—126.3; Georgia—742.7; New Mexico—91.5; North Carolina—13; Oklahoma—118.4; South Carolina—41.2; Texas—473.9; Virginia—3.
[3] Reserve for correcting or adjusting State allotments in error because of incomplete or inaccurate data.

(d) *No credit for future allotments.* The additional allotment apportioned under this section is in addition to the national acreage allotment, the production from such acreage is in addition to the national marketing quota and such additional allotment shall not be considered in establishing future State, county, or farm acreage allotments.

(Secs. 358(c)(2), 375, 65 Stat. 29, 52 Stat. 66, as amended; 7 U.S.C. 1358(c)(2), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 18, 1969.

CARROLL BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-3434; Filed, Mar. 21, 1969; 8:45 a.m.]

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

[Lemon Reg. 366]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.666 Lemon Regulation 366.

(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 March 18, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 23, 1969, through March 29, 1969, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 199,950 cartons;

(iii) District 3: Unlimited movement.

(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: March 20, 1969.

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

[F.R. Doc. 69-3477; Filed, Mar. 21, 1969; 8:49 a.m.]

[Grapefruit Reg. 57]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.357 Grapefruit Regulation 57.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, 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 Indian River grapefruit, 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 Indian River grapefruit; 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 March 20, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period March 24, 1969, through March 30, 1969, is hereby fixed at 225,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 21, 1969.

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

[F.R. Doc. 69-3517; Filed Mar. 21, 1969; 11:25 a.m.]

[Grapefruit Reg. 26]

PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.326 Grapefruit Regulation 26.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, 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 Interior grapefruit, 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 Interior grapefruit; 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 March 20, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 24, 1969, through March 30, 1969, is hereby fixed at 217,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: March 21, 1969.

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

[F.R. Doc. 69-3518; Filed, Mar. 21, 1969; 11:26 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER F—POULTRY IMPROVEMENT

MISCELLANEOUS AMENDMENTS TO CHAPTER

On December 12, 1968, there was published in the FEDERAL REGISTER (33 F.R. 18445) a notice of proposed amendments

of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions recommended by the 1968 Conference of representatives of the State agencies cooperating in the administration of the Plans. After due consideration of all relevant material submitted in connection with such notice, and pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), Parts 145, 146, and 147 of Title 9, Chapter I, Subchapter F, Code of Federal Regulations, are hereby amended in the following respects:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

1. Section 145.5 is amended by revising the introductory statement of subdivision (iii) of subparagraph (2) and the introductory statement of subparagraph (3) of paragraph (c) to read:

§ 145.5 Specific provisions for participating flocks.

* * * * *

(c) * * *

(2) * * *

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors: * * *

* * * * *

(3) It is a multiplier breeding flock composed entirely of birds that originated from flocks qualified as U.S. Pullorum-Typhoid Clean as provided in § 145.10(f)(1) or from flocks that met equivalent blood testing requirements under official supervision and is located in a State in which it has been determined by the AH Division that: * * *

2. Section 145.10 is amended by revising paragraph (a) to read:

(a) *U.S. Record of Performance.* Males and females meeting the provisions of § 145.16 and § 145.17.

3. Section 145.10 is further amended by revising the title, Figure 8, subparagraph (1), subdivision (ii) of subparagraph (2), and subparagraph (4) of paragraph (g) to read:

(g) *U.S. M. Gallisepticum Clean.* (1) Flocks in which all birds have been blood tested for M. gallisepticum when they were more than 5 months of age in accordance with the procedures prescribed in subparagraph (2) of this paragraph, and in which no M. gallisepticum reactors were found, and which are maintained in accordance with the procedures prescribed in § 147.36 of this chapter: *Provided*, That in order to retain this classification, freedom from M. gallisepticum shall be demonstrated by blood testing at intervals of not more than 60 days a random sample of 10 percent of the flock, or a number specified by the Official State Agency.

(2) * * *

(ii) The test shall be conducted using M. gallisepticum antigen approved by the Department or the Official State Agency and shall be performed in accordance with the recommendations of the producer of the antigen.

