

FEDERAL REGISTER

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Agencies in this issue—

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of the

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Proclamation 3727

PRAYER FOR PEACE, MEMORIAL DAY, 1966

By the President of the United States of America

A Proclamation

Americans will be fighting and dying in Vietnam this Memorial Day, 1966, in fulfillment of our commitment to freedom. Their sacrifice is part of an ancient legacy that begins with man's first act of transcendent courage, and that contains all that is noble and selfless in human character.

Our own liberty was won in struggle against tyranny. In two world wars and in Korea, brave Americans and their allies gave their lives that men might live and prosper in freedom.

We shall not forsake their sacrifice. We shall—because we must—persevere.

We are totally committed to defeat this aggression.

This Nation has never left the field of battle in abject surrender of a cause for which it has fought.

We shall not do so now.

We shall see this through.

Yet as we protect freedom by courage in arms, we shall every day continue the search for an honorable peace.

It is tragic that young lives must be sacrificed, that great sums must be spent for the instruments of war, when the work of peace awaits man's accomplishment in every land. America today—as in past years—is prepared to join in that work with any nation whose devotion is to peace with its neighbors, and a better life for its people. Let the guns of aggression be silent, we say, that the sounds of the builders, of the planters, of the teachers, may be heard.

On this Memorial Day, as we honor the memory of brave men who have borne our colors in war, we pray to God for His mercy. We pray for the wisdom to find a way to end this struggle of nation against nation, of brother against brother. We pray that soon we may begin to build the only true memorial to man's valor in war—a sane and hopeful environment for the generations to come.

The Congress, in a joint resolution approved May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period during each such day when the people of the United States might unite in such application:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Memorial Day, Monday, May 30, 1966, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at eleven o'clock in the morning of that day as a time to unite in such prayer.

I urge the press, radio, television, and all other information media to cooperate in this observance.

THE PRESIDENT

I also urge all of the people of this Nation to join me in prayer to the Almighty for the safety of our Nation's sons and daughters in Vietnam, for His blessing on those who have sacrificed their lives for this Nation in this and all other struggles, and for His aid in building a world where freedom and justice prevail, and where all men live in friendship, understanding, and peace.

By House Concurrent Resolution 587, the Eighty-ninth Congress has officially recognized that the patriotic tradition of observing Memorial Day began one hundred years ago in Waterloo, New York. In conformity with the request contained in that concurrent resolution, it is my privilege to call attention to the centennial observance of Memorial Day in Waterloo, New York, on May 30, 1966.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of May in the year of our Lord nineteen hundred and sixty-six,
[SEAL] and of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-5998; Filed, May 27, 1966; 10:36 a.m.]

Executive Order 11282

PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION
BY FEDERAL ACTIVITIES

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Clean Air Act, as amended (42 U.S.C. 1857), it is ordered as follows:

SECTION 1. Policy. The heads of the departments, agencies, and establishments of the Executive Branch of the Government shall provide leadership in the nationwide effort to improve the quality of our air through the prevention, control, and abatement of air pollution from Federal Government activities in the United States. In order to achieve these objectives—

(1) Emissions to the atmosphere from Federal facilities and buildings shall not be permitted if such emissions endanger health or welfare, and emissions which are likely to be injurious or hazardous to people, animals, vegetation, or property shall be minimized. The procedures established in section 3 of this Order shall be followed in minimizing pollution from existing facilities and buildings.

(2) New Federal facilities and buildings shall be constructed so as to meet the objectives prescribed by this Order and the standards established pursuant to section 5 of this Order.

(3) The Secretary of Health, Education, and Welfare shall, in administering the Clean Air Act, as amended, provide technical advice and assistance to the heads of other departments, agencies, and establishments in connection with their duties and responsibilities under this Order. The head of each department, agency, and establishment shall establish appropriate procedures for securing advice from, and consulting with, the Secretary of Health, Education, and Welfare.

(4) The head of each department, agency, and establishment shall ensure compliance with section 107(a) of the Clean Air Act, as amended (42 U.S.C. 1857f(a)), which declares it to be the intent of Congress that Federal departments and agencies shall, to the extent practicable and consistent with the interests of the United States and within available appropriations, cooperate with the Department of Health, Education, and Welfare and with any air pollution control agency in preventing and controlling pollution of the air.

SEC. 2. Procedures for new Federal facilities and buildings. A request for funds to defray the cost of designing and constructing new facilities and buildings in the United States shall be included in the annual budget estimates of a department, agency, or establishment only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility or building will meet the objectives prescribed by this Order and the standards established pursuant to section 5 of this Order. Air pollution control needs shall be considered in the initial stages of planning for each new installation.

SEC. 3. Procedures for existing Federal facilities and buildings.
(a) In order to facilitate budgeting for corrective and preventive measures, the head of each department, agency, and establishment shall provide for an examination of all existing facilities and buildings under his jurisdiction in the United States and shall develop and present to the Director of the Bureau of the Budget, by July 1, 1967, a phased and orderly plan for installing such improvements as may be needed to prevent air pollution, or abate such air pollution as may exist, with respect to such buildings and facilities. Subsequent revisions needed to keep any such plan up to date shall be submitted to the Director of the Bureau of the Budget with the annual report required by paragraph (b) of this section. Future construction work at each such facility and the expected future use of the facility shall be considered in developing such a plan. Each such plan, and any revision therein, shall be developed in consultation with the Secretary of Health, Education, and Welfare in order to ensure that adoption

of the measures proposed thereby will result in the prevention or abatement of air pollution in conformity with the objectives prescribed by this Order and the standards prescribed pursuant to section 5 of this Order.

(b) The head of each department, agency, and establishment who has existing facilities and buildings under his jurisdiction in the United States shall present to the Director of the Bureau of the Budget, by July 1, 1968, and by the first of each fiscal year thereafter, an annual report describing progress of his department, agency, or establishment in accomplishing the objectives of its air pollution abatement plan.

SEC. 4. *Objectives for Federal facilities and buildings.* (a) Except for discharges of radioactive emissions which are regulated by the Atomic Energy Commission, Federal facilities and buildings shall conform to the air pollution standards prescribed by the State or community in which they are located. If State or local standards are not prescribed for a particular location, or if the State or local standards are less stringent than the standards established pursuant to this Order, the standards prescribed pursuant to section 5 of this Order shall be followed.

(b) The emission of flyash and other particulate matter shall be kept to a minimum.

(c) Emission of sulfur oxides shall be minimized to the extent practicable.

(d) Wherever appropriate, tall chimneys shall be installed in order to reduce the adverse effects of pollution. The determination of chimney height shall be based on air quality criteria, land use, and meteorological, topographical, aesthetic, and operating factors.

(e) Solid fuels and ash shall be stored and handled so as not to release to the atmosphere dust in significant quantities. Gasoline or any volatile petroleum distillate or organic liquid shall be stored and handled so as not to release to the atmosphere vapor emissions in significant quantities.

(f) In urban areas refuse shall not be burned in open fires and in rural areas it shall be disposed of in such a manner as to reasonably minimize pollution. Refuse shall not be left in dumps without being covered with inert matter within a reasonably short time. Whenever incinerators are used they shall be of such design as will minimize emission of pollutant dusts, fumes, or gases.

(g) Pollutant dusts, fumes, or gases (other than those for which provision is made above), shall not be discharged to the atmosphere in quantities which will endanger health or welfare.

(h) The head of each department, agency, and establishment shall, with respect to each installation in the United States under his jurisdiction, take, or cause to be taken, such action as may be necessary to ensure that discharges of radioactive emissions to the atmosphere are in accord with the rules, regulations, or requirements of the Atomic Energy Commission and the policies and guidance of the Federal Radiation Council as published in the FEDERAL REGISTER.

(i) In extraordinary cases where it may be required in the public interest, the Secretary of Health, Education, and Welfare may exempt any Federal facility or building from the objectives of paragraphs (a) through (g) of this section.

SEC. 5. *Standards.* (a) The Secretary of Health, Education, and Welfare shall prescribe standards to implement the objectives prescribed by paragraphs (a) through (g) of section 4 of this Order. Such standards may modify these objectives whenever the Secretary of Health, Education, and Welfare shall determine that such modifications are necessary in the public interest and will not significantly conflict with the intent of this Order. Prior to issuing any changes in such standards, the Secretary of Health, Education, and Welfare

shall consult with appropriate Federal agencies and shall publish the proposed changes in the FEDERAL REGISTER thirty days prior to their issuance. All such standards prescribed by the Secretary shall be published in the FEDERAL REGISTER.

(b) The permits authorized by section 107(b) of the Clean Air Act, as amended (42 U.S.C. 1857f(b)), may be used to carry out the purposes of this Order as the Secretary of Health, Education, and Welfare may deem appropriate.

SEC. 6. *Prior Executive Order superseded.* Executive Order No. 10779 of August 20, 1958, is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 26, 1966.

[F.R. Doc. 66-5980; Filed, May 27, 1966; 8:49 a.m.]

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Executive Order 11283

DESIGNATING THE INTERNATIONAL COTTON INSTITUTE AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by Section 1 of the International Organizations Immunities Act (22 U.S.C. 288), and having found that the United States participates in the International Cotton Institute pursuant to the Articles of Agreement of International Cotton Institute, entered into under the authority of Section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), I hereby designate the International Cotton Institute as a public international organization entitled to enjoy those privileges, exemptions, and immunities provided for by the International Organizations Immunities Act which are described in Article VI of the Articles of Agreement of International Cotton Institute (TIAS 5964), a copy of which is annexed hereto and made a part of this Order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May, 27, 1966.

Article VI. STATUS, IMMUNITIES, AND PRIVILEGES

SECTION 1. *Purposes of Article.*

To enable the Institute to fulfill the functions with which it is entrusted, the status, immunities, and privileges set forth in this article shall be accorded to the Institute in the territories of each member in which it operates or has assets.

SEC. 2. *Status of the Institute.*

The Institute shall possess full juridical personality, including but not limited to the capacity—

- (i) to contract;
- (ii) to acquire and dispose of real and personal property; and
- (iii) to institute legal proceedings.

SEC. 3. *Position of the Institute with regard to judicial process.*

The Institute and its property and assets, wherever located and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by foreign governments except that actions may be brought by persons, other than members or persons acting for or deriving claims from members, against the Institute in a court of competent jurisdiction in the territories of a member in which the Institute has an office or in a country in which the Institute has appointed an agent for the purpose of accepting service or notice of process or as may otherwise be authorized by the General Assembly or by the terms of any contract to which the Institute is a party. In any such action, the Institute's property and assets shall be immune from all forms of seizure, attachment, or execution before delivery of final judgment against the Institute unless such immunity is expressly waived.

SEC. 4. *Immunity of assets from seizure.*

Property and assets of the Institute, wherever located and by whomsoever held, shall be immune from search, and from confiscation.

SEC. 5. *Immunity of archives.*

The archives of the Institute shall be inviolable.

SEC. 6. *Privilege of Communications.*

With respect to official communications between the Institute and its members or between the Institute and other governments, the Institute shall be accorded by each member the same privileges, exemptions, and immunities that such member accords under similar circumstances to official communications of foreign governments.

SEC. 7. *Immunities and privileges of member representatives and officers and employees.*

(a) Persons designated by members to serve as their representatives in the General Assembly and officers and employees of the Institute shall be immune from legal process relating to acts performed by them in their official capacity and falling within their functions as such representatives, officers, or employees.

(b) Persons who are not local nationals and who are designated by members to serve as their representatives in the General Assembly or are officers or employees of the Institute, or are members of their immediate families residing with such representatives, officers, or employees, shall be accorded by each member the same immunities from immigration restrictions, and alien registration requirements, and the same facilities as regards exchange restrictions, as are accorded under similar circumstances by that member to the officers and employees and members of their families, respectively, of other members.

(c) Persons who are not citizens or permanent residents and who are designated by members to serve as their representatives in the General Assembly or are full time officers or employees of the Institute, or are members of their immediate families residing with such representatives, full time officers, or employees, shall be exempted from national service obligations.

(d) Notwithstanding the other provisions of this Agreement, if a member determines that the entry or continued presence in its territory of any person entitled to the benefits of this Agreement is not desirable, that member shall so inform the Institute. After such notification to the Institute, entry for that person may be denied, or in the case of a person who has already entered the territory of the member concerned, that member's obligations under this Agreement with respect to such person shall cease after such person shall have had a reasonable length of time, to be determined by that member, to depart from its territory.

SEC. 8. Immunities from taxation.

The Institute shall be accorded by each member the privileges, exemptions, and immunities concerning customs duties and taxes imposed upon or by reason of importation and the procedures in connection therewith as that member accords to foreign governments under similar circumstances. The Institute, its assets, property, and income, and its communications and transportation incident to its operations authorized by this Agreement, shall also be immune from all taxation by the central governments of participating members.

SEC. 9. Waiver.

The General Assembly may waive any of the privileges and immunities conferred under this article to such extent and upon such conditions as it may determine.

[F.R. Doc. 66-6018; Filed, May 27, 1966; 11:41 a.m.]

Executive Order 11284

**SUSPENSION OF THE PROVISIONS OF SECTIONS 5701(a)(1) AND 6371
OF TITLE 10, UNITED STATES CODE, WHICH RELATE TO THE CON-
TINUATION ON THE ACTIVE LIST OF REAR ADMIRALS IN THE LINE
OF THE NAVY NOT RESTRICTED IN THE PERFORMANCE OF DUTY**

By virtue of the authority vested in me by Sections 5711(b) and 6386(c) of Title 10 of the United States Code, I hereby suspend the provisions of Sections 5701(a) (1) and 6371 of Title 10 of the United States Code.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 27, 1966.

[F.R. Doc. 66-6017; Filed, May 27, 1966; 11:41 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

F.R. Doc. 66-3799, 31 F.R. 5547, under which § 213.3105(d) (1) covering the positions of State Director, Deputy State Director, Regional Director, and Assistant Regional Director was to be revoked effective October 31, 1966, is rescinded. No revocation of § 213.3105(d) (1) will occur on that date.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-5907; Filed, May 27, 1966; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Special Assistant to the Under Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (13) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) Office of the Secretary. * * *

(13) One Special Assistant to the Under Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-5905; Filed, May 27, 1966; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

District of Columbia Redevelopment Land Agency

Section 213.3387 is added to Part 213 to show that the position of Executive Director is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER, a new § 213.3387 is added as set out below.

§ 213.3387 District of Columbia Redevelopment Land Agency.

(a) Executive Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 66-5906; Filed, May 27, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—U.S. Standards for Grades of Fresh Freestone Peaches for Canning, Freezing, or Pulping¹

On April 6, 1966, notices of proposed rule making were published in the FEDERAL REGISTER (31 F.R. 5448-5449) regarding proposed revisions of U.S. Standards for Fresh Freestone Peaches for Canning and U.S. Standards for Fresh Freestone Peaches for Freezing or Pulping.

Statement of considerations leading to the revision of the grade standards. In June 1965 a request was received from freestone peach processors in Georgia for a revision of the standards for fresh freestone peaches for canning. Studies made in processing plants in Georgia and other States in July 1965 confirmed the need for revision of these standards. Earlier discussions with a processor operating in several locations had indicated the need for changes in the standards for fresh freestone peaches for freezing or pulping.

The proposals published in April 1966 included most of the suggestions and recommendations made by industry members. For each of the two standards, changes dealing with varietal

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

requirements, maturity stages, required color, defect allowances, and definitions of damage and serious damage were incorporated. Following publication of the proposals, copies were distributed to industry members and organizations for their comments. The period for submitting comments concerning the proposals ended May 1, 1966.

Because of the close similarity of the proposed standards for freestone peaches for canning and the proposed standards for freestone peaches for freezing or pulping, the two standards are combined as one under the title U.S. Standards for Grades of Fresh Freestone Peaches for Canning, Freezing, or Pulping. This combination makes only a few minor changes from either of the proposed standards. There was no shape requirement in the proposed standards for peaches for freezing or pulping. Hard peaches were permitted in the U.S. No. 3 grade in these standards and in the U.S. No. 2 grade for peaches for canning. The requirement for shape in the U.S. No. 1 grade in the combined standards is "fairly well formed" which replaces the requirement of "well formed" in the proposed U.S. No. 1 grade for peaches for canning. The shape requirement for U.S. No. 2 peaches for canning, "not badly misshapen", is retained in the combined standards. "Hard" peaches are excluded from the new U.S. No. 2 grade. The new U.S. No. 3 grade has no shape requirement and permits hard peaches which otherwise meet the U.S. No. 1 or U.S. No. 2 grades.

The grades covering freestone peaches for any of these three methods of processing should serve all segments of the industry better than separate and closely similar grade requirements.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notices, the following U.S. Standards for Grades of Fresh Freestone Peaches for Canning, Freezing, or Pulping are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

GRADES	
Sec.	
51.3695	U.S. No. 1.
51.3696	U.S. No. 2.
51.3697	U.S. No. 3.
CULLS	
51.3698	Culls.
APPLICATION OF STANDARDS	
51.3699	Application of standards.
CALCULATION OF PERCENTAGES	
51.3700	Calculation of percentages.
MINIMUM SIZES	
51.3701	Minimum sizes.

RULES AND REGULATIONS

DEFINITIONS

Sec.	
51.3702	Mature.
51.3703	Fairly well formed.
51.3704	Hard.
51.3705	Firm.
51.3706	Firm ripe.
51.3707	Ripe.
51.3708	Soft.
51.3709	Damage.
51.3710	Not badly misshapen.
51.3711	Serious damage.
51.3712	Diameter.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.3695 U.S. No. 1.

"U.S. No. 1" consists of fresh freestone peaches of similar varietal characteristics which are mature, fairly well formed, firm, firm ripe, or ripe, but not hard or soft; which are free from decay, worms, worm holes, and split pits, and free from damage caused by scab, bacterial spot, other disease, insects, bruises, or other means. Ground color shall not be greener than yellowish-green.

§ 51.3696 U.S. No. 2.

"U.S. No. 2" consists of fresh freestone peaches of similar varietal characteristics which are mature, not badly misshapen, which may be firm, firm ripe, or ripe, but not hard or soft; and are free from decay, worms, worm holes, and from serious damage by split pits, scab, bacterial spot, other disease, insects, bruises, or other means. Ground color shall not be greener than yellowish-green.

§ 51.3697 U.S. No. 3.

"U.S. No. 3" consists of fresh freestone peaches which meet the requirements of the U.S. No. 2 grade except that there is no requirement for shape and peaches may be hard.

CULLS

§ 51.3698 Culls.

"Culls" consist of peaches which fail to meet the requirements of U.S. No. 3 grade.

APPLICATION OF STANDARDS

§ 51.3699 Application of standards.

It is presumed that sellers usually will not sort peaches into separate grade lots before delivery to the buyer. Under these circumstances no tolerances are provided for defective or undersize peaches, as it is contemplated that processors will pay for the exact percentage of U.S. No. 1, U.S. No. 2, and U.S. No. 3 peaches in the lot as determined by inspection. However, if the contract between buyer and seller calls for delivery of lots consisting of only one grade, then, unless otherwise specified, a 10 percent tolerance shall be allowed for peaches which fail to meet the requirements, other than size, of the one grade upon which the contract is based, including not more than 2 percent affected by decay, and not more than 1 percent affected

by worms. In addition, a 5 percent tolerance shall be allowed for peaches smaller than the specified minimum size and a 10 percent tolerance for peaches larger than the specified maximum size.

CALCULATION OF PERCENTAGES

§ 51.3700 Calculation of percentages.

Calculation of percentages shall be on the basis of weight.

MINIMUM SIZES

§ 51.3701 Minimum sizes.

Minimum sizes for U.S. No. 1, U.S. No. 2, and U.S. No. 3 grades may be fixed by agreement between buyer and seller, and shall be stated in terms of diameter in inches, or inches and not less than eighth-inch fractions thereof.

DEFINITIONS

§ 51.3702 Mature.

"Mature" means the peach has reached a stage of growth which will insure satisfactory completion of the ripening process.

§ 51.3703 Fairly well formed.

"Fairly well formed" means that the peach will yield two reasonably well shaped halves.

§ 51.3704 Hard.

"Hard" means that the peach is solid and does not yield to moderate pressure.

§ 51.3705 Firm.

"Firm" means that the peach is fairly solid but yields very slightly to moderate pressure.

§ 51.3706 Firm ripe.

"Firm ripe" means that the peach is relatively firm but yields moderately to moderate pressure.

§ 51.3707 Ripe.

"Ripe" means that the peach yields readily to moderate pressure.

§ 51.3708 Soft.

"Soft" means that the peach is over-ripe, has little resistance to slight pressure, and is too near deterioration to be desirable for processing. Such softness is a result of advanced maturity and is not to be confused with bruising.

§ 51.3709 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which will prevent removal of the skin of the peach by efficient commercial peeling operations; or will cause waste to the extent that the fruit, after trimming, will not yield two reasonably well formed halves; or which will materially detract from the processing quality of the peach or materially impede preparation of the peach for processing. The following specific defects shall be considered as damage:

(a) Scattered scab which exceeds an aggregate area of three-eighths inch in diameter, or scab which is sunken below

the skin surface into the flesh of the peach to the extent that it cannot be removed by two shallow cuts;

(b) Bacterial spot which exceeds an aggregate area of three-eighths inch in diameter, or which has cracked the flesh of the peach to the extent that the injured flesh cannot be removed by two shallow cuts.

§ 51.3710 Not badly misshapen.

"Not badly misshapen" means that the peach will yield one reasonably well shaped half.

§ 51.3711 Serious damage.

"Serious damage" means any specific defect described in this section; or any equally objectionable variation of any one of these defects, any other defect, or any combination of defects which will prevent removal of the skin by efficient commercial peeling operations without excessive hand trimming; or which will cause waste of more than 20 percent, by weight, of the flesh of the peach or will seriously detract from the processing quality of the peach or seriously impede preparation of the peach for processing. The following specific defects shall be considered as serious damage:

(a) Scab when sunken into the flesh of both halves of the peach to the extent that removal would require excessive hand trimming; and,

(b) Bacterial spot which has cracked the flesh of both halves of the peach to the extent that removal would require excessive hand trimming.

§ 51.3712 Diameter.

"Diameter" means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

It is hereby found that good cause exists for not postponing the effective date of the revision beyond June 1, 1966 (5 U.S.C. 1001-1011), in that (1) the 1966 harvest season for peaches for canning, freezing, or pulping in Georgia may commence early in June and it is in the interest of the public and the industry that the revision be placed in effect before the start of the harvest season; and, (2) no special preparation is required for compliance with this revision on the part of members of the peach industry or of others.

Accordingly the U.S. Standards for Grades of Fresh Freestone Peaches for Canning, Freezing, or Pulping contained in this subpart shall become effective June 1, 1966, and will thereupon supersede the U.S. Standards for Fresh Freestone Peaches for Canning and the U.S. Standards for Fresh Freestone Peaches for Freezing or Pulping which have been in effect since April 17, 1946.

Dated: May 24, 1966.

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

[F.R. Doc. 66-5890; Filed, May 27, 1966;
8:46 a.m.]

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

[Valencia Orange Reg. 163]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.463 Valencia Orange Regulation 163.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, 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 Valencia Orange 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 Valencia 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) 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 Valencia oranges 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 Valencia oranges; 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 May 26, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 29, 1966, and ending at 12:01 a.m., P.s.t., June 5, 1966, are hereby fixed as follows:

- (i) District 1: 500,000 cartons;
 - (ii) District 2: 300,000 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" 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: May 27, 1966.

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

[F.R. Doc. 66-6016; Filed, May 27, 1966; 11:20 a.m.]

[Lemon Reg. 216]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.516 Lemon Regulation 216.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), 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. 1001-1011), 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 regu-

lation; 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 May 24, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 29, 1966, and ending at 12:01 a.m., P.s.t., June 5, 1966, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
 - (ii) District 2: 279,000 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: May 26, 1966.

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

[F.R. Doc. 66-5954; Filed, May 27, 1966; 8:49 a.m.]

[Apricot Reg. 5]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 922.305 Apricot Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 922, as amended), regulating the handling of apricots grown in designated counties in Washington, 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 Washington Apricot Marketing Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, in the manner herein 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 thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, 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; 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 June 1, 1966. A reasonable determination as to the supply of, and the demand for, such apricots must await the development of the crop and adequate information thereon was not available to the Washington Apricot Marketing Committee until May 3, 1966; recommendation as to the need for, and the extent of, regulation of shipments of such apricots was made at the said meeting of the committee, after consideration of all available information relative to the supply and demand conditions for such apricots, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until May 20, 1966, shipments of the current crop of such apricots will begin on or about June 1, 1966, and this section should be applicable, insofar as practicable, to all shipments of such apricots in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 1, 1966, and ending at 12:01 a.m., P.s.t., June 30, 1967, no handler shall handle any container of apricots unless:

(i) Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided*, That if such apricots are the Moorpark variety in open containers they are generally well matured; and

(ii) Such apricots measure not less than 1½ inches in diameter: *Provided*, That apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *And provided further*, That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(2) All apricots handled during the period specified in this section are subject also to all applicable container restrictions which are in effect pursuant to this part during such period.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments),

and of § 922.55 (Inspection and certification):

(i) The shipment consists of apricots sold at the orchard for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(4) 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; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture "Washington Standards for Apricots," effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 4 on the U.S. Standard Ground Color Chart for Apples and Pears in the Western States. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 25, 1966.

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

[F.R. Doc. 66-5915; Filed, May 27, 1966; 8:48 a.m.]

[Apricot Reg. 6]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Container Regulation

§ 922.306 Apricot Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 922, as amended), regulating the handling of apricots grown in designated counties in Washington, 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 Washington Apricot Marketing Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, in the manner herein 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 thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, 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; 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 June 1, 1966. The Washington Apricot Marketing Committee at its meeting on May 3, 1966, considered the matter of container regulations; such meeting was held after due notice of such meeting and growers and handlers were given an opportunity to submit views and data concerning such regulation; on the basis of the information presented at such meeting, it was concluded that the use of the containers, hereinafter specified, in the marketing of apricots will tend to effectuate the declared policy of the act; the recommendation and supporting information for container regulation subsequent to June 1, 1966, and in the manner provided herein, were promptly submitted to the Department after such meeting, and information concerning such recommendation was disseminated among handlers of apricots; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until May 20, 1966; it is necessary, in order to effectuate the declared policy of the act to make this section effective at the time hereinafter set forth; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Apricot Order 2, as amended (§ 922.302; 22 F.R. 4495, 23 F.R. 4448), is hereby terminated at 12:01 a.m., P.s.t., June 1, 1966.

(2) After the effective time of this section, no handler shall handle any apricots unless such apricots are:

(i) In open containers with inside dimensions of 7 x 11½ x 18 inches and the net weight of the apricots is not less than 28 pounds;

(ii) In lidded 4-basket crates with inside dimensions of 4¾ x 16 x 16 inches and the net weight of the apricots is not less than 20 pounds;

(iii) In closed containers with inside dimensions of 3¾-4¼ x 10½ x 15 inches and containing not less than 14 pounds, net weight, of apricots: *Provided*, That when the apricots are so packed they are row-faced; or

(iv) In closed containers that are marked "12 pounds net weight," and contain not less than 12 pounds, net weight, of apricots which are of random size and are not row-faced.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which, in the aggregate, does not exceed 500 pounds, net weight, may be handled without regard to the restrictions specified in this paragraph (b) or in § 922.41 or § 922.55.

(4) All apricots handled are also subject to all applicable grade, size, quality, maturity, and pack regulations which are in effect pursuant to this part during the effective period of this section.

(5) The terms "handler," "handle," and "apricots" shall have the same meaning as when used in the amended marketing agreement and order.

(c) *Effective time.* The provisions of this section shall become effective at 12:01 a.m., P.s.t., June 1, 1966.

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

Dated: May 25, 1966.

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

[F.R. Doc. 66-5916; Filed, May 27, 1966;
8:48 a.m.]

[Cherry Reg. 5]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 923.305 Cherry Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement and this part (Order No. 923) regulating the handling of sweet cherries grown in designated counties in Washington, 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 Washington Cherry Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of cherries, in the manner herein 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 thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, 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; 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 May 30, 1966. A reasonable determination as to the supply of, and the demand for, cherries must await the development of the crop and adequate information thereon was not available to the Washington Cherry Marketing Committee until May 17, 1966; recommendation as to the need for, and the extent of, regulation of shipments of such cherries was made at the meeting of said committee on May 17, 1966, after consideration of all available information relative to the supply and

demand conditions for such cherries, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until May 23, 1966; shipments of the current crop of such cherries will begin on or about May 30, 1966, and this section should be applicable, insofar as practicable, to all shipments of such cherries in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation thereof which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 30, 1966, and ending at 12:01 a.m., P.s.t., June 1, 1967, no handler shall, except as provided in subparagraph (2) of this paragraph, handle any lot of cherries unless such cherries meet each of the following applicable requirements:

(i) *Minimum grade.* U.S. No. 1: *Provided*, That the contents of individual packages in a lot are not limited as to the percentage of defects but the average of the defects of the entire lot shall be within the tolerances specified for such grade.

(ii) *Minimum size.* At least 95 percent, by count, shall measure not less than $\frac{3}{4}$ inch in diameter.

(iii) *Faced packs and any packs of 20 pounds, net weight, or larger.* At least 90 percent, by count, shall measure not less than $\frac{5}{16}$ inch in diameter.

(iv) *Containers.* The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of $15\frac{1}{2}$ by $10\frac{1}{2}$ by 4 inches shall be not less than 20 pounds; and no container of cherries shall contain less than 12 pounds, net weight, of cherries.

(2) *Exceptions:* During the aforesaid period, any handler may handle any individual shipment of cherries which, in the aggregate, does not exceed 100 pounds, net weight, without regard to the restrictions specified in this paragraph (b) or in § 923.41 or § 923.55.

(c) *Definitions.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order:

(2) "U.S. No. 1" and "diameter" shall have the same meaning as when used in the U.S. Standards for Sweet Cherries (§§ 51.2646-51.2657 of this title); and

(3) "Faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

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

Dated: May 25, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Veg-
etable Division, Consumer and
Marketing Service.

[F.R. Doc. 66-5917; Filed, May 27, 1966;
8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7263; Amdt. 39-243]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

Amendment 39-220 (31 F.R. 5482), AD 66-10-1, as amended by Amendment 39-228 (31 F.R. 6353), requires inspection of the vertical fin rear spar attachment fittings and repair or replacement if cracks are found on Boeing Model 707 and 720 Series airplanes. Subsequent to the issuance of Amendment 39-228, the Agency has determined that it is not necessary to inspect airplanes with 12,000 or more hours' time in service in accordance with paragraph (a) of the AD, but the inspection specified in paragraph (f) of the AD must be accomplished on airplanes with 7,000 or more hours' time in service. Therefore, the AD is being superseded by a new AD that requires inspection of airplanes with 7,000 or more hours' time in service and repair or replacement if cracks are found, and eliminates the inspection required by paragraph (a) of the present AD.

The 400-hour compliance time for the inspection of airplanes with 7,000 or more hours' time in service has been established by the Agency on the basis of safety considerations. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with a minimum burden. To prescribe the inspection required by this AD for airplanes with 7,000 or more hours' time in service under the usual notice and public procedures followed by the Agency within the time the Agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for that inspection. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the inspection required by this AD for airplanes with 7,000 or more hours' time in service within the time the Agency has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective 30 days after publication in the FEDERAL REGISTER. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in the light of com-

ments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 707 and 720 Series airplanes.

Compliance required as indicated.

(a) For airplanes with less than 7,000 hours' time in service on June 27, 1966, inspect in accordance with paragraph (g) of this AD and rework uncracked parts in accordance with Part IV of Boeing Service Bulletin 2399 (R-2) before the accumulation of 7,400 hours' time in service.

(b) For airplanes with 7,000 or more but less than 12,000 hours' time in service on June 27, 1966, inspect in accordance with paragraph (g) of this AD and rework uncracked parts in accordance with Part IV of Bulletin 2399 (R-2) within the next 400 hours' time in service after June 27, 1966.

(c) For airplanes with less than 12,000 hours' time in service on April 7, 1966, but 12,000 or more hours' time in service on June 27, 1966, inspect in accordance with paragraph (g) of this AD and rework uncracked parts in accordance with Part IV of Bulletin 2399 (R-2) before the accumulation of 12,700 hours' time in service.

(d) For airplanes with 12,000 or more but less than 14,650 hours' time in service on April 7, 1966, inspect in accordance with paragraph (g) of this AD and rework uncracked parts in accordance with Part IV of Bulletin 2399 (R-2) within the next 700 hours' time in service after April 7, 1966.

(e) For airplanes with 14,650 or more but less than 15,350 hours' time in service on April 7, 1966, inspect in accordance with paragraph (g) of this AD and rework uncracked parts in accordance with Part IV of Bulletin 2399 (R-2) before the accumulation of 15,350 hours' time in service or within the next 50 hours' time in service after April 7, 1966, whichever occurs later.

(f) For airplanes with 15,350 or more hours' time in service on April 7, 1966, inspect in accordance with paragraph (g) of this AD and rework uncracked parts in accordance with Part IV of Bulletin 2399 (R-2) within the next 50 hours' time in service after April 7, 1966.

(g) Inspect for cracks around the four top bolt holes and the five bolt holes in the inboard tang of terminal fittings, P/N 5-84487, in accordance with Parts I and II of Bulletin 2399 (R-2) or later FAA-approved revision.

(h) Before further flight replace cracked fittings with an uncracked fitting of the same part number or rework in accordance with Part III of Bulletin 2399 (R-2) or later FAA-approved revision or Aircraft Engineering Division FAA Western Region-approved instructions.

(i) Reinspect reworked parts in accordance with paragraph (g) at intervals not to exceed 7,000 hours' time in service from the last inspection and replace or rework in accordance with paragraph (h) as necessary.

This supersedes Amendment 39-220 (31 F.R. 5482), AD 66-10-1, as amended by Amendment 39-228 (31 F.R. 6353). This amendment becomes effective June 27, 1966.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C. on May 27, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-5995; Filed, May 27, 1966;
9:34 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

REAL PROPERTY ACQUISITION, MANAGEMENT, AND DISPOSAL

Section 1204.501 revised in its entirety as follows:

§ 1204.501 Delegation of authority for real property acquisition, management, and disposal.

(a) *Definition.* Real property is land, buildings, structures, utilities systems, and improvements and appurtenances thereto, permanently annexed to land. Real property includes equipment attached to and made a part of buildings, structures, and other facilities, such as heating systems, but excludes collateral equipment which is removable without significant damage to the real property, such as machine tools. Equipment serving a function of real property (e.g., trailers used to house personnel) is considered as real property when so used.

(b) *Delegation of authority.* Consonant with the instructions of the Administrator and Deputy Administrator and to the extent authorized by law and applicable regulations, the Assistant Administrator for Industry Affairs and Director, Facilities Management Office, are hereby delegated authority to:

(1) Acquire title to real property and other interests therein for NASA and the United States by purchase, donation, transfer, easement, lease, permit, license, and otherwise.

(2) Exercise all the authority of NASA, under the Act of August 1, 1888 (40 U.S.C. 257) and under the further authority of the Act of July 29, 1958 (42 U.S.C. 2473 (b)(3)), to acquire real estate for the United States by condemnation under judicial process; and submit to the Attorney General of the United States requests for condemnation.

(3) Exercise for NASA the authority contained in the Act of February 26, 1931 (40 U.S.C. 258a) and the acts supplementary thereto and amendatory thereof, to sign declarations of taking.

(4) Exercise for NASA the authority contained in section 203(b)(14) of the National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2473(b)(14) to determine a fair and reasonable reim-

bursment to the owners and tenants of land and interests in land in accordance with the provisions of NASA Management Instruction 8811.2, but in no event in excess of 25 per centum of the fair value of the parcel of land or interests in land to which the reimbursement is related. (The fair value of land or an interest in land shall be determined on the basis of an appraisal made by or on behalf of the Government in accordance with established appraisal principles and procedures, except that the Assistant Administrator for Industry Affairs or Director, Facilities Management Office, NASA Headquarters, in extraordinary cases when he deems departure from the appraised value to be justified, may submit the question of fair market value to the Administrator, NASA, for his determination.)