* * * * *

(4) If a participant handles products which are not classified as U.S. M. Gallisepticum Clean or U.S. M. Gallisepticum Tested, these products shall be kept separate from the U.S. M. Gallisepticum Clean and U.S. M. Gallisepticum Tested products in a manner satisfactory to the Official State Agency.



FIGURE 8

* * * * *

4. Section 145.10 is further amended by adding a new paragraph (h) to read:

§ 145.10 Terminology and classification; flock and products.

* * * * *

(h) *U.S. M. Gallisepticum Tested.* (1) A multiplier breeding flock composed entirely of birds which originated as U.S. M. Gallisepticum Clean chicks and samples comprising 10 percent of the birds in the flock, or a number specified by the Official State Agency, have been tested twice between the ages of 8 weeks and 22 weeks, with an interval of not less than 60 days between the two tests, in accordance with the procedures prescribed in subparagraph (2) of paragraph (g) of this section, and in which no M. gallisepticum reactors were found, and which are maintained in accordance with the procedures prescribed in § 147.36 of this chapter: *Provided*, That in order to retain this classification, freedom from M. gallisepticum shall be demonstrated by one of the following procedures:

(i) At intervals of not more than 90 days, a random sample of 5 percent of the flock, or a number specified by the Official State Agency, shall be tested; or

(ii) At intervals of not more than 30 days, a sample of 25 cull chicks produced from the flock shall be subjected to approved laboratory procedures for the detection and recovery of M. gallisepticum; or

(iii) At intervals of not more than 60 days, serum samples obtained from at least 100-day-old chicks produced from the flock shall be examined for M. gallisepticum antibodies.

(2) The conditions and procedures prescribed in subparagraphs (3) and (4) of paragraph (g) of this section shall apply to flocks and products in this classification.



FIGURE 9

5. Part 145 is further amended by revising §§ 145.15, 145.16, 145.17, 145.18, and 145.20, and by deleting §§ 145.19 and 145.21 to read:

§ 145.15 USROP; general.

The ROP classification may be attained through trapnesting and pedigree breeding under the supervision of an Official State Agency.

§ 145.16 USROP; qualification of females.

Females may qualify as ROP females when they have been trapnested for a period of at least 6 months and records of egg production and egg weight are maintained by the breeder.

§ 145.17 USROP; qualification of males.

A male may qualify as an ROP male when his pedigree record, maintained by the breeder, shows he was produced from a single-male mating of an ROP female and the son of an ROP female.

§ 145.18 USROP; sale of products.

When products are sold or offered for sale under the ROP classification, the breeder shall have on file evidence that such products are from single-male matings of ROP males and ROP females.

§ 145.19 [Deleted]

§ 145.20 USROP; duties of ROP Supervisor.

The ROP Supervisor shall represent the Official State Agency in its supervision of ROP participation. He shall visit and inspect the work of each breeder periodically.

§ 145.21 [Deleted]

PART 146—NATIONAL TURKEY IMPROVEMENT PLAN TURKEYS AND CERTAIN OTHER POULTRY

6. Section 146.5 is amended by revising paragraphs (c) and (d) to read:

§ 146.5 Specific provisions for participating flocks.

* * * * *

(c) A flock shall be deemed to be a participating flock at any time only if its freedom from pullorum and typhoid has been demonstrated by one of the following criteria:

(1) It has been officially blood tested within the past 12 months and qualified for the U.S. Pullorum-Typhoid Clean

classification as provided in § 146.10(b) (1) (see § 146.14 relating to the official blood test);

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State in which all diagnostic laboratories within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(ii) The flock is composed entirely of birds that originated (a) from flocks that qualified as U.S. Pullorum-Typhoid Clean on the basis of an official blood test of all birds in the flock as provided in § 146.10(b)(1), or (b) from flocks that met equivalent blood testing requirements under official supervision; and