(5) Enter into joint use agreements or permits with other Government agencies relating to real property.

(6) Exercise all the authority of NASA under the Act of Congress approved October 23, 1962 (40 U.S.C. 319 to 319c), including the authority to grant on behalf of the United States, to a State or political subdivision or agency thereof or to any person or organization applying therefor, such easements in, over, or upon real property of the United States controlled by NASA as will not be adverse to the interests of the United States in accordance with the requirements set forth in NASA Policy Directive 8813.1.

(7) To the extent authorized by law and applicable regulation, grant leasehold interests, permits or licenses to any public or private entity applying therefor in, over or upon real property of the United States under the control of NASA provided that such grant will not be adverse to the interests of the United States as determined, through suitable regulation, by the Administrator, NASA. But nothing herein shall extend to the disposition of real property which is excess within the meaning of 40 U.S.C. 472(e).

(8) Sell and otherwise dispose of real property in accordance with the provisions of the Federal Property and Administrative Service Act of 1949, as amended (40 U.S.C. 471 et seq.).

(9) Enter into or take other actions with respect to real property transactions with foreign governments and foreign commercial organizations or individuals.

(10) Request other government agencies to act as real estate agents for NASA in accordance with interagency agreements.

(c) *Redelegation of authority.* The Assistant Administrator for Industry Affairs is authorized to redelegate authority to other NASA personnel and officials of other Federal agencies acting as the NASA real estate agents (pursuant to agreements in effect at that time) to enter into real property transactions, except those specified in paragraph (b)(2), (3), (4), and (6) of this section, subject to such limitations as he may consider necessary.

(42 U.S.C. 2473(b)(1))

Effective date. The provisions of this § 1204.501 are effective April 22, 1966.

R. C. SEAMANS, Jr.,
Deputy Administrator.

[F.R. Doc. 66-5913; Filed, May 27, 1966;
8:48 a.m.]

PART 1245—PATENTS

Subpart 1—Patent Waiver Regulations

Subpart 1 is revised in its entirety as follows:

Subpart 1—Patent Waiver Regulations

Sec.	
1245.100	Scope of subpart.
1245.101	Definitions.
1245.102	Applicability.
1245.103	Policy.
1245.104	Waiver at the time of contracting.
1245.105	Waiver prior to invention identification.
1245.106	Waiver after reporting of inventions.
1245.107	Reservation of license.
1245.108	Additional reservations.
1245.109	Voidability of waivers.
1245.110	Content of petitions.
1245.111	Processing of petitions.
1245.112	Hearing procedure.
1245.113	License to contractor.
1245.114	Waiver of foreign rights.
1245.115	Filing of patent applications.
1245.116	Publication.

AUTHORITY: The provisions of this Subpart 1 issued under 42 U.S.C. 2457(f).

§ 1245.100 Scope of subpart.

Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) provides that each invention determined by the Administrator of NASA to have been made in the performance of work under a NASA contract in the manner specified in that section becomes the exclusive property of the United States unless the rights of the United States are waived in accordance with the provisions of section 305(f) of the Act. Thus title to each such invention vests in the United States unless a waiver is granted. This subpart sets forth the policies and procedures governing the waiver of rights of the United States to inventions under section 305(f) of the Act.

§ 1245.101 Definitions.

As used in this subpart:

(a) "Contract" means any actual or proposed contract, understanding, or other arrangement with the National Aeronautics and Space Administration (NASA) or another Government agency on NASA's behalf, including any assignment, substitution of parties or subcontract executed or entered into thereunder, and including grants made by NASA under 42 U.S.C. 1891-1893.

(b) "Contractor" means a party which has undertaken to perform work under a contract.

(c) "Invention" means an invention made in the manner specified in paragraph (1) or (2) of section 305(a) of the National Aeronautics and Space Act of

1958 (42 U.S.C. 2457(a)) in the performance of work under a contract.

(d) "Board" means the NASA Inventions and Contributions Board established by the Administrator of NASA within the Administration under section 305(f) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(f)).

(e) "To bring to the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

§ 1245.102 Applicability.

This subpart applies to all inventions which may be conceived or first actually reduced to practice under conditions enabling the Administrator of NASA to determine rights therein on behalf of the United States pursuant to section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).

§ 1245.103 Policy.

(a) In implementing the provisions of section 305(f) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(f)) and in defining when the interests of the United States would be served by waiver of rights in inventions made in the performance of work under NASA contracts, the Administrator is guided by the objectives set forth in the National Aeronautics and Space Act of 1958 and by the basic policy of the Presidential Memorandum and Statement on Government Patent Policy issued October 10, 1963 (28 F.R. 10943-46). Among the most important objectives of the regulations in this subpart are to provide incentives to foster inventiveness and encourage reporting of inventions made under NASA contracts, to provide for the widest practicable dissemination of new technology resulting from NASA's programs and to encourage the expeditious development and adoption of this new technology for commercial purposes.

(b) This subpart prescribes three different times at which waiver of title may be requested. Waiver of title to an individual invention may be requested under § 1245.106 after the invention has been identified and reported to NASA. Waiver of title to inventions not yet identified and reported may be requested under § 1245.104, prior to execution of the contract, or under § 1245.105, within sixty (60) days of contract execution. Waiver of title may be requested under any of these sections even though a request under a different section was not made or, if made, was not granted.

§ 1245.104 Waiver at the time of contracting.

(a) Where waiver of title is requested prior to contract execution, such waiver normally will be granted if the Board makes each of the six findings set forth in subparagraphs (1) through (6) of this paragraph prior to execution of the contract:

(1) It is not a principal purpose of the contract to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations.

(2) It is not a principal purpose of the contract to explore into fields which directly concern the public health or public welfare.

(3) The contract is not in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, with respect to which the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position.

(4) The contract is not for services of the contractor for (i) the operation of a Government-owned research or production facility or (ii) coordinating and directing the work of others.

(5) The purpose of the contract is to build upon existing knowledge or technology to develop information, products, processes, or methods for use by the Government.

(6) The work called for by the contract is in a field of technology in which the contractor has acquired technical competence (demonstrated by factors such as know-how, experience, and patent position) directly related to an area in which the contractor has an established nongovernmental commercial position.

(b) When a petition for waiver is made pursuant to paragraph (a) of this section and sufficient information is not presented to allow the Board to make findings of fact and recommendations to the Administrator of NASA without unduly delaying execution of the contract, the Board will inform the contracting officer that such findings of fact and recommendations have not been made. The contracting officer will so inform the petitioner, who may, upon execution of the contract, request the Board to consider the matter further under § 1245.105. If the Board proposes to recommend against the granting of a waiver under § 1245.105, the petitioner may then request reconsideration or a hearing under § 1245.111.

(c) A waiver granted pursuant to paragraph (a) of this section shall be effective only with respect to inventions which are reported during the term of the contract under which they are made and designated at the time of reporting as being inventions upon which the contractor intends to file or has filed a U.S. Patent application.

(d) A waiver granted pursuant to paragraph (a) of this section is subject to the reservations and conditions set forth in §§ 1245.107-1245.109.

§ 1245.105 Waiver prior to invention identification.

(a) Where a waiver has not been granted under § 1245.104, a petition for

waiver of title to all inventions which may be made in the performance of work under a specific contract may be submitted by the contractor within sixty (60) days after execution of the contract. Such a petition may be made even though no petition for waiver was made prior to execution of the contract under § 1245.104. In the event a petition for waiver under § 1245.104 was previously made but not granted, the contractor may request the Board to consider the matter under this section on the record or, in the alternative, he may submit additional evidence and arguments in support of his petition.

(b) Waiver of title under this section normally will be granted when the Board makes the findings set forth in § 1245.104 (a).

(c) A waiver granted pursuant to paragraph (b) of this section shall be effective only with respect to inventions which are reported during the term of the contract under which they are made and designated at the time of reporting as being inventions upon which the contractor intends to file or has filed a United States patent application.

(d) A waiver granted pursuant to paragraph (b) of this section is subject to the reservations and conditions set forth in §§ 1245.107-1245.109.

§ 1245.106 Waiver after reporting of inventions.

(a) The provisions of this section apply to petitions for waiver of title to individual inventions which have been reported to NASA and which are not subject to a waiver granted pursuant to § 1245.104 or § 1245.105.

(b) Waiver of title to an invention after reporting thereof will not be granted where the Board finds that the invention:

- (1) Is directly related to a governmental program for creating, developing, or improving products, processes, or methods for use by the general public at home or abroad; or
- (2) Will be required by governmental regulation for use by the general public at home or abroad; or
- (3) Is directly related to the public health or public welfare; or
- (4) Is in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and the acquisition of exclusive rights might confer on the contractor a preferred or dominant position.

(c) Except for inventions falling within paragraph (b) of this section, waiver of title to an invention normally will be granted if the Board finds that, in view of the contractor's plans and intentions to bring the invention to the point of practical application, waiver of title to the contractor would be an effective incentive to bring the invention to the point of practical application at the earliest practicable date.

(d) A waiver granted pursuant to paragraph (c) of this section is subject

to the reservations and conditions set forth in §§ 1245.107 through 1245.109.

§ 1245.107 Reservation of license.

With respect to any particular invention, waiver of title under any and all provisions of this subpart shall be subject to the reservation of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention throughout the world by or on behalf of the United States or any agency thereof, State, or domestic municipal government, or any foreign government pursuant to any existing or future treaty or agreement with the United States.

§ 1245.108 Additional reservations.

(a) With respect to any particular invention, each waiver of title shall be subject to the reservation of the right of the Administrator of NASA to require the granting of a license to any applicant on a nonexclusive, royalty-free basis unless:

(1) The contractor, his licensee, or his assignee has brought the invention to the point of practical application within three years after a U.S. patent issues on the invention and thereafter continues to work the invention and make its benefits reasonably accessible to the public; or

(2) Within three years after a U.S. patent issues on the invention, such patent has been made available for non-exclusive licensing to any responsible applicant, royalty-free or on terms that are reasonable in the circumstances; or

(3) The contractor shows cause why he should retain the full benefits of waiver for a further period of time.

(b) With respect to any particular invention, each waiver of title shall be subject to the reservation, by the Administrator of NASA, of the right to require the granting of a license to any responsible applicant royalty-free or on terms that are reasonable in the circumstances for such practice of the invention as may be appropriate to satisfy the requirements which may be made by governmental regulations for public use of the invention or as may be necessary to fulfill health needs.

(c) Before a contractor is required to grant a license under either paragraph (a) or (b) of this section, he shall be given an opportunity to show cause before the Board why he should not be required to grant such a license.

§ 1245.109 Voidability of waivers.

(a) With respect to any particular invention, each waiver of title shall be voidable at the option of the Administrator of NASA unless:

(1) Within eight months from the date of reporting of an invention subject to a waiver granted pursuant to § 1245.104 or § 1245.105, or eight months from the date of the granting by the Administrator of NASA of a waiver pursuant to § 1245.106, the contractor files an application for U.S. Letters Patent disclosing and claiming the invention and includes within the first paragraph of the specification of such application and any patent issuing thereon the following statement:

The invention described herein was made in the performance of work under a NASA contract and is subject to the provisions of section 305 of the National Aeronautics and Space Act of 1958, Public Law 85-568 (72 Stat. 435; 42 U.S.C. 2457).

(2) The contractor furnishes to the Administrator of NASA a copy of each patent application, domestic or foreign, filed on such invention together with identifying serial number and filing date promptly upon receipt thereof;

(3) The contractor executes and furnishes to the Administrator of NASA instruments fully confirmatory of the rights herein reserved by the Government;

(4) In the event he elects not to continue prosecution of any application filed on such invention, the contractor notifies the Administrator of NASA within sufficient time to allow assumption of prosecution by the Government, and delivers to the Administrator of NASA such duly executed instruments as are necessary to vest in the Administrator title thereto, including an instrument of assignment to such patent application;

(5) The contractor conveys to the Administrator of NASA, on written request, his entire right, title and interest in any foreign country in which he has not filed an application on said invention within—

(i) Nine months from the date a corresponding U.S. application is filed;

(ii) Six months from the date permission is granted to file foreign applications where such filing has been prohibited for security reasons; or

(iii) Such longer periods as may be expressly approved by the Administrator of NASA;

(6) The contractor grants any license which the Administrator of NASA may require to be granted pursuant to § 1245.108; and

(7) The contractor reports, upon NASA's written request, not more often than annually, the commercial use that is being made or is intended to be made of the invention.

(b) With respect to any particular invention, each waiver of title shall be voidable if the patent disclosing and claiming such invention is held to have been used in violation of the antitrust laws in an unappealed or unappealable judgment or order of a court or administrative tribunal of competent jurisdiction.

§ 1245.110 Content of petitions.

(a) Forms which may be used in petitioning for waiver are available from the NASA Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, D.C., 20546. Each request for waiver under § 1245.104, § 1245.105, or § 1245.106 shall be by petition to the Administrator of NASA and shall include:

(1) An identification of the petitioner, his place of business and address, and if the petitioner is represented by counsel, his name and address;

(2) An identification by number and date of the pertinent NASA contract or proposed contract;

(3) A specification of the kind of waiver requested and of the section hereof under which the petition is submitted; and

(4) The signature of the petitioner or his authorized representative.

(b) Petitions for waiver under §§ 1245.104 and 1245.105: In addition to the information specified in paragraph (a) of this section, each petition for waiver under § 1245.104 or § 1245.105 shall include:

(1) A copy of the statement of work of the pertinent NASA contract or proposed contract; and

(2) A statement of facts tending to show that the contract is of a type specified in § 1245.104(a), relating such facts to the statement of work of the contract.

(c) Petitions for waiver under § 1245.106: A separate petition shall be submitted for each reported invention. In addition to the information specified in paragraph (a) of this section, such petition shall include:

(1) The full names of all inventors;

(2) A concise description of the invention, pointing out the relation of the invention to the known prior art, isolating what the petitioner regards as new, and relating the invention to the work required to be performed under the contract;

(3) A statement whether a patent application has been filed on the invention, together with a copy of such application if filed;

(4) If a patent application has not been filed, any information which may indicate a potential statutory bar to the filing of a patent application under 35 U.S.C. 102 (1958), or a statement that no bar is known to petitioner to exist; and

(5) A statement of facts tending to show that the invention qualifies for waiver of title under § 1245.106.

§ 1245.111 Processing of petitions.

(a) *Submission.* Petitions for waiver under § 1245.104 must be submitted through the contracting officer to the Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, D.C., 20546. All other petitions may be submitted directly to the Board or through the contracting officer to the Board.

(b) *Notice of proposed recommendation.* With respect to petitions for waiver under § 1245.105 or § 1245.106, the Board will notify the petitioner:

(1) Whether it proposes to recommend to the Administrator of NASA that the petition be—

(i) Granted in the extent requested;

(ii) Granted in an extent different from that requested; or

(iii) Denied.

(2) Of the reasons for any recommended action adverse to or different from the waiver requested by the petitioner; and

(3) If the Board proposes to recommend that the petition be denied or granted to an extent different from that requested, that the petitioner may, within such period as the Board may set, but not less than thirty (30) days, re-

quest either an oral hearing before or reconsideration by the Board.

(c) *Hearing.* If the petitioner requests a hearing within the time set pursuant to paragraph (b)(3) of this section, the Board will set a place and date for such hearing and notify the petitioner.

(d) *Reconsideration.* If the petitioner requests reconsideration within the time set pursuant to paragraph (b)(3) of this section, the Board will reconsider the petition, together with any additional material submitted by the petitioner during the period set for requesting reconsideration.

(e) *Transmittal to Administrator.* (1) If the Board proposes to recommend that the petition be granted in the extent requested, or in other cases if the petitioner does not request a hearing or reconsideration during the period set for such action, or informs the Board that a hearing or reconsideration will not be requested, the Board shall transmit the petition, its findings of fact with respect thereto, and its recommendation to the Administrator of NASA.

(2) After a hearing or reconsideration as provided in paragraph (c) or (d) of this section, the Board shall transmit to the Administrator of NASA the petition, the record of proceedings, its findings of fact with respect to the request for waiver, and its recommendation.

(f) *Notice of denial.* In the event of denial of the petition by the Administrator of NASA, a written notice of such denial will be given promptly to the petitioner. The written notice will be accompanied with a statement of the grounds for the denial.

§ 1245.112 Hearing procedure.

Hearings held by the Board shall be in accordance with the procedures set forth in this section.

(a) *Public notice.* In addition to the notice to the petitioner required by § 1245.111(c), notice of each hearing shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the date thereof. Such notice shall specify that written comments regarding the matter before the Board may be submitted prior to the hearing or within fifteen (15) days thereafter.

(b) *Hearings to be public.* Each hearing shall be open to the public.

(c) *Representation of petitioner.* Petitioners may be represented by attorneys and any other appropriately designated persons.

(d) *Conduct of hearing.* Hearings shall be conducted in an informal manner, with the objective of providing the petitioner with a full opportunity to present evidence and arguments in support of the petition. Evidence may be presented through means of such witnesses, exhibits, and visual aids as are arranged for by the petitioner. While proceedings will be ex parte, members of the Board, and its counsel, may address questions to witnesses called by the petitioner, and the Board may, at its option, enlist the aid of technical advisors or expert witnesses.

(e) *Record.* A written transcript of the proceeding shall be arranged for by the Board. The petitioner shall submit for the record a copy of any exhibit or visual aid utilized during the hearing.

§ 1245.113 License to contractor.

There is hereby granted to any contractor reporting an invention an irrevocable, nonexclusive, royalty-free license for the practice of such invention throughout the world, together with the right to grant sublicenses of the same scope, to the extent the contractor was legally obligated to do so at the time the contract was awarded. Such license and right is nontransferable except to the successor of that part of the contractor's business to which the invention pertains.

§ 1245.114 Waiver of foreign rights.

Upon request, waiver of title to any identified invention will be granted in countries other than the United States in which the Administrator of NASA does not desire to file an application for patent for such invention, subject to the reservation of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention throughout the world by or on behalf of the United States or any agency thereof or any foreign government pursuant to any existing or future treaty or agreement with the United States and subject to the conditions set forth in § 1245.109(a) (2) through (5) and (7).

§ 1245.115 Filing of patent applications.

In order to protect adequately the interests of the Government and the contractor in inventions, contractors are encouraged to file patent applications prior to final disposition of petitions for waiver of title. If a petitioner for waiver of title files a U.S. patent application disclosing and claiming the invention during the pendency of the petition, NASA will reimburse the petitioner for the reasonable costs of filing and such prosecution as may have ensued in the event that the petition is ultimately denied and the petitioner assigns the application to the United States as represented by the Administrator of NASA.

§ 1245.116 Publication.

There shall be published at least annually:

(a) The findings of fact and recommendations of the Board with respect to each petition for waiver;

(b) Appropriate statistics regarding inventions made under NASA contracts, and actions taken with respect thereto; and

(c) The decision of the Board in each proceeding under § 1245.108(c).

Effective date. The provisions of this subpart are effective June 1, 1966, and supersede NASA Patent Waiver Regulations of August 27, 1964 (29 F.R. 12273-12275), as of that date.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 66-5914; Filed, May 27, 1966; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

2,4-D

No comments were received in response to the notice published in the *FEDERAL REGISTER* of April 6, 1966 (31 F.R. 5453), proposing that the pesticide regulations be amended to permit preharvest use of the plant regulator 2,4-D isopropyl ester on citrus fruits. The proposal was published by the Commissioner of Food and Drugs in response to a request filed by Dr. C. C. Compton, Project Leader, Interregional Research Project No. 4, State Agricultural Experiment Stations, Rutgers University, New Brunswick, N.J., 08903. No request has been received for referral of the proposal to an advisory committee.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That the amendment proposed be adopted without change. Accordingly, § 120.142 is revised to read as follows:

§ 120.142 2,4-D tolerances for residues.

A tolerance of 5 parts per million is established for residues of the herbicide and plant regulator 2,4-D (2,4-dichlorophenoxyacetic acid) in or on each of the following raw agricultural commodities: Apples, citrus fruits, pears, quinces. The tolerance for citrus fruits also includes residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from the preharvest application of 2,4-D isopropyl ester to citrus fruits and from the postharvest application of the 2,4-D isopropyl ester to lemons.

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

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

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: May 20, 1966.

J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 66-5894; Filed, May 27, 1966;
8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 315—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

On March 26, 1966, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (31 F.R. 5015) with respect to Treasury Department Circular No. 530, Ninth Revision (31 CFR, Part 315). After consideration of such relevant matter as was presented by interested parties, the regulations, revised and amended in the form shown below, were adopted on May 24, 1966.

This revision and amendment of the regulations is issued under authority of the Revised Statutes, section 161 (5 U.S.C. 22), and the Second Liberty Bond Act (31 U.S.C. 757c, 757c-1), both as amended.

Dated: May 24, 1966.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Department Circular No. 530, Ninth Revision (31 CFR Part 315), is hereby revised and amended as follows:

§ 315.6 Restrictions on registration.

(b) *Minority.* (1) Bonds purchased by another person with funds belonging to a minor must be registered in the name of the minor without a coowner or beneficiary. Bonds purchased by a representative of a minor's estate must be registered in the name of the minor and include in the registration an appropriate reference to the guardianship estate. Bonds purchased by a representative of the estates of two or more minors, even though appointed in a single proceeding, must be registered in the name of each minor separately, with appropriate reference to his guardianship estate.

(2) Bonds purchased with funds not belonging to a minor may be registered to name the minor as owner, coowner or beneficiary, and in this case, the registration must include an appropriate reference to the guardianship estate, if the minor's estate is under legal guardianship.

¹ See examples of forms of registration under § 315.7(b) (2).

(3) Bonds purchased as a gift to a minor under a gift to minors statute in effect in the State in which either the donor or the minor resides may be registered as provided in the applicable statute, with a parenthetical reference to the statute if it is not clearly identified by the registration. A coowner or beneficiary may not be named.

(4) Registration of bonds in the name of a natural guardian for a minor is not authorized.

(5) A minor may name a coowner or beneficiary on bonds he purchases with his wages, earnings, or other funds belonging to him and under his control.

(c) *Incompetency.* Bonds may be purchased with funds belonging to the estate of an incompetent for whom a guardian or similar representative has been appointed.² The registration must include appropriate reference to such guardianship or similar fiduciary estate. Bonds purchased with funds not belonging to the incompetent may be registered to name the incompetent as owner (with or without a beneficiary), as coowner or as beneficiary, with appropriate reference to the guardianship or similar fiduciary estate.

§ 315.7 Authorized forms of registration

(b) *Fiduciaries (including legal guardians or similar representatives, certain custodians, executors, administrators and trustees).* (1) *General.* A bond may be registered in the name of any person or persons or any organization, public or private, acting as fiduciary of a single duly constituted fiduciary estate, but not where the fiduciary would hold the bond merely or principally as security for the performance of a duty, obligation or service. A coowner or beneficiary may not be named in the registration except under the applicable provisions of § 315.6 (b) and (c). A common trust fund established and maintained according to law by a financial institution duly authorized to act as a fiduciary will be considered as a single duly constituted fiduciary estate within the meaning of these regulations in this part. Registration must conform to a form authorized by this paragraph.

(2) *Guardians, conservators, similar representatives, certain custodians.* A bond may be registered in the name and title or capacity of the legally appointed, designated or authorized representative of the estate of a minor, incompetent, aged person, absentee, etc., or in the name of such individual, followed by an appropriate reference to the estate and showing the nature of the disability or referring to the applicable statute. A coowner or beneficiary may be named only in accordance with the applicable provisions of § 315.6 (b) and (c). Examples:

² Bonds should not be registered in the name of an incompetent unless there is a representative for his estate, except as provided in sec. 315.53.

Tenth National Bank, guardian (or conservator, trustee, etc.) of the estate of George M. Brown, 123-45-6789, a minor (or an incompetent, aged person, infirm person, or absentee).

George M. Brown, 123-45-6789, a minor (or an incompetent, aged person, infirm person, or absentee) under legal guardianship (or conservatorship or trusteeship, etc.) of James F. Jones.

John R. Smith 123-45-6789, an adult under conservatorship of Henry C. Smith pursuant to section 572, 1963 Iowa Probate Code.

James F. Brown 123-45-6789, a minor (or an incompetent) under custodianship by designation of the Veterans Administration.

Frank M. Olsen 123-45-6789, an incompetent for whom Eric A. Olsen has been designated trustee by the Department of the Army pursuant to 37 U.S.C. 351-354.

Arnold A. Ames, as custodian for Barry B. Bryan, 123-45-6789, under the California Uniform Gifts of Securities to Minors Act.

Arnold A. Ames, as custodian for Barry B. Bryan, 123-45-6789, a minor, under the laws of Georgia (Ch. 48-3, Code of Ga. Ann.).

Richard A. Roe 123-45-6789, a minor (or an incapacitated adult) beneficiary for whom Reva L. Roe has been designated representative payee by the Secretary of Health, Education, and Welfare, pursuant to 42 U.S.C. 405(j).

Tenth National Bank, guardian of the estate of George M. Brown, a minor or Henry L. Green, 123-45-6789.

Henry L. Green, 123-45-6789 P.O.D. George M. Brown, a minor under legal guardianship of Tenth National Bank.

(3) *Executors and administrators.* A bond may be registered in the name of the representative or representatives appointed by a court or otherwise legally qualified to act for the estate of a decedent, or in the name of an executor authorized to administer a trust under the terms of a will although he is not named as trustee. The names and capacities of all the representatives, as shown in their letters of appointment, must be included in the registration and be followed by an adequate identifying reference to the estate. Examples:

John H. Smith and Calvin N. Jones, executors of the will (or administrators of the estate) of Robert J. Smith, deceased 12-3456789.

John H. Smith, executor of the will of Robert J. Smith, deceased, in trust for Mrs. Jane L. Smith, with remainder over 12-3456789.

(4) *Trustees or life tenants under wills, deeds of trust, agreements or similar instruments.* A bond may be registered in the name and title of the trustee (or trustees) of a duly constituted trust estate, or in the name of a life tenant, followed by an adequate governing the trust or life tenancy. Examples:

Thomas J. White and 10th National Bank, trustees under the will of Robert J. Smith, deceased 12-3456789.

Mrs. Jane M. Smith, life tenant under the will of Robert J. Smith, deceased 12-3456789.

Tenth National Bank, trustee under agreement with Paul E. White, dated 2/1/55 12-3456789.

Carl A. Black and Henry B. Green, trustees under agreement with Paul E. White, dated 2/1/55 12-3456789.

If the trust instrument designates by title only an officer of a board or an organization as trustee, only the title of the officer should be used. Example:

Chairman, Board of Trustees, First Church of Christ, Scientist, of Chicago, Ill., in trust under the will of Robert J. Smith, deceased 12-3456789.

The names of all trustees, in the form used in the trust instrument, must be included in the registration, except as follows:

(i) If there are several trustees designated as a board or authorized to act as a unit, their names may be omitted and the words "Board of Trustees" substituted for the word "trustees." Example:

Board of Trustees of the Immediate Relief Trust of the Federal Aid Association, under trust indenture dated 2/1/55 12-3456789.

(ii) If the trustees do not constitute a board and are not authorized to act as a unit, and are too numerous to be designated in the registration by names and title, some or all of the names may be omitted. Examples:

John A. Smith, Henry B. Jones, et al., trustees under the will of Edwin O. Mann, deceased, 12-3456789.

Trustees under the will of Edwin A. Mann, deceased 12-3456789.

(5) *Pension, retirement or similar funds, or eligible employees' savings or savings and vacation plans.* A bond may be registered in the name and title, or title alone, of the trustee or trustees of a pension, retirement or similar fund, or an eligible employees' savings or savings and vacation plan. If the instrument creating the trust provides that the trustees shall serve for a limited term, their names may be omitted. Examples:

Tenth National Bank, trustee of pension fund of Safety Manufacturing Co., U/A with said company dated March 31, 1949 12-3456789.

Trustees of Retirement Fund of Safety Manufacturing Co., under directors' resolution adopted 3/31/49 12-3456789.

County Trust Company, trustee of the Employees' Savings Plan of Jones Co., Inc., U/A dated 1/17/59 12-3456789.

Trustees of the Employees' Savings Plan of Brown Bros., Inc., U/A dated January 20, 1964 12-3456789.

(6) *Funds of lodges, churches, societies, or similar organizations.* A bond may be registered in the titles of the trustees, or a board of trustees, holding funds in trust for a lodge, church, society, or similar organization, whether or not incorporated. Examples:

Trustees of the First Baptist Church, Akron, Ohio, acting as a Board under Sec. 15 of its bylaws 12-3456789.

Trustees of Jamestown Lodge No. 1,000, Benevolent and Protective Order of Elks, under Sec. 10 of its by-laws 12-3456789.

Board of Trustees of the Lotus Club, Washington, Ind., under Art. X of its constitution 12-3456789.

(7) *Investment agents for religious, educational, charitable or nonprofit organizations.* A bond may be registered in the name of a bank, trust company, or other financial institution, or an individual, as agent under an agreement with a religious, educational, charitable, or nonprofit organization, whether or not incorporated, if the agent holds funds for the sole purpose of investing and re-

investing them and paying the income to the organization. The name and designation of the agent must be followed by an adequate identifying reference to the agreement. Examples:

Tenth National Bank, fiscal agent 12-3456789, under agreement with The Evangelical Lutheran Church of the Holy Trinity, dated December 28, 1949.

Sixth Trust Co., investment agent 12-3456789, U/A dated September 16, 1962, with Central City Post, Department of Illinois, American Legion.

John Jones, investment agent, 12-3456789, U/A dated September 16, 1962, with Central City Post, Department of Illinois, American Legion.

(8) *Funds of school groups or activities.* A bond may be registered in the title of the principal or other officer of a public, private, or parochial school holding funds in trust for a student body fund or for a class, group, or activity. If the amount purchased for any one fund does not exceed \$500 (face value), no reference need be made to a trust instrument. Examples:

Principal, Western High School, in trust for Class of 1955 Library Fund 12-3456789.

Director of Athletics, Western High School, in trust for Student Activities Association, under resolution adopted May 12, 1955, 12-3456789.

(9) *Public corporations, bodies, or officers as trustees.* A bond may be registered in the name of a public corporation or a public body, or in the title of a public officer, acting as trustee under express authority of law, followed by an appropriate reference to the statute creating the trust. Examples:

Rhode Island Sinking Fund Commission, trustee of the General Sinking Fund, under Chapter 35, General Laws of Rhode Island.

Superintendent of the Confederate Home for Men, in trust for the Benefit Fund under section 3183, Vernon's Civil Stats. of Texas Annot.

(c) *Private organizations (corporations, associations, partnerships).*—(1) *General.* A bond may be registered in the name of any private organization in its own right, except that of a commercial bank, which is defined for this purpose as one accepting demand deposits. The full legal name of the organization, as set forth in its charter, articles of incorporation, constitution, partnership agreement or other authority from which its powers are derived, must be included in the registration and may be followed, if desired, by a parenthetical reference to a particular account, other than a trust account, in accordance with the rules and examples authorized by this paragraph.

(2) *Corporations.* A bond may be registered in the name of a business, fraternal, religious, or other private corporation. The words "a corporation" must be included in the registration unless the fact of incorporation is shown in the name. Examples:

Smith Manufacturing Co., a corporation, 12-3456789.

Green & Redd, Inc., 12-3456789 (Depreciation Acct.).

(3) *Unincorporated associations.* A bond may be registered in the name of a

club, lodge, society, or similar self-governing association which is not incorporated. The words "an unincorporated association" must be included in the registration. This form of registration must not be used for a trust fund, a board of trustees, a partnership, a business conducted under a trade name or a sole proprietorship. If the association is chartered by or affiliated with a parent organization, the name or designation of the subordinate or local organization must be given first, followed by the name of the parent organization. The name of the parent organization may be placed in parentheses and, if well known, may be abbreviated. Examples:

The Lotus Club, an unincorporated association, 12-3456789.

Local 447, Brotherhood of Railroad Trainmen, an unincorporated association, 12-3456789.

Eureka Lodge No. 317 (A.F. & A.M.), an unincorporated association, 12-3456789.

(4) *Partnerships.* A bond may be registered in the name of a partnership, which will be considered as an entity. The words "a partnership" must be included in the registration. Examples:

Smith & Brown, a partnership, 12-3456789.
Acme Novelty Co., a partnership, 12-3456789.

(d) *Institutions (churches, hospitals, homes, schools, etc.).* A bond may be registered in the name of a church, hospital, home, school, or similar institution conducted by a private organization or by private trustees, regardless of the manner in which it is organized or governed or title to its property is held. Descriptive words such as "a corporation" or "an unincorporated association" must not be included in the registration. Examples:

Shriners' Hospital for Crippled Children, St. Louis, Mo., 12-3456789.

St. Mary's Roman Catholic Church, Albany, N.Y., 12-3456789.

Rodeph Shalom Sunday School, Philadelphia, Pa., 12-3456789.

(e) *States, public bodies and corporations and public officers.* A bond may be registered in the name of a State, county, city, town, village, school district, or other political entity, public body or corporation established by law (including a board, commission, administration, authority or agency) which is the owner or official custodian of public funds, other than trust funds, or in the full legal title of the public officer having custody of the funds. Examples:

State of Maine.
Town of Rye, N.Y. (Street Improvement Fund).

Maryland State Highway Commission.
Treasurer, City of Chicago.

(f) *Treasurer of the United States as coowner or beneficiary.* A person who desires to have a bond become the property of the United States upon his death may designate the Treasurer of the United States as coowner or beneficiary. Examples:

George T. Jones, 123-45-6789 or the Treasurer of the United States of America.

George T. Jones, 123-45-6789, P.O.D. the Treasurer of the United States of America.

§ 315.10 Amount which may be held.

(a) *Series E.* \$5,000 (face value) for each calendar year up to and including the calendar year 1947; \$10,000 (face value) for the calendar years 1948 to 1951, inclusive; \$20,000 (face value) for the calendar years 1952 to 1956, inclusive; \$10,000 (face value) for the calendar years 1957² to 1965, inclusive; \$20,000 (face value) for the calendar year 1966 and each calendar year thereafter; except that trustees of an employees' savings plan (as defined in Dept. Cir. No. 653, current revision, 31 CFR Part 316) and trustees of an eligible savings and vacation plan may purchase \$2,000 (face value) multiplied by the highest number of employees participating in the plan at any time during the calendar year in which the bonds are issued.

(b) *Series H—(1) General limitation.* \$20,000 (face value) for each calendar year up to and including the calendar year 1956; \$10,000 (face value) for the calendar years 1957² to 1961, inclusive; \$20,000 (face value) for the calendar years 1962 to 1965, inclusive; \$30,000 (face value) for the calendar year 1966 and each calendar year thereafter.

(2) *Special limitation.* \$200,000 (face value) for the calendar year 1966 and each calendar year thereafter for bonds received as gifts by an organization which at the time of purchase was an exempt organization under the terms of 26 CFR 1.501(c)(3)-1.

§ 315.11 Computation of amount.

(b) *Bonds that must be included in computation.* * * *

(3) All bonds originally registered in the name of that person as owner or reissued at the request of the original owner to add the name of that person as coowner or to designate him as coowner instead of as beneficiary. However, the amount of bonds of Series E and H held in coownership form may be applied to the holdings of either of the coowners or apportioned between them.

(c) *Bonds that may be excluded from computation.* * * *

(3) Bonds to which he has become entitled under section 315.67 as surviving beneficiary upon the death of the registered owner, as an heir or legatee of the deceased owner, or by virtue of the termination of a trust or the happening of any other event;

(6) Bonds of Series E or H reissued under section 315.61(a);

(9) Bonds of Series H issued in exchange for bonds of Series E, F, or J under the provisions of Department Circular No. 1036 (Part 339 of this chapter) as in effect at the time of the exchange.

§ 315.36 Before maturity.

(e) *Withdrawal of request for redemption.* An owner or a coowner who has

² See footnote 5, Dept. Cir. No. 530, Ninth Revision (31 CFR Part 315).

presented and surrendered a bond to the Treasury Department or a Federal Reserve Bank or Branch or to an authorized paying agent, with an appropriate request for payment, may withdraw such request if notice of intent to withdraw is given to and received by the same agency to which the bond was presented for payment prior to the issuance of a check in payment or prior to payment by the authorized paying agent. Such request may be withdrawn under the same conditions by the executor or administrator of the estate of a deceased owner, or by the person or persons who would have been entitled to the bond under Subpart O of this part, or by the legal representative of the estate of a person under legal disability, unless presentation and surrender of the bond have cut off rights of survivorship under the provisions of Subpart M or Subpart N of this part.