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors: *Provided*, That the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises; *And provided further*, That the sample tested for the qualification of a flock under this subparagraph shall include at least 500 birds the first year, 400 the second year, 300 the third year, 200 the fourth year, and 100 the fifth year. The sample of birds tested shall be a representative sample drawn on a prorata basis from all pens or units of the flock. When reactors are found in the sample, all birds in the flock shall be tested and the qualification of the flock and any other flock on the same premises during the next 2 years shall be based on the testing of all birds; or

(3) It is a multiplier breeding flock composed entirely of birds that originated from flocks qualified as U.S. Pullorum-Typhoid Clean as provided in § 146.10 (b) (1) or from flocks that met equivalent blood testing requirements under official supervision and is located in a State in which it has been determined by the AH Division that:

(i) All chicken and turkey hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All chicken and turkey hatchery supply flocks within the State are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for blood testing under official supervision;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All diagnostic laboratories within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(v) All reports of S. pullorum or S. gallinarum isolations are promptly followed by an Official State Agency investigation to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid (a) are quarantined until marketed under the supervision of the Official State Agency, or (b) have been subsequently blood tested and all birds in such flocks failed to demonstrate pullorum or typhoid infection (The use of eggs produced by a quarantined flock for hatching purposes is prohibited. The quarantined flock or any other flock on the same premises during the next 2 years may qualify as a U.S. Pullorum-Typhoid Clean flock only on the basis of official blood tests conducted by or directly supervised by a State Inspector on all birds in the flock.);

(vii) All chickens and turkeys going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; and

(viii) A monitoring program, including official blood tests of at least 25 percent of the birds in the hatchery supply flocks in the State, is systematically conducted each year. The samples tested are selected to be representative of all hatchery supply flocks in the State. The minimum requirement as to the percentage of birds tested in the monitoring program may be reduced by 5 percent of the total number of birds in all flocks following each year in which no infected birds are detected;

(d) Each bird tested shall be identified with a sealed and numbered band obtained through or approved by the Official State Agency.

7. Section 146.10 is amended by revising subdivision (iii) of subparagraph (1) and subparagraph (3) of paragraph (c) and by revising subparagraph (1) of paragraph (d) to read:

§ 146.10 Terminology and classification; flocks and products.

* * * * *

(c) *U.S. M. Gallisepticum Tested.* (1) * * *

(iii) The tests shall be conducted using M. gallisepticum antigen approved by the Department or the Official State Agency and shall be performed in accordance with the recommendations of the producer of the antigen;

* * * * *

(3) A flock qualified as U.S. M. Gallisepticum Tested may retain the classification for 1 year, provided it is maintained in isolation and no evidence of M. gallisepticum infection is revealed. Each flock and premises shall be inspected at least once during the laying period by an Authorized Agent of the Official State Agency or the State Animal Disease Control Official. If a flock proves to be infected with M. gallisepticum, it shall be eliminated as a breeding flock under the supervision of the Official State Agency or the State Animal Disease Control Official.

(d) *U.S. Typhimurium Controlled.* (1) Flocks meeting the following requirements:

(i) (*a*) All birds have been officially blood tested within 12 months for S. typhimurium as provided in § 146.14 and no reactors were found on the first test or any subsequent test; or

(*b*) All birds are located on premises and originated from premises where U.S. Typhimurium Controlled flocks, tested in accordance with § 146.10(d)(1)(i)(*a*), were maintained for a two-year period with no evidence of S. typhimurium infection and no subsequent evidence of infection found. Flocks must be located within a State in which all isolations of S. typhimurium are reported promptly to both the Official State Agency and the State Animal Disease Control Official;

(ii) The flock is maintained in compliance with the provisions of § 147.31 of this chapter, and the hatching eggs are handled in compliance with the provisions of § 147.32 of this chapter in a manner satisfactory to the Official State Agency. Each flock and premises will be inspected at least once during the egg production season by a State Inspector to ascertain that these provisions are being followed. The Official State Agency shall immediately terminate the U.S. Typhimurium Controlled classification of flocks found to be in noncompliance with these provisions; and

(iii) The visibly clean eggs shall be fumigated as described in § 147.35(a) as soon as possible after collection.

* * * * *

8. Section 146.14 is amended by revising the first sentence of paragraph (g) to read:

§ 146.14 Blood testing.

* * * * *

(g) When suitable evidence, as determined by the Official State Agency and/or the State Animal Disease Control Official, indicates that poults produced by participating hatcheries are infected with organisms for which the parent flocks received an official control classification and this evidence indicates egg transmission, the Official State Agency may, at its discretion, require additional testing of the flocks involved.

* * * * *

§§ 146.15, 146.16 [Deleted]

9. Part 146 is further amended by deleting the present §§ 146.15 and 146.16.

10. Section 146.17 is amended by redesignating it as § 146.15, deleting paragraph (k), and revising paragraph (j) to read:

§ 146.15 Central turkey meat production test.

* * * * *

(j) In each test the differences between the entry averages in final live and eviscerated weights and body measurements shall be analyzed by a suitable mean separation procedure such as the Duncan's Multiple Range Test. Significance or nonsignificance (at the 5-percent level) of the differences between entries shall be shown in the report.

11. Part 146 is further amended by redesignating Figures 9, 10, 11, 12, and 13 as Figures 10, 11, 12, 13, and 14, respectively.

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

§ 147.4 [Amended]

12. Section 147.4 is amended by deleting paragraphs (c) and (e).

13. Section 147.35 is amended by revising the introductory statement of the section, the introductory statement and subparagraphs (1) and (5) of paragraph (a), the introductory statement and subparagraph (3) of paragraph (b), and paragraph (c) to read:

§ 147.35 Fumigation.

Fumigation is recommended for sanitizing eggs and hatchery equipment as an essential part of a sanitation program.

(a) Fumigation of clean eggs after collection should be done as follows:

(1) Provide a room or cabinet proportionate to the number of eggs to be handled. The room should be relatively tight and must be equipped with a fan to circulate the gas during fumigation and to expel it after fumigation.

* * * * *

(5) The temperature in the cabinet during fumigation should be at least 70° F. and the relative humidity above 70 percent.

(b) Eggs should be fumigated at the hatchery prior to setting or as soon as possible after setting (preferably within 12 hours). Single or repeated fumigation of eggs in the setter may be practiced, but the fumigation schedule should be such that no eggs are fumigated during the period from the 24th to the 84th hour of incubation. The following procedure should be used:

* * * * *

(3) For each cubic foot of space in the incubator, use 0.4 grams of potassium permanganate and 0.8 cc. of formalin (37.5 percent). Use an earthenware or enamelware container having a capacity of at least ten times the volume of the total ingredients.

* * * * *

(c) Eggs which have not been fumigated in the hatchery as described in paragraph (b) of this section should be fumigated after the 84th hour of incubation. The procedure described in paragraph (b) of this section should be followed.

* * * * *

14. Part 147 is further amended by adding a new § 147.37 to read:

§ 147.37 Procedures recommended to prevent the spread of disease by artificial insemination.

(a) The vehicle transporting the insemination crew shall be left as far as practical from the turkey pens.

(b) The personnel of the insemination crew should observe personal cleanliness including the following sanitary procedures:

(1) Outer clothing shall be changed between premises so that clean clothing is worn upon entering each premises. The used apparel shall be kept separate until laundered. This also applies to gloves worn while handling turkeys;

(2) Boots or footwear shall be cleaned and disinfected between premises;

(3) Disposable caps shall be provided and discarded after use on each premises.

(c) The use of individual straw technique or similar technique is highly recommended. Insemination equipment which is to be reused shall be cleaned and disinfected before reusing. Equipment used for the convenience of the workers shall not be moved from premises to premises.

(d) No obviously diseased flock shall be inseminated. If evidence of active disease is noted after insemination is begun, operations should be stopped and the hatchery notified.

(e) Care should be taken during the collection of semen to prevent fecal contamination. If fecal material is present, it should be wiped off with a piece of cotton before the semen is collected. Likewise, care should be taken not to introduce fecal material into the oviduct of the hen.