§ 315.38 Requests for payment.

(c) *Identification and signature.* Unless the bond is presented under provisions of paragraph (a) of this section or paragraph (b) of § 315.39, the owner or a coowner whose name is inscribed on the bond, or other person entitled to payment under the provisions of these regulations, must appear before and establish his identity to an officer authorized to certify requests for payment (see Subpart I of this part), and in the presence of such officer sign the request for payment in ink, adding in the space provided the address to which the check issued in payment is to be mailed. A signature by mark (X) must be witnessed by at least one disinterested person in addition to the certifying officer and must be attested by endorsement in the blank space, substantially as follows: "Witness to above signature by mark," followed by the signature and address of the witness. If the name of the owner, coowner or other person entitled to payment as it appears in the registration or in evidence on file in the Bureau of the Public Debt, Division of Loans and Currency Branch, has been changed by marriage or in any other legal manner, the signature to the request for payment must show both names and the manner in which the change was made, for example, "Mrs. Mary T. Jones Smith (Mrs. Mary T. J. Smith or Mrs. Mary T. Smith) changed by marriage from Miss Mary T. Jones," or "John R. Young, changed by order of court from Hans R. Jung." (See § 315.49.) No request signed in behalf of the owner, a coowner, or person entitled to payment by an agent or a person acting under a power of attorney will be recognized by the Treasury Department, except when the bond has been pledged in lieu of surety under Department Circular No. 154, current revision (Part 225 of this chapter), as provided in § 315.16.

§ 315.42 Persons who may certify.

(b) *At banks, trust companies, and member organizations of the Federal Home Loan Bank System.* Any officer of any bank or trust company incor-

porated in the United States, its territories, or possessions or the Commonwealth of Puerto Rico, any Federal Savings and Loan Association or other organization which is a member of the Federal Home Loan Bank System, or a domestic or foreign branch of any such institution; any officer of a Federal Reserve Bank, Federal Land Bank, or Federal Home Loan Bank; any employee of any such institution expressly authorized by it for that purpose, who must sign over the title "Designated Employee"; and Federal Reserve Agents and Assistant Agents located at the several Federal Reserve Banks. Certifications by any of these officers or designated employees must be authenticated by either a legible impression of the corporate seal of the institution or, in the case of organizations which are authorized issuing agents for bonds of Series E, by a legible imprint of the issuing agent's dating stamp.

§ 315.50 Payment to representative of estate.

(a) If a bond is registered to show the owner or a coowner is a minor, an incompetent, aged person, absentee, etc., and shows the name of the representative of his estate, the representative may obtain payment of the bond without submitting evidence of his representative capacity. If the representative's name is not shown, a certificate, or a certified copy of the letters of appointment, from the court making the appointment, under court seal, or other proof of qualification if not appointed by a court, must be submitted. Except in the case of corporate fiduciaries, such evidence must show that the appointment is in full force and be dated not more than 1 year prior to presentation of the bond for payment. After the death of a minor, an incompetent, aged person, absentee, etc., the representative of the estate at any time prior to his discharge will be entitled to obtain payment of a bond to which the ward was solely entitled. The request for payment appearing on the back of a bond must be signed by the representative as such, for example, "John S. Jones, guardian (committee) of the estate of Henry W. Smith, a minor (an incompetent)."

(b) If the form of registration does not indicate there is a representative of the estate of a minor owner or coowner, a notice that there is such a representative will not be accepted for the purpose of preventing payment to the minor or to a parent or other person on behalf of the minor, as provided in §§ 315.51 and 315.52.

§ 315.56 Reissue for certain purposes.

(c) *Certain degrees of relationship.* To name as registered owner a person related to the owner as set forth in § 315.61(a)(2), with a beneficiary or coowner, if so desired. (Form PD 3360 may be used.)

(d) *Trustees.* To name the trustee of (1) a personal trust estate created by the owner, or (2) a personal trust estate created by other than the owner provided

(i) the owner is a beneficiary of the trust, or (ii) a beneficiary of the trust and the owner are related as set forth in § 315.61(a)(2). (Form PD 1851 may be used.)

§ 315.61 Reissue during the lives of both coowners.

(a) *General.* A bond registered in coownership form may be reissued upon its presentation and surrender during the lifetime and competency of both coowners, upon the request of both, under the following conditions:

(1) *Marriage, divorce, or annulment of marriage.* If one of the coowners marries, or if they are divorced or legally separated from each other, or their marriage to each other is annulled after issue of the bond, the bond may be reissued in the name of either coowner alone, or with a new coowner or beneficiary.

(2) *Related coowners.* If the coowners are related as: husband, wife; parent, child (including stepchild); brother, sister (including the half blood, stepbrother, stepsister, or brother or sister through adoption); grandparent, grandchild; great grandparent, great grandchild; uncle, aunt, nephew, niece (including a child of a brother or sister of the present spouse); granduncle, grandaunt, grandnephew, grandniece; father-in-law, mother-in-law, son-in-law, daughter-in-law; brother-in-law, sister-in-law—the bond may be issued in the name of

(i) Either coowner alone, or with a new coowner or beneficiary;

(ii) A third person related to either coowner in any of the foregoing degrees of relationship, with a coowner or beneficiary if so desired; or

(Form PD 1938 may be used for any of the above classes.)

(iii) The trustee of (a) a personal trust estate created by either of them, or (b) a personal trust estate created by some other person provided (1) either coowner is a beneficiary of the trust, or (2) a beneficiary of the trust is related to either coowner in any of the foregoing degrees of relationship. (Form PD 1851 may be used.)

(3) The provisions of this section do not apply to bonds on which the Treasurer of the United States is named as coowner.

§ 315.65 Payment during the lifetime of the registered owner.

A savings bond registered in beneficiary form, for example, "John A. Jones payable on death to Mrs. Mary C. Jones," will be paid to the registered owner during his lifetime upon his properly executed request as though no beneficiary had been named in the registration. The presentation and surrender of the bond by the registered owner for payment establishes his exclusive right to the proceeds of the bond, and if he should die before the transaction is completed, payment will be made to the legal representative of, or the persons entitled to, his estate upon receipt of proof of appointment and qualification of the representative or the identity of the persons

entitled, in accordance with the provisions of Subpart O of this part.

§ 315.66 Reissue during the lifetime of the registered owner.

A savings bond registered in beneficiary form may be reissued upon its presentation and surrender during the lifetime of the registered owner, upon his request, as follows:

(a) To name the beneficiary designated on the bond as coowner. (Form PD 1787 may be used.)

(b) To eliminate his name as owner and to name as owner a custodian for the beneficiary, if a minor, under a statute authorizing gifts to minors. (Form PD 3360 may be used.)

(c) To eliminate the beneficiary, to substitute another person as beneficiary, or to name another person as coowner. The request of the owner must be supported by the duly certified consent of the beneficiary to elimination of his name, or by proof of his death. (Form PD 1787 may be used.)

(d) To eliminate his name as owner and to name as owner the trustee of (1) a personal trust estate created by the owner, or (2) a personal trust estate created by other than the owner if (i) the owner is a beneficiary of the trust, or (ii) a beneficiary of the trust and the owner are related as set forth in § 315.61(a)(2). The request of the owner must be supported by the duly certified consent of the beneficiary, or by proof of his death. (Form PD 1851 may be used.)

(e) The provisions of this section do not apply to bonds on which the Treasurer of the United States is named as beneficiary.

§ 315.67 After the death of the registered owner.

If the registered owner dies without the bond having been presented and surrendered for payment or authorized reissue and is survived by the beneficiary, upon proof of death of the owner the beneficiary will be recognized as the sole and absolute owner, and payment or reissue will be made as though the bond were registered in his name alone (see Subpart L of this part).

Footnote 10 is deleted and footnotes 2 and 7 to 31 CFR Part 315 are amended and revised, as follows:

2 Taxpayer identifying numbers must be included in Series H bond registrations, except for persons and organizations exempt from furnishing such numbers under regulations of the Internal Revenue Service. Bonds inscribed in the name of an individual, with or without a beneficiary, must show the individual's social security account number. The number of either coowner may be shown on bonds registered in coownership form. However, if the coowners are husband and wife, the husband's number should be shown. If the coowners are a minor and an adult, the adult's number should be shown. (See examples in sec. 315.7.)

At present, it is not mandatory that taxpayer identifying numbers be included in registrations of Series E bonds. Issuing agents for Series E bonds issued under any payroll savings plans desiring to place the numbers on bonds should obtain instructions from the Bureau of the Public Debt, Washington, D.C., 20220.

⁷ Series E bonds issued on or before April 30, 1952, increased in redemption value at the beginning of the second year after issue date and at the beginning of each successive half-year period thereafter to original maturity. Series E bonds issued on and after May 1, 1952, and Series J bonds, the sale of which terminated on April 30, 1957, increased in redemption value at the beginning of each successive half-year period after issue date. At original maturity the last increase in redemption value of Series E bonds issued on or after May 1, 1952, covers these periods: 2 months, from 9½ years through 9 years, 8 months, for bonds issued before February 1, 1957; 5 months, from 8½ years through 8 years, 11 months, for bonds issued on or after February 1, 1957, but before June 1, 1959; 3 months, from 7½ years through 7 years, 9 months, for bonds issued on and after June 1, 1959, but before December 1, 1965; and 6 months, from 6½ years through 7 years for bonds issued on and after December 1, 1965.

[F.R. Doc. 66-5893, Filed, May 27, 1966; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart C—General Policies

§ 1001.352 [Deleted]

Section 1001.352 is deleted.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart B—Solicitation of Bids

1. In § 1002.201(a) (17), new material is inserted in subdivision (xii); present subdivisions (xiii) and (xiv) are deleted and a new subdivision (xiii) is inserted. The words "(19) to (25)" are deleted and new subdivisions (xiv) through (xviii) are inserted. Present paragraph (b) is deleted and a new paragraph (b) is inserted. These portions now read as follows:

§ 1002.201 Preparation of invitations for bids.

* * * * *

(a) * * * * *

(17) * * * * *

(xii) *Percentage of subcontracting.* When a Pre-Award Survey is contemplated as prescribed in § 1.905-4 of this title, the IFB will contain the following provision except that this provision will not be inserted when the clause contained in § 7.603-15 of this title is used:

Bidder represents that the estimated percentage of subcontracting contemplated on this procurement is ----- percent. (December 1954)

NOTE: The "percentage of subcontracting" will be reported as a percentage of the prime contractor's selling price. "Subcontracting" means only contracts for the production of or work upon an item, component, or assembly and does not include: (a) Any purchase of a standard commercial or catalog item, (b) any purchase of a basic raw material, (c) any purchase of supplies or services for the general operation of the contractor's plant, or (d) any purchase from a parent, subsidiary, or affiliate of the contractor.

(xiii) *Notification of synopsis.* See § 1001.1003-8 of this subchapter.

(18) *General provisions or conditions.*

* * * * *

(xiv) *Brand name or equal.* See § 1.1206 of this title.

(xv) *Production sample.* Where production samples are required, the provision in the IFB Schedule may be the same as a "first article" provision (see para. (b) (14) of this section) except that the term "production sample" will be used instead of "first article" and a Production Sample Test Clause (see § 1007.4021 of this subchapter) will be used instead of a First Article Approval Clause.

(xvi) *Special maintenance tools and test equipment.* Where a requirement for special maintenance tools and test equipment exists, a separate item in the schedule will be established similar to the following sample:

The contractor agrees to furnish special maintenance tools and test equipment for items * * * above, to be selected in accordance with * * * dated ----- incorporated herein by reference.

(xvii) [Reserved]

(xviii) The following provision will be included in all Invitations for Bids calling for the purchase of milk or milk products:

STATE MINIMUM DISTRIBUTOR PRICE REGULATION NOT APPLICABLE (MAR. 1963)

This Procurement is financed by Appropriated Funds and is made under the authority of Chapter 137, Title 10, U.S.C., and the Armed Services Procurement Regulation. Pursuant to Paul vs United States, decided by the Supreme Court of the United States on January 14, 1963, State minimum distributor price regulations with respect to milk or milk products are not applicable to this procurement.

(b) The following subparagraphs contain implementation of the corresponding subparagraphs of § 2.201(b) of this title, for supply and service contracts, excluding construction.

(1) through (13) No implementation.

(14) *First article approval.* Where it is known that one or more sources have previously furnished the Government articles subject to first article approval, the schedule may provide for bids to be submitted on one of two bases as applicable: Bid "A" (First Article, Approval Required); Bid "B" (First Article, Approval Not Required). The following provisions will then be inserted in the IFB schedule following the provision in § 1.1906 of this title:

Bidders who have previously furnished to the Government the articles referred to in item * * * above shall submit bid on Bid "B" which does not include compliance with the above First Article provision.

Bid submitted under Bid "A" (First Article, Approval Required) or under Bid "B" (First Article, Approval Not Required) are equally acceptable to the Government, as applicable, and award will be made thereon with the best interest of the Government considered. (February 1957)

(15) through (20) No implementation.

(21) *Mortuary services.* See § 1004.2002(a) (5) and (6) of this subchapter.

§§ 1002.205-4; 1002.205-51 [Deleted]

2. Sections 1002.205-4 and 1002.205-51 are deleted.

3. A new § 1002.205-6 is added as follows:

§ 1002.205-6 Preinvitation notices.

(AFPI Form 2, IFB Information, will be attached to the description sheet or IFB schedule sheet mailed to the prospective suppliers.)

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart B—Circumstances Permitting Negotiation

§§ 1003.201—1003.202-3; 1003.213-3 [Deleted]

1. Sections 1003.201 through 1003.202-3 and 1003.213-3 are deleted.

2. Present §§ 1003.207-2, 1003.208-2(a) and 1003.210-2 are deleted and the following inserted, as follows:

§ 1003.207-2 Application.

In addition to meeting the two requirements in § 3.207-2 of this title, the proposed procurement must concern supplies which are authorized for procurement according to the provisions of § 5.1201-2 of this title, AFR 70-17 (Implementing Procedures for Purchase of Supplies Assigned to DSA Under DOD Coordinated Procurement Program) (par. VI A 31 and Enclosure 4), Chapter 16, Volume V, AFM 67-1 (USAF Supply Manual) or as otherwise authorized for local purchase by the Defense Personnel Support Center, Philadelphia, Pa.

§ 1003.208-2 Application.

(a) In addition to meeting the requirements in § 3.208-2 of this title, the proposed procurement must concern supplies which are authorized for base procurement by § 5.1201-2 of this title and AFM 145-1 (Air Force Subsistence Program), other related DOD and AF publications and authorizations, or brand-named items selected by the Superintendent of the USAF Academy, for resale in the Cadet Store.

§ 1003.210-2 Application.

(a) When considering determinations and findings, contracting officers and approving officials will exercise due care before a determination is made that a particular item can be obtained from only one person or firm. Complete sole source substantiation must be included

in the determination and finding. Merely citing this authority will not suffice.

(b) No implementation.

(c) This authority may be used only if the negotiation is for identical requirements of the Invitation for Bids. If specification deviations are authorized or the delivery requirements or quantities are changed, consideration must be given to advertising the revised requirements or negotiating under some other exception.

Note: Contracting officer may continue use of advertised forms (Standard Forms 19, 30, and 33) to consummate procurement by negotiation. If Standard Form 30 is used, a Standard Form 26 will be placed with it. The negotiation authority will be cited across the face of Standard Form 19, 26, or 33 as follows: "This negotiated contract is entered into pursuant to the provisions of 10 U.S.C. 2304(a)(10) and any required determination and findings have been made."

(d) through (l) No implementation.

(m) This authority will not be used for procurement of any item covered by an approved specification listed in § 1001.1202(a) of this subchapter. When full and free competition can be obtained with the specifications, exhibits, or purchase description and award is contemplated to be made to the lowest responsible bidder, the procurement will be formally advertised. Cases of doubt will be resolved in favor of formal advertising.

(n) through (x) No implementation.

(y) The contemplated procurement is for replenishment spare parts, or components, coded central procurement, and it is not economical to search for data, or review data, beyond the point necessary to identify previous sources. The "not economical" test will be deemed satisfied for the foregoing category of parts and components if the procurement is for:

(1) Spare parts, or components, where the total estimated value of any combination of identical parts, or components, procured under a contract (or order) does not exceed \$2,500.

(2) Identical parts or components where the requirement for same would become so urgent if time was expanded in searching for and reviewing data prior to taking procurement action, as to justify procurement under 10 U.S.C. 2304(a)(2). (The foregoing exception may be used one time only for a given part or component. Once aware of the situation, research and review of data must be undertaken in time to remove any future requirement from this category.)

Subpart D—Types of Contracts

1. Present § 1003.408 is deleted and a new section is inserted, as follows:

§ 1003.408 Letter contract.

(a) **Limitations.** (1) No letter contract may be issued prior to the execution of all Determinations and Findings necessary to authorize the intended subsequent definitive contract (see Part 3, Subpart C of this title and Subpart C of this part). The determination required by § 3.408(c)(1) of this title, that

no other type of contract is suitable will be accomplished by the Director of Procurement and Production, Hq AFSC, for all activities except AFSC/OAR, and for AFSC/OAR by the Deputy Chief of Staff/Procurement and Production, Hq AFSC, or the Director of Procurement, Hq OAR, or by the appropriate official listed in subparagraph (2)(i) and (ii) of this paragraph. Except as provided in paragraph (c)(2) of this section, the approval of a request for authority to issue a letter contract will constitute the determination. If an approval to issue a letter contract has not been used within 30 days of date of approval, the authority is automatically rescinded.

(2) The authority to issue letter contracts has been redelegated as indicated in subdivisions (i) and (ii) of this subparagraph.

(i) Hq AFSC, by the Director of Procurement and Production.

(a) Irrespective of dollar amount:

(1) Commanders of overseas commands, air attaches, and chiefs of AF foreign missions. Overseas commanders may redelegate to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the overseas command.

(b) Where the total cost of the subsequent definitive contract is estimated not to exceed \$1,000,000:

(1) Commanders, AFSC AMAs without power of redelegation, Deputy Commanders may be authorized to exercise the authority only during the absence of the Commander.

(2) Commander and Deputy Commander, APRE and APRFE respectively, have been authorized to issue letter contracts, with power of redelegation to not lower than a staff officer responsible for procurement.

(ii) Hq AFSC by the Deputy Chief of Staff/Procurement and Production to the Commanders, Systems Divisions, without monetary limitation, and to the Commander of OAR and the other AFSC subcommands to the extent of their manual approval authority, with power of redelegation.

(3) The overall price (estimated cost and fee) ceiling required by § 3.408(c)(2) of this title, will be no higher than the quotation leading to the issuance of letter contract.

(4) The date by which definitization is expected to be completed is that date set forth in a schedule of events leading to the contract definitization; the anticipated definitization date will not be established beyond the limits imposed by § 3.408(c)(3) of this title. The expected definitization date in either of these instances is subject to the approval of the approving authority or his designee. Any change or slippage in the expected definitization schedule of events which has an effect on the scheduled definitive contract distribution date will be brought to the attention of the letter contract approving authority (or in the case of letter contracts requiring prior approval of SCK-3 or MCPC, the official who requested permission to issue the letter contract) and will be fully explained and justified in writing. Letter contract definitization date is defined as the date of the definitive contract distribution.

(5) The amount obligated for each letter contract will be the amount estimated to cover the contractor's requirements for funds prior to definitization, but will not exceed the limits imposed by § 3.408(c)(4) of this title. It becomes necessary to increase the funds obligated for the letter contract by later amendment, the personal approval of the official who authorized the issuance of the letter contract (or in the case of letter contracts requiring prior approval of SCK-3 or MCPC, the official who requested permission to issue the letter contract) is required. Any such request exceeding the limits imposed by § 3.408(c)(4) of this title will be reported to the commander of the procuring activity involved, provided that no activity will authorize the obligation of any sum in excess of 70 percent of the total estimated cost of the procurement except with the prior approval of Command Headquarters, through SCK-3 or MCPC, as applicable.

(b) **Content.** The date to be inserted in the first sentence of paragraph (b) of the clause in § 7.802-4(a) of this title, will be the date by which definitization is to be completed based upon the agreement included in the letter contract but in no event will a date later than 180 days from the date of the letter contract be used.

(c) **Procedure.** (1) No letter contract will be issued unless a request for authorization has been approved.

(2) The request for authorization will be prepared by the procuring office and will be transmitted through command channels to AFSC (SCK-3) or AFSC (MCPC), or to the applicable official (AFSC activities see paragraph (a)(2)(i) of this section and AFSC/OAR activities see paragraph (a)(2)(ii) of this section, for approval. The request to SCK-3 or MCPC will be signed by a designated approving official or authorized designee; the request will constitute the determination required by § 3.408(c)(1) of this title. The same effect will be given to electrically transmitted messages to SCK-3 or MCPC which conclude with the phrase "Signed by the (here insert the title of appropriate official)," as for example, "Signed by the Director Procurement and Production."

(3) All requests will be in the exact order set forth in this subparagraph and each item must be answered or marked "N/A" as appropriate.

It is requested this office be authorized to issue a letter contract in accordance with the information contained herein:

(1) Contract number:

Buyer's name: Org. code:

Location: Phone No.:

(ii) Supplies or services:

Note: Include the quantities and a brief description of each item being procured, including spare parts, data, etc., to be included in the letter contract. When letter is used, inclose Purchase Request.

(iii) Has determination required by § 3.408(c)(1) of this title been executed?

(iv) Reasons establishing the need for a letter contract.

(a) Required delivery schedule:

(b) Who established the required delivery schedule?

(c) If the requesting activity itself established the required delivery schedule, was it so established by direction of authority outside the requesting activity? If so, identify that authority by name and office code.

(d) What is the production lead time, and on what is this answer based?

(e) Date by which an order must be placed in order to meet delivery dates stated in answer to (a) of this subdivision.

(f) Efforts made to secure agreement to a later delivery schedule so as to avoid need for a letter contract. Include identification of related programs that will be affected if this contract is delayed and estimate of cost of such delay.

(g) Specify why a definitive contract is not possible within the time required to meet the mandatory delivery schedule as verified.

(v) Contractor's name and address:

(a) Is contractor a small business concern?

(b) Where is work to be performed?

(vi) Selection of source:

(a) Was the requirement subjected to synopsis (ASPR Section 1, Part 10 (Part 1, Subpart J of this title))? If not, what exemption applied?

(b) Number of quotations requested:

(c) Number of quotations received:

(d) Date quotations received:

(e) Was further negotiation conducted after the receipt of quotations? If Yes, state with whom and major details.

(f) If competition was obtained, is award proposed to the lowest bidder? If No, explain.

(g) If price competition was the controlling factor in source selection, what is the ceiling price in the letter contract?

(h) Has small business coordination been obtained, both as to small business and critical labor area determination? If No, explain.

(i) Give the reasons for the selection of the recommended contractor, and identify by contract number any previous procurements for like items.

(vii) Prices and funding.

(a) Have the unit prices or a specific amount been negotiated and agreed to between the contractor and the Government?

(b) Where comparison can be made of prices of same or equivalent item(s), state such facts to extent feasible, including prices or unit prices and quantities on recent contract(s).

(c) Total dollar estimated cost of this procurement:

(d) Total funds presently available:

(e) Total dollar amount to be obligated on the letter contract:

NOTE: The amount obligated should be no more than is necessary to provide funds up to the anticipated date of definitization, and will in no event exceed 50 percent of the total estimated cost of this procurement. See § 3.408(c) (4) of this title and paragraph (a) (5) of this section.

(f) Total dollar amount in addition to (d) of this subdivision committed to cover the cost of this procurement:

(viii) State whether Pre-Award Survey Report (PAS) has been requested, received, or is not required. If not required, why not?

NOTE: In those instances where a PAS is required it is understood the authorization, if granted, is conditioned upon the receipt of an affirmative PAS or granting of a waiver, prior to issuing the letter contract.

(ix) Government aid.

(a) Are existing Government facilities to be used by the contractor?

(b) Are any additional facilities to be furnished to the contractor? If Yes, has authorization been obtained therefor?

(c) Is any Government property to be furnished, bailed or leased? If Yes, has availability been verified and does the letter contract make such provision?

(d) Is it contemplated that the contractor will require guaranteed loan or advance payments? If Yes, has approval been obtained?

(x) Contract.

(a) Indicate under which sections, if applicable, of Subpart B of this part the procurement is being negotiated, e.g., § 1003.210-2(a), and state whether or not the required Determinations and Findings has been executed. If a "class" Determinations and Findings is applicable, so state, and identify it by number and date.

(b) Type and form of contract contemplated.

(c) Has a cost reimbursement type or fixed price incentive Determinations and Findings been executed according to § 3.303 of this title and § 1003.303.

(d) Is this contract to be under a basic agreement? If Yes, state the number and identify the standard and special clauses to be included in the letter contract and the superseding contract.

(e) Are there any clauses other than those specified in Subchapter A, Chapter 1 of this title and this subchapter to be included in the letter contract?

(f) Are there to be any deviations from standard contract clauses? If Yes, comply with § 1001.109-50 of this subchapter.

(g) Percentage and method of current reimbursement contemplated, if any?

(h) Indicate as briefly as possible the project fund or funds to be utilized.

(i) Contract definitization schedule: All letter contracts awarded should include a definitization schedule whether definitization is anticipated prior to, or subsequent to, 180 days after award. Approval to write a letter contract without the use of a definitization schedule must be obtained from the letter contract approving authority or his designee. Identify milestones of important events by date leading to definitization of the letter contract. Identify by asterisk those dates to be set forth in the letter contract. Minimum mandatory milestones where applicable, will include the following:

Title	Date
Definitive work statement completed	
Proposal cutoff	
Submission of contractor cost proposal	
Negotiations complete	
Contractor's make-or-buy plan complete	
Contractor signature	
Government signature	
Contract distribution	

¹ Proposal cutoff date will normally be 60 days prior to contractor's proposal for negotiating the definitive contract. All changes prior to proposal cutoff date including quantities, model specification or any changes affecting work to be performed by the contractor will be included in the contractor's proposal for definitization of the letter contract. Changes subsequent to the proposal cutoff date may be made under the provisions of the letter contract but will be incorporated by a supplemental agreement into the definitive contract.

(j) Explain any date or combination of dates which prolong the letter contract beyond 180 days.

(4) One copy of all requests for authorization as approved will be forwarded by the procuring activity to the applicable contract administration ac-

tivity responsible for the administration of the contract.

(d) Copies of the letter contract issued will be forwarded AFSC (SCK-3) or AFLC (MCPC) if the letter contract required their approval for issuance, or if the resultant definitive contract contemplated will require manual approval of DCS/Procurement and Production, AFSC, or Director of Procurement and Production, AFLC.

§ 1003.409 [Amended]

2. In § 1003.409, all of the text is deleted; the heading is retained.

3. New §§ 1003.409-2 and 1003.409-3 are added as follows:

§ 1003.409-2 Requirements contract (RC).

RC clause: § 1007.4028 of this subchapter applies.

§ 1003.409-3 Indefinite quantity contract (IQ).

IQ clause: § 1007.4039 of this subchapter applies.

§ 1003.409-50 [Amended]

4. The heading of § 1003.409-50 is amended to read as follows:

§ 1003.409-50 Call procurement arrangements (CPA).

* * *

PART 1007—CONTRACT CLAUSES

Subpart FF—Clauses for Bakery and Dairy Products Contracts

In § 1007.3204-10(b), the first sentence of the clause has been amended. The clause now reads as follows:

§ 1007.3204-10 Price adjustments for subsidized ingredients.

* * *

(b) * * *

PRICE ADJUSTMENT FOR SUBSIDIZED INGREDIENTS—EXPECTED SUBSIDIES NOT REALIZED (OCT. 1960)

The contract price is based on the assumption that the Contractor will use, in the performance of this contract, only such nonfat dry milk, anhydrous milk fat ingredients or butter as have been purchased at the Commodity Credit Corporation subsidized prices set forth in the schedule. The Contractor warrants that the contract price does not include any allowance for any contingency to cover increased costs of performance which may result from the Contractor being unable to purchase such ingredients at such subsidized prices. If the Contractor is unable to purchase such ingredients at such prices for the performance of this contract or any part thereof, the Contractor may submit to the Contracting Officer within sixty (60) days after the last delivery under the contract, unless a different time is agreed to by the parties, a statement showing the difference between the costs which would have been incurred for the subsidized ingredients had they been purchased by the Contractor at such prices and the costs which were incurred in lieu thereof, together with such other information as the Contracting Officer may reasonably request. If the Contractor uses in the performance of this contract any ingredients purchased at CCC subsidized prices lower than those set forth in the schedule, the Contractor shall submit to the Con-

tracting Officer, within the period described above, a statement and other information as described above. Promptly after the submission of such information, the parties shall negotiate to equitably adjust the contract price by an amount reflecting the difference between such costs. Upon agreement, the contract shall be modified accordingly. If the parties fail to agree upon such adjustment within sixty (60) days after the date on which such information is required to be submitted, or within such further time as may be agreed on by the parties, the failure to agree shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

Subpart NN—Special Clauses

§ 1007.4021 [Amended]

1. In § 1007.4021, the last sentence of paragraph (c) has been deleted.

§§ 1007.4024; 1007.4025 [Deleted]

2. Sections 1007.4024 and 1007.4025 are deleted.

3. In § 1007.4047, the date of the clause is amended and the AF Manual number has been changed in the clause and the note. These portions now read as follows:

§ 1007.4047 Safety and accident prevention.

SAFETY AND ACCIDENT PREVENTION (MARCH 1966)

In performing any work under this contract on premises which are under the direct control of the Government, the Contractor shall (1) conform to all safety rules and requirements prescribed in Air Force Manual 127-101, as in effect on the date of this contract and (2) take such additional precautions as the Contracting Officer may reasonably require for safety and accident prevention purposes. The Contractor agrees to take all reasonable steps and precautions to prevent accidents and preserve the life and health of Contractor and Government personnel performing or in any way coming in contact with the performance of this contract on such premises. Any violation of such rules and requirements, unless promptly corrected, as directed by the Contracting Officer, shall be grounds for termination of this contract in accordance with the default provisions hereof.

NOTE: In construction contracts the reference to AF Manual 127-101 appearing in the above clause will be deleted and the following substituted therefor: "Corps of Engineer Manual EM-385-1-1."

PART 1012—LABOR

Subpart A—Basic Labor Policies

§§ 1012.102-1—1012.102-3; 1012.102-5 [Deleted]

1. Sections 1012.102-1 through 1012.102-3 and 1012.102-5 are deleted.

2. Present § 1012.102-4 is deleted and the following inserted therefor:

§ 1012.102-4 Approvals.

(a) No implementation.
(b) The following are designated to approve overtime and shift premiums according to § 12.102-4 of this title: The

commander or vice commander of each major command; Deputy, Assistant Deputy, the Associate Chief of Staff, Procurement and Production, Hq AFSC; the Director or Deputy Director of Procurement and Production, Hq AFLC; the director or deputy director of procurement of the other major commands; the Commander, Deputy Commander, and DCS/Materiel of Aerospace Research; the Director, Special Projects Office, OSAF, for those special projects under personal supervision of the Secretary of the Air Force (Program—Book—RED APPLE); the commander, deputy commander, director of procurement, and systems program directors of AFSC divisions and centers; the commander, deputy commanders, and director of procurement of AFLC AMAs, Air Procurement Region Europe (APRE), and Air Procurement Region Far East (APRFE).

PART 1016—PROCUREMENT FORMS

Subpart H—Miscellaneous Forms

A new § 1016.810-3 is added as follows:

§ 1016.810-3 Item listings for information of bidders.

(a) Commodity class catalogs (commodity lists): A commodity and services list or catalog will be prepared by each AFLC AMA and each AFSC systems division. Use of a list or catalog by other central procurement or R&D procurement activities is optional. This document will identify those items and services for which the activity has procurement responsibility. This will assist potential suppliers in identifying and selecting items or services they are capable of furnishing and for which they desire to submit an application to be placed on the bidder's list. Each list or catalog will be revised when necessary, however, a semiannual review will be made to insure the contents are up to date. Distribution will be as follows:

(1) To each potential supplier upon request or when a Standard Form 129 is furnished.

(2) To each Defense Contract Administration Services Region and District (DCASR/DCASD) Small Business Office.

(3) To each contractor relations office at AFLC and AFSC procurement activities.

(Sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 127-133, 10 U.S.C. 8012, 2301-2314) [AFPI Rev. No. 64, Mar. 31, 1966]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lieutenant Colonel, U.S. Air Force,
Chief, Special Activities Group, Office of the Judge Advocate General.

[F.R. Doc. 66-5879; Filed, May 27, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are made in Chapter 8:

PART 8-7—CONTRACT CLAUSES

1. In Part 8-7, § 8-7.150-4(b) is amended to read as follows:

§ 8-7.150-4 Estimated quantities for requirements contracts.

(b) The following clause will be used for general equipment, supplies and services.

ESTIMATED QUANTITIES

As it is impossible to determine the exact quantities that will be required during the contract term, each bidder whose bid is accepted wholly or in part will be required to deliver all articles or services that may be ordered during the contract term, except as he otherwise indicates in his bid and except as otherwise provided herein. Bids will be considered if made with the proviso that the total quantities delivered shall not exceed a certain specified quantity. Bids offering less than 75 percent of the estimated requirement or which provide that the Government shall guarantee any definite quantity, will not be considered. The fact that quantities are estimated shall not relieve the Contractor from filling all orders placed under this contract to the extent of his obligation. Also, the VA shall not be relieved of its obligation to order from the Contractor all articles or services that may, in the judgment of the ordering officer, be needed except that in the public exigency procurement may be made without regard to this contract.

When invitations for bids will result in Decentralized Contracts, the following will be included as a part of the above provision:

It is further provided that any item or service covered by this contract required for delivery to a VA supply depot may at the option of the VA be procured without regard to this contract. The bidder also agrees that any contract made as a result of this Invitation to Bid will not be mandatory on the VA in any purchase transaction of \$50 or less, but the Contractor may accept such orders at his option. Failure to return such orders within 10 days shall indicate acceptance upon which all provisions of the contract shall apply.

2. A new Part 8-8 is added to read as follows:

PART 8-8—TERMINATION OF CONTRACTS

Subpart 8-8.6—Termination for Default

§ 8-8.602-6 Repurchase against contractor's account.

(a) VA Form 07-2237, Request, Turn-in, and Receipt for Property or Services, or the file copy of the purchase order covering the purchase of supplies, equip-

ment or services against a defaulting contractor shall be annotated to show the name of the defaulted contractor, the contract number, the contract price, the name of the contractor from whom procurement is made, the price paid, the competition secured and the difference in cost, if any, to the Veterans Administration. When reprocurement results in the payment of excess costs, and the purchase is made through the Supply Fund, the excess costs when collected shall be deposited to the credit of the Supply Fund. In all other instances the excess costs, when collected, shall be deposited to General Fund Receipts.

(b) Contracting Officers, when purchasing against a defaulted contractor, shall procure the items in a manner that will protect the interests of the contractor as well as those of the Government.

PART 8-10—BONDS AND INSURANCE

3. In Part 8-10, § 8-10.451 is added to read as follows:

§ 8-10.451 Insurance and indemnification requirements for ambulance service contracts.

Ambulance service contracts will contain the following requirements as applicable.

(a) *Indemnification.* The contractor expressly agrees to indemnify and save the Government, its officers, agents, servants, and employees harmless from and against any and all claims, loss, damage, injury, and liability, however caused, resulting from, arising out of, or in any way connected with the performance of work under this agreement. Further, it is agreed that any negligence or alleged negligence of the Government, its officers, agents, servants, and employees, shall not be a bar to a claim for indemnification unless the act or omission of the Government, its officers, agents, servants, and employees is the sole, competent, and producing cause of such claims, loss, damage, injury, and liability. At the option of the contractor, and subject to the approval by the Contracting Officer of the sources, insurance coverage may be employed as guaranty of indemnification.