§§ 147.41–147.56 [Deleted]

16. Part 147 is further amended by deleting Subpart E.

(Sec. 101(b), 58 Stat. 734, as amended; 7 U.S.C. 429. 29 F.R. 16210, as amended; 33 F.R. 15485)

The amendments are principally based on recommendations of the 1968 National Poultry and Turkey Improvement Plans Conference of representatives of the State Agencies cooperating in the administration of the Plans. Copies of the proposed amendments were sent to representatives of each of the cooperating State agencies. Notice of rule making with respect to the amendments was published in the FEDERAL REGISTER on December 12, 1968, and all comments and suggestions received have been carefully considered. The foregoing amendments are the same in substance as the recommendations of the Conference and are the same in substance as the proposed amendments set forth in the notice of rule making published in the FEDERAL REGISTER. All affected poultrymen should be aware of the changes in their operations that will be required by the amendments. The Conference recommended that the amendments be made effective as soon as possible. Accordingly, under the Administrative Procedures Provisions of 5 U.S.C., section 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of March, 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-3456; Filed, Mar. 21, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9227, Amdt. 25-20; 121-46]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRCRAFT

PART 121—CERTIFICATION AND OPERATIONS: AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Crashworthiness and Passenger Evacuation

The purpose of these amendments of Parts 25 and 121 of the Federal Aviation Regulations is to revise the emergency evacuation requirements and related operating procedures for transport category aircraft. The amendments were proposed in Notice No. 68-28 issued on October 30, 1968 (33 F.R. 16147).

One proposal included in Notice No. 68-28 (Item No. 6 of the notice) and dealing with a revision of § 121.310(h) was already adopted on February 11, 1969, as Amendment No. 121-45 (34 F.R. 2247).

Several comments were received in response to the various proposals contained in Notice No. 68-28.

With respect to Item No. 1 of the notice—the proposed revision of § 25.785(c)—several comments went beyond the scope of the notice and will not be considered at this time. One comment, however, suggested an 18° angle instead of a 10° angle as a standard for a seat requiring protection from head injury. After conducting additional tests on sideward facing seats, the FAA has concluded that an 18° angle would provide an adequate level of safety, and this standard will be adopted.

Regarding Item No. 2 of the notice—the amendment of § 25.803—two comments objected to the way the notice specified the limit dimensions for floor level exits/doors in the side of the fuselage because the wording might exclude Type A emergency exits 76 inches high as "impractical", and also exclude exits/doors having only one dimension that is beyond the listed limits. The FAA considers these comments valid and the proposed language of § 25.803(b) will be changed accordingly. One comment also recommended that the amendment of § 25.803(b) exclude exits/doors that

lead into a baggage or cargo compartment when such compartment is not accessible from the passenger cabin. This recommendation will also be adopted in the final rule.

The comments received on the proposed revision of § 25.803(c), suggested that it would burden those persons who seek to provide exits/doors in excess of requirements, that the rule would necessitate additional emergency evacuation demonstrations, and that the proposed amendment is incompatible with current training practices which encourage the use of all exits. The FAA disagrees with these comments since excess exits need not be provided at all and, if provided, would only increase the evacuation capability of the aircraft; the rule requires no additional evacuation demonstrations since it applies only to configurations having the maximum seating capacity; and, finally, the rule does not deal with training requirements but is intentionally conservative to provide a margin of safety. The rule will thus be adopted as proposed.

With respect to Item No. 3 of the notice—the proposed revision of § 121.285 (c)—one comment suggested that no cargo whatever be carried in passenger compartments unless it is carried in approved pallets, bins, or special cargo containers. While this suggestion merits consideration, it is beyond the scope of the notice and should not affect the minor change proposed in the notice. Section 121.285(c) will, therefore, be adopted as proposed.

Regarding Item No. 4 of the notice dealing with an amendment of § 121.291, the comments received were generally favorable and the proposal will be adopted.