(b) *Insurance.* Satisfactory insurance coverage is a condition precedent to award of a contract. In general, a successful bidder must present satisfactory evidence of full compliance with State and local requirements, or those below stipulated, whichever are the greater. More specifically, workman's compensation and employer's liability coverage will conform to applicable State law requirements for the service contemplated, whereas general liability and automobile liability of comprehensive type, shall in the absence of higher statutory minimums, be required in the amounts per vehicle used of not less than \$100,000 per person and \$500,000 per accident, the corresponding property damage liability insurance coverage (comprehensive automobile liability policy) to be not less than \$10,000. State approved sources of insurance coverage

ordinarily will be deemed acceptable to the Veterans Administration installation, subject to timely certifications by such sources of the types and limits of the coverages afforded by the sources to the bidder. (In those instances where airplane ambulance service is to be used, substitute the word "aircraft" for "automobile" and "vehicle" and modify coverage to require passenger liability insurance of \$100,000 per passenger and \$500,000 per accident, and aircraft public liability insurance of \$100,000 per person and \$500,000 per accident, the corresponding property damage liability insurance coverage (comprehensive aircraft liability policy) to be not less than \$50,000 per accident).

4. A new Subpart 8-10.51 is added to read as follows:

Subpart 8-10.51—Indemnification of Contractors, Medical Research or Development Contracts

Sec.	
8-10.5100	Scope of subpart.
8-10.5101	General
8-10.5102	Extent of indemnification
8-10.5103	Financial protection

AUTHORITY: The provisions of this Subpart 8-10.51 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

§ 8-10.5100 Scope of subpart.

(a) This subpart sets forth the policies and procedures concerning indemnification of contractors performing contracts which involve a risk of an unusually hazardous nature, covering research or medical research or development as authorized by 38 U.S.C. 216 and 4101.

(b) The authority to indemnify the contractor under this subpart does not create any rights to third parties which would not otherwise exist by law.

(c) As used in this subpart the term "contractor" includes subcontractors of any tier under a contract in which an indemnification provision pursuant to 38 U.S.C. 216(b)(1) is contained.

§ 8-10.5101 General.

(a) The approval for the indemnification of contractors will be made by the Administrator of Veterans Affairs.

(b) Contracting officers shall submit requests for approval, together with all available information, to the Chief Medical Director (134) for transmittal to the Administrator.

§ 8-10.5102 Extent of indemnification.

(a) Any contract for research authorized by 38 U.S.C. 216 or medical research or development by 38 U.S.C. 4101, the performance of which involves a risk of an unusually hazardous nature, may provide that the Government will indemnify the contractor against either or both of the following, but only to the extent that they arise out of the direct performance of the contract and to the extent not covered by the financial protection required under § 8-10.5103.

(1) Liability (including reasonable expenses of litigation or settlement) to third persons, except liability under State or Federal Workman's Compensation

Acts to employees of the contractor employed at the site of and in connection with the contract for which indemnification is granted for death, bodily injury, or loss of or damage to property, from a risk that the contract defines as unusually hazardous.

(2) Loss of or damage to property of the contractor from a risk that the contract defines as unusually hazardous.

(b) A contract that provides for indemnification in accordance with this subpart will also provide for:

(1) Notice to the contracting officer of any claim or suit against the contractor for death, bodily injury, or loss or damage to property; and

(2) Control of or assistance in the defense by the Government, at its election, of any suit or claim for which indemnification is provided in the contract.

§ 8-10.5103 Financial protection.

(a) The financial protection to cover liability to third persons and loss of or damage to the contractor's property which the contractor is required to have and maintain will normally be the maximum amount available from private sources; however, the Administrator may establish a lesser amount after taking into consideration the cost and terms of private insurance.

(b) The financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility or a combination of such forms to provide the maximum amount required. When the contractor elects to utilize self-insurance, proof of such financial responsibility up to the maximum amount required will be furnished the contracting officer prior to award.

PART 8-52—CONTRACT ADMINISTRATION

5. In Part 8-52, § 8-52.101 is revised to read as follows:

§ 8-52.101 Scope.

This subpart applies to all contracts whether advertised or negotiated, except those construction, architect-engineer, and utility service contracts entered into by Central Office Construction Contracting Officer.

6. Section 8-52.103 is revoked.

§ 8-52.103 Procurement against defaulting contractor [Revoked]

7. Section 8-52.106 is revised to read as follows:

§ 8-52.106 Representatives of Contracting Officers; receipt of equipment, supplies and nonpersonal services.

In carrying out the responsibilities of § 8-51.101, except as stated in paragraph (c) of this section, the Contracting Officer may, without advising prospective contractors, designate the Chief Storekeeper or other personnel to represent him in the inspection and acceptance of materials and services received, such as but not limited to:

(a) The inspection and certification as to compliance with the quality and

quantity requirements of the purchase order, requisition or contract.

(b) Inspection of materials for condition and quantity and the acceptance of materials and services based on quality inspection made by another authorized representative.

(c) The Chief Librarian is hereby designated as the representative of the Contracting Officer to receive, inspect, and accept library books, newspapers, and periodicals. Purchase documents will specify delivery direct to the library concerned.

8. In § 8-52.109 paragraphs (a) and (b) are amended to read as follows:

§ 8-52.109 Assistance—General Counsel.

(a) In the administration of a contract, many problems can and do arise that make the advice and assistance of the General Counsel either desirable or necessary. The final decision as to the action to be taken, however, must be made by the Contracting Officer in each instance. To reduce to the absolute minimum the possibility of litigation resulting from his decision, the Contracting Officer shall, except as provided in paragraphs (b) and (c) of this section, submit the problem through channels in sufficient detail to the General Counsel for advice or assistance.

(b) Default action may be taken without consulting the General Counsel when the contractor fails to deliver supplies or equipment, or to render the services required within the specific time, or fails to comply with the applicable specifications, unless the Contracting Officer has reason to doubt that the default action is legal or proper.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: May 24, 1966.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 66-5892; Filed, May 27, 1966;
8:46 a.m.]

Chapter 18—National Aeronautics and Space Administration

PART 18-9—PATENTS, DATA, AND COPYRIGHTS

Miscellaneous Amendments

1. Section 18-9.101-3 is revised to read as follows:

§ 18-9.101-3 Special instructions for waived inventions.

(a) The New Technology clause set forth in § 18-9.101-4 contains a section IV pertaining to "Waived Inventions." In appropriate cases the Administrator may grant the request of a prospective contractor or subcontractor and waive title to any invention which may be made under the contract or subcontract (see

the NASA Patent Waiver Regulations, 14 CFR 1245.104; NASA Management Instruction 5109.2A). In such cases the contracting officer will be informed that the waiver has been granted, and when the contract or subcontract is executed, section IV of the New Technology clause shall be made applicable to the contract to implement the waiver by including the following statement in the schedule of the contract or subcontract:

The Administrator has granted the contractor's request for waiver under 14 CFR 1245.104, and section IV of the New Technology clause is applicable to this contract.

(b) The contracting officer shall not include the statement set forth in paragraph (a) of this section in any contract, or approve its inclusion in any subcontract unless, at the time of or prior to the execution of the contract or subcontract, he has been notified by the Chairman of the Inventions and Contributions Board that the Administrator has granted the contractor's or subcontractor's request for waiver with respect to the contract or subcontract concerned.

(c) The procedures established by these special instructions for waived inventions and 14 CFR 1245.104 are designed to afford an opportunity to settle questions of the allocation of rights in inventions at the time of contracting in cases where the facts are readily determinable. Petitions for waiver submitted to the contracting officer with respect to contracts or subcontracts which will be awarded shall be referred to the Patent Counsel servicing the installation for analysis and forwarding to the Inventions and Contributions Board at NASA Headquarters.

(d) Upon receipt from Patent Counsel of a petition for waiver at the time of contracting, the Inventions and Contributions Board will forthwith review the matter in order to determine if the following six findings can be made (the word "contract" includes "subcontract or any tier"):

(1) It is not a principal purpose of the contract to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations.

(2) It is not a principal purpose of the contract to explore into fields which directly concern the public health or public welfare.

(3) The contract is not in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, with respect to which the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position.

(4) The contract is not for services of the contractor for (i) the operation of a Government-owned research or production facility; or (ii) coordinating and directing the work of others.

(5) The purpose of the contract is to build upon existing knowledge or technology to develop information, products, processes, or methods for use by the Government.

(6) The work called for by the contract is in a field of technology in which the contractor has acquired technical competence (demonstrated by factors such as know-how, experience, and patent position) directly related to an area in which the contractor has an established nongovernmental commercial position.

(e) If the findings set forth in paragraph (d) of this section cannot be made without unduly delaying the execution of the contract or subcontract in question, the Inventions and Contributions Board will so notify the contracting officer, who shall notify the contractor or subcontractor concerned. In such cases the statement set forth in paragraph (a) of this section shall not be included in the contract or authorized for inclusion in the subcontract, and the contractor or subcontractor may execute the contract or subcontract and request the Inventions and Contributions Board to consider the matter further under 14 CFR 1245.105.

(f) When the "New Technology" clause (May 1966) is to be applicable to the procurement, the following provision will be included in the Request for Proposals:

WAIVED INVENTIONS (MAY 1966)

(a) Under the NASA Patent Waiver Regulations, 14 CFR 1245.100 et seq., waiver of title to inventions made under NASA contracts may be requested at three different times. Waiver of title to an individual invention may be requested under 14 CFR 1245.106 after the invention has been identified and reported to NASA. Waiver of title to inventions not yet identified and reported may be requested under 14 CFR 1245.104, prior to execution of the contract, or under 14 CFR 1245.105, within sixty (60) days of contract execution. Waiver of title may be requested under any of these sections even though a request under a different section was not made or, if made, was not granted.

(b) If you intend to petition prior to contract execution for waiver of title to all inventions which may be made under the contract, you must present such petition with your proposal. The findings which must be made in order for such a petition to be granted are set forth in 14 CFR 1245.104 and in § 18-9.101-3(d) (1)-(6) of the NASA Procurement Regulations.

(c) In the event that it is decided to negotiate a contract based on your proposal, your petition will be forwarded to the Inventions and Contributions Board for consideration. The Board will either make the necessary findings and recommend to the Administrator of NASA that the waiver be granted, or inform the Contracting Officer that facts which are readily available are insufficient to permit a decision to be made without unduly delaying the execution of the contract. In the latter event, you will be so notified and, upon execution of the contract, you may request the Board to consider the matter further. If your request for waiver is granted, section IV of the "New Technology" clause set forth in § 18-9.101-4 will be made applicable to the contract implementing the waiver.

(g) It will be noted from section IV of the "New Technology" clause and from the NASA Patent Waiver Regulations (NASA Management Instruction 5109-2A) that although the title to inventions may have been waived to a contractor or subcontractor, such waiver is subject to a number of conditions, reservations, and obligations on the part of the contractor or subcontractor concerned.

(h) Where NASA requests another governmental agency to perform work of a type defined in § 18-9.101-2 on behalf of NASA, a copy of the "New Technology" clause set forth in § 18-9.101-4 will be furnished to the agency, and that agency will be requested to include the clause in any contract which it awards for the performance of research, experimental, design, engineering or developmental work for the purpose of fulfilling the NASA request. The agency shall be furnished the following instructions with the copy of the "New Technology" clause:

Section IV (Waived Inventions) of the "New Technology" clause cannot be made applicable to any procurement made pursuant to this purchase request. Therefore, it is recommended that invitations for bids and requests for proposals issued pursuant to this purchase request contain the following statement:

"Section IV (Waived Inventions) of the New Technology clause will not be made applicable to this contract."

(i) Where the clause set forth in § 18-9.101-4 will be included in a contract resulting from a formally advertised procurement, the invitations for bids shall include the following statement:

"Section IV (Waived Inventions) of the New Technology clause will not be made applicable to this contract."

(j) If the "New Technology" clause (May 1966) is added to an existing contract by a modification, the special instructions set forth in § 18-9.101-3 shall not be applied.

2. Section 18-9.101-4 is revised to read as follows:

§ 18-9.101-4 New technology clause.

NEW TECHNOLOGY (MAY 1966)

(This clause comprises five sections: I—Definitions, II—Reporting and Subcontracts, III—Rights, IV—Waived Inventions, and V—Withholding; and the clause paragraphs are lettered consecutively throughout the sections.)

I—DEFINITIONS

(a) As used in this clause, the following terms shall have the meanings set forth below:

(i) "Reportable item" means any invention, discovery, improvement, or innovation, whether or not the same is susceptible of protection under the U.S. patent laws, which is made in the performance of work under this contract or in the performance of any work done upon an understanding in writing that this contract would be awarded or made in the performance of any work which is reimbursable under any clause in this contract providing for reimbursement of costs incurred prior to the effective date of this contract;

(ii) "Made" means conceived or first actually reduced to practice, and "making"

means conceiving or first actually reducing to practice;

(iii) "Invention" means any reportable item which, in the opinion of the Administrator, falls within a statutory class of patentable subject matter (35 U.S.C. 101, 161, and 171);

(iv) "Person" means any individual, partnership, group, corporation, association, institution, or other entity;

(v) When this clause is included in any subcontract, "contractor" means subcontractor and "contract" means subcontract; and

(vi) "Administrator" means the Administrator of NASA or his duly authorized representative.

II—REPORTING AND SUBCONTRACTS

(b) The Contractor shall furnish to the Contracting Officer a written report concerning each reportable item promptly upon the making thereof. Such report shall include such technical detail as is necessary to identify and to describe fully the nature, purpose, operation, and physical (electrical, chemical, etc.) characteristics of the reportable item.

(c) In addition to the reports required in paragraph (b) above, the Contractor shall conduct frequent periodic reviews of the work performed by the Contractor to assure that all reportable items have been reported to the Contracting Officer. Within 1 month following each annual anniversary date of this contract, until completion of the contract work, and within 1 month following completion of the contract work, the Contractor shall furnish to the Contracting Officer a written summary of the review activities performed, including a report as required by paragraph (b) above for each reportable item not previously reported, or certifying that there are no reportable items.

(d) (1) The Contractor shall include sections I through IV (paragraphs (a) through (q)) of this clause in each subcontract he awards under this Contract where the performance of research, experimental, design, engineering, or developmental work is contemplated and shall set forth in each subcontract the identification of the prime contract and the identification and mailing address of the Contracting Officer.

(2) As to each subcontract of any tier for which the Inventions and Contributions Board makes the findings referred to in paragraph (k) of this clause, the Contractor shall include in the schedule or elsewhere in such subcontract the statement set forth in said paragraph (k).

(3) In the event of refusal by a subcontractor to accept any of the provisions of this clause other than paragraph (r), the Contractor shall promptly notify the Contracting Officer of such refusal and shall not execute the subcontract in question until provisions have been approved in writing by the Contracting Officer for inclusion in said subcontract.

(4) The Contractor shall furnish promptly to the Contracting Officer a statement listing each subcontract he awards under this contract of over fifty thousand dollars (\$50,000) of the type described in paragraph (d) (1) above, stating the name and address of the subcontractor, describing the work to be performed, stating the estimated cost, and giving the estimated completion date of the subcontract. Within 1 month following each annual anniversary date of this contract, until completion of the contract work, and within 1 month following completion of the contract work, the Contractor shall furnish to the Contracting Officer a written report listing each such subcontract not previously reported or certifying that no such subcontracts were awarded during the reporting period.

(e) With respect to each subcontract awarded by the Contractor of over fifty thousand dollars (\$50,000) of the type described in paragraph (d) (1) above, the Contractor shall, within 1 month following completion of the work under such subcontract:

(i) Obtain from an official having authority to execute such subcontract on behalf of the subcontractor a letter certifying compliance by the subcontractor with the paragraphs of this "New Technology" clause included in such subcontracts; and

(ii) Submit a copy of such letter directly to the Contracting Officer upon receipt from the subcontractor.

III—RIGHTS

(f) (1) An invention reported under this clause shall be presumed to have been made in the manner specified in paragraph (i) or (2) of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a), 1958) (hereinafter called "the Act").

(2) The presumption of paragraph (f) (1) above shall be conclusive unless the Contractor at the time of reporting the invention submits to the Contracting Officer a written statement, containing supporting details, demonstrating that the invention was not made in the manner specified in paragraph (i) or (2) of section 305(a) of the Act.

(3) Regardless of whether the Inventions and Contributions Board has considered the matter, if the schedule of this contract does not include the statement set forth in paragraph (k) below, the Contractor may, within 60 days from the date of execution of this Contract, petition the Administrator for waiver of title to inventions, pursuant to 14 CFR 1245.105, or after reporting an invention, may petition for waiver of title to that invention, pursuant to 14 CFR 1245.106.

(g) Regardless of whether title to a given invention would otherwise be subject to a waiver or is the subject of a petition for waiver, the Contractor may nevertheless file the statement described in paragraph (f) (2) above. The Administrator will review the information furnished by the Contractor in any such statement and any other available information relating to the circumstances surrounding the making of the invention and will notify the Contractor whether the Administrator has determined that the invention was made in the manner specified in paragraph (i) or (2) of section 305(a) of the Act.

(h) With respect to each invention which becomes the exclusive property of the United States, the Contractor shall:

(1) Inform the Contracting Officer at the earliest practicable date of any public use or sale by the Contractor of the invention or of any publication by the Contractor describing the invention; and

(2) Furnish, upon written request by the Contracting Officer, such full and complete technical and other information available to the Contractor as is necessary for the preparation of a patent application and for prosecution of such patent application, and, in addition, shall execute or endeavor to secure execution of all lawful documents and instruments determined by the Administrator to be necessary for the preparation and prosecution of applications for Letters Patent covering the invention.

(i) Regardless of any other disposition of rights in the invention, in the case of each reported invention which is determined to have been made in the manner specified in paragraph (i) or (2) of section 305(a) of the Act, 14 CFR 1245.113 provides that the Contractor is granted a nonexclusive, irrevocable, royalty-free license to practice such invention together with the right to grant sublicenses of the same scope to the extent

the Contractor was legally obligated to do so at the time the contract was awarded. Such license and right will be nontransferable except to a successor of that part of the Contractor's business to which the invention pertains.

(j)(1) The Government may duplicate, use and disclose in any manner and for any purpose whatsoever, and have others do so, all reports furnished pursuant to paragraphs (b), (c), and (h) (2) of this clause.

(2) Nothing contained in this "New Technology" clause shall be deemed to grant any license under any invention as to which rights of the Government are not expressly obtained pursuant to the Act, as implemented by this clause.

IV—WAIVED INVENTIONS

(k) This section IV (paragraphs (k) through (q)) of this clause shall be applicable to this contract only if, pursuant to the NASA Patent Waiver Regulations, 14 CFR 1245.104, and § 18-9.101-3 of the NASA Procurement Regulations, there is included in the schedule of this contract the following statement:

The Administrator has granted the Contractor's request for waiver under 14 CFR 1245.104, and section IV of the New Technology clause is applicable to this contract.

(1) When this section is applicable to the contract, as provided in paragraph (k) above, the title to any invention made in the performance of work under this contract is subject to a waiver granted by the Administrator pursuant to 14 CFR 1245.104 and to the conditions, reservations, and obligations contained in paragraphs (m), (n), (o), (p), and (q) below.

(m) With respect to any particular invention, the waiver referred to in paragraph (1) above is subject to the following conditions:

(1) That the Contractor report the invention during the term of this contract;

(2) That the invention is determined to have been made in the manner specified in paragraph (1) or (2) of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)) in the performance of work under this contract; and

(3) That the invention is designated at the time of reporting as being an invention upon which the Contractor intends to file or has filed a U.S. patent application.

(n) With respect to any particular invention, the waiver referred to in paragraph (1) above is subject to the following reservations:

(1) The reservation of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention throughout the world by or on behalf of the United States or any agency thereof, State, or domestic municipal government, or any foreign government pursuant to any existing or future treaty or agreement with the United States;

(2) The reservation by the Administrator of the right to require the granting of a license to any applicant on a nonexclusive, royalty-free basis unless:

(i) The Contractor, his licensee, or his assignee has brought the invention to a point of practical application within 3 years after a U.S. patent issues on the invention and makes its benefits reasonably accessible to the public; or

(ii) Within 3 years after a U.S. patent issues on the invention, such patent has been made available for nonexclusive licensing to any responsible applicant, royalty-free or on the terms that are reasonable in the circumstances; or

(iii) The Contractor shows cause why he should retain the full benefits of waiver for a further period of time; and

(3) The reservation by the Administrator of the right to require the granting of a license to any responsible applicant royalty-free or on terms that are reasonable in the circumstances for such practice of the invention as may be appropriate to satisfy the requirements which may be made by governmental regulations for public use of the invention, as may be necessary to fulfill health needs, or for other public purposes, if any, stipulated in the schedule of this contract.

(o) With respect to any particular invention, the waiver referred to in paragraph (1) above is voidable at the option of the Administrator unless the Contractor shall:

(1) File within 8 months from the date of reporting of such an invention, an application for U.S. Letters Patent disclosing and claiming the invention, and include within the first paragraph of the specification of such application and any patent issuing thereon the following statement:

The invention described herein was made in the performance of work under a NASA contract and is subject to the provisions of section 305 of the National Aeronautics and Space Act of 1958, Public Law 85-568 (72 Stat. 435; 42 U.S.C. 2457).

(2) Furnish to the Administrator a copy of each patent application, domestic or foreign, filed thereon, together with identifying serial number and filing date promptly upon receipt thereof;

(3) Execute and furnish to the Administrator instruments fully confirmatory of the rights herein reserved by the Government;

(4) In the event the Contractor elects not to continue prosecution of any application filed thereon, notify the Administrator within sufficient time to allow assumption of prosecution by the Government, and deliver to the Administrator such duly executed instruments as are necessary to vest in the Administrator title thereto, including an instrument of assignment to such application;

(5) Convey to the Administrator, on written request, the Contractor's entire right, title, and interest in any foreign country in which the Contractor has not filed an application on said invention within—

(i) Nine months from the date a corresponding U.S. application is filed;

(ii) Six months from the date permission is granted to file foreign applications where such filing has been prohibited for security reasons; or

(iii) Such longer periods as may be expressly approved by the Administrator.

(6) Grant any license which the Administrator may require to be granted pursuant to paragraph (n) (2) or (3) above.

(7) Report, upon NASA's written request not more often than annually, the commercial use that is being made or is intended to be made of the invention.

(p) With respect to any particular invention, the waiver referred to in paragraph (1) above is voidable at the option of the Administrator if the patent disclosing and claiming such invention is held to have been used in violation of the antitrust laws in an unappealed or unappealable judgment or order of a court or administrative tribunal of competent jurisdiction.

(q) Before a Contractor is required to grant a license under either paragraph (n) (2) or (3) above, he shall be given an opportunity to show cause before the NASA Inventions and Contributions Board why he should not be required to grant such a license.

V—WITHHOLDING

(r)(1) Except as provided in subparagraphs (3) and (4) below, if the Contractor fails to comply with the provisions of this clause after receipt of a written decision of the Contracting Officer, pointing out wherein

the Contractor has failed to comply and setting a time limit for compliance, there shall be withheld from payment, unless such failure has been corrected within the time limit set, either five percent (5%) of the amount of this contract as from time to time amended, or fifty thousand dollars (\$50,000), whichever is less.

(2) Without regard to whether a written decision as described in subparagraph (1) above has been issued, after payment of eighty-five percent (85%) of the amount of this contract, as from time to time amended, payment shall be withheld until a reserve of either five percent (5%) of such amount, or fifty thousand dollars (\$50,000), whichever is less, shall have been set aside, such reserve or balance to be retained until the Contractor shall have complied with the provisions of this clause, as well as with such written decision or decisions as may have been issued pursuant to subparagraph (1) above and not withdrawn or successfully challenged on appeal pursuant to the "Disputes" clause.

(3) The maximum amount which may be withheld under this paragraph (r) shall not exceed five percent (5%) of the amount of this contract or fifty thousand dollars (\$50,000), whichever is less. If this contract is a no-fee contract with a Contractor other than an educational institution, the amount which may be withheld shall not exceed one percent (1%) of the amount of the contract or fifty thousand dollars (\$50,000), whichever is less. No amount shall be withheld pursuant to this section V so long as an equivalent amount is being withheld under other provisions of this contract.

(4) The withholding provisions of subparagraphs (1) through (3) of this paragraph (r) do not apply to the provisions of paragraph (e) or section IV of this clause, or to no-fee contracts with an educational institution. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract.

(42 U.S.C. 2457(f) and 2473(b)(1))

Effective date. Sections 18-9.101-3 and 18-9.101-4 are effective June 1, 1966.

GEORGE J. VECCHIETTI,
Director of Procurement.

[F.R. Doc. 66-5912; Filed, May 27, 1966;
8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 14th Rev.]

PART 309—VALUES FOR WAR RISK INSURANCE

Correction of Introductory Text

In F.R. Doc. 66-1079 appearing in the FEDERAL REGISTER issue of February 1, 1966 (31 F.R. 1240), the introductory sentence should read as follows:

Sections 309.1-309.101 of this part are hereby revised to read as follows:

Dated: May 25, 1966

L. C. HOFFMANN,
Chairman, Ship Valuation Committee.

[F.R. Doc. 66-5897; Filed, May 27, 1966;
8:47 a.m.]

Proposed Rule Making

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 256a]

[Release No. 35-15466]

MUTUAL AND SUBSIDIARY SERVICE COMPANIES

Preservation and Destruction of Records

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to revise its Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies ("System of Accounts"), promulgated under the Public Utility Holding Company Act of 1935 ("Act") (17 CFR Part 256), for the purpose of establishing a regulation to govern the preservation and destruction of records of service companies subject thereto. The proposal is made pursuant to the provisions of sections 13(c), 15, and 20(a) of the Act.

The System of Accounts was adopted May 12, 1936 (1 F.R. 645), and it is prescribed by the terms of Rule 93 (17 CFR § 250.93) under the Act for all service companies whose organization and conduct of business the Commission has found, pursuant to Rule 88 (17 CFR 250.88) under the Act, sufficient to meet the requirements of section 13(b) of the Act. Rule 93 (17 CFR § 250.93) further provides that every service company subject thereto shall preserve its records in accordance with the requirements of the System of Accounts, which in turn provide that every such service company shall retain its records permanently except as otherwise authorized by the Commission. The proposed revision of the System of Accounts would eliminate the aforesaid requirements, and substitute therefor a regulation (Part 256a of this chapter) permitting the orderly destruction of records, the continued retention of which is deemed no longer necessary or appropriate in the public interest or for the protection of investors or consumers. Such regulation would be entitled "Regulation To Govern the Preservation and Destruction of Records of Mutual and Subsidiary Service Companies" and would be added to the System of Accounts as an Appendix thereto.

For the purpose of implementing the proposed regulation, it is proposed to amend paragraph (c) of § 256.01-8 of this chapter to read as follows:

No company shall destroy any records except as authorized by the provisions of the "Regulation To Govern the Preservation and Destruction of Records of Mutual and Subsidiary Service Companies" annexed hereto as an Appendix.

Copies of the proposed regulation will be furnished upon request. All interested persons are invited to submit their views and comments on the proposed revision of the System of Accounts, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before May 31, 1966. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

MAY 10, 1966.

Pursuant to the authority contained in section 20 of the Public Utility Holding Company Act of 1935, it is proposed to adopt a new Part 256a of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

PART 256a—REGULATION TO GOVERN THE PRESERVATION AND DESTRUCTION OF RECORDS OF MUTUAL AND SUBSIDIARY SERVICE COMPANIES

GENERAL REQUIREMENTS

- | | |
|----------|--|
| Sec. | |
| 256a.0-1 | Scope of part. |
| 256a.0-2 | Substitution of microphotographs for original records. |
| 256a.0-3 | Designation of supervisory official. |
| 256a.0-4 | Storage of records. |
| 256a.0-5 | Index of records. |
| 256a.0-6 | Destruction of records. |
| 256a.0-7 | Premature destruction or loss of records. |
| 256a.0-8 | Inspection of records by public bodies. |
| 256a.0-9 | Records required to be prepared. |

RECORDS RETENTION SCHEDULE

CORPORATE AND GENERAL

- | | |
|---------|-----------------------------------|
| 256a.01 | Capital stock records. |
| 256a.02 | Debt security records. |
| 256a.03 | Filings with regulatory agencies. |
| 256a.04 | Organization documents. |
| 256a.05 | Minutes. |
| 256a.06 | Contracts and agreements. |

ACCOUNTING RECORDS

- | | |
|---------|---|
| 256a.07 | General and subsidiary ledgers. |
| 256a.08 | Journals, journal vouchers and journal entries. |
| 256a.09 | Cash books. |
| 256a.10 | Voucher registers. |
| 256a.11 | Vouchers evidencing disbursements. |

- | | |
|---------|---|
| 256a.12 | Accounts receivable. |
| 256a.13 | Other records of securities owned. |
| 256a.14 | Other records of tangible property owned or leased. |
| 256a.15 | Payroll records. |

INSURANCE RECORDS

- | | |
|---------|---|
| 256a.16 | Insurance and bonding coverage. |
| 256a.17 | Injuries, damages and workmen's compensation. |

TAX RECORDS

- | | |
|---------|--|
| 256a.18 | Tax returns, reports, and supporting papers. |
|---------|--|

PURCHASE AND STORES RECORDS

- | | |
|---------|-------------------------|
| 256a.19 | Purchases. |
| 256a.20 | Materials and supplies. |

TREASURY

- | | |
|---------|--|
| Sec. | |
| 256a.21 | Records of receipts and disbursements. |
| 256a.22 | Statements of funds and deposits. |
| 256a.23 | Records of deposits with banks and others. |

PERSONNEL RECORDS

- | | |
|---------|---|
| 256a.24 | Employment records. |
| 256a.25 | Statements of policy and instructions to employees. |

MISCELLANEOUS RECORDS AND REPORTS

- | | |
|---------|---|
| 256a.26 | Organization diagrams and charts. |
| 256a.27 | Minutes of meetings of system committees. |
| 256a.28 | Appraisals and valuations. |
| 256a.29 | Accountants' and auditors' reports. |
| 256a.30 | Reports and studies for internal use. |
| 256a.31 | Other records. |
| 256a.32 | Correspondence. |

AUTOMATIC DATA PROCESSING

- | | |
|---------|------------------------------------|
| 256a.33 | Automatic data processing records. |
|---------|------------------------------------|

COMPLETED SERVICES FOR CLIENT COMPANIES

- | | |
|---------|---|
| 256a.34 | Company's copies of documents prepared for associate companies and other clients. |
| 256a.35 | Records of predecessor and former associate companies. |
| 256a.36 | Records of the company not listed in the schedule. |
| 256a.37 | Duplicate copies of records. |

AUTHORITY: The provisions of this Part 256a issued under Secs. 13, 15, 20, 49 Stat. 825, 828, 833, 15 U.S.C. 79m, 79o, 79t.

GENERAL REQUIREMENTS

§ 256a.0-1 Scope of part.

(a) This Part 256a constitutes an Appendix of Part 256 of this chapter, Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies Under the Public Utility Holding Company Act of 1935, as adopted May 12, 1936, and thereafter amended ("System of Accounts"), and the part shall be applicable to every company which is subject to the provisions of the System of Accounts ("Company") unless otherwise provided by prior order of the Commission.

(b) The part consists of these "General Requirements" (§§ 256a.0-1 to 256a.0-9) and the "Records Retention Schedule" (§256a.01 et seq.).

(c) Solely for the purposes of this Part 256a, all books of account and other records described therein shall be deemed to be records of the Company.

(d) The preservation and destruction of all records of the Company shall be governed by the provisions of this Part 256a. Subject to the limitations and conditions set forth in the General Requirements, the Records Retention Schedule prescribes the minimum periods of time for which the various categories of records of the Company shall be retained and the form in which such records shall be preserved.

(e) Notwithstanding the provisions of the Records Retention Schedule, the

Commission may, upon the request of the Company, authorize a shorter period of retention for any record listed therein upon a showing by the Company that preservation of such record for a longer period is not necessary or appropriate in the public interest or for the protection of investors or consumers.

(f) The provisions of this Part 256a shall in no event be construed as excusing compliance with any other lawful requirement for the preservation of records by the Company for periods longer than those prescribed in the Schedule.

§ 256a.0-2 Substitution of microphotographs for original records.

(a) Certain records listed in the Records Retention Schedule (§§ 256a.01 et seq.) may be preserved in the form of nonerasable microphotographic duplicates ("microphotographs") in lieu of the original records, provided the procedures prescribed herein are followed. None of such records, however, need be retained in any form for an aggregate period of time in excess of the retention period specified in respect of such record in the Records Retention Schedule.

(b) Microphotographic indicators in the Records Retention Schedule designate those records for which microphotographs may be substituted in lieu of original records. Such indicators appearing in the Records Retention Schedule denote the following:

(1) M—Indicates that microphotographs may be substituted for the original records at any time after the use of such records for current purposes has been discontinued, which period shall not be less than the date of completion of the examination of the Company's accounts by independent accountants for the fiscal year in which such records were prepared.

(2) M 20, M 10, etc.—Indicates that microphotographs may be substituted for retention of the original records at any time after such records have been retained in their original form for the numbers of years corresponding to the numerals; i.e., 20 years, 10 years, etc.

(3) ME—Indicates that microphotographs may be substituted for retention of the original records at any time subsequent to the expiration, cancellation, supersession, or termination of such records or upon the fulfillment of other conditions specified in the applicable retention instructions of the Records Retention Schedule.

(4) P—Whenever this symbol appears along with any of the microphotographic indicators described above, the microphotographs shall be in the form of positive film copies of negative microphotographic films. In all other instances, negative films may be used.

(c) Absence of any of the "M" indicators explained above indicates (1) that microphotographs may not be substituted for the original records or (2) that microphotographic indicators applicable to cross-referenced retention periods shall be observed.

(d) Prior to photographing, the original records shall be prepared, arranged, classified, and identified so as to facilitate the subsequent location, examination and reproduction of the microphotographs thereof. Any significant characteristic, feature or other attribute of the original records, which microphotog-

raphy would not reflect clearly (e.g., that such records are copies or that certain figures thereon are red), shall be so indicated on the applicable pages of the records at the time of such arrangement, classification, and identification.

(e) Each roll of film or series of other forms of film shall include a microphotograph of a certificate or certificates stating that the microphotographs are direct and facsimile reproductions of the original records and that they have been made in accordance with the requirements of the regulation.

(f) The photographic matter on each roll of film or in each series of other forms of film shall commence and end with a statement as to the nature and arrangement of the original records reproduced, the name of the photographer, and the date. Supplemental or retaken film, whether of misplaced or omitted records, or of portions of a film found to be spoiled or illegible, or of other matter, shall be attached to the beginning of the roll or series of films, and in such event the aforementioned certificate or certificates shall cover also such supplemental or retaken film and shall state the reasons for retaking such film.

(g) All film stock, negative or positive, shall be of permanent-record microcopying type such as meets the most recent specifications recommended by the American Standards Association or the National Bureau of Standards at the time the microphotographs are made. The microphotographing of records shall be such that the films may be read easily and that reproduction on photographic paper can be made similar in size to the records reproduced without significant loss of clarity of detail during the periods the records are required by the terms of the Records Retention Schedule to be preserved. The development and other processing of the microphotographic films shall be performed in accordance with the most recent specifications and practices recommended by the American Standards Association or the National Bureau of Standards.

(h) The Company shall be prepared to furnish, at its own expense, appropriate standard facilities for reading the microphotographs. If the Commission or any other regulatory agency having jurisdiction in respect of records of the Company so requests, the Company shall furnish, at its expense, photographic reproductions of any records the originals of which have been photographed and destroyed pursuant to the provisions of the regulations in this Part 256a.

§ 256a.0-3 Designation of supervisory official.

The Company shall designate one or more officials to supervise the preservation and authorized destruction of its records, and it may designate any bank, trust company, data processing, or similar agent, which performs corporate functions for the Company, as an official to supervise the preservation or authorized destruction of any records of the Company maintained or stored by such agent.

§ 256a.0-4 Storage of records.

In the selection of storage space, the Company shall provide reasonable protection from theft and damage by fire, flood and other hazards for records required to be preserved, and the Company shall safeguard such records from unnecessary exposure to deterioration from excessive humidity, dryness, inadequate packaging, or lack of proper ventilation. Microphotographs shall be preserved by the Company in such manner as to prevent cracking, breaking, splitting, aging blemishes, or other deterioration, and shall be inspected for detection of deterioration or damage in accordance with the most recent practices and procedures recommended by the American Standards Association or the National Bureau of Standards.

§ 256a.0-5 Index of records.

At each office of the Company, where records are kept or stored, such records, including microphotographs, as are required by the Records Retention Schedule (§§ 256a.01 et seq.) to be preserved, shall be arranged, filed, or currently indexed so that such records will be readily available for inspection by authorized representatives of regulatory agencies concerned.

§ 256a.0-6 Destruction of records.

The destruction of records permitted to be destroyed by the provisions of the Records Retention Schedule (§§ 256a.01 et seq.) may be performed in any manner elected by the Company. Precautions should be taken, however, to macerate or otherwise destroy the legibility of any records the content of which is forbidden by law to be divulged to unauthorized persons.

§ 256a.0-7 Premature destruction or loss of records.

When any records are destroyed before the expiration of retention periods prescribed in the Records Retention Schedule (§§ 256a.01 et seq.), a certified statement listing, as far as may be determined, the records destroyed and describing the circumstances of accidental or other premature destruction shall be filed with the Commission within ninety (90) days from the date of discovery of such destruction. Discovery of loss of records shall be treated in the same manner as in the case of premature destruction.

§ 256a.0-8 Inspection of records by public bodies.

All records of the Company, which support any of its charges to an associate operating company for services or construction performed for, or goods sold to such associate company, shall be made available by the Company in its offices for inspection by authorized representatives of any public body which is empowered by law to regulate the accounts of, and rates charged for utility service by, such associate operating company.

§ 256a.0-9 Records required to be prepared.

The regulations in this Part 256a shall not be construed as requiring the prep-

ation or maintenance by the Company of any records not required to be prepared or maintained by any other provisions of the System of Accounts or of any other rule, regulation or order promulgated by the Commission under the Act.

§ 256a.01 Capital stock records.

RECORDS RETENTION SCHEDULE CORPORATE AND GENERAL		
Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Capital stock certificate ledgers, stubs, canceled stock certificates, correspondence, documents, or other records showing capital stock certificate issuance, retirement, or transfer.	6 years after cancellation or transfer of stock certificates.	M.
(b) Dividend registers, lists, or similar records.	2 years after Company's accounts have been examined by independent accountants.	M.
(c) Canceled dividend checks or drafts.	2 years after Company's accounts have been examined by independent accountants, if such payments were made to parent Company; otherwise, 6 years after date of issue.	M.

§ 256a.02 Debt security records.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Debt security instrument ledgers, stubs, canceled instruments, correspondence, documents, or other records showing issuance, retirement or transfer of such debt instruments.	6 years after cancellation of debt instruments.	M.
(b) Canceled checks or drafts evidencing payment of interest or principal.	2 years after Company's accounts have been examined by independent accountants, if such payments were made to parent Company; otherwise, 6 years after date of issue.	M.

§ 256a.03 Filings with regulatory agencies.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Formal requests, registration statements or other qualification statements filed by the Company with any Federal or State regulatory agency for clearance or authorization to issue and sell securities of the Company, including related exhibits and transcripts of testimony.	25 years after date of filing, or until all securities covered thereby are retired, whichever is shorter. ¹	M.
(b) Other formal requests for action filed by the Company in its own behalf with any Federal or State regulatory agency, including related exhibits and transcripts of testimony.	10 years after supersession by subsequent order of the regulatory agency. ¹	M.
(c) Notices of filing, and findings, opinions, and/or orders, or registration or other qualification clearances issued by any Federal or State regulatory agency clearing or authorizing the issuance and sale of securities by the Company.	25 years after date of filing, or until all securities covered thereby are retired, whichever is shorter.	M-3.
(d) Notices of filing, and findings, opinions and/or orders approving the organization and/or conduct of business of the Company.	Permanently.	MP-3.
(e) Other notices of filing, and findings, opinions and/or orders of any other Federal or State regulatory agency served upon the Company as a principal.	10 years after supersession by subsequent order of the applicable regulatory agency.	M-3.
(f) Periodic reports filed by the Company in its own behalf with the Securities and Exchange Commission or with any other Federal or State rate-regulatory agency including exhibits or amendments to such reports.	25 years after close of fiscal year. ¹	M-3.

Description of records	Period of retention	Microphoto-graphic indi-cator
(g) Notifications of proposed changes in organization and/or conduct of business, and supplements thereto, filed by the Company with the Securities and Exchange Commission pursuant to conditions or reservations of jurisdiction in outstanding orders of such Commission.	Permanently.	MP-3.
(h) Work papers and related correspondence supporting the filings described in paragraphs (a) and (b) of § 256a.03 above.	6 years after issue of regulatory agency's order disposing of filing.	M.
(i) Work papers and related correspondence supporting the reports, notifications and other filings described in paragraphs (f) and (g) of § 256a.03 above.	6 years after filing.	M.

¹ If a retention period is prescribed elsewhere in this schedule with respect to any document which is included as an exhibit to any filing retained pursuant to the requirements of this item, the company need retain only one copy of such document in its files, provided appropriate cross references are established, and such document shall be retained for the longest period prescribed.

§ 256a.04 Organization documents.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Corporate charters, certificates of incorporation, bylaws, franchises, and qualifications to do business in States other than State of incorporation.	Permanently.	MP-3.

§ 256a.05 Minutes.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Minutes of meetings of stockholders, directors, and directors' committees.	Permanently.	MP-10.

§ 256a.06 Contracts and agreements.

(Not provided for in §§ 256a.15(m) (1), 256a.16(c), and 256a.18(a) (4).)

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Contracts and agreements entered into by the Company as principal for the performance of services or construction for or sale of goods to an associate company: (1) If associate company has copies the retention of which is governed by regulations of the Federal Power Commission and/or applicable State Commission. (2) If associate company does not have copies.	6 years after termination.	ME or M-5 whichever is shorter.
	Retain for longest periods prescribed by any other applicable regulatory agency for the associate company in respect of such records.	M-3 (If retention period is 25 years or less). MP-3 (If retention period is more than 25 years).

Description of records	Period of retention	Microphoto-graphic indi-cator
(1) Applicable to all other plant ac-counts:	Retain until original cost or other classification of such plant accounts has been approved by Federal Power Commission and/or any in-jurisdiction in respect of such plant accounts; but in no event less than 10 years after close of fiscal year.	MP-5.
(2) Other charges to associate company for services or goods:	10 years after close of fiscal year.	M-5.
(3) Other accounts of the Company:	do.	M-5.
(b) Lists of standard or recurring journal entries.	Destroy at option after supersession.	
§ 256a.09 Cash books.		
Description of records	Period of retention	Microphoto-graphic indi-cator
(a) General and subsidiary or auxiliary books.	10 years after close of fiscal year ³ .	M-5.
³ Where used as posting media for information, which otherwise would be entered through Journal Entries or Journal Vouchers, the Retention Periods of §256a.08(a) shall apply.		
§ 256a.10 Voucher registers.		
Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Voucher registers or similar records.	10 years after close of fiscal year ² .	M-5.
² Where used as posting media for information, which otherwise would be entered through Journal Entries or Journal Vouchers, the Retention Periods of §256a.08(a) shall apply.		
§ 256a.11 Vouchers evidencing disbursements.		
Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Accounts payable vouchers, together with all supporting documents and account distribu-tions, identifiable with charges by the Com-pany to associate companies in respect of per-formance of services or construction for or sales of goods to such companies and accommodation or convenience payments, which are capitalized by such companies:	Follow instructions to §256a.08(a)(1), but see §256a.11(c).	M-2.
(b) Accounts payable vouchers, together with all supporting documents and account distribu-tions, identifiable with:	10 years after payment, but see §256a.11(c).	M-2.
(1) Other charges to associate companies for services performed and goods sold and ac-commodation or convenience payments	6 years after payment, but see §256a.11(c).	M-2.
(2) Investments in fixed assets of the Com-pany.	6 years after retirement or disposition of fixed assets.	M-5.
(3) If amounts of vouchers are \$500 or more.	10 years after payment.	M-2.
(4) If amounts of vouchers are less than \$500.	6 years after payment.	M-2.
(5) Other accounts of the Company.	6 years after payment.	M-2.

Description of records	Period of retention	Microphoto-graphic indi-cator
(b) Other contracts, agreements, leases, deeds or title papers entered into by the Company as principal:	6 years after disposition or writeoff of capitalized item.	M-3.
(1) If documents do not affect fixed capital accounts of the Company.	6 years after termination.	M-3.
(2) If documents of the Company.	Destroy at option.	
(c) Other contracts, agreements, leases, deeds, or title papers entered into by the company as agent of an associate company:	Retain for longest period prescribed by any other applicable regulatory agency for the as-sociate company in respect of such records.	M-3 (If re-tention period is 25 years or less).
(1) If associate company has copies the reten-tion of which is governed by regulations of the Federal Power Commission and/or ap-plicable State Commission.		MP-3 (If re-tention period is more than 25 years).
(2) If associate company does not have copies.	3 years after preparation.	M.
(d) Work papers supporting or used in compiling the completed documents referred to in para-graphs (a), (b), and (c) of § 256a.06 above.		
§ 256a.07 General and subsidiary ledgers.		
ACCOUNTING RECORDS		
Description of records	Period of retention	Microphoto-graphic indi-cator
(a) General and subsidiary ledgers and ledgers auxiliary to general ledgers, except as provided for elsewhere, and indexes thereto.	50 years.	MP-10.
(b) Trial balances of ledgers described in §256a.07 (a) above.	2 years after Company's accounts are examined by independent accountants.	M.
§ 256a.08 Journals, journal vouchers and journal entries.		
Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Journals, journal entries or journal vouchers, including all supporting analyses, summariza-tions, distributions, and other computations relating to:	Retain until (1) the Federal Power Commission has approved the actual legitimate cost of such project and has consented to the destruction of such records, and (2) the accounting classi-fication of such project has been approved by any interested State Commission exercising audit jurisdiction in respect of such accounts; but in no event less than 10 years after close of fiscal year.	MP-5.
(1) Charges by Company for services or con-struction performed for, or for goods sold to associate company which are capitalized by associate company.		
(2) Applicable to licensed projects;		

§ 256a.15 Payroll records.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Time tickets, time sheets, time cards, workmen's reports and other records showing hours worked, description of work and accounts to be charged.	6 years after Company's accounts have been examined by independent accountants, if the distributions of salaries and wages to proper jobs or accounts shown by these records have been transcribed to other records which are retained in accordance with the instructions to § 256a.08(a); otherwise retain for periods prescribed by such instructions.	M-2.
(b) Payroll sheets or registers of payments of salaries and wages to individual officers and employees.	6 years after close of fiscal year.	M.
(c) Records showing the distribution of salaries and wages paid to officers and employees for each monthly, semi-monthly, or weekly payroll period and summaries or recapitulation statements of such distribution.	Retain in accordance with instructions to § 256a.08(a).	M.
(d) Canceled checks or drafts, receipts for wages paid in cash, and other evidences of payments for services rendered by employees.	3 years after date of issue.	M.
(e) Authorizations for changes in wage and salary rates, summaries and reports of changes in payroll and similar records.	3 years after close of fiscal year.	M.
(f) Employment authorizations and records of authorized positions.	do.	M.
(g) Employment termination records.	3 years after termination.	M.
(h) Payroll statistical reports and analyses.	Destroy at option.	M.
(i) Employee earnings records.	6 years after termination of employment.	M.
(j) Pay deviation computations.	Destroy at option after Company's accounts have been examined by independent accountants.	M.
(k) Payroll deduction authorizations and related records.	3 years after supersession or termination of employment.	M.
(l) U.S. Savings Bond issuing agency reports and records.	3 years after audit or reconduction.	M.
(m) Contracts, agreements and/or other essential records for administering employees' pension, annuity or retirement plans; group life, medical and accident plans; savings plans, stock option or purchase plans; and other employee benefit plans.		
(1) Contracts or agreements.	6 years after termination.	M.
(2) Employee participation and withdrawal authorizations.	6 years after withdrawal from plan or termination of participation.	M.
(3) Accounting records relative to administration of plans.	6 years after close of fiscal year.	M.
(4) Accounting records relative to participating employees.	do.	M.
(5) Copies of communications to participating employees.	3 years after date of issue.	M.
(6) State "Blue Sky" clearances relative to plans.	3 years after expiration.	M.
(7) Employees Health, Welfare, and Pension Plan Disclosure Act filings and related records.	3 years after date of filing.	M.
(8) Actuarial studies and reports.	6 years after supersession of the study or report or termination of plan.	M.
(9) Canceled checks or drafts paid under benefit plans.	3 years after date of issue.	M.
(10) Minutes of committees administering plans.	6 years after termination of plans.	M.

NOTE: For tax qualification of benefit plans, see § 256a.18(d).

Description of records	Period of retention	Microphoto-graphic indi-cator
(c) Detailed records (accompanying vendors' invoices) which support distributions of vouchers to Company's accounts; such as communications toll charges, requisitions for messenger and duplicating services, gasoline and oil charge tickets, public carrier transportation receipts or charge tickets, and similar detailed support items.	3 years after Company's accounts have been examined by independent accountants; provided the account distributions are retained with vouchers.	M.
(d) Canceled checks or drafts, except as specified in §§ 256a.01(c), 256a.02(b), 256a.15(d) and 256a.16(m) (9).	6 years after date of issue.	M.
(e) Voucher index or payee file copies of vouchers and/or checks.	Destroy at option.	
§ 256a.12 Accounts receivable.		
Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Records of accounts receivable, including accounting department copies of invoices issued and registers of receivables:		
(1) Invoices to associate companies in respect of construction and services performed and goods sold, the costs of which are capitalized by associate companies.	3 years after close of fiscal year, if associate companies have copies the retention of which is governed by regulations of the Federal Power Commission and/or applicable State Commission; otherwise follow instructions to § 256a.08	M-1.
(2) Other invoices to associate companies for services performed or goods sold.	3 years after close of fiscal year, if associate companies have copies the retention of which is governed by regulations of the Federal Power Commission and/or applicable State Commission; otherwise 6 years from date of invoice.	M-1.
(3) Other accounts receivable data.	3 years after close of fiscal year.	M-2. M.
§ 256a.13 Other records of securities owned.		
Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Any records of securities owned, not provided for in §§ 256a.06 to 256a.11, inclusive. (Excluding temporary investments of cash.)	6 years after disposal or writeoff of investments.	M.
§ 256a.14 Other records of tangible property owned or leased.		
Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Any records of tangible property owned or leased, not provided for in §§ 256a.06 to 256a.11, inclusive.	6 years after disposal, termination of lease, or writeoff of property interest.	M.

§ 256a.16 Insurance and bonding coverage.

INSURANCE RECORDS

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Records of amounts recovered from insurance companies in connection with losses and records of claims against insurance companies including reports of losses and supporting papers.	6 years after settlement.	M.
(b) Insurers' reports and records of condition of property.	Destroy at option after supersession.	M.
(c) Insurance policies and bonds.	Destroy at option after termination.	M.
(d) Records of insurance policies and bonds in force, showing coverage, premiums paid and expiration dates.	Destroy at option after supersession.	M.
(e) Reports of minor losses not covered by insurance and of losses less than minimum amount deductible.	2 years after company's accounts have been examined by independent accountants.	M.
(f) Insurance maps of property and structures covered thereon.	Destroy at option after supersession of disposition of property.	M.
(g) Records and statements relating to insurance requirements.	Destroy at option.	M.

§ 256a.17 Injuries, damages and workmen's compensation.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Claim registers, indexes, and similar records relative to claims presented against the Company in connection with accidents resulting in damage to the property of others or personal injuries.	2 years after settlement.	M.
(b) Papers, reports, statements of witnesses, etc., necessary to the support or rejection of individual claims against the Company.	do.	M.
(c) Detailed schedules or spread sheets of payments to others for personal injuries or property damage.	do.	M.
(d) Other papers, reports or statements pertaining to accidents resulting in property damage or personal injury claims not necessary to the support or rejection of such claims.	Destroy at option after settlement.	M.

§ 256a.18 Tax returns, reports, and supporting papers.

TAX RECORDS

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Copies of returns and schedules filed with taxing authorities, supporting work papers, and records of appeals relative to:		
(1) Income and excess profits taxes.	10 years after settlement.	ME.
(2) Property taxes.	do.	ME.
(3) Other taxes.	do.	ME.
(4) Agreements between associate companies as to allocation of consolidated income taxes.	10 years after supersession of agreement.	ME.
(5) Allocations of consolidated income taxes among associate companies.	10 years after settlement.	ME.
(b) Tax bills from taxing authorities and receipts for payment.	Instructions to paragraphs (a) and (b) of §256a.11 apply.	
(c) Summaries of taxes paid.	Destroy at option.	M.
(d) Filings with taxing authorities to qualify employee benefit plans.	6 years after supersession.	M.
(e) Information returns or reports to taxing authorities (such as Federal W-2 and 1099 Forms).	3 years after filing.	M.

§ 256a.19 Purchases.

PURCHASE AND STORES RECORDS

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Bids received from vendors.	3 years after dates of receipt.	M.
(b) Registers or similar records of invoices.	Destroy at option after payment of invoice.	
(c) Purchasing department copies of purchase orders, invoices, advices from vendors, and related records.	Destroy at option after Company's accounts have been examined by independent accountants.	

§ 256a.20 Materials and supplies.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Records and reports pertaining to inventories of materials and supplies:		
(1) Receipts.	3 years after receipt.	M.
(2) Issues.	3 years after close of fiscal year.	M.
(3) Balances on hand.	do.	M.
(b) Records and reports pertaining to sales of scrap.	do.	M.

§ 256a.21 Records of receipts and disbursements.

TREASURY

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Daily or other periodic statements of receipts or disbursements of funds.	2 years after date of statement.	M.
(b) Records or periodic statements of outstanding vouchers, checks and drafts.	do.	M.

§ 256a.22 Statements of funds and deposits.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Papers pertaining to authorizations for payment of accounts payable of associate companies, and transfers of funds between accounts of an associate company.	10 years after close of fiscal year.	M.
(b) Summaries and periodic statements of cash balances on hand and with depositories.	do.	
(c) Statements of associates' cash balances on hand and with depositories.	do.	
(d) Authorizations for and statements of transfers of funds from one depository of the Company to another.	do.	

§ 256a.23 Records of deposits with banks and others.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Authorized signature files, including related correspondence.	Destroy at option after supersession.	
(b) Bank deposit slips or similar records.	2 years after company's accounts have been examined by independent accountants.	M.

§ 256a.27 Minutes of meetings of system committees.

Description of records	Period of retention	Microphoto-graphic indi-cator
	6 years after close of fiscal year.....	M-2.

§ 256a.28 Appraisals and valuations.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Appraisals and valuations of investments and properties owned or leased by the Company (includes all records essential thereto).	3 years after disposition, termination of lease, or writeoff of property or investment.	M.

§ 256a.29 Accountants' and auditors' reports.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Reports of examinations and audits by accountants and auditors not in the regular employ of the Company. (Such as reports of public accounting firms and regulatory commission accountants.)	10 years after date of report.....	M-2.
(b) Internal audits:		
(1) Reports.....	do.....	M-2.
(2) Work papers.....	2 years after date of report.....	M.

§ 256a.30 Reports and studies for internal use.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Annual financial, operating and statistical reports regularly prepared in the course of business for internal administrative or operating purposes (and not used as the basis for entries to the accounts of the Company) to show the results of operations and the financial condition of the Company, including supporting detailed reports and related work papers.	10 years after date of report.....	M-2.
(b) Quarterly, monthly or other periodic financial, operating and statistical reports as above.	2 years after date of report.....	M.
(c) All other reports and work papers prepared for internal administrative or operating purposes only and not used as the basis for entries to the accounts of the Company.	Destroy at option.....	

§ 256a.31 Other records.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Receipts and records pertaining to delivery of articles to employees such as badges, keys and material receipt books. (Not provided for in §§ 256a.15 and 256a.24.)	Destroy at option.....	
(b) Records of building space occupied by various departments of the Company.	do.....	

Description of records**Period of retention**

Microphoto-graphic indi-cator

(c) Check registers or other records of checks issued.	do.....	M.
(d) Bank reconciliation papers and statements from depositories showing the details of funds received, disbursed and transferred and balances on deposit.	do.....	M.
(e) Correspondence and memoranda relating to transactions with banks (not provided for in §§ 256a.01(c), 256a.02 (a) and (b), 256a.11(d), 256a.13(a), 256a.15(d), and paragraphs (a), (b), (c), (d), and (f) of § 256a.23).	Destroy at option after company's accounts have been examined by independent accountants.	
(f) Advice of deposits made when information thereon is shown on other records which are retained.	Destroy at option.....	

§ 256a.24 Employment records.

(Not provided for in §§ 256a.15 and 256a.31 (a).)

PERSONNEL RECORDS

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Records of employees' service, attendance and other essential data.	2 years after termination of employment.....	M.
(b) Applications for employment, requests for medical examination, medical examiner's reports, photographs and other miscellaneous employment records.	Destroy at option.....	
(c) Records of assignments, attachments and garnishments of employees' salaries, including files of notices, etc., essential thereto.	do.....	
(d) Minors' working certificates and salary releases.	do.....	

§ 256a.25 Statements of policy and instructions to employees.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Statements of policy issued by the company pertaining to:		
(1) Accounting, corporate, and general.	10 years after supersession.....	ME.
(2) Other.....	6 years after supersession.....	ME.
(b) Instructions as to methods and procedures issued by the company to its employees pertaining to:		
(1) Accounting, corporate, and general.	do.....	M.
(2) Other.....	2 years after supersession.....	M.
(c) Notices to employees on matters of discipline, department and similar subjects.	Destroy at option.....	

§ 256a.26 Organization diagrams and charts.**MISCELLANEOUS RECORDS AND REPORTS**

Description of records	Period of retention	Microphoto-graphic indi-cator
	Destroy at option.....	

Description of records	Period of retention	Microphoto-graphic indi-cator
(b) Work papers used in compiling the completed documents described in § 256a.34(a).	Destroy at option if each associate company con- cerned has copies of such work papers the re- tention of which is governed by regulations of the Federal Power Commission and/or appli- cable State Commissions; otherwise retain for the longest periods prescribed for associate companies in respect of such records by the Federal Power Commission and/or applicable State commissions.	M.
(c) Documents and work papers of the types described in paragraphs (a) and (b) of § 256a.34 prepared by the Company for the benefit of nonassociate clients.	Destroy at option.....	
(d) Tabulating cards or other mechanical media used in compiling work papers referred to in paragraphs (b) and (c) of § 256a.34.		

§ 256a.35 Records of predecessor and former associate companies.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Records of any predecessor or former associate company of the Company and records of any former associate company of any such predeces- sor, which are in the possession of or under the control of the Company: (1) If the predecessor or former associate company was a mutual service company or subsidiary service company; (2) If the predecessor or former associate company was solely a registered holding company under the Act;	Retain in accordance with the provisions of the Regulation. Retain in accordance with the Commission's regulation to govern the preservation and destruction of books of account and other records of companies which are subject to the uniform system of accounts for public utility holding companies promulgated under the Act (Part 257 of this chapter). ⁴ Retain in accordance with applicable records- retention regulations of any Federal or State regulatory agency having jurisdiction in re- spect of the accounts and rates charged by such company for public-utility service. Destroy at option, provided the Company shall first have given the Commission at least 90- day written notice in advance of the proposed destruction of such records, and the Commis- sion has expressed no objection thereto within the said 90-day period.	M.
(3) If the predecessor or former associate com- pany was an operating company, commonly known as a public-utility company.		
(4) Any other predecessor or former associate company.		

⁴ Holding Company Act of 1935 Release No. 14093, dated Nov. 24, 1959, 24 F.R. 9724.

§ 256a.36 Records of the company not listed in the schedule.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Records not listed in this schedule which serve purposes substantially similar to records listed in the schedule.	Retain for periods prescribed in the schedule for such similar or related records.	
(b) Records not listed in this schedule which do not serve purposes substantially similar to re- ords listed in this schedule, but which would be useful in developing the history of or facts re- garding any transaction recorded by the Com- pany in its accounts.	Retain until the destruction of such records has been authorized by the Commission.	M.
(c) Any other records of the Company not listed in this schedule.	Destroy at option.....	

Description of records	Period of retention	Microphoto-graphic indi-cator
(c) Indexes of forms used by the Company and and associate companies.	do.....	
(d) Transmittals used for indicating papers and records forwarded from one department of the Company to another, and from the Company to associate companies, provided such transmittals do not contain data effecting the accounts of the Company.	do.....	

§ 256a.32 Correspondence.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Correspondence, indexes and other miscella- neous material essential to and relating to sub- ject matter covered by other items of this schedule.	For periods prescribed for the items to which such materials relate.	
(b) Stenographers' notebooks and dictaphone or other mechanical device records.	Destroy at option.....	

§ 256a.33 Automatic data processing records.

AUTOMATIC DATA PROCESSING

Description of records	Period of retention	Microphoto-graphic indi-cator
(Retain original source data used as input for data processing and data processing report printouts for the applicable periods prescribed elsewhere in this schedule.) (a) Punched cards, tapes or similar media used as intermediate records or steps in data processing for assembling data to be posted to the records of the Company or used in a report or study. (b) Program documentation and revisions thereto.	Destroy at option..... Retain for periods prescribed for related output data.	M-3.

§ 256a.34 Company's copies of documents prepared for associate companies and other clients.

COMPLETED SERVICES FOR CLIENT COMPANIES

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Reports, studies, statistical, or other tabu- lations, charts, maps, sketches and reports, architectural, mechanical, electrical, and specifications, instructions for bids, bidding specifications, analyses of bids, requisition con- tracts, plant-construction cost reports, photo- copies, automatic data-processing outputs, in- ternal audit reports, and other documents of similar purpose or character prepared by the Company for the benefit of any associate com- pany or group of such companies.	Destroy at option if each associate company concerned has copies of such documents the retention of which is governed by regulations of the Federal Power Commission and/or ap- plicable State Commissions; otherwise retain for the longest periods prescribed for associate companies in respect of such records by the Federal Power Commission and/or applicable State Commissions.	

§ 256a.37 Duplicate copies of records.

Description of records	Period of retention	Microphoto-graphic indicator
(a) Duplicate copies of records of the Company...	Destroy at option, provided such duplicate copies contain no significant information not shown on the originals thereof and the originals are retained for the periods of time specified for such categories of records in this schedule.	

[F.R. Doc. 66-5712; Filed, May 27, 1966; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 16]

MIGRATORY BIRD PERMITS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority of 40 Stat. 755; 16 U.S.C. 703 et seq. it is proposed to revise and amend 50 CFR Part 16 beginning with § 16.1 and ending after § 16.16, as follows:

The copy set forth below of a recommended revision of migratory bird permit regulations under Part 16, Title 50, Code of Federal Regulations, is designed to accomplish the following major changes from the existing regulations and administrative policy:

1. Reduce and simplify recordkeeping and reporting required of waterfowl propagating permittees.
2. Eliminate required annual report by taxidermist permittees.
3. Allow the acquisition of captive-reared and properly marked live waterfowl from propagating permittees, without a permit, if solely for personal use or consumption.
4. Waterfowl propagating permits will be required only when it is desired to sell or otherwise dispose of captive-reared waterfowl to another person.
5. Require the physical marking of captive-reared waterfowl to provide a ready means for distinguishing captive-reared birds from wild birds of the same species, whether alive or dead.
6. Provide regulatory controls for captive-reared mallard ducks differing from those applying to all other species, but which will allow continued use of such mallards for present commercial and dog training purposes without undue additional cost or interference.
7. Allow discontinuation of the administrative policy followed since 1942, whereunder captive-reared mallard and black ducks three or more generations removed from the wild are exempted from any regulatory control even though such birds cannot be readily distinguished from captive-reared birds less than three generations removed from the wild or from wild mallards, either dead or alive.

Benefits to be derived from adoption are as follows:

1. Reduce the recordkeeping and reporting requirements imposed on permittees.
2. Result in a 70 to 80 percent reduction in the number of propagating permits necessary to issue and administer.
3. Provision is made for the use of captive-reared mallards for shooting preserve and other commercial purposes under minimum regulatory restriction which will afford protection of wild mallards and not unduly interfere with present practices. The Bureau recognizes that captive-reared mallards used on shooting preserves provide hunting opportunity; that retrieving dogs help conserve waterfowl; and their training, sometimes with captive-reared mallards, is desirable; that selling captive-reared mallards for food purposes is important to the economic welfare of game breeders; that scientists must be able to capture and hold birds for study and other scientific purposes. It is the desire and intent of the Bureau to provide for the above practices under reasonable regulations with a minimum of required reports and recordkeeping.

Sec.	Meaning of terms.
16.1	Meaning of terms.
16.2	Permits required.
16.3	Exceptions to permit requirement.
16.4	General permit authorizations.
16.5	General permit provisions.
16.6	Transportation and shipping requirements.
16.7	Applicability of State laws.
16.8	Revocation of permits.
16.9	Import and export permits.
16.10	Jurisdiction and address of regional offices.
16.11	Scientific collecting and special purpose permits.
16.12	Taxidermist permits.
16.13	Banding permits.
16.14	Waterfowl propagating permits.
16.15	Acquisition, without a permit, of captive-reared migratory waterfowl other than mallard ducks.
16.16	Acquisition, without a permit, of captive-reared mallard ducks.

(Sections 16.21-16.25 and 16.31-16.37 of Part 16 remain unchanged.)

§ 16.1 Meaning of terms.

As used in this part, terms shall have the meaning ascribed in this section.

(a) "Migratory birds" refers to all those species of birds defined as migratory birds under § 10.1 of Part 10 of this subchapter, and includes all birds of these species which, whether raised in captivity or not, cannot be readily and visibly distinguished by general size or coloration from birds of the same species occurring in a wild state.

(b) "Migratory waterfowl" refers to all those species of wild ducks, geese, brant, and swans included in the definition of migratory birds under § 10.1 of

Part 10 of this subchapter and paragraph (a) of this section.

(c) "Public" as used in referring to museums, zoological parks, and scientific or educational institutions refers to such as are open to the general public and either established, maintained, and operated as a governmental service or are privately endowed and incorporated but not operated for profit.

(d) "Take" means to pursue, hunt, shoot, capture, collect, kill, trap, or attempt to pursue, hunt, shoot, capture, collect, kill, or trap.

§ 16.2 Permits required.

Except as permitted by regulations under this part or under Part 10 of this subchapter (the hunting regulations), a permit is required for any person to import, export, take, sell, purchase, otherwise acquire, possess, transport, or dispose of migratory birds or their progeny, parts, nests, or eggs.

§ 16.3 Exceptions to permit requirement.

The following exceptions to the permit requirement are allowed in addition to those allowed in the hunting regulations under Part 10 of this subchapter.

(a) Certain species of migratory birds may, without a permit, be taken and disposed of to control depredations as provided in §§ 16.21 through 16.25.

(b) Employees of the Department of the Interior authorized to enforce the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et seq.), may, without a permit, take or otherwise acquire, hold in custody, transport, and dispose of migratory birds or their parts, nests, or eggs as necessary in performing their official duties.

(c) State game departments, municipal game farms or parks, and public museums, zoological parks, and scientific or educational institutions may acquire by gift or purchase, possess, transport, and by gift or sale dispose of lawfully acquired migratory birds or their progeny, parts, nests, or eggs without a permit: *Provided*, That such birds may be acquired only from persons authorized by this paragraph or by a permit issued pursuant to this part to possess and dispose of such birds, or from Federal or State game authorities by the gift of seized, condemned, or sick or injured birds. Any such birds, acquired without a permit, and any progeny therefrom may be disposed of only to persons authorized by this paragraph to acquire such birds without a permit. Any person exercising a privilege granted by this paragraph must keep accurate records of such operations showing the species and number of birds acquired, possessed, and disposed of; the names and addresses of the persons from whom such birds were acquired or to whom such birds were donated or sold; and the dates of such transactions. These records shall be maintained on a calendar year basis and shall be retained for a period of 1 year following the end of the calendar year covered by the records.

(d) Migratory waterfowl which have been hatched and raised in captivity or the carcasses or eggs of such birds may be lawfully acquired, possessed, transported, and disposed of without a permit in accordance with the conditions and restrictions set forth in the provisions of §§ 16.15 and 16.16.

§ 16.4 General permit authorizations.

(a) Migratory bird permits may be issued to authorize: (1) The importation, exportation, taking, sale, purchase, other acquisition, possession, transportation, and disposal of migratory waterfowl and their progeny or eggs for propagating and food purposes; (2) the taking and disposal of wild migratory birds or their nests or eggs for depredation control purposes; (3) the importation, exportation, taking, sale, purchase, other acquisition, possession, transportation, and disposal of migratory birds or their progeny, parts, nests, or eggs for scientific, educational, and other special purposes; and (4) the receiving, custody, or possession, transportation, and mounting or other preparation by a taxidermist of migratory birds or their parts, nests, or eggs for any person other than himself.

(b) Consistent with the preservation of migratory birds and with the purposes of this part, applications for migratory bird permits may be disapproved, or approved and permits issued pursuant to the provisions of this part.

§ 16.5 General permit provisions.

Permits issued pursuant to this part are subject to the following provisions:

(a) Permittees must comply with such special terms, conditions, restrictions, or limitations as may be prescribed in the permit.

(b) Importations from Mexico must be accompanied by Mexican export permits.

(c) Permits are not transferable.

(d) Permittees may not dispose of migratory birds or their progeny, parts, nests, or eggs to any person not authorized by or pursuant to this part to acquire such migratory birds or their parts, nests, or eggs; or may a permittee acquire any migratory birds or their parts, nests, or eggs from any person not authorized by or pursuant to this part to dispose of such migratory birds or their progeny, parts, nests, or eggs.

(e) Permittees must, during reasonable hours, allow any person authorized to enforce this part to enter and inspect the premises where permit operations are being carried on and any records of such operations required to be maintained.

§ 16.6 Transportation and shipping requirements.

Every package or container, in which migratory birds or their parts, nests, or eggs are shipped by common carrier wholly within a State or are transported by any means whatsoever from one State, territory, or district to or through another State, territory, or district, or to a foreign country, shall be clearly marked, labeled, or tagged on the outside thereof. These labels or tags shall show the name and address of the consignor and consignee; and an accurate statement of

the species and number of birds or their parts, nests, or eggs contained therein; and the permit number under authority of which the birds or their parts, nests, or eggs are transported if a permit is required.

§ 16.7 Applicability of State laws.

Nothing in this part or in any permit issued thereunder shall be construed to authorize the taking, possession, sale, purchase, exchange, or transportation of migratory birds or their parts, nests, or eggs in any State contrary to the laws and regulations of that State: *Provided*, That such laws and regulations are for the purpose of giving further protection to such birds and are not inconsistent with the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act. No permit issued or privilege granted under this part shall authorize the taking, possession, purchase, sale, exchange, or transportation of migratory birds or their parts, nests, or eggs unless the person also possesses whatever permit may be required for such activities by the State concerned.

§ 16.8 Revocation of permits.

(a) Permits issued pursuant to this part may be revoked and the privileges granted thereunder withdrawn:

(1) If the permittee violates any regulation prescribed in this part; or

(2) When the activities of the permittee, involving live birds or feed on the premises of the permittee, are an element in a violation by the permittee or other person of the migratory bird hunting regulations governing the use of live decoys or bait in the taking of migratory game birds (§ 10.3 of this subchapter) on the premises covered by the permit, or where such activities on the premises of the permittee would preclude the legal hunting of migratory game birds on adjacent premises not under control of the permittee.

(b) Any person whose permit has been revoked shall not be issued a like permit until at least 1 year after the date of revocation.

§ 16.9 Import and export permits.