Favorable comments were also received on the proposal contained in Item No. 5 of the notice and § 121.310(d) will be amended as proposed. One comment, however, raised the point that the proposed rule does not make sense with respect to lights that are self-illuminated by other than electrical means since they are always armed and turned on. The proposed rule is not intended to apply to these lights such as radioactive or chemical lights on slides. It is intended to apply only to electric lights.

Concerning Item No. 7 of the notice—the suggested amendment of § 121.310 (i)—two comments dealt with exit size limits and are related to the comments made on § 25.803(b). The proposed amendment will consequently be revised to make it consistent with § 25.803(b). Moreover, one comment suggested that the phrase "* * * and that an equivalent level of safety is provided" be deleted from the waiver provision since an equivalent level of safety on some aircraft would be so cumbersome and impractical that it would defeat the purpose of the waiver. The FAA agrees and the suggestion will be adopted.

Regarding Item No. 8 of the notice—the proposed revision of § 121.391(b)—one comment objected to the deletion of the field approval provision in current § 121.391(b) pointing out that numerous approvals have already been granted. The FAA believes that these approvals should be reexamined in light of the new rule and that the exemption procedure of Part 11 would give adequate relief in cases deserving exemption from the rule. However, in order to prevent an undue hardship, the proposal will be adopted with a provision allowing approvals granted under the current § 121.391(b) to remain in effect for 1 more year.

With regard to Item No. 9 of the Notice which deals with an amendment of § 121.589(b), the comments received were generally favorable but also requested an extension of the compliance date. The FAA agrees that an extension is justified and § 121.589(b) will be revised further to extend the general compliance date to August 24, 1969, and, in special cases, until October 24, 1969.

Additionally, the proposed change of Appendix D of Part 121—Item No. 10 of the notice—will be adopted as proposed in the notice.

There remains the question of the applicability of revised §§ 25.785(c), 25.803 (b) and (c)(1) in relation to § 25.2 which deals with requirements that must be met by an applicant for a type certificate. Accordingly, § 25.2 will be revised to allow an applicant to meet either the current or revised § 25.785(c), and to require the applicant to meet the revised §§ 25.803(b) and 25.803(c)(1) as a condition for obtaining a type certificate after the effective date of this amendment.

In consideration of the foregoing, Parts 25 and 121 of the Federal Aviation Regulations are hereby amended as follows, effective April 23, 1969:

§ 25.2 [Amended]

1. Section 25.2 is amended as follows:

a. Paragraph (a) is amended to read as follows:

(a) After October 23, 1967, that the airplane concerned meets the requirements of §§ 25.783(g), 25.803(c) (2) through (9), 25.803(d), 25.807 (a), (c), and (d), 25.809 (f), and (h), 25.811 (a), (b), (d), (e), (f), and (g), 25.812 (a)(1), (b), (c), (d), (e), (h), (i), (j), and (k) (1) and (2), 25.813 (a), (b), and (c), 25.815, 25.817, 25.853 (a) and (b), 25.855 (a), 25.993(f), and 25.1359(c), in effect on October 24, 1967, or June 20, 1968, and

b. By adding the word "; and" to the end of § 25.2(b).

c. By adding new paragraphs (c) and (d) to § 25.2 to read as follows:

(c) After April 23, 1969, that the airplane concerned meets the requirements of § 25.785(c) in effect either prior to or on that date; and

(d) After April 23, 1969, that the airplane concerned meets the requirements of §§ 25.803(b) and 25.803(c)(1) in effect on that date.

2. By amending the first sentence in paragraph (c) of § 25.785 to read as follows:

§ 25.785 Seats, berths, safety belts, and harnesses.

* * * * *

(c) Each occupant of a seat that makes more than an 18° angle with the vertical plane containing the airplane centerline, must be protected from head injury by a safety belt and an energy absorbing rest that will support the arms, shoulders, head, and spine, or by a safety belt and shoulder harness that will prevent the head from contacting any injurious object. * * *

* * * * *

3. By amending § 25.803 (b) and (c) (1) to read as follows:

§ 25.803 Emergency evacuation.