Applications for permits to import or export migratory birds or their parts, nests, or eggs, except captive-reared mallards (§ 16.16), for purposes provided in this part shall be made by letter addressed to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, and shall contain the following information:

(a) Name and address of the applicant and the purpose for which importation or exportation is being made;

(b) Species and number of migratory birds or their parts, nests, or eggs to be imported or exported;

(c) Name and address of the person from whom such birds are being imported or to whom they are being exported;

(d) Estimated date of arrival or departure of shipment, and the port of entry or exit through which the ship-

ment will be imported or exported; and (e) Federal permit number and type of permit authorizing possession, acquisition, or disposition of such birds or their parts, nests, or eggs, where such a permit is required.

§ 16.10 Jurisdiction and address of regional offices.

Geographic jurisdictions and addresses of Bureau of Sport Fisheries and Wildlife regional offices are as follows:

(a) Pacific Region (Region 1—comprising the States of Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington), Post Office Box 3737, Portland, Oreg., 97208;

(b) Southwest Region (Region 2—comprising the States of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, and Wyoming), Post Office Box 1306, Albuquerque, N. Mex., 87103;

(c) North Central Region (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin), 1006 West Lake Street, Minneapolis, Minn., 55408;

(d) Southeast Region (Region 4—comprising the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, plus Puerto Rico and the Virgin Islands), Peachtree-Seventh Building, Atlanta, Ga., 30323; and

(e) Northeast Region (Region 5—comprising the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia), U.S. Post Office and Courthouse, Boston, Mass., 02109.

§ 16.11 Scientific collecting and special purpose permits.

(a) Applications for scientific collecting and other special purpose permits shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) Such applications shall contain the following information:

(1) Name, address, and age of applicant;

(2) Species and number of migratory birds or their parts, nests, or eggs proposed to be taken or acquired when it is possible to determine same in advance;

(3) Statement of the purpose and a justification for granting such a permit; and

(4) In the case of scientific collecting permits, the name and address of the public scientific or educational institution to which all specimens will ultimately be donated.

(b) The tenure of scientific collecting or other special purpose permits shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a different period of time is prescribed in the permit.

(c) All specimens taken and possessed under authority of a scientific collecting

permit must be donated and transferred to the public scientific or educational institution designated in the permit application within 60 days following the date such permit expires or is revoked, unless the permittee has been issued a special permit authorizing possession for a longer period of time.

(d) All permittees must keep accurate records of their operations and file a report of such operations, negative or otherwise, by letter or on a form furnished for that purpose, on or before January 10 of each calendar year following the year of issue unless a different date is stated in the permit.

§ 16.12 Taxidermist permits.

(a) A taxidermist permit is required before any person may perform taxidermy services on migratory birds or their parts, nests, or eggs for any person other than himself. Such permits authorize permittees to receive specimens from, transport, hold in custody or possession, mount or otherwise prepare, and return prepared specimens to another person.

(b) Original applications for a taxidermist permit shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) Such applications shall contain the following information:

(1) Name, age, mailing address, and telephone number of applicant;

(2) Address of premises where taxidermist operations are proposed if different than mailing address;

(3) Statement of applicant's qualifications and experience as a taxidermist; and

(4) Where a State permit is required by State law, whether or not applicant possesses a valid State permit and the number and expiration date of such State permit.

(c) Requests for renewals of existing permits shall be made by letter to the regional office issuing the permit not later than 30 days preceding the expiration date of the permit.

(d) The tenure of taxidermist permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

(e) Permittees must keep accurate records of operations, on a calendar year basis, showing the names and addresses of persons from and to whom migratory birds or their parts, nests, or eggs were received or delivered, the number and species of such, and the dates of receipt and delivery. Permittees must retain such records for a period of 1 year following the end of the calendar year covered by the records.

§ 16.13 Banding permits.

(a) A banding permit is required before any person may capture migratory birds for banding purposes or use official bands issued by the Bureau of Sport

Fisheries and Wildlife for banding any species of bird.

(b) Applications for banding permits shall be made by letter addressed to the Bird Banding Laboratory, Migratory Bird Populations Station, Bureau of Sport Fisheries and Wildlife, Laurel, Md., 20810. Requests for renewals of existing permits shall be made by letter not later than 30 days prior to the expiration date of the permit.

(c) The banding of migratory birds shall be by official numbered leg bands issued by the Bureau of Sport Fisheries and Wildlife. The use of any other band, clip, dye, or other method of marking is prohibited unless specifically authorized in the banding permit.

(d) All traps or nets used to capture migratory birds for banding purposes shall have attached thereto a tag or label clearly showing the name and address of the permittee and his permit number, or the area in which such traps or nets are located must be posted with Notice of Banding Operations posters (Form 3-1155, available upon request from the Bird Banding Laboratory, Migratory Bird Populations Station, Bureau of Sport Fisheries and Wildlife, Laurel, Md., 20810) which shall bear the name and address of the permittee and the number of his permit.

(e) Banding permits may be suspended or revoked for a violation of any provision of the Migratory Bird Treaty Act or the regulations issued thereunder, or for failure to maintain and submit required records and reports or to comply with any special terms, conditions, or restrictions incorporated in the banding permit.

§ 16.14 Waterfowl propagating permits.

(a) A waterfowl propagating permit is required before any person may lawfully sell, trade, donate, or otherwise dispose of, to another person, any species of captive-reared and properly marked migratory waterfowl or their eggs other than mallard ducks.

(b) Original requests for a propagating permit shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) The applicant will then be furnished an application form to be completed and returned to the regional office.

(c) The tenure of propagating permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

(d) Requests for renewals of existing permits shall be made by letter to the regional office issuing the permit not later than 30 days preceding the expiration date of the permit.

(e) When issued, these permits will authorize such disposal subject to the following conditions, restrictions, and requirements:

(1) Effective January 1, 1967, all live migratory waterfowl possessed in captivity under authority of a valid Federal

propagating permit shall be physically marked within 60 days by removal of the hind toe from the right foot. All such birds hatched, raised and retained in captivity thereafter shall be so marked prior to reaching 4 weeks of age. The preceding does not apply to captive adult geese, swans and brant which have previously been marked by a "V" notch in the web of one foot, nor to such adult birds held in captivity at public institutions as defined in § 16.1(c).

(2) Such properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all the applicable hunting regulations governing the taking of like species from the wild.

(3) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass: *Provided*, That permittees who are also authorized to sell game under a State license, permit, or authorization may remove the marked foot from raw carcasses if the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass or on the wrapping or container in which each carcass is maintained.

(4) Such properly marked birds, alive or dead, or their eggs may be disposed of in any number, at any time or place, to any person: *Provided*, That on each date that any such birds or their eggs are transferred to another person, the permittee must complete a Form 3-186, Notice of Waterfowl Sale or Transfer. (Bureau will provide supplies of form.) The permittee will furnish the original of completed Form 3-186 to the person acquiring the birds or eggs; retain one copy in his files as a record of his operations; and, on or before the last day of each month, mail three copies of each form completed during that month to the regional office of the Bureau of Sport Fisheries and Wildlife which issued his permit.

(5) Within 10 days following December 31 of each calendar year, permittee must file a report, negative or otherwise, on a form furnished for that purpose, listing the number and species of migratory waterfowl and their eggs on hand as of December 31.

§ 16.15 Acquisition, without a permit, of captive-reared migratory waterfowl other than mallard ducks.

Any person may, without a permit, lawfully acquire captive-reared and properly marked migratory waterfowl of all species other than mallard ducks, alive or dead, or their eggs, and possess and transport such birds or eggs and any progeny or eggs therefrom solely for his own use subject to the following conditions and restrictions:

(a) Such birds, alive or dead, or their eggs may be lawfully acquired only from holders of valid Federal waterfowl propagating permits except that properly marked carcasses of such birds may also

be lawfully acquired as provided under paragraph (c) of this section.

(b) All progeny of such birds or eggs hatched, raised, and retained in captivity must be physically marked by removal of the hind toe from the right foot prior to reaching 4 weeks of age.

(c) No such birds or eggs or any progeny or eggs thereof may be disposed of by any means, alive or dead, to any other person unless a special Federal permit has first been secured authorizing such disposal: *Provided*, That bona fide clubs, hotels, restaurants, boarding houses, and dealers in meat and game may serve or sell to their customers the carcasses of any such birds which they have acquired from the holder of a valid Federal waterfowl propagating permit.

(d) Lawfully possessed and properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of like species from the wild. (See Part 10 of this subchapter.)

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass unless such carcasses were otherwise properly marked and the foot removed prior to acquisition.

(f) When any such birds, alive or dead, or their eggs are acquired from a Federal waterfowl propagating permittee, the permittee will furnish a copy of Form 3-186, Notice of Waterfowl Sale or Transfer, to be retained on file by the buyer during his possession of such birds or eggs or progeny or eggs thereof.

§ 16.16 Acquisition, without a permit, of captive-reared mallard ducks.

Captive-reared and properly marked mallard ducks, alive or dead, or their eggs may be acquired, possessed, sold, traded, donated, transported, imported, exported, and disposed of by any person without any permit issued by this Bureau subject to the following conditions, restrictions, and requirements:

(a) Effective January 1, 1967, all such live mallard ducks then possessed in captivity, without a permit, shall be physically marked by removal of the hind toe from the right foot within 60 days, and all such ducks hatched, raised, and retained in captivity thereafter shall be so marked prior to reaching 4 weeks of age.

(b) When so marked, such live birds may be disposed of to, or acquired from, any person and possessed and transported in any number at any time or place.

(c) When so marked, such live birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of mallard ducks from the wild: *Provided*, That such birds may be killed by shooting, in any number, at any

time, on any premises operated as a shooting preserve under State license, permit, or authorization; or they may be shot, in any number, at any time or place, by any person for bona fide dog training or field trial purposes.

(d) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass: *Provided*, That persons, who operate game farms or shooting preserves under a State license, permit, or authorization for such activities, may remove the marked foot when either the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass or on the container in which each carcass is maintained, or each carcass is identified by a State band on leg or wing pursuant to requirements of his State license, permit, or authorization. When properly marked, such carcasses may be disposed of to, or acquired from, any person and possessed and transported in any number at any time or place.

Interested persons may submit written comments, suggestions, or objections within 30 days from the date of this publication to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C., 20240.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

MAY 25, 1966.

[F.R. Doc. 66-5877; Filed, May 27, 1966;
8:45 a.m.]

[50 CFR Part 32]

HUNTING

**Bear River Migratory Bird Refuge,
Utah**

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), it is proposed to amend 50 CFR 32.21 by the addition of Bear River Migratory Bird Refuge, Utah, to the list of wildlife refuges open to the hunting of upland game.

It has been determined that the regulated hunting of upland game may be permitted on the Bear River Migratory Bird Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within 30 days of the

date of publication of this notice in the FEDERAL REGISTER.

Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

UTAH

Bear River Migratory Bird Refuge.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

MAY 20, 1966.

[F.R. Doc. 66-5884; Filed, May 27, 1966;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES

GROWN IN CALIFORNIA

**Expenses and Fixing of Rates of
Assessment for 1966-67 Fiscal
Period**

Consideration is being given to the following proposals submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 30 F.R. 15990), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the provisions thereof:

(a) That expenses that are reasonable and likely to be incurred during the fiscal period from March 1, 1966, through February 28, 1967, will amount to \$220,250, and

(b) That the rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 be fixed at:

(1) Eight mills (\$0.008) per standard western pear box of pears, or its equivalent in other containers or in bulk;

(2) Three cents (\$0.03) per standard four-basket crate of plums, or its equivalent in other containers or in bulk; and

(3) Three and one-half mills (\$0.0035) per California peach box of peaches, or its equivalent in other containers or in bulk.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the

publication of this notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 24, 1966.

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

[F.R. Doc. 66-5891; Filed, May 27, 1966; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 308]

WAR RISK INSURANCE

Notice of Proposed Rule Making

Notice is hereby given that the Maritime Administrator has under consideration revising the terms and conditions under which war risk insurance binders and policies will be issued pursuant to Title XII of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1281-1294). The proposed changes are considered to be necessary for the following principal reasons:

1. The war risk insurance coverage now provided by commercial underwriters is uncertain and inadequate due to the indefinite provisions and the retroactive application of the automatic termination clauses. The Maritime Administrator is therefore prepared to find and determine, pursuant to section 1202(a) of the Act (46 U.S.C. 1282(a)), that war risk insurance adequate for the needs of the waterborne commerce of the United States cannot now be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States.

2. The Congress recently extended Title XII for 5 years after being advised by the steamship industry that the war risk insurance provided thereunder would not be a gratuity to the steamship owners or cargo owners, because as contemplated by section 1202(b) of the Act (46 U.S.C. 1282(b)), during the initial period under the Government binders, immediately after the commercial insurances have been automatically terminated on outbreak of war, it is the intention that the losses shall be spread over the binders on a mutual basis. To prevent the Government insurance from becoming a gratuity, provision must be made to guarantee to the Government the collection of adequate premiums to cover all losses occurring during the interim 30-day period, including the total amount of all judgments obtained by the shipowners against the Government for amounts in excess of the stated valuation in the policy as authorized by section 1209(a) of the Act (46 U.S.C. 1289(a)).

3. The national plan for emergency preparedness, approved December 1964,

provides that in event of a general war involving a nuclear attack upon the United States:

The Federal Government would assure the equitable sharing of war losses throughout the economy to the extent possible not to guarantee individuals against losses but to insure the maintenance of a viable economy.

Accordingly, it is necessary for the Government's war risk binders and policies to be subject to the condition that, in the event of a general war involving a significant nuclear attack upon the United States, insurance will be payable only to the extent that such payments are consistent with overall national emergency needs, available resources, and national policy on the equitable sharing of war losses.

Therefore, the Maritime Administrator, pursuant to Title XII of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1281-1293), and the authority delegated to him by the Secretary of Commerce (Department of Commerce Order No. 117, effective Apr. 9, 1962, 27 F.R. 3637), proposes to find that war risk insurance adequate for the needs of the waterborne commerce of the United States cannot now be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States, and to amend the war risk insurance rules and regulations prescribed in 46 CFR Part 308 (Maritime Administration General Order 75, 2d Rev.) to the extent necessary to provide, effective August 1, 1966, as follows:

1. The Maritime Administration will issue war risk hull insurance policies on a mutual basis, upon the application of any qualified shipowner who agrees to the terms and conditions of the policy, including contingent liability for assessments levied against him on a pro rata basis by the Maritime Administration as provided in the policy. The initial premiums will be charged at the rates currently charged by commercial underwriters. The amount insured will be "just compensation" as determined from time to time by the Maritime Administration, but the shipowner shall have the right to reject such value and sue the Government as provided in section 1209(a) of the Act (46 U.S.C. 1289(a)). The shipowner may effect, on an excess basis, war risk insurance which shall not inure to the benefit of the Maritime Administrator as underwriter, as authorized by section 1213 of the Act (46 U.S.C. 1293). After all claims for losses resulting during the period covered by the policies have been finally settled and paid, the remaining assets in the insurance fund derived from the policyholders as premiums and assessments will be distributed pro rata among the policyholders.

2. The Maritime Administration will issue war risk insurance binders providing for mutual insurance coverage substantially on the same terms and conditions as provided in paragraph 1, above, to attach automatically and simultaneously with the day and hour the commercial war risk insurance terminates as a result of advance written notice served

by the underwriter on the shipowner, without any retroactive application.

3. The interim binders and policies of insurance will provide, in accordance with national policy, that they are subject to the condition that, in the event of a general war involving a significant nuclear attack upon the United States, insurance will be payable only to the extent that such payments are consistent with overall national emergency needs, available resources, and national policy on the equitable sharing of war losses.

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Maritime Administration, Washington, D.C., 20235, on or before July 1, 1966. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

Dated: May 24, 1966.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-5898; Filed, May 27, 1966; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 21, 87]

[Docket No. 16073; FCC 66-438]

PUBLIC AIR-GROUND RADIO-TELEPHONE SERVICE

Notice of Proposed Rule Making

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. On June 30, 1965, the Commission adopted a notice of proposed rule making in the instant docket which proposed adoption of an air-ground public radio-telephone system in compliance with the following criteria:

Spectrum: 454.675-455.000 and 459.675-460.000 Mc/s.

Voice channels: At least 60 two-way channels.

RF bandwidth: Not exceeding 5 kc/s per one-way channel.

Emission: Single sideband.

3. This proposal was subject to receipt of comments in response thereto which would give an acceptable set of technical specifications for a feasible system meeting the foregoing criteria. Subject to substantial compliance with these criteria, the system design was left to the ingenuity of interested parties who are competent in this field. Systems specifications submitted are subject to Commission review and selection of those which appear to offer the best service potential.

4. In response to the first notice of proposed rule making in this docket, we received comments from a substantial number of parties. Several of these

parties offered constructive comments indicating that a system meeting the Commission's criteria is feasible and recommending specific technical standards for consideration. All comments received are being given careful consideration and no findings thereon are being made at this time.

5. We note that the Radio Technical Commission for Aeronautics (RTCA) has issued a report (Doc. No. DO-130) entitled "Technical Characteristics of an SSB Public Radiotelephone System Operating within the Frequency Bands 454.675-455.000 Mc/s and 459.675-460.000 Mc/s." This RTCA report sets forth system characteristics which are intended to meet the criteria established by the Commission in this proceeding. It also recommends field tests to confirm the suitability of the system. We desire to encourage further development and testing of such a system and are, therefore, issuing in the attached appendix a set of specific proposed rule changes which indicate our present planning as to the technical standards, administration and operation of the proposed service. Pursuant to the proposed rules, the public ground stations would be administered under Part 21 of our rules and the mobile stations would be administered under Part 87.

6. The technical specifications in the proposed rules are intended to comprise only those necessary for regulatory purposes. These proposed technical specifications are subject to changes or additions as developmental work on the proposed system progresses toward completion. They should not be regarded as limiting comments or developmental work to systems meeting the proposed specifications, provided compliance with the general criteria given in paragraph 2, above, is maintained.

7. Comments on any aspect of the proposed rules are invited and any party interested in developmental work on the proposed system is encouraged to apply to the Commission for such licenses as may be needed in connection with such work. We also commend the Radio Technical Commission for Aeronautics for their constructive work and report in this matter and recommend that interested parties coordinate their further work through that organization, and with the Commission's Office of Chief Engineer.

8. Informal progress reports from interested parties on their developmental activities and problems are invited at any time, and are requested to be furnished by July 1 and October 3, 1966. Such informal reports should be submitted in triplicate.

9. Authority for the rule amendments proposed herein is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

10. Any interested person who is of the opinion that the proposed amendments should not be adopted may file with the Commission on or before October 3, 1966, written data, views, or arguments setting forth his comments. Comments in support of the proposed

amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before November 3, 1966. In reaching its decision on the rule changes which are proposed herein, the Commission will not be limited to consideration of comments of record but will take into account all relevant information obtained in any manner.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: May 18, 1966.

Released: May 20, 1966.

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

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. Section 2.1 is amended by adding the following definitions in alphabetical order:

§ 2.1 Definitions.

Aeronautical public communication service. A communication service car-

ried on from aircraft to land radio stations for the purpose of providing a public communication service for persons aboard aircraft.

Aeronautical public service station. A mobile station, aboard an aircraft, operated in the aeronautical public communication service for hire.

Auxiliary test station. A fixed station used for test transmissions only, operating on mobile station frequencies from a specified location, for the purpose of determining the performance of fixed receiving equipment which is remotely located from the base or ground station with which it is associated, or where the receiving equipment is located with the base or ground station and both are remotely located from the control point of the station.

Domestic public air-ground radio service. A public mobile 2-way radiotelephone service for hire from public ground stations to aeronautical public service stations.

Public ground station. A land station in the domestic public air-ground radio service carrying on a service with aeronautical public service stations.

2. The table in § 2.106 is amended in columns 7, 8, 9, 10, and 11 for the frequency bands 454-455 Mc/s and 459-460 Mc/s to read as follows and footnote NG12 is deleted:

§ 2.106 Table of frequency allocations.

Federal Communications Commission

Band (Mc/s)	Service	Class of station	Frequen- cy (Mc/s)	Nature (OF SERVICES of Stations)
7	8	9	10	11
***	***	***	***	***
454-454.675	LAND MOBILE.	Base, Land mobile.		DOMESTIC PUBLIC.
454.675-455	MOBILE.	Public ground.		DOMESTIC PUBLIC
***	***	***	***	AIR-GROUND RADIO.
459-459.675	LAND MOBILE.	Base, Land mobile.		DOMESTIC PUBLIC.
459.675-460	MOBILE.	Aeronautical public service. Auxiliary test.		AERONAUTICAL PUB- LIC COMMUNICA- TIONS. ***
***	***	***	***	***

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARI- TIME MOBILE)

1. Section 21.0(b) is amended to read as follows:

§ 21.0 Basis and purpose.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for the use of radio for domestic communication common carrier operations which require transmitting facilities on land, aboard aircraft, and aboard vessels.

2. Section 21.1 is amended by revising the definition of "Auxiliary test station", "Domestic public radio services", and "General communication" and by adding other definitions in alphabetical order, as follows:

§ 21.1 Definitions.

As used in this part:

Aeronautical public service station. A mobile station, aboard an aircraft, operated in the aeronautical public communication service for hire.

Auxiliary test station. A fixed station used for test transmissions only, operating on mobile station frequencies from a specified fixed location, for the purpose of determining the performance of fixed receiving equipment which is remotely located from the base or ground station with which it is associated, or where the receiving equipment is located with the base or ground station and both are remotely located from the control point of the station.

Domestic public air-ground radio service. A public mobile two-way radiotelephone service for hire from public ground stations to aeronautical public service stations.

Domestic public radio services. The domestic land mobile, air-ground, and fixed public services, the stations of which are open to public correspondence.

NOTE: Parts 81 and 83 of this chapter are applicable to Maritime services. Part 87 is applicable to Aviation services; and Part 85 is applicable to certain services in Alaska.

General communication. Two-way voice communication, (1) through a base station, between a common carrier land mobile station and a landline telephone station connected to a public message landline telephone system or between two common carrier land mobile stations via a base station and (2) through a public ground station, between an aeronautical public service station and a landline telephone station connected to a public message landline telephone system or between two aeronautical public service stations via a public ground station.

Public ground station. A land station in the domestic public air-ground radio service carrying on a service with aeronautical public service stations.

3. Section 21.29 (a) and (b) is amended to read as follows:

§ 21.29 Forms to be used.

(a) *Application for construction permit for base, public ground, auxiliary test and fixed stations.* A separate application for construction permit shall be submitted for each base, each public ground, each auxiliary test, and each fixed station on FCC Form 401: *Provided, however,* That in the case of fixed stations to be installed at temporary locations, as set forth hereinafter in the applicable subparts of this part, where the equipment utilized is of such design as to comprise a "packaged" unit which is ready for installation and use with only nominal construction, request may be made for waiver of the construction permit and for the immediate issuance of a license: *And provided further,* That an application for an auxiliary test station may be combined with that of a base station of public ground station with which such auxiliary facility is to be associated when both are at the same location. Such applications shall be accompanied by the supplementary information set forth in § 21.15 as may be appropriate.

(b) *Application for license for mobile stations.* No construction permit is required for mobile stations. A separate application on FCC Form 401 shall be submitted for a license for the maximum number of mobile units expected to be placed in operation within the ensuing license period: *Provided, however,* In the Domestic Public Land Mobile Radio Service, an application for license for land mobile units to be licensed in the name of the base station licensee may be combined on the same application form

with an application for the base station with which the land mobile units will be associated. In the preparation of such blanket applications, care should be exercised that data furnished therein in all particulars is clearly differentiated between the land mobile and base station installations. In any event, the mobile station license will be issued simultaneously with the issuance of the related base station license in the case of applications in the Domestic Public Land Mobile Radio Service. Applications for mobile stations in the Domestic Public Land Mobile Radio Service which are submitted by persons who propose to become subscribers to a common carrier service for public correspondence shall be accompanied by the supplementary showing set forth in § 21.15 (i). Applications for aeronautical public service stations to communicate with public ground stations in the Domestic Public Air-Ground Radio Service shall be filed under the provisions of Part 87 governing aviation services in this chapter.

4. Section 21.32(a) is amended to read as follows:

§ 21.32 License period.

(a) Licenses for stations in the Point-to-Point Microwave Radio and Local Television Transmission Services will be issued for a period not to exceed 5 years; in the case of common carrier Television-STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered; licenses for stations in the Domestic Public Land Mobile Radio, Public Air-Ground Radio and Rural Radio Services will be issued for a period not to exceed 3 years, except that licenses for developmental stations will be issued for a period not to exceed 1 year. The expiration date of licenses of miscellaneous common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of April in the year of expiration; the expiration date of licenses of telephone company common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of July in the year of expiration; the expiration date of licenses in the Domestic Public Air-Ground Radio Service shall be the first day of October in the year of expiration; the expiration date of licenses in the Rural Radio Service shall be the first day of November in the year of expiration; the expiration date of licenses in the Point-to-Point Microwave and Local Television Transmission Services shall be the first day of February in the year of expiration; and the expiration date of developmental licenses shall be one year or less from the date of grant thereof. When a license is granted subsequent to the last renewal date of the class of license involved, the license shall be issued for only the unexpired period of the current license term of such class.

5. Section 21.101(a) is amended to read as follows:

§ 21.101 Frequency stability.

(a) A permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the reference frequency:

Frequency range	All fixed, base, and ground stations	All mobile stations	
		Over 3 watts	3 watts or less
25 to 50 Mc/s.....	Percent 0.002	Percent 0.002	Percent 0.005
50 to 1000 Mc/s.....	0.0005	0.0005	0.005
Above 1000 Mc/s.....	(1)	(1)	(1)

¹ To be specified in the station authorization but shall not be greater than 0.05 percent between 1000 and 10,000 Mc/s and not greater than 0.75 percent above 10,000 Mc/s. (Specific changes will be proposed in another docket.)

6. Section 21.107 (b) and (c) is amended to read as follows:

§ 21.107 Transmitter power.

(b) The rated power output of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation, except as otherwise limited by § 21.903:

Frequency range (Mc/s):	Rated power output Watts
Below 30.....	50
30 to 50.....	350
50 to 76.....	50
76 to 500.....	250
500 to 10,000.....	¹ 100
Above 10,000.....	(2)

¹ As an exception, in the band 5925-6425 Mc/s, the power delivered by a transmitter to the antenna of a station in the fixed service shall not exceed 20 watts. Additionally, in this band, the maximum effective radiated power of the transmitter and associated antenna of a station in the fixed service shall not exceed +55 dbW. These limitations are necessary to minimize the probability of harmful interference to reception in this band on board communication-satellite space stations.

² Unlimited.

(c) The power of each transmitter shall be maintained as near as practicable to the power input or output, as the case may be, specified in the instrument of station authorization: *Provided,* That the power of each base station or public ground station transmitter shall not deviate by more than 20 percent above and 25 percent below the authorized power. In the event it becomes impossible to operate within such limits of the authorized power, the station may be operated with reduced power for a period of 10 days or less, provided that if such operation continues longer than 10 days the Commission and the Engineer-in-Charge of the radio district in which the station is located shall be notified in writing immediately thereafter and also upon the resumption of normal power.

7. Section 21.108 (a) and (b) is amended to read as follows:

§ 21.108 Directional antennas.

(a) Unless otherwise authorized upon specific request by the applicant, each station authorized under the rules of this part, other than base, public ground, mobile and auxiliary test stations operating in the Domestic Public Land Mobile and Air-Ground Radio Services, shall employ a directional antenna adjusted with the center of the major lobe of radiation in the horizontal plane directed toward the receiving station with which it communicates: *Provided, however*, Where a station communicates with more than one point, a multi- or omnidirectional antenna may be authorized, if necessary.

(b) Stations, other than base, public ground, mobile and auxiliary test stations in the Domestic Public Land Mobile and Air-Ground Radio Services, which are required to operate with a directional antenna shall not radiate signals which exceed the following limits of beam width, measured in the horizontal plane at the half power points, for the major lobe of radiation:

Frequency range (Mc/s):	Maximum beam width
Below 500.....	80°
500 to 1500.....	20°
1500 to 5000.....	12°
5000 to 10,000.....	8°
Above 10,000.....	3°

8. Section 21.110 (a), (b), and (c) is amended to read as follows:

§ 21.110 Antenna polarization.

(a) Stations operating in the 72-76 Mc/s band, and each base, public ground, mobile, dispatch, and auxiliary test station operating in the Domestic Public Land Mobile Radio and Air-Ground Radio Services shall employ an antenna which radiates a signal, the electrical component of which is vertically polarized.

(b) Unless otherwise authorized, each station operating on frequencies below 500 Mc/s (other than base, public ground, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio and Air-Ground Radio Services, and stations operating in the 72-76 Mc/s band) shall employ an antenna which radiates a signal, the electrical component of which is horizontally polarized: *Provided, however*, That Rural Subscriber stations communicating with base stations may employ vertical polarization.

(c) Upon a satisfactory showing in each particular case that improved transmission will result and potentially harmful interference to other radio installations would be reduced, the Commission may authorize a station operating on frequencies below 500 Mc/s (other than base, public ground, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio and Air-Ground Radio Services, and all stations operating in the 72-76 Mc/s band) to employ an antenna which radiates a

signal, the electrical component of which is circularly or otherwise polarized.

9. Section 21.205(h) (3) is amended to read as follows:

§ 21.205 Operator requirements.

(h) Any person may, after obtaining permission from the station licensee, operate the following classes of stations during the course of normal rendition of service, under the circumstances set forth below:

(3) Central office stations, interoffice stations, auxiliary test stations, base stations, and public ground stations, including radio control stations which may be associated therewith.

10. In § 21.213, paragraph (a) is amended to read as follows:

§ 21.213 Station identification.

(a) Each station in these services, except as otherwise provided in this section, shall identify itself by transmitting its assigned call sign in connection with each communication or exchange of communication. In the event of a prolonged series of communications, a station shall identify itself at least every half-hour. However, stations engaged in a public telephone message, telegram, radiophoto, or program transmission shall not be required to transmit identifying call signs when such identification would interrupt the continuity of the message, radiophoto or program that is being transmitted. In any such case, the identifying call sign shall be transmitted immediately following the conclusion of the message, radiophoto or program: *Provided*, That the requirement for transmission of station identification is waived for fixed stations automatically retransmitting by self-actuating means, for fixed stations employing continuous radiation with multichannel transmission and for the exclusive signaling channel used by public ground stations in the Domestic Public Air-Ground Radio Service.

11. Section 21.501(b) is amended by deletion of table footnote 1 and the associated frequencies which are reallocated exclusively to the Domestic Public Air-Ground Radio Service. As amended § 21.501(b) reads as follows:

§ 21.501 Frequencies.

(b) For assignment to stations of communication common carriers engaged also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatch Service):

Base station frequencies (Mc/s)	Mobile and auxiliary test station frequencies (Mc/s)
152.51	157.77
152.54	157.80
152.57	157.83
152.60	157.86
152.63	157.89
152.66	157.92
152.69	157.95
152.72	157.98
152.75	158.01
152.78	158.04
152.81	158.07
454.40	459.40
454.45	459.45
454.50	459.50
454.55	459.55
454.60	459.60
454.65	459.65

12. Section 21.601(a) is amended by deletion of table footnote 3 and the associated frequencies which are reallocated exclusively to the Domestic Public Air-Ground Radio Service. As amended, § 21.601(a) reads as follows:

§ 21.601 Frequencies.

(a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service, and on a secondary basis, to stations in the Rural Radio Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

Central Office and interoffice station frequencies (Mc/s)	Rural subscriber and interoffice station frequencies (Mc/s)
152.03 ²	158.49
152.06 ²	158.52
152.09 ²	158.55
152.12 ²	158.58
152.15 ²	158.61
152.18 ²	158.64
152.21 ²	158.67
152.51 ¹	157.77
152.54 ¹	157.80
152.57 ¹	157.83
152.60 ¹	157.86
152.63 ¹	157.89
152.66 ¹	157.92
152.69 ¹	157.95
152.72 ¹	157.98
152.75 ¹	158.01
152.78 ¹	158.04
152.81 ¹	158.07
454.05 ²	459.05
454.10 ²	459.10
454.15 ²	459.15
454.20 ²	459.20
454.25 ²	459.25
454.30 ²	459.30
454.35 ²	459.35
454.40 ¹	459.40
454.45 ¹	459.45
454.50 ¹	459.50
454.55 ¹	459.55
454.60 ¹	459.60
454.65 ¹	459.65

¹ This frequency is available for assignment only to stations of communication common carriers engaged also in the business of affording public landline message telephone service.

² This frequency is available for assignment only to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service. (NOTE: There is pending, in Docket 13847, a proposal to delete frequencies available for central office and interoffice stations for miscellaneous common carriers and to retain the frequencies for rural subscriber stations as designated by this footnote designator 2.)

PROPOSED RULE MAKING

13. Part 21 is amended by adding a new Subpart K to read as follows:

Subpart K—Domestic Public Air-Ground Radio Service

- Sec.
21.900 Eligibility.
21.901 Frequencies.
21.902 Nationwide plan for assignment of ground station frequencies.
21.903 Power limitations and requirements. [Reserved]
21.904 Modulation requirements. [Reserved]
21.905 Bandwidth and emission limitations. [Reserved]
21.906 Antenna radiation characteristics.
21.907 Signaling system requirements for ground stations. [Reserved]
21.908 [Reserved]
21.909 Permissible communications.
21.910 Responsibility for operational control of aeronautical public service stations.
21.911 Air-ground radiotelephone system frequency plan.

§ 21.900 Eligibility.

(a) Applications for public ground stations and auxiliary test stations to be operated in this service will be accepted from existing and proposed communication common carriers. However, authorizations may be granted only to those applicants who have made a factual showing that definite arrangements have been completed for direct interconnection of the public ground station with the nationwide public message telephone system. Applications will be granted only in cases where it is shown that:

(1) The applicant is legally, financially, technically and otherwise qualified to render the proposed service;

(2) There are frequencies available to enable the applicant to render a satisfactory service; and

(3) The public interest, convenience or necessity would be served by a grant thereof.

(b) Authorizations for aeronautical public service stations will be issued to individual users of the service upon the filing of an appropriate application under the provisions of Part 87 governing aviation services in this chapter.

§ 21.901 Frequencies.

The following channel group center (reference) frequencies are available for assignment in the Domestic Public Air-Ground Radio Service for General Communications in accordance with the nationwide plan set forth in § 21.902, and the system frequency plan shown in § 21.911.

Public ground station center frequencies (Mc/s)	Working channel group designations	Aeronautical public service and auxiliary test station center frequencies (Mc/s)
454.70	A	459.70
454.75	B	459.75
454.80	C	459.80
454.85	D	459.85
454.90	E	459.90
454.95	F	459.95

§ 21.902 Nationwide plan for assignment of ground station frequencies.

(a) Ground stations for use in this service shall be authorized in accordance with the nationwide plan and shall be located within 25 statute miles of the location specified. This distance shall be measured from the intersection of the coordinates shown, or from the main post office where coordinates are not specified.

Location	Channel group
Alabama: Troy	A
Arizona: Grand Canyon	B
Phoenix	D
Arkansas: Little Rock	B
California: E. of Fresno (36°44' N. lat., 119°17' W. long.)	D
NW. of Los Angeles (34°20' N. lat., 118°36' W. long.)	C
Palm Springs (33°55' N. lat., 116°15' W. long.)	E
N. of Redding (40°55' N. lat., 122°27' W. long.)	A
NE. of San Francisco (37°51' N. lat., 22°11' W. long.)	F
NW. of Santa Barbara (34°32' N. lat., 119°58' W. long.)	B
E. of San Diego (32°53' N. lat., 116°25' W. long.)	F
Colorado: Denver	E
Grand Junction	C
Washington, D.C.	F
Florida: Cocoa	B
Miami	E
Tampa	D
Georgia: Atlanta	C
Waycross	F
Hawaii: Hilo (Hawaii)	B
Honolulu (Oahu)	C
Kailua-Kona (Hawaii)	F
Kamuela (Hawaii)	D
Kauai (Mau)	E
Lihue (Kauai)	A
Idaho: Boise	C
Illinois: Alton	D
Chicago	F
Indiana: Vincennes	C
Iowa: Waterloo	B
Kansas: Colby	F
Salina	C
Kentucky: Middlesboro	B
Louisiana: New Orleans	D
Shreveport	A
Maine: Bangor	D
Massachusetts: Boston	C
Michigan: Detroit	E
Minnesota: Minneapolis	C
Mississippi: Jackson	E
Missouri: Kansas City	E

Location	Channel group
Montana: Billings	C
Glendive	D
Great Falls	E
Missoula	A
Nebraska: Alliance	B
North Bend	A
Nevada: Elko	B
Las Vegas	A
NW. of Reno (39°35' N. lat., 119°56' W. long.)	E
New Jersey: Newark	E
New Mexico: Albuquerque	A
Artesia	F
Silver City	E
New York: Elmira	B
SW. of Albany (42°38' N. lat., 73°59' W. long.)	A
North Carolina: Charlotte	E
Rocky Mount	A
North Dakota: Bismarck	F
Fargo	E
Ohio: Dayton	A
Oklahoma: Oklahoma City	D
Oregon: Pendleton	D
Salem	F
Pennsylvania: Pittsburgh	C
Tennessee: Columbia	F
Texas: Amarillo	B
Dallas	C
Harlingen	D
Houston	F
San Antonio	B
Sweetwater	E
Utah: Ogden	D
Richfield	F
Washington: Seattle	E
Spokane	B
West Virginia: Beckley	D
Wisconsin: Wausau	A
Wyoming: Casper	A

§ 21.903 Power limitations and requirements. [Reserved]

§ 21.904 Modulation requirements. [Reserved]

§ 21.905 Bandwidth and emission limitations. [Reserved]

§ 21.906 Antenna radiation characteristics.

Public ground station antenna installations shall be designed for vertical polarization and for uniformly omnidirectional radiation in the horizontal plane.

§ 21.907 Signaling system requirements for public ground stations. [Reserved]

§ 21.908 [Reserved]

§ 21.909 Permissible communications.

(a) Public ground stations are authorized to communicate only with aeronautical public service stations operating on the channels set forth in § 21.901.

(b) Auxiliary test stations in this service shall normally be operated upon aeronautical public service station fre-

quencies only for the purpose of determining the performance of fixed receiving equipment remotely located from the public ground station with which it is associated or where the receiving equipment is located with the public ground station and both are remote from the control point of the station: *Provided, however, That a transmitter used in an auxiliary test station may be used as a standby transmitter upon the frequency of the public ground station with which it is associated whenever such public ground station is out of service for maintenance or repair.*

(c) Unless otherwise prohibited by agreements, laws, rules, regulations, etc. of the foreign country concerned, public ground stations in this service are not prohibited from rendering communication service for hire to stations aboard any aircraft when properly authorized to subscribe to such service.

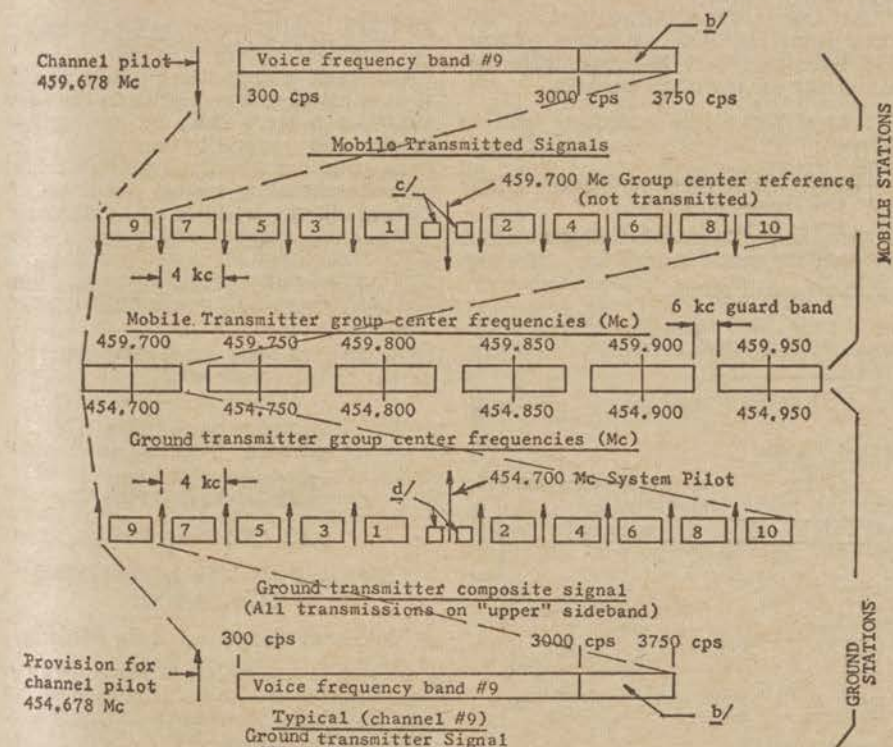
§ 21.910 Responsibility for operational control of aeronautical public service stations.

(a) The licensee of a public ground station in this service shall be responsible for exercising effective operational control over all aeronautical public service stations with which it communicates: *Provided, however, That the person who is responsible for the proper operation of the aircraft and in command thereof shall have absolute authority to summarily terminate any communication in progress or to forbid the use of the aeronautical public service station when, in his judgment, such action is necessary for reasons of safety in operation of the aircraft.*

§ 21.911 Air-ground radiotelephone system frequency plan.

Six groups of Ten (4 kc) channels plus an 11th channel for signaling and Data.

TYPICAL (CHANNEL 9) MOBILE TRANSMITTER SIGNAL *



* Frequency and Level controlled to arrive at ground receiver with a total frequency error of ± 100 cps and an RMS signal level of ± 3 db. The doppler error is measured in the aircraft, is inverted, and used to correct the mobile transmitted frequency as received at the ground station.

^b Provision for "out of voice band" signaling and per-channel control data.

^c Provision for air-to-ground signaling.

^d Provision for ground-to-air signaling.

PART 87—AVIATION SERVICES

§ 87.5 Definition of terms.

Aeronautical public communication service. A communication service carried on from aircraft to land radio stations for the purpose of providing a public communication service for persons aboard aircraft.

1. Section 87.5 is amended by revising the definition *Aeronautical public service station* and *Aeronautical public communication service*, and by adding the following new definitions in alphabetical order.

Aeronautical public service station. A mobile station, aboard an aircraft, operated in the aeronautical public communication service for hire.

Domestic public air-ground radio service. A public mobile two-way radiotelephone service for hire from public ground stations to aeronautical public service stations.

Public ground station. A land station in the domestic public air-ground radio service carrying on a service with aeronautical public service stations.

2. Section 87.65(a) (6) is amended by adding footnote designator 8 to the following entries and by adding footnote 9 to the table.

§ 87.65 Frequency stability.

(a) * * *	
(6) * * *	
Mobile stations: * * *	
Aircraft and all other mobile stations: * * *	0.005

* The tolerance applicable to aeronautical public service stations operating in the band 459.675-460 Mc/s is 0.0005 percent.

3. The table in § 87.67(b) (1) is amended to read as follows:

§ 87.67 Types of emission.

Class of emission	Emission designator	Authorized bandwidth		
		Below 50 Mc/s	Above 50 Mc/s	Frequency deviation
A1	0.1A1	0.25		
A2	2.1A2	2.724		
A3	6A3	8.0	50	
A3A ¹	3A3A ¹	4.0		
A3H ²	3A3H ²	4.0		
A3J ³	3A3J ³	4.0		
A9A ⁴	50A9A ⁴		50	
F1	1.7F1	1.7		
F1	2.4F1	2.5		
F3 ⁵	36F3		40	15
F3 ⁶	16F3		20	5
P	(1)	(1)		

¹ To be specified on authorization.
² Operation with carrier suppressed more than 6 db below peak envelope power (type 3A3A and 3A3J) will be authorized only on a developmental basis except for stations operating in the aeronautical fixed service. 3A3A, 3A3H, and 3A3J emissions will be authorized only below 25,000 kc/s.
³ Applicable to operational fixed stations presently authorized in the band 73.0-74.6 Mc/s.
⁴ Applicable to operational fixed stations in the bands 72.0-73.0 and 75.4-76.0 Mc/s.
⁵ Applicable to aeronautical public service stations in the band 459.675-460 Mc/s.

4. The present text of § 87.235 is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 87.235 Frequencies available.

(b) The channel group center (reference) frequencies shown in column (1)

below are available for assignment to aeronautical public service stations. Transmissions by aircraft stations shall be on a frequency (column 1) corresponding to the public ground station frequency (column 3).

Aeronautical public service center frequencies (Mc/s)	Channel group designations	Public ground station center frequencies (Mc/s)
1	2	3
459.70	A	454.70
459.75	B	454.75
459.80	C	454.80
459.85	D	454.85
459.90	E	454.90
459.95	F	454.95

5. Section 87.237 is amended to read as follows:

§ 87.237 Stations licensed for aeronautical public service.

(a) In the Aviation Services, only those stations licensed for aeronautical public service may carry on public communication service.

(b) Aeronautical public service stations using frequencies in accordance with § 87.235(a) may communicate with coastal and ship stations licensed to carry on public communications service.

(c) Aeronautical public service stations using frequencies in the band

459.675-460 Mc/s are authorized to communicate with and through public ground stations in the domestic public air-ground radio service and foreign public air-ground stations if not prohibited by the country in which the ground station is located.

(d) Aeronautical public service stations are subject to the circuit discipline of the ground stations with which they communicate except as provided in §§ 87.241 and 87.243 of this Part.

6. Section 87.239 is amended to read as follows:

§ 87.239 Scope of service.

(a) All stations licensed in the aeronautical public communication service and equipped for communication with coastal and ship stations shall intercommunicate without discrimination with any other station similarly licensed and equipped, whenever necessary for the handling of traffic.

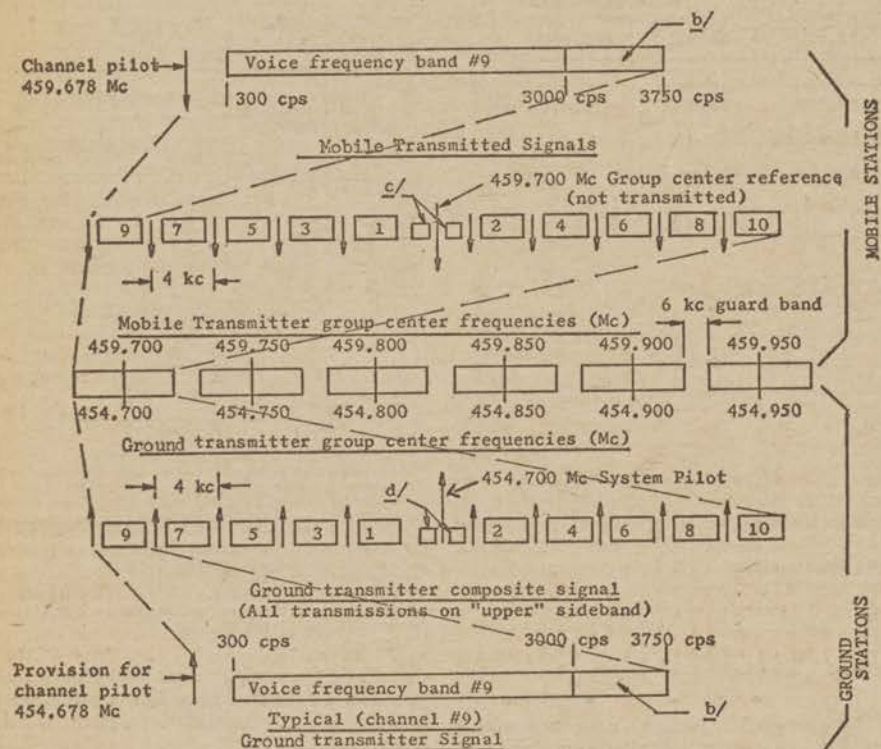
(b) Aeronautical public service stations shall be made available, without discrimination and on reasonable demand, for the use of all persons.

7. New § 87.244 is added to read as follows:

§ 87.244 Air-ground radiotelephone system frequency plan.

Six groups of Ten (4 kc) channels plus an 11th channel for signaling and Data.

TYPICAL (CHANNEL 9) MOBILE TRANSMITTER SIGNAL *



* Frequency and Level controlled to arrive at ground receiver with a total frequency error of ± 100 cps and an RMS signal level of ± 3 db. The doppler error is measured in the aircraft, is inverted, and used to correct the mobile transmitted frequency as received at the ground station.

^b Provision for "out of voice band" signaling and per-channel control data.

^c Provision for air-to-ground signaling.

^d Provision for ground-to-air signaling.

8. New § 87.245 is added to read as follows:

§ 87.245 Antenna radiation characteristics.

The antenna of an aeronautical public service station operating in the band 459.675-460 Mc/s shall be designed for vertical polarization.

9. New § 87.247 is added to read as follows:

§ 87.247 Ambient noise.

Each aeronautical public service station utilizing frequencies in the band 459.675-460 Mc/s shall use suitable means to prevent impairment of transmission by the ambient noise present when the aircraft is in flight. A noise-canceling type of microphone, or suitable environmental acoustic treatment shall be used.

10. New § 87.249 is added to read as follows:

§ 87.249 Aeronautical public service station receiver requirements.

(a) Each aeronautical public service station utilizing frequencies in the band 459.675-460 Mc/s shall be equipped to receive and respond to its assigned telephone number when transmitted by the selective signaling system prescribed by Subpart K of Part 21 of this chapter.

(b) Each aeronautical public service station shall employ a receiver designed to automatically revert to the signaling channel frequency upon completion of a call.

[F.R. Doc. 66-5729; Filed, May 27, 1966; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946-16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, 14095, 14850, 14850-14851, and 31 F.R. 2815, 4954, and 4954-4955, by amending sec. 107.802. Prior to final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington, D.C., 20416, within a period of thirty (30) days of the date of this notice in the FEDERAL REGISTER.

Information. The proposed amendment would provide notice of the revision

of the Financial Report, SBA Form 468, and the Instructions for Preparation of the Financial Report (SBA Form 468) to: (1) Simplify the financial reporting requirements for all Licensees; (2) tailor the financial reporting requirements to the different categories of Licensees, based on their situations as borrowers or nonborrowers from SBA and as registered or nonregistered companies under the Investment Company Act of 1940; and (3) provide reporting forms compatible with the revised System of Account Classifications for Small Business Investment Companies (Revision 2, Part 111 of the Regulations) which became effective April 1, 1966.

The three-part form comprising the proposed revised Financial Report, SBA Form 468 (9-66), has been designed so that each part will meet specific needs. Part I will supply the basic financial information essential to the administration of the small business investment company program and the requirements of the industry, the Congress, and the public for statistical information on the program. Part II will provide the data necessary to the Securities and Exchange Commission in carrying out its responsibilities with respect to 1940 Act companies, as such companies are defined in section 107.12 of the SBA Regulations. Part III will furnish information on portfolio securities to assist SBA in the review of loan applications under section 302 and section 303 of the Small Business Investment Act of 1958, as amended, and in the administration of outstanding loans.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By deleting paragraphs (d) and (e) of § 107.802 in their entirety and substituting in lieu thereof new paragraphs (d) and (e). As amended paragraphs (d) and (e) of § 107.802 will read as follows:

§ 107.802 Reports.

(d) *Forms for financial reports.* The financial reports required by this section to be submitted to SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468 (9-66), which is designed for submission in part or in its entirety. Part I requires statement of financial condition, statement of statutory capital and surplus, statement of realized gain or loss on investments, statement of income and expense, and supporting schedules 1 through 6; Part II requires supporting schedules 7 through 13; and Part III requires supporting schedules 14 and 15.

(1) The determination as to what part or parts of the report shall be filed by a particular Licensee for a particular reporting period is based on the classification of the Licensee with regard to the following categories:

(i) *Borrowing Companies*—Licensees which are or become indebted to SBA on account of section 302 or section 303

funds (including SBA guarantees or commitments with respect thereto).

(ii) *1940 Act Companies*—Licensees which are registered investment companies subject to the regulatory jurisdiction of the Securities and Exchange Commission under the Investment Company Act of 1940.

(2) With respect to the regular reporting periods ending September 30 and March 31, Licensees shall file the various parts of the Financial Report, SBA Form 468, as follows:

(i) All nonborrowing, non-1940 Act companies file only Part I with SBA as of September 30 and March 31.

(ii) All nonborrowing, 1940 Act companies file only Part I with SBA as of September 30 and only Parts I and II with both SBA and SEC as of March 31.

(iii) All borrowing, non-1940 Act companies file only Parts I and III with SBA as of September 30 and March 31.

(iv) All borrowing, 1940 Act companies file only Parts I and III with SBA as of September 30; file Parts I, II, and III with SBA as of March 31; and file only Parts I and II with SEC as of March 31.

(3) With respect to interim financial reports, SBA may specifically require any or all Licensees to file with SBA any part or parts of the Financial Report, SBA Form 468, for any period of 1 month or more.

(4) The Financial Report, SBA Form 468, shall be submitted in triplicate to the Investment Division, Small Business Administration, Washington, D.C., 20416, on or before the last day of the month immediately following the close of the period covered by the report (in the case of an unaudited report), and on or before the last day of the third month following the close of the period covered by the report (in the case of an audited report).

(5) Licensees which are 1940 Act companies should refer to the rules promulgated by the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C., 20549, for the official requirements as to financial reports to be filed with SEC and the time allowed for filing.

(6) When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a combination of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules may be expressed in even dollars, at the option of the Licensee. If the financial data are expressed in even dollars, appropriate adjustments of individual amounts shall be made for the fractional part of a dollar so that the items will add to the totals shown. The Financial Report prepared by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the detailed instructions accompanying SBA Form 468.

(e) *Verification of reports.* The verification of the Financial Report, SBA Form 468, shall bear the signature of the chief financial officer of the Licensee, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. A Licensee filing with SBA only Part I of the Financial Report shall execute the verification provided in Part I. A Licensee filing with SBA both Part I and Part II shall execute the verification provided in Part II and need not execute that contained in Part I. A Licensee filing with SBA Parts I, II, and III shall execute the verification provided in Part III and need not execute that contained in either Part I or Part II. A secretarial officer of the Licensee shall attest by signature to the fact that the minutes of a meeting of the Licensee's board of directors show that the relevant part or parts of the Financial Report, SBA Form 468, have been reviewed and approved by the board of directors. The date on which each signature is affixed shall be shown. All three copies of the Financial Report to be furnished to SBA shall bear the original signatures of the verifying officers in ink.

2. By deleting the Financial Report, SBA Form 468 (3-65), and Instructions for Preparation of the Financial Report (SBA Form 468) (3-65) referred to in paragraphs (g) and (h) of § 107.802, and substituting therefor amended Financial Report, SBA Form 468 (9-66), and Instructions for Preparation of the Financial Report (SBA Form 468) (9-66). Said amended Financial Report, SBA Form 468 (9-66), and Instructions for Preparation of the Financial Report (SBA Form 468) (9-66) will henceforth constitute the documents referred to in paragraphs (g) and (h) of § 107.802. Said amended Financial Report and Instructions for Preparation thereof have been filed with the Office of the Federal Register as part of this document. Copies thereof may be obtained from the sources listed in paragraph (g) of § 107.802.

Dated: April 23, 1966.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 66-5885; Filed, May 27, 1966;
8:45 a.m.]

[13 CFR Part 107]

**SMALL BUSINESS INVESTMENT
COMPANIES**

**Notice Withdrawing Proposed
Regulation**

On November 2, 1965, notice of proposed rule-making was published in the FEDERAL REGISTER concerning the record-keeping requirements applicable to Licensees under § 107.802 of the SBIC Regulation (30 F.R. 13872). The proposal would have added the requirement that every Licensee obtain and keep on file periodic financial reports from each portfolio concern (a) as a condition of all financing agreements consummated

PROPOSED RULE MAKING

after the effective date of the proposed amendment and, wherever possible, (b) through voluntary cooperation with respect to financing agreements previously made with any such concern.

Notice is hereby given that the Administration, after considering the comments and suggestions received, has determined not to adopt the proposed amendment at this time. Accordingly, it may be considered withdrawn.

Dated: May 19, 1966.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 66-5889; Filed, May 27, 1966;
8:46 a.m.]

Notices

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 90-A]

NATIONAL BUREAU OF STANDARDS

Delegation of Authority and Functions

The following order was issued by the Secretary of Commerce on May 12, 1966. This material supersedes the material appearing at 29 F.R. 3829-3830 of March 27, 1964 and 30 F.R. 5802 of April 24, 1965.

SECTION 1. Purpose. The purpose of this order is to delegate authority to the Director and to describe the general functions of the National Bureau of Standards.

SEC. 2. General. .01 The National Bureau of Standards, established by Act of March 3, 1901 (31 Stat. 1449; 15 U.S.C. 271) is hereby continued as a primary operating unit of the Department of Commerce. The Bureau may also be identified additionally as the Institutes for Science and Technology. The Bureau is headed by a Director appointed by the President with the advice and consent of the Senate.

.02 The Director, National Bureau of Standards, is assisted by a Deputy Director who shall be the principal assistant to the Director and shall perform the functions of the Director during the latter's absence.

SEC. 3. Delegation of authority. .01 Pursuant to the authority vested in the Secretary of Commerce by law (including Reorganization Plan No. 5 of 1950), and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Science and Technology may prescribe, the Director is hereby delegated the authority to perform the functions vested in the Secretary of Commerce under:

a. Title 15, Chapter 6 U.S. Code (Weights and Measures and Standard Time);

b. Title 15, Chapter 7 U.S. Code (The Bureau of Standards);

c. 15 U.S.C. 1193 (Flammable Fabrics);

d. 15 U.S.C. 1213 (Household Refrigerators);

e. 15 U.S.C. 1301-1303 (Brake Fluid Standards);

f. 15 U.S.C. 1321 (Seat Belt Standards);

g. Title 15, Chapter 23 U.S. Code (Dissemination of Technical, Scientific and Engineering Information);

h. Section 111(f) of Public Law 89-366 (79 Stat. 1128), relating to scientific and technological advisory services except that recommendations to the President relating to the establishment of uniform Federal automatic data processing standards will be submitted by the Secretary of Commerce.

i. Part VI of Reorganization Plan No. 3 of 1946 (certain functions under the National Bureau of Standards) see text under 5 U.S.C. 133y-16; and

j. Any other existing or subsequent legislation with respect to engineering, mathematics and physical science activities within the special competence of the National Bureau of Standards.

.02 The Director of the National Bureau of Standards may redelegate his authority to appropriate officials of the National Bureau of Standards subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. General functions. The National Bureau of Standards shall perform the following functions: (a) Develop and maintain the national standards of measurement, and the provisions of means for making measurements consistent with those standards; (b) determine physical constants and properties of materials; (c) develop methods for testing materials, mechanisms, and structures, and make such tests as may be necessary, particularly for Government agencies; (d) cooperate in the establishment of standard practices for incorporation in codes and specifications; (e) provide advisory service to Government agencies on scientific and technical problems; (f) invent and develop devices to serve special needs of the Government; (g) assist industry, business and consumers in the development and acceptance of commercial standards and simplified trade practice recommendations; (h) conduct programs, in cooperation with U.S. business groups and standards organizations, for the development of international standards of practice; (i) conduct a program of textile research; (j) maintain a clearinghouse for the collection and dissemination of scientific, technical, and engineering information; and (k) conduct research and provide technical services designed to improve cost effectiveness in the conduct of agency program through use of computers and related techniques.

SEC. 5. Savings provision. All rules, regulations, orders, certificates, and delegations of authority issued by or relating to the National Bureau of Standards or the Office of Technical Services or any official thereof shall remain in effect until specifically revoked or amended by proper authority.

Effective date. May 12, 1966.

DAVID R. BALDWIN,
Assistant Secretary of Commerce.

[F.R. Doc. 66-5878; Filed, May 27, 1966;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
AMERICAN CYANAMID CO.

Notice of Withdrawal of Petition for Food Additive Sulfaethoxyypyridazine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Cyanamid Co., Post Office Box 400, Princeton, N.J., 08540, has withdrawn its petition (FAP 6D1832), published in the FEDERAL REGISTER of October 14, 1965 (31 F.R. 13103), proposing the issuance of a regulation to provide for the safe use of sulfaethoxyypyridazine in the feed and drinking water of chickens for the treatment of certain specified conditions.

The withdrawal of this petition is without prejudice to a future filing.

Dated: May 23, 1966.

J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 66-5895; Filed, May 27, 1966;
8:46 a.m.]

PITTSBURGH PLATE GLASS CO., CHEMICAL DIVISION

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 6A2013) has been filed by Pittsburgh Plate Glass Co., Chemical Division, Post Office Box 31, Barberton, Ohio, 44203, proposing the issuance of a regulation to provide for the safe use of sodium mono- and dimethyl naphthalene sulfonates (mol. wt. 245-260) at a level not to exceed 250 parts per million in the crystallization of sodium carbonate intended for use in potable water systems to reduce hardness and aid in sedimentation and coagulation.

Dated: May 23, 1966.

J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 66-5896; Filed, May 27, 1966;
8:46 a.m.]

[Docket No. FDC-D-93; NDA No. 8-564]

PHARMACHEM CORP.

Dextran Injection 6% in Plastic Containers; Order Refusing Approval of Supplemental New-Drug Application

On April 23, 1966, a notice of opportunity for hearing was issued notifying Pharmachem Corp., Bethlehem, Pa., that the Commissioner of Food and Drugs proposed to issue an order refusing approval of supplemental new-drug application No. 8-564, dated August 17, 1961, and subsequent amendments to the supplement, providing for Dextran Injection 6 percent to be packaged in plastic containers, with prejudice to future

use of the supplement by the applicant, on the grounds that: The application does not include adequate tests by all methods reasonably applicable to show whether or not the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling; the results of the tests performed do not show that the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling; the information submitted as part of the supplemental application is insufficient to determine whether the drug is safe for use when the Dextran Injection 6 percent has been stored in the proposed container; the supplemental application fails to describe fully the methods, facilities, and controls to be used in fabricating the plastic containers, and adequate data are not provided to establish the stability of the solution in the proposed containers.

The notice of opportunity was sent by certified mail and received by the Pharmachem Corp. on April 22, 1966. It was published in the *FEDERAL REGISTER* on April 23, 1966 (31 F.R. 6281).

On May 16, 1966, the Pharmachem Corp. entered its appearance and elected not to avail itself of the opportunity for hearing, requesting that the Commissioner immediately issue a final order refusing approval of the supplemental new-drug application No. 8-564.

The Commissioner of Food and Drugs by virtue of the authority vested in the Secretary of the Department of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(d), 52 Stat. 1052, as amended; 21 U.S.C. 355(d)) and delegated to the Commissioner by the Secretary (21 CFR 2.120; 31 F.R. 3008), finds that, in the matter of supplemental new-drug application No. 8-564:

1. The reports of investigations do not include adequate tests by all methods reasonably applicable to show whether or not the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling.

2. The results of the tests performed do not show that the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling.

3. On the basis of the information submitted to the Food and Drug Administration as part of the subject supplemental application there is insufficient information to determine whether the drug is safe for use when the Dextran Injection 6 percent has been stored in a container manufactured and labeled as proposed in the supplement.

4. The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug are inadequate to preserve its identity, strength, quality, and purity, in that the supplemental application fails to describe fully the methods, facilities, and controls to be used in fabricating the plastic containers, and adequate data are not provided to establish the stability of the solution in the proposed containers.

Therefore, on the basis of the foregoing findings of fact, and at the request

of the applicant, the approval of supplemental new-drug application No. 8-564 is hereby refused, with prejudice to future referral by the applicant to said supplemental application.

Dated: May 26, 1966.

JAMES L. GODDARD, M.D.,
Commissioner of Food and Drugs.

[F.R. Doc. 66-5969; Filed, May 27, 1966;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17352; Order E-23736]

AIR CARRIER DISCUSSIONS

Order Authorizing Discussions Concerning Joint Trunkline "Visit U.S.A." Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1966.

By letter of April 22, 1966, to the domestic trunkline carriers,¹ the Board requested their consideration of the possibility that individual "Visit U.S.A." fares might be modified to apply jointly over the lines of the trunk carriers. The purpose of this modification would be to stimulate travel to and within the United States and to reduce the international travel deficit.

In response, it was observed that some carriers have established, or will in the near future establish joint "Visit U.S.A." fares. Most of the responses indicated that the carriers were favorably disposed to such joint fares, although concern was expressed that such fares would have an adverse impact upon yields. The carriers further indicated their concern with various problems in implementing such a program such as the level of fares to be charged, the geographic coverage to be offered, the duration of ticket validity, the disbursement of revenues among participating carriers, and other matters. Two of the carriers suggested that the Board authorize discussions of these problems and several of the carriers have indicated the desirability of such meetings or their willingness to participate in discussions of this matter.

The Board has concluded that the trunkline carriers should be authorized to discuss joint "Visit U.S.A." tariffs in view of the problems involved in an intercarrier program of this type. In our view such discussions are necessary due to the variations in the current tariffs of the individual carriers and the need to resolve these differences as well as to arrive at solutions to many of the substantive and technical problems which would be involved in such an expansion of individual carrier "Visit U.S.A." tariffs. We believe that the availability of a "Visit U.S.A." tariff on a joint trunkline carrier basis would enhance the salability of these fares to visitors from other countries and effect

an improvement in the travel imbalance and the balance of payments problem.

In addition to "Visit U.S.A." fares, one carrier has urged that "Discover America" excursion fares should also be made available on a joint trunkline basis. The Board would favor this action since it should add to the attractiveness of these excursion fares, promote domestic travel by U.S. citizens, and improve the balance of payments situation. Since the ends to be achieved are similar, the Board has concluded that it would be in the public interest to authorize the carriers to consider joint "Discover America" fares in connection with the discussions of "Visit U.S.A." fares authorized herein. However, if the carriers should enter discussions on the establishment of joint "Discover America" fares the Board would not contemplate that any agreement would be reached providing tariffs less favorable to the public than those now available under the carriers' individual "Discover America" tariffs.

We recognize that this authorization of discussions of rates and matters affecting rates by carriers engaged in interstate and overseas air transportation is at variance with our customary practice. However, the situation here is novel and the purpose is of such significance that we have concluded these discussions are in the public interest. Furthermore, we will condition our approval of these discussions to require that members of the Board's staff shall be present at each meeting and to require that any intercarrier agreement which may result shall be filed and approved by the Board under section 412 of the Act before it may be placed into effect.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 412, and 414 thereof: *It is ordered:*

1. That all trunkline air carriers, as identified in paragraph 4 below, may engage in discussions for a period of 90 days commencing from the date of this order to consider problems involved in establishing joint trunkline "Visit U.S.A." fares and "Discover America" fares;

2. That representatives of the Civil Aeronautics Board shall be notified at least 48 hours in advance and shall be present at all discussions authorized herein.

3. That any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Act and approved by the Board prior to being placed into effect.

4. Copies of this order shall be served on:

American Airlines, Inc.
Braniff Airways, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
National Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Western Air Lines, Inc.

¹ Not including Pan American World Airways, Inc.

This order shall be published in the
FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-5899; Filed, May 27, 1966;
8:47 a.m.]

[Docket No. 16367]

EASTERN-MACKEY MERGER CASE

Notice of Change of Oral Argument Date

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter now assigned to be held on June 8 is reassigned for June 7, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 25, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-5900; Filed, May 27, 1966;
8:47 a.m.]

[Docket No. 15353; Order E-23734]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1966.

Agreements adopted by Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association relating to fare matters; Docket 15353, Agreement C.A.B. 18841, Agreement C.A.B. 18860.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated C.A.B. Agreement numbers.

The agreements (1) amend the provisions of the transatlantic tour-basing fares to clarify that the tour package shall include sleeping accommodations for the total duration of the round or circle trip, and (2) readopt round-trip economy-class excursion fares as presently offered between the West Coast/Honolulu and Bora Bora/Papeete. The latter fares are amended to permit the application of the children's discount.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions to be adverse to the public interest or in violation of the Act.

C.A.B. agreement No. IATA resolution

C.A.B. 18841----- JT12 (mail 451) 084y
JT123 (Mail 451) 084y
C.A.B. 18860----- JT31 (Mail 119) 080p

Accordingly, it is ordered, That:
Agreements C.A.B. 18841 and 18860 be approved.

Any air carrier party to the agreements, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the
FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-5901; Filed, May 27, 1966;
8:47 a.m.]

[Docket No. 17347, etc.; Order E-23722]

FRONTIER AIRLINES, INC., AND WESTERN AIRLINES, INC.

Order Granting Motions for Expedited Hearing and Instituting Investiga- tion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of May 1966.

Service to West Yellowstone, Mont., Docket 17347: Application of Frontier Airlines, Inc., Docket 14085, for amendment of its certificate of public convenience and necessity for Route 73 to authorize service to West Yellowstone, Mont.; and application of Western Airlines, Inc., Docket 16347, to add West Yellowstone, Mont., as an intermediate point on Route 28.

Both Frontier Airlines, Inc. (Frontier) and Western Air Lines, Inc. (Western) have on file applications which propose new, or improved, air service for West Yellowstone, Mont. Frontier's amended application in Docket 14085 proposes to extend segment 4(b) of Route 73 beyond the terminal point Jackson, Wyo., to the terminal point Billings, Mont., via the intermediate point West Yellowstone, Mont. Western's application in Docket 16347 requests an amendment of its certificate for Route 28 to add West Yellowstone as an intermediate point between Denver, Colo., and Great Falls, Mont.¹

The Montana Aeronautics Commission, the city of Billings and the Billings Chamber of Commerce have filed motions requesting consolidation of both carrier applications for expedited consideration. We will grant the motions for expedited consideration because the matters raised by the respective motions, when con-

¹ West Yellowstone now receives seasonal air service from Western as an intermediate point on Route 19.

sidered along with other relevant factors, persuade us that an investigation into the service requirements of West Yellowstone will be in the public interest.

Because of airport inadequacy Western did not serve West Yellowstone from 1948 until 1965, but reinstituted air service on June 12, 1965. After only a brief resumption of service on its Route 19 between Great Falls and Salt Lake City, Western reported 3,825 passenger originations at West Yellowstone during the 3d quarter of 1965. For this same period Frontier reported 8,047 passenger originations at Jackson, Wyo., which is considered a gateway to Yellowstone National Park as well as to Grand Teton Park.² This impressive traffic response to Yellowstone Park air service indicates that the time is ripe for full consideration of the service needs of West Yellowstone and Yellowstone National Park.³

Prompt consideration of the Frontier and Western applications consolidated herein will provide the Board with the opportunity to evaluate the air transportation requirements of West Yellowstone and determine which service proposal will be most responsive to the needs of the public. We will expect both Western and Frontier to have available for the record actual traffic data for the 1966 tourist season which will be helpful in resolving not only the question of which service pattern is best suited for the community, but which carrier, or carriers, should be authorized to provide service at West Yellowstone.

Accordingly, we will institute an investigation herein to determine the air transportation requirements of West Yellowstone. This investigation will be limited to the service issues raised by the applications of Frontier and Western in Dockets 14085 and 16347, respectively; whether any authorization for Frontier to serve West Yellowstone should be without subsidy eligibility; and finally, whether West Yellowstone should receive seasonal or year-round air service. We will not consider in this investigation any applications for new, or improved, route authority other than the applications of Frontier and Western in Dockets 14085 and 16347 which will be consolidated herein or any service issues which will expand the issues of this proceeding beyond the scope defined in and limited by this order. Finally, we intend for this investigation to proceed so that the results of the 1966 tourist season will be available for final determination of the

² West Yellowstone is adjacent to the west entrance of Yellowstone National Park and Jackson is 45 miles south of the Park's south entrance.

³ When it opposed Frontier's application for a temporary exemption to provide a seasonal service at West Yellowstone, Western stated that it would first study the traffic response at West Yellowstone after air service was reactivated to determine if direct air service to West Yellowstone from Denver and Billings was required before it filed an application for authority to provide such service which, of course, would be directly competitive with Frontier's proposed service for West Yellowstone. Frontier's application for an exemption was denied. See Order E-22265, June 3, 1965.

need for any additional air service before the commencement of the 1967 tourist season.