* * * * *

(b) Passenger ventral and tail cone exits and any floor level door or exit in the side of the fuselage (other than those leading into a cargo or baggage compartment that is not accessible from the passenger cabin) that is 44 or more inches high and 20 or more inches wide, but not wider than 46 inches, must meet the applicable emergency exit requirements of this section and §§ 25.807 through 25.813.

(c) * * *

(1) It must be conducted either during the dark of the night or during daylight with the dark of the night simulated, utilizing only the emergency lighting system and utilizing only the minimum number of required emergency exits and the emergency evacuation equipment on one side of the fuselage with the airplane in the normal ground attitude, with landing gear extended.

* * * * *

4. By amending the introductory statement in paragraph (c) of § 121.285 to read as follows:

§ 121.285 Carriage of cargo in passenger compartments.

* * * * *

(c) All cargo may be carried forward of the foremost seated passengers and carry-on baggage may be carried alongside the foremost seated passengers, if the cargo (including carry-on baggage) is carried either in approved bins as specified in paragraph (b) of this section, or in accordance with the following:

* * * * *

5. Paragraphs (a) and (b) of § 121.291 are amended to read as follows:

§ 121.291 Demonstration of emergency evacuation procedures.

(a) Each certificate holder must show, by actual demonstrations conducted in accordance with paragraph (a) of Appendix D to this part, that the emergency evacuation procedures for each type and model of airplane with a seating capacity of more than 44 passengers, that is used in its passenger-carrying operations, allow the evacuation of the full seating capacity, including crewmembers, in 90 seconds or less—

* * * * *

(b) Each certificate holder operating or proposing to operate one or more landplanes in extended overwater operations, or otherwise required to have certain equipment under § 121.339, must show, by a simulated ditching conducted in accordance with paragraph (b) of Appendix D to this part, that it has the ability to efficiently carry out its ditching procedures.

6. By amending the italic heading and introductory sentence of § 121.310(d) to read as follows:

§ 121.310 Additional emergency equipment.

* * * * *

(d) *Emergency light operation.* Each light required by paragraphs (c) and (h) of this section must comply with the following:

* * * * *

7. By amending § 121.310(i) to read as follows:

§ 121.310 Additional emergency equipment.

* * * * *

(i) *Other floor level exits.* After September 30, 1969, each floor level door or exit in the side of the fuselage (other than those leading into a cargo or baggage compartment that is not accessible from the passenger cabin) that is 44 or more inches high and 20 or more inches wide, but not wider than 46 inches, each passenger ventral exit (except the ventral exits on M-404 and CV-240 airplanes), and each tail cone exit, must meet the requirements of this section for floor level emergency exits. However, the Administrator may grant a deviation from this paragraph if he finds that circumstances make full compliance impractical and that an acceptable level of safety has been achieved.

* * * * *

8. By amending paragraph (b) of § 121.391 to read as follows:

§ 121.391 Flight attendants.

* * * * *

(b) If, in conducting the emergency evacuation demonstration required under § 121.291(a), the certificate holder used more flight attendants than is required under paragraph (a) of this section for the maximum seating capacity of the airplane used in the demonstration, he may not, thereafter, take off that airplane—

(1) In its maximum seating capacity configuration with fewer flight attendants than the number used during the emergency evacuation demonstration; or

(2) In any reduced seating capacity configuration with fewer flight attendants than the number required by paragraph (a) of this section for that seating capacity plus the number of flight attendants used during the emergency evacuation demonstration that were in excess of those required under paragraph (a) of this section.

(3) Deviations granted under this paragraph and in effect on April 22, 1969, shall remain in effect until April 23, 1970.

* * * * *

9. By amending § 121.589(b) to read as follows:

§ 121.589 Carry-on baggage.

* * * * *

(b) After August 24, 1969, no certificate holder may permit a passenger to carry any article of baggage aboard an airplane under paragraph (a)(2) of this section unless that article can be stowed under a passenger seat in such a way that it will not slide forward under crash impacts severe enough to induce the ultimate inertia forces specified in § 25.561(b)(3) of this chapter or the requirements of the Civil Air Regulations under which the aircraft was type certificated. A certificate holder may obtain an additional extension of the compliance date but not beyond October 24, 1969, from the air carrier district office charged with the overall supervision of its operation by showing that good cause exists for the extension.

* * * * *

10. Appendix D of Part 121 is amended as follows:

(1) Paragraph (a)(17) is amended as follows:

* * * * *

(a) *Aborted takeoff demonstration.*

* * * * *

(17) Not more than 50 percent of the minimum number of required emergency exits may be used for the demonstration. * * *

(2) Delete paragraph (b) in its entirety.

(3) Redesignate paragraph (c) as paragraph (b).

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423, 1424; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 18, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-3435; Filed, Mar. 21, 1969; 8:47 a.m.]

[Docket No. 9487, Amdt. 39-741]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11, 200, and 400 Series Airplanes

There have been reports of interference between the flap rear pick up fitting and the flap link assembly on certain British Aircraft Corp., Model BAC 1-11, 200, and 400 Series Airplanes. This condition could result in a jamming of the flap system. In view of the serious consequences of such a condition, and since this condition is likely to exist or develop in other aircraft of the same type design, an airworthiness directive (AD) is being issued to require inspection of the clearance between the flap rear pick up fitting and the flap link assembly on all British Aircraft Corp., Model BAC 1-11, 200, and 400 Series Airplanes, and modification if necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11, 200, and 400 Series Airplanes.

Compliance required as indicated, unless already accomplished.

To prevent interference between the flap rear pickup fitting and the flap link assembly, accomplish the following:

(a) For BAC 1-11, 200, and 400 Series Airplanes with flap links P/N AB09A3697 installed, accomplish the following:

(1) Within the next 160 hours' time in service after the effective date of this AD, inspect in accordance with paragraph (3) of this section to determine if a minimum clearance of 0.075 inch is provided between the flap rear pickup fitting and the flap link assembly.

(2) If the inspection reveals a clearance of less than 0.075 inch, before further flight (except that the airplane may be flown in accordance with § 21.197 of the Federal Aviation Regulations to a base where the repair can be performed), incorporate BAC Modification PM 2868, as specified in paragraph (3) of this section.

(3) Perform the inspection and modification required in paragraphs (1) and (2) of this section, in accordance with British Aircraft Corp. BAC 1-11, Alert Service Bulletin No. 27-A-PM 2245, Issue 6, dated September 16, 1968, or later ARB-approved issue, or an FAA-approved equivalent.

(b) For BAC 1-11, 200, and 400 Series Airplanes with flap links P/NAB09A3657 or P/NAB09A3697 installed, accomplish the following:

(1) Within the next 1,000 hours' time in service after the effective date of this AD, inspect in accordance with paragraph (3) of this section, the outer link positions at No. 2 and No. 3 flaps, left and right sides, for interference between the flap link and flap rear pick up fitting fork.

(2) If the inspection reveals an interference, before further flight (except that the airplane may be flown in accordance with § 21.197 of the Federal Aviation Regulations to a base where the repair can be performed), incorporate BAC Modification PM 3691, as specified in paragraph (3) of this section.

(3) Perform the inspection and modification required in paragraphs (1) and (2) of this section, in accordance with British Aircraft Corp. BAC 1-11, Alert Service Bulletin No. 27-A-PM 2245, Issue 6, dated September 16, 1968, or later ARB-approved issue, or an FAA-approved equivalent.

This amendment becomes effective March 27, 1969.

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

Issued in Washington, D.C., on March 17, 1969.

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

[F.R. Doc. 69-3419; Filed, Mar. 21, 1969; 8:46 a.m.]

[Docket No. 9488, Amdt. 39-742]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley DH-125 Airplanes

Amendment 39-553 (33 F.R. 2886) requires inspection of Hawker Siddeley DH-125 airplanes for fuel leakage past the fuel filter de-icing system nonreturn