Accordingly, it is ordered:

1. That an investigation designated as the West Yellowstone, Montana, Service Investigation be and hereby is instituted in Docket 17347 to determine whether the public convenience and necessity require:

(a) The amendment, or modification, of Frontier's certificate for Route 73 to add West Yellowstone, Montana, to segment 4(b) as an intermediate point between Jackson, Wyo., and Billings, Mont., for seasonal or year-round air service, and, if so, what terms, conditions and limitations should attach to such authorization; and

(b) The amendment, or modification, of Western's certificate for Route 28 to add West Yellowstone, Mont., as an intermediate point between Denver, Colo., and Great Falls, Mont., for seasonal or year-round air service and, if so, what terms, conditions and limitations should attach to such authorization;

2. That Frontier's application in Docket 14085 and Western's application in Docket 16347 be and hereby are consolidated into Docket 17347 for contemporaneous consideration and decision;

3. That the motions of the Montana Aeronautics Commission, the city of Billings, Mont., and the Billings Chamber of Commerce be and hereby are granted;

4. That this proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter to be designated;

5. That a copy of this order be served on Frontier Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this investigation; and

6. That a copy of this order be served on the Montana Aeronautics Commission; the Wyoming Aeronautics Commission; the city of Billings, Mont., and the Billings Chamber of Commerce; the city and county of Denver and the Denver Chamber of Commerce; and the West Yellowstone, Mont., Chamber of Commerce.

This order will be published in the *FEDERAL REGISTER*.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-5902; Filed, May 27, 1966;
8:47 a.m.]

[Docket No. 16242]

TRANSPACIFIC ROUTE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding originally scheduled for March 29, 1966, is reassigned to be held on June 15, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Con-

necticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

The scope of this proceeding has now been determined by Board Order E-23740. Parties may desire to supplement the proposed statements of issues, proposed stipulations, requests for information, statements of positions, and proposed procedural dates submitted previously. Such statements should be submitted to the Examiner and served on other parties within the period established by Order E-23740 for the filing of amended applications conforming to the scope of the proceeding, i.e., within 10 days after the date of service of said order.

Dated at Washington, D.C., May 25, 1966.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 66-5903; Filed, May 27, 1966;
8:47 a.m.]

[Docket No. 15574]

UNITED-PACIFIC TRANSFER CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 29, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 24, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-5904; Filed, May 27, 1966;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16565-16571; FCC 66M-719]

AMERICAN TELEPHONE & TELEGRAPH CO. AND UNITED TELEPHONE CO.

Order Continuing Hearing

In re applications of American Telephone & Telegraph Co., for a construction permit to add new facilities to Station KQF58 in the Domestic Public Point-to-Point Microwave Radio Service at West Unity, Ohio, Docket No. 16565, File No. 114-C1-P-66, and for construction permits to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Bluffton, Ohio, Docket No. 16566, File No. 122-C1-P-66, and at Ayersville, Ohio, Docket No. 16567, File No. 123-C1-P-66; and The United Telephone Co., for construction permits to add new facilities to Station KQ171 in the Domestic Public Point-to-Point Microwave Radio Service at West Unity, Ohio, Docket No. 16568, File No. 3292-C1-P-66, to Station KQ172 in the Domestic Public Point-to-Point Micro-

wave Radio Service at Napoleon, Ohio, Docket No. 16569, File No. 3293-C1-P-66, and to Station KQ173 in the Domestic Public Point-to-Point Microwave Radio Service at Ottawa, Ohio, Docket No. 16570, File No. 3294-C1-P-66, and for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Bluffton, Ohio, Docket No. 16571, File No. 3295-C1-P-66.

The Hearing Examiner having under consideration a motion filed on May 19, 1966, by counsel for American Telephone & Telegraph Co. requesting continuance of hearing in the above-styled proceeding now scheduled to commence on May 25, 1966; and

It appearing that the request is made on behalf of all parties to the proceeding; and

It further appearing that counsel for applicant American Telephone & Telegraph Co. and for applicant United Telephone Co. are working with counsel and representatives of the Common Carrier Bureau in an effort to arrive at a stipulation in this proceeding which efforts may obviate the need for further hearings, or at least reduce the time required for hearings and that to accomplish this counsel for all parties agree that additional time is required:

It is therefore ordered, This 23d day of May 1966, that the motion is hereby granted and the hearing now scheduled for May 25, 1966, be and the same is hereby continued to June 22, 1966, at 10 a.m., in the offices of the Commission in Washington, D.C.

Released: May 24, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5918; Filed, May 27, 1966;
8:49 a.m.]

[Docket Nos. 16465, 16466; FCC 66M-722]

BROWN BROADCASTING CO., INC., AND DIXIE BROADCASTING CORP.

Order Continuing Prehearing Conference

In re applications of Brown Broadcasting Co., Inc., Jacksonville, N.C., Docket No. 16465, File No. BP-16700; Dixie Broadcasting Corp., Aurora, N.C., Docket No. 16466, File No. BP-17036; for construction permits.

In view of the pendency of various pleadings herein (petitions seeking enlargement of issues): *It is ordered,* This 24th day of May 1966, on the Hearing Examiner's own motion, that the further prehearing conference herein presently scheduled for 9 a.m., May 26, 1966, is continued to 10 a.m., June 3, 1966, at the Commission's offices, Washington, D.C.

Released: May 24, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5919; Filed, May 27, 1966;
8:49 a.m.]

[Docket Nos. 16450, 16451; FCC 66M-726]

**CORINTH BROADCASTING CO., INC.,
AND PROGRESSIVE BROADCAST-
ING CO.**

Order Continuing Hearing

In re applications of the Corinth Broadcasting Co., Inc., Corinth, Miss., Docket No. 16450, File No. BPH-4714; Frank F. Hinton and James D. Anderson, doing business as the Progressive Broadcasting Co., Corinth, Miss., Docket No. 16451, File No. BPH-5015; for construction permits.

The Hearing Examiner having under consideration petition filed this date by counsel for the Corinth Broadcasting Co., Inc., requesting that the date for the exchange of exhibits and the hearing date hereinbefore established be continued without date;

It appearing, that the Progressive Broadcasting Co., the other applicant herein who joins with Corinth in this request, has entered into an agreement which petitioner pleads will be filed for approval with the Review Board on or about May 24, 1966;

It further appearing, that petitioner pleads that in the event of the approval of said agreement, the execution thereof will obviate the necessity for an evidentiary hearing;

It further appearing, that good cause exists why said petition should be granted, and there is no opposition thereto;

Accordingly, it is ordered, This 23d day of May 1966, that the petition is granted and that the exchange of exhibits to be accomplished on this date shall be extended without date: And, it is further ordered, That the hearing now scheduled for June 7, 1966, be and the same is continued without date.

Released: May 25, 1966.

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

[F.R. Doc. 66-5920; Filed, May 27, 1966;
8:49 a.m.]

[Docket Nos. 16509-16519; FCC 66M-723]

**MICROWAVE COMMUNICATIONS,
INC., ET AL.**

Order Continuing Hearing

In re applications of Microwave Communications, Inc., et al., Docket No. 16509, File No. 4615-C1-P-64; for construction permits to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Chicago, Ill., St. Louis, Mo., and intermediate points, Docket Nos. 16510, 16511, 16512, 16513, 16514, 16515, 16516, 16517, 16518, 16519.

To permit action by the Commission on applicant's petition for reconsideration and the possible setting of a procedural schedule: It is ordered, This 24th day of May 1966, that the hearing is

further continued from June 1 to July 11, 1966.¹

Released: May 24, 1966.

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

[F.R. Doc. 66-5921; Filed, May 27, 1966;
8:49 a.m.]

[Docket No. 14855; FCC 66M-721]

**NORTHERN INDIANA BROAD-
CASTERS, INC.**

**Order Scheduling Prehearing
Conference**

In re application of Northern Indiana Broadcasters, Inc., Mishawaka, Ind., Docket No. 14855, File No. BP-14771; for construction permit:

It is ordered, This 24th day of May 1966, that a prehearing conference will be held at 9 a.m., June 1, 1966, at the offices of the Commission, Washington, D.C., to discuss ways and means of proceeding to hearing on the issues specified in a memorandum opinion and order issued by the Review Board on March 11, 1966 (FCC 66R-92).

Released: May 24, 1966.

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

[F.R. Doc. 66-5922; Filed, May 27, 1966;
8:49 a.m.]

[Docket No. 15871; FCC 66M-724]

SOUTHINGTON BROADCASTERS

Notice Regarding Application

In re application of Fitzgerald C. Smith, trading as Southington Broadcasters, Southington, Conn., Docket No. 15871, File No. BP-16405; for construction permit.

The Examiner has under consideration the docket in this case and its several ramifications. On March 10, 1966, the Commission's Review Board issued a memorandum opinion and order remanding the captioned matter for further hearing on a new set of issues

designed to implement a policy statement issued by the Commission on December 27, 1965 (Policy Statement, 6 R.R. 2d 1901). Applicant's petition before the Commission attacks both the Review Board's order of remand and the policy statement upon which it relies. In his petition to the Commission, applicant mentions that he has also filed a petition for review of the policy statement before the U.S. Court of Appeals.

As previously suggested, the case captioned above has many permutations. Applicant has already once been through hearing in this case. He is currently involved in two other proceedings. Decision reached there or even facts developed there could have material bearing here. It is conceivable that issues might again have to be added to this proceeding.

Considering the possibility that additional issues may have to be added, the fact that both the Review Board's order of remand and the Commission's policy statement upon which it relies are both under attack, and the Examiner's own schedule of matters that take precedence over this one, it seems doubtful if any useful purpose would be served by embarking on prehearing procedures again at this time. The Examiner is, therefore, disposed to withhold ordering a further prehearing conference. It would appear to him that after some forthcoming events have transpired will be time enough to plan for hearing, if in fact one is to be held. The Examiner is not, however, adamant in this position. Should the parties wish to object, they may do so either by appropriate pleading or request for conference.

Let it be made clear, of course, that the Examiner under present plan would, on his own motion, promptly schedule prehearing conference upon reasonable assurance that: (1) Hearing now scheduled need be held; (2) that the issues now specified are all that need be tried.

Dated: May 24, 1966.

Released: May 24, 1966.

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

[F.R. Doc. 66-5924; Filed, May 27, 1966;
8:49 a.m.]

MEXICAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Correction in Assignments

MAY 20, 1966.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and correction in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 4721-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

¹ Counsel are notified that it may not be possible to set up a practicable schedule before hearing, and that the hearing may have to be continued again. If an August hearing recess is announced, the postponement would be to a date not earlier than September.

MEXICAN CHANGE LIST¹

Call letters	Location	Power kw	Antenna	Sched- ule	Class	Expected date of commencement of operation
XEVV (PO: 1400 kc/s).	Chiapa del Corzo, Chiapas.	980 kilocycles 5kw D/0.25kw N	ND	U	III-D IV-N	

¹ FCC NOTE: By telegram dated Feb. 19, 1966, the Mexican Administration advises that the above assignment is to be included in the next Mexican Change List.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5923; Filed, May 27, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

J. D. SMITH INTER-OCEAN, INC., ET AL

Notice of Agreements Filed for
Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

J. D. Smith Inter-Ocean, Inc., New York, N.Y., and W. G. Carroll & Co., Inc., Atlanta, Ga. FF-3007
General Foreign Freight Forwarders, Norfolk, Va., and International Traffic & Trade Specialists, New York, N.Y. FF-3010
Chas. Kurz Co., Philadelphia, Pa., and Wehrli Shipping Co., New York, N.Y. FF-3011
Brito Forwarding Co., Brownsville, Tex., and J. B. Wood Shipping Co., Inc., New York, N.Y. FF-3012

Franklin G. Reitz, Milwaukee, Wis., and Frederic Henjes, Jr., Inc., New York, N.Y. FF-3013
John S. Connor, Inc., Baltimore, Md., and Wehrli Shipping Co., New York, N.Y. FF-3014
Koeller-Strauss Co., St. Louis, Mo., and D. C. Andrews & Co., Inc., New York, N.Y. (Branches) FF-3015
Seaport Shipping Co. (Seattle), Seattle, Wash., and Severin Goldstein, Los Angeles, Calif. FF-3016

Agreement No. FF-3008 between Alonso Shipping Co., New Orleans, La., and Spartan Overseas Shipping Corp. is a cooperative working arrangement whereunder forwarding and service fees are to be as follows: \$7.50 per shipment. Ocean freight brokerage is to be divided equally on a 50/50 basis between both parties. This division of brokerage will be restricted to those shipments handled on behalf of each other.

Agreement No. FF-3009 between Acco Foreign Shipping, Inc., Miami, Fla., and Seabird Forwarders, Inc., New York, N.Y., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage to be collected in full by initiating forwarder. This brokerage will be restricted to those shipments handled on behalf of each other.

Agreement No. FF-3017 between Pen-son Forwarding Corp., New York, N.Y. (Branches), and Maher & Co., Houston, Tex., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage will be retained by the originating forwarder.

Dated: May 25, 1966.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-5908; Filed, May 27, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66-382 etc.]

TEXACO INC. ET AL.

Order Providing for Hearings on and
Suspension of Proposed Changes
in Rates¹

MAY 20, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 6, 1966.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

¹ Does not consolidate for hearing or dispose of the several matters herein.

NOTICES

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APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R166-382	Texasco Inc. (Operator), et al., Post Office Box 52332, Houston, Tex., 77052, Attn: Mr. R. C. Shields.	3	20	United Fuel Gas Co. (Valentine Field, Lafourche Parish, La.) (South Louisiana).	\$238,686	4-21-66	5-22-66	10-22-66	18.5	21.10	
R166-383	do	4	14	United Fuel Gas Co. (East Mud Lake Field, Cameron Parish, La.) (South Louisiana).	408,396	4-21-66	5-22-66	10-22-66	17.5	21.10	
	do	5	14	United Fuel Gas Co. (Horseshoe Bayou-Bayou Sale Fields, St. Mary Parish, La.) (South Louisiana).	35,682	4-21-66	5-22-66	10-22-66	17.5	21.10	
	do	101	13	United Gas Pipe Line Co. (Baxterville Field, Lamar and Marion Counties, Miss.).	18,504	4-21-66	5-22-66	10-22-66	14.0	21.25	
	do	102	13	United Gas Pipe Line Co. (Duck Lake Field, St. Martin and St. Mary Parishes, La.).	86,768	4-21-66	5-22-66	10-22-66	18.0	21.25	
	do	145	7	Tennessee Gas Transmission Co. (Main Pass Block 35, South Pass Block 24, Plaquemines Parish, La.).	9,771	4-21-66	5-22-66	10-22-66	18.5	21.25	
	do	146	10	Tennessee Gas Transmission Co. (Bayou Penchant Field, Terrebonne Parish, La.) (South Louisiana).	12,974	4-21-66	5-22-66	10-22-66	18.5	21.25	
	do	187	5	Tennessee Gas Transmission Co. (Atchafalaya Bay Field, St. Mary Parish, La.) (South Louisiana).	12,033	4-21-66	5-22-66	10-22-66	18.5	21.25	
	do	199	5	United Gas Pipe Line Co. (Corpus Channel Northwest Field, Nueces County, Tex.) (R.R. District No. 4).	9,600	4-21-66	5-22-66	10-22-66	15.0	18.0	
	do	223	3	United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.) (South Louisiana).	16,145	4-21-66	5-22-66	10-22-66	17.5	21.25	
	do	228	4	Natural Gas Pipeline Co. of America (Northwest Thompsonville Field, Jim Hogg County, Tex.) (R.R. District No. 4).	7,380	4-21-66	5-22-66	10-22-66	15.0	18.0	
	do	270	8	Transcontinental Gas Pipe Line Corp. (Live Oak Field Vermilion Parish, La.) (South Louisiana).	175,958	4-21-66	5-22-66	10-22-66	17.5	21.25	
	do	279	5	Florida Gas Transmission Co. (East Mustang Island Field, Nueces County, Tex.) (R.R. District No. 4).	12,175	4-21-66	5-22-66	10-22-66	15.0	17.5	
	do	281	5	Florida Gas Transmission Co. (South Clara Driscoll Field, Nueces County, Tex.) (R.R. District No. 4).	23,250	4-21-66	5-22-66	10-22-66	15.0	17.5	
R166-384	Tenneco Oil Co. (Operator), et al., Post Office Box 2511, Houston, Tex., 77001. Attn: Mr. John E. Watson.	5	13	Texas Eastern Transmission Corp. (West Rockport Field, Aransas County, Tex.) (R.R. District No. 4).	6,868	4-27-66	6-1-66	11-1-66	14.6	15.6	
	do	54	1	South Texas Natural Gas Gathering Co. (North Monte Christo Field, Hidalgo County, Tex.) (R.R. District No. 4).	24,408	4-27-66	6-1-66	11-1-66	14.5	15.5	
	do	55	1	do	11,887	4-27-66	6-1-66	11-1-66	14.5	15.5	
	do	129	1	Tennessee Gas Transmission Co. (Heyser Field, Calhoun County, Tex.) (R.R. District No. 2).	8,829	4-27-66	6-1-66	11-1-66	14.0	16.33333	
R166-385	do	11	8	Texas Eastern Transmission Corp. (May Field, Kleberg County, Tex.) (R.R. District No. 4).	96	4-27-66	6-1-66	11-1-66	14.6	15.6	
R166-386	Edwin L. Cox, 38th Floor, First National Bank Bldg., Dallas, Tex., 75202.	33	6	Panhandle Eastern Pipe Line Co. (Texas County, Okla.) (Panhandle Area).	7,488	4-25-66	7-1-66	12-1-66	16.0	17.0	
R166-387	Kingwood Oil Co., First National Bldg., Oklahoma City, Okla., 73102.	10	6	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area).	17 3,515 17 79	4-25-66	5-26-66	10-26-66	15 15 17.0 16 19 17.0	16 15 19.5 16 15 19.5	
	do	10	7	do	17 3,135	4-27-66	5-28-66	10-28-66	15 20 17.0	16 15 19.5	
	do	12	1	Transwestern Pipeline Co. (Mocane Area, Beaver County, Okla.) (Panhandle Area).	17 14,171	4-27-66	5-28-66	10-28-66	15 21 17.0	16 15 19.5	

¹ The stated effective date is the first day after expiration of the statutory notice.

² Periodic rate increase.

³ Pressure base is 15.025 p.s.i.a.

⁴ Includes 1.5 cents per Mcf tax reimbursement.

⁵ Settlement rate approved by Commission order issued Dec. 30, 1963, in Docket No. G-8909, et al.

⁶ "Fractured" rate increase; contractually due higher rate under either the periodic, favored-nation or redetermination provisions of the contract.

⁷ Footnote 8, not used.

⁸ Pressure base is 14.65 p.s.i.a.

⁹ The stated effective date is the effective date requested by Respondent.

¹⁰ Settlement rate approved by Commission order issued June 3, 1963, in Docket No. G-13742, et al.

¹¹ Subject to a downward B.t.u. adjustment when B.t.u. content is below 1,000 B.t.u.'s.

¹² Permanently certificated initial rate.

¹³ Tenneco is a wholly owned subsidiary of Tennessee, the buyer.

¹⁴ Subject to a downward B.t.u. adjustment.

¹⁵ Subject to upward and downward B.t.u. adjustment.

¹⁶ Includes B.t.u. adjustment.

¹⁷ For Canfield Unit. B.t.u. content of gas is 1150. Rate shown is base rate. Total rate including upward B.t.u. adjustment is 19.55 cents before increase and 22.425 cents after increase.

¹⁸ For Berends Unit. B.t.u. content of gas is 1084. Rate shown is base rate. Total rate including upward B.t.u. adjustment is 18.428 cents before increase and 21.138 cents after increase.

¹⁹ For Shepherd Unit. B.t.u. content of gas is 1134. Rate shown is base rate. Total rate including upward B.t.u. adjustment is 19.278 cents before increase and 21.113 cents after increase.

²⁰ For Underwood-Baggerly and McCune Units.

Texaco, Inc. (Operator), et al., and Texaco, Inc. (both referred to herein as Texaco), request that their proposed rate increases be permitted to become effective as of March 1, 1966, the date of exemption of the moratorium period under Texaco's rate settlement in Docket Nos. G-8969, et al. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texaco's rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 66-5844; Filed, May 27, 1966; 8:45 a.m.]

[Docket No. RI66-389]

SUPERIOR OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates

MAY 20, 1966.

On May 6, 1966¹ The Superior Oil Co. (Superior)² tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI66-389...	The Superior Oil Co., Post Office Box 1521, Houston, Tex., 77001.	103	*6	Tennessee Gas Transmission Co. (La. Blanc Field, Vermillion Parish, La.) (South Louisiana).	\$126,500 47,714	*5-6-66	*5-23-66	10-23-66	*22.833 10 21.25	*23.55 *23.55	

¹ Replaces notice dated Apr. 20, 1966, filed on Apr. 22, 1966.

² Originally filed on Apr. 22, 1966.

³ The stated effective date is the first day after expiration of the 30-day statutory notice period from the filing date of the original submission on Apr. 22, 1966.

⁴ "Fractured" rate. Superior contractually due a rate of 23.833 cents per Mcf under the periodic provision of its contract.

⁵ Pressure base is 15.025 p.s.i.a.

⁶ Presently effective rate for acreage dedicated to basic contract.

⁷ Includes 1.5 cents tax reimbursement.

⁸ Presently effective rate for acreage added to basic contract by Supplement No. 2. Inclusive of tax reimbursement.

Superior's proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplement No. 6 to Superior's FPC Gas Rate Schedule No. 103 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 6 to Superior's FPC Gas Rate Schedule No. 103.

(B) Pending such hearing and decision thereon, Supplement No. 6 to Superior's FPC Gas Rate Schedule No. 103 is hereby suspended and the use thereof deferred until October 23, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

¹ Originally filed on Apr. 22, 1966.

² Address is: P.O. Box 1521, Houston, Tex., 77001.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 6, 1966.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-5880; Filed, May 27, 1966; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)), by Barnett National Securities Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of First National Bank at Winter Park, Winter Park, Fla.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding

Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 23d day of May 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-5881; Filed, May 27, 1966; 8:45 a.m.]

VIRGINIA COMMONWEALTH CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)), by Virginia Commonwealth

Corp., which is a bank holding company located in Richmond, Va., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The First Valley Bank, Weber City, Va., a proposed new bank.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 23d day of May 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-5882; Filed, May 27, 1966;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Casper, Wyo. Region, Rev. 1, Amdt. 1]

CASPER REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Rocky Mountain Area, 30 F.R. 2741, as amended; 30 F.R. 8080, 30 F.R. 8426; Delegation of Authority 30 F.R. 12649; is hereby amended to add the following authority to Item I.G.:

I. * * *

G. To Loan Specialists GS-12 and above assigned to all financial assistance division programs in all offices of this region. Final authority to approve the following actions concerning current direct or participation loans:

1. Use of the cash surrender value of life insurance to pay the premium on the policy.
2. Release of dividends of life insurance or consent to application against premiums.
3. Minor modifications in the authorization.

4. Extension of disbursement period.
5. Extension of initial principal payments.
6. Adjustment of interest payment
7. Release of hazard insurance checks not in excess of \$200 and endorse such checks on behalf of the agency where SBA is named as joint loss payee.

Effective date. April 27, 1966.

WM. M. JACK,
Regional Director, Casper Regional Office, Small Business Administration.

[F.R. Doc. 66-5886; Filed, May 27, 1966;
8:45 a.m.]

[Delegation of Authority No. 30, Fargo, N. Dak. Region, Rev. 1, Amdt. 1]

FARGO REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority 30, F.R. 2742, as amended; 30 F.R. 8080; and 30 F.R. 8426; Delegation of Authority 30, F.R. 5776; is hereby amended to add the following authority to Item I.D.:

I.D. To Loan Specialists GS-12 and above assigned to all financial assistance division programs in all offices of this region. Final authority to approve the following actions concerning current direct or participation loans:

1. Use of the cash surrender value of life insurance to pay the premium on the policy.
2. Release of dividends of life insurance or consent to application against premiums.
3. Minor modifications in the authorization.
4. Extension of disbursement period.
5. Extension of initial principal payments.
6. Adjustment of interest payment dates.
7. Release of hazard insurance checks not in excess of \$200 and endorse such checks on behalf of the agency where SBA is named as joint loss payee.

Effective date. May 9, 1966.

ROGER B. PHELPS,
Regional Director Fargo, N. Dak., Regional Office, Small Business Administration.

[F.R. Doc. 66-5887; Filed, May 27, 1966;
8:46 a.m.]

[Delegation of Authority 30, Salt Lake City, Utah Region, Rev. 1 Amdt. 1]

SALT LAKE CITY

Delegation of Authority To Conduct Program Activities in Regional Area

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Rocky Mountain Area, 30 F.R. 2741; 30 F.R. 8080; 30 F.R. 8426; and 30 F.R. 13419; Delegation of Authority 30 F.R. 12435, Revision 1, is hereby amended to renumber Item I.D. as

Item I.E. and Item I.E. as Item I.F. and to substitute the following authority as Item I.D.:

I. * * *

D. To all Loan Specialists GS-9 and above assigned to all financial assistance division programs in all offices of this region to approve or deny the following actions concerning current direct or participation loans:

1. Use of the cash surrender value of life insurance to pay the premium on the policy.
2. Release of dividends of life insurance or consent to application against premiums.
3. Minor modifications in the authorization.
4. Extension of disbursement period.
5. Extension of initial principal payments.
6. Adjustment of interest payment dates.
7. Release of hazard insurance checks not in excess of \$200 and endorse such checks on behalf of the agency where SBA is named as joint loss payee.

Effective date. May 9, 1966.

WM. G. BRUHN,
Regional Director,
Salt Lake City, Utah.

[F.R. Doc. 66-5888; Filed, May 27, 1966;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40497—Joint motor-rail rates—Eastern Central. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 420), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, southwestern and middlewest territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 6 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40498—Joint motor-rail rates—Eastern Central. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 421), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle At-

lantic and New England territories, on the one hand, and points in Central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 6 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40499—*Joint motor-rail rates—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 422), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 6 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40500—*Joint motor-rail rates—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 423), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 6 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40501—*Substituted service—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 424), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago and East St. Louis, Ill., Indianapolis and Jeffersonville, Ind., and Cincinnati, Ohio, on the one hand, and Baltimore, Md., Philadelphia and Pittsburgh, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motortruck competition.

Tariff—Supplement 9 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-262.

FSA No. 40502—*Joint motor-rail rates—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 425), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 6 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40503—*Joint motor-rail rates—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 426), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest and southwestern territories, on the other.

tion, Inc., agent (No. 426), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 6 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40504—*Joint motor-rail rates—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 427), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 6 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40505—*Joint motor-rail rates—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 428), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 6 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40506—*Iron or steel articles to Milwaukee, Wis.* Filed by Soo Line Railroad Co. (No. 94), for interested rail carriers. Rates on iron or steel articles, in carloads, from Sault Ste. Marie, Ontario, Canada, to Milwaukee, Wis.

Grounds for relief—Water competition.

Tariff—Supplement 7 to Soo Line Railroad Co. tariff ICC 7651.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-5909; Filed, May 27, 1966;
8:48 a.m.]

[Notice 188]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 25, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an applica-

tion must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8575 (Sub-No. 3 TA), filed May 20, 1966. Applicant: FERGUSON VAN LINES, INC., 5225 Madison Road, Cincinnati, Ohio, 45227. Applicant's representative: James D. Ferguson, 5225 Madison Road, Cincinnati, Ohio, 45227. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Florida, Kentucky, Maryland, North Carolina, Ohio, South Carolina, Tennessee, and West Virginia, on the one hand, and, on the other, points in Arizona, California, New Mexico, and Texas, for 180 days. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio, 45202.

No. MC 66562 (Sub-No. 2174 TA), filed May 20, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: Robert C. Boozer, 80 Broad Street NW., Atlanta, Ga., 30303. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities moving in express service, between Columbia, S.C., and Bethune, S.C., serving the intermediate and/or off-route points of Elgin, Lugoff, and Camden, S.C., from Columbia over U.S. Highway 1 to Bethune, and return over the same route, for 150 days. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency; shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts. Supporting shippers: The application is supported by statements from five shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 107496 (Sub-No. 482 TA), filed May 20, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, Des Moines, Iowa, 50309. Appli-

cant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Des Moines, Bettendorf, and Mason City, Iowa, to points in Iowa, Nebraska, Missouri, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Agrico Chemical Co., division of Continental Oil Co., 1222 Riverside Boulevard, Memphis, Tenn., 38101. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 113678 (Sub-No. 256 TA), filed May 23, 1966. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, 301 NSEA Building, Box 2028, 14th and J Streets, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, (1) from Greeley, Colo., to points in Illinois, Indiana, Michigan, Ohio (except Cincinnati), New York (except New York City), Pennsylvania, Maryland (except Baltimore), New Jersey, Massachusetts (except Boston), and Connecticut (except New Haven), (2) from Denver, Colo., to points in Illinois, Indiana, Michigan, Ohio, New York (except New York City), Pennsylvania, Maryland (except Baltimore), New Jersey, Massachusetts (except Boston), Connecticut, and Wisconsin, and Davenport, Iowa, for 180 days. Supporting shippers: Monfort Packing Co., Greeley, Colo., 80631; Capitol Packing Co., 5000 Clarkson Street, Denver, Colo., 80216; Pepper Packing Co., Packinghouse Road, Denver, Colo., 80216; United Fryer & Stillman, Inc., 5300 Franklin Street, Denver, Colo., 80216; Cardinal Meat Co., 801 East 50th Avenue, Denver, Colo., 80216; Mappelli-Linder-Sigman, Ltd., 1624 Market Street, Denver, Colo., 80202; Gold Star Meat Co., 10th and Curtis, Denver, Colo., 80204; Shurtenda Steaks, Inc., 2466 West Second Avenue, Denver, Colo., 80206; Home Provision Co., 835 East 50th Avenue, Denver, Colo., 80216; Plat Packing Co., 770 East 50th Avenue, Denver, Colo., 80216; the Cudahy Packing Co., Post Office Box 5448, Terminal Annex, Denver, Colo., 80217. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 222 Federal Office Building, Denver, Colo., 80202.

No. MC 114365 (Sub-No. 2 TA), filed May 20, 1966. Applicant: RAY ACKERMAN, 283 Roosevelt Street, Box 174, Iron Mountain (Kingsford), Mich., 49801. Applicant's representative: William J. Bolognesi, Iron Mountain, Mich., 49801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, namely, beer and ale, from La Crosse, Wis., to Norway, Mich., from Sheboygan, Wis., to Escanaba, Mich., from Oconto,

Wis., to Norway and Escanaba, Mich., from Milwaukee, Wis., to Escanaba, Mich., from Chicago, Ill., to Escanaba, Mich.; and *empty containers on return*, (2) *building materials*, namely fire clay and brick, from Fulton and Vandalia, Mo., to Iron Mountain, Mich., for 180 days. Supporting shippers: Lardenoit Distributing Co., Inc., Norway, Mich., 49870; Miller Products & Supply Co., Iron Mountain, Mich., 49801; Johnson Distributing Co., Escanaba, Mich., 49829; Central West Distributing Co., Escanaba, Mich., 49829. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich., 48933.

No. MC 128205 TA, filed May 19, 1966. Applicant: BULKMATIC TRANSPORT COMPANY, 4141 North George Street, Schiller Park, Ill. Applicant's representative: Stillerman and Budowsky, 120 West Madison Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in tank or hopper type vehicles, from Gary, Ind., to points in Illinois, Iowa, Ohio, Michigan, Wisconsin, and Missouri, for 180 days. Supporting shipper: H. B. Reed & Co., Inc., 6937 Kennedy Avenue, Hammond, Ind., 46323. Send protests to: Andrew J. Montgomery, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 219 South Dearborn St., Room 1086, Chicago, Ill., 60604.

No. MC 128207 TA, filed May 20, 1966. Applicant: JOHN W. HOOGLAND AND JOANNE C. HOOGLAND, doing business as CITY EXPRESS, Box 305, Seward, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except articles of unusual value, by motor vehicle, in interstate or foreign commerce, between points within a 10-mile radius of Seward, Alaska, for 180 days. Supporting shippers: Seward Hardware, Post Office Box 576, Seward, Alaska; Solly's, Post Office Box 245, Seward, Alaska; Seward Trading Co., Inc., Seward, Alaska; Durant's Hardware & Marine, Box 737, Seward, Alaska; Anderson Furniture & Appliance, Post Office Box 636, Seward, Alaska; Seward Drug Co., Box 127, Seward, Alaska; Alaska Shop, Post Office Box 127, Seward, Alaska; Brown & Hawkins, Box 104, Seward, Alaska; Supply Center, Post Office Box 1435, Seward, Alaska; McMullen's, Post Office Box 216, Seward, Alaska. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska, 99501.

No. MC 128208 TA, filed May 20, 1966. Applicant: E. B. MARCUM, Route No. 3, Oneida, Tenn., 37841. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers from Louisville, Ky., to Elgin, Tenn., for 180 days. Supporting shipper: Bruce R. Stewart, Elgin, Tenn., 37732. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations

and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn., 37203.

No. MC 128230 TA, filed May 20, 1966. Applicant: BANKERS SERVICE, INC., 205 Old Mill Lane, Wilmington, Del. Applicant's representative: Anthony J. Wisniewski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Checks, business papers, reports, records and audit and accounting media of all kinds* (excluding plant removals); between points in Delaware, Maryland, Pennsylvania, and New Jersey, for 180 days. Supporting shippers: Farmers Bank of the State of Delaware, Post Office Box 1287, Wilmington, Del., 19899 (George N. Leathrum, assistant vice president); Bank of Delaware, Wilmington, Del. (Donald R. Schnee, vice president); Delaware Trust Co., Wilmington, Del. (A. K. Mearns, Jr., treasurer). Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md.

MOTOR CARRIERS OF PASSENGERS

No. MC 72349 (Sub-No. 27 TA), filed May 20, 1966. Applicant: EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, 1442 Main Street, Brockton, Mass. Applicant's representative: Neal Holland, State Street Bank Building, 225 Franklin Street, Boston, Mass., 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations in round-trip, sight-seeing, all-expense pleasure tours, beginning and ending at Lawrence, Lowell, Lynn, Quincy, and Brockton, Mass., and extending to District of Columbia, and points in Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia and return, for 180 days. Supporting shippers: The application is supported by statements by 56 shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Richard D. Mansfield, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 30 Federal Street, Boston, Mass., 02110.

No. MC 128206 TA, filed May 19, 1966. Applicant: FRANK FLORIO, doing business as FRANK'S SCHOOL TRANSPORTATION, 408 East 88 Street, New York, N.Y. Applicant's representative: Charles Trayford, 220 East 42d Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Children and supervisory personnel*, between the Borough of Manhattan, N.Y., on the one hand, and, on the other, Champions Day Camp, Inc., Northern Valley Swim Club, 302 Orangeburg Road, Old Tappan, Bergen County, N.J., for 180 days. Supporting shipper: Oscar Schwartz, president, Champions Day Camp, Inc., 302 Orangeburg Road, Old Tappan, N.J. Send protests to: Paul

W. Assenza, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-5910; Filed, May 27, 1966;
8:48 a.m.]

[Notice 1354]

MOTOR CARRIER TRANSFER PROCEEDINGS

May 25, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68609. By order of May 24, 1966, the Transfer Board approved the transfer to Arlyn Anderson, Mondamin, Iowa, 51557, of certificate No. MC-86988, issued October 31, 1951, to Roy Coffman and Kenneth Coffman, a partnership, doing business as Coffman & Son, Magnolia, Iowa, 51550, authorizing the transportation of: Coal, lumber, feed, brick, and tile, from Omaha, Nebr., to Woodbine, Iowa, and points within 15 miles thereof.

No. MC-FC-68723. By order of May 20, 1966, the Transfer Board approved the transfer to Gary Van Buiten and Gary Van Buiten, Jr., a partnership, doing business as G. Van Buiten & Son, Oxford, N.Y., the operating rights in certificates Nos. MC-50175 (Sub-No. 2) and MC-50175 (Sub-No. 3) issued August 9, 1943, and March 31, 1958, to Earl Codington, Unadilla, N.Y., authorizing the transportation of: Wood poles, and other material used in the construction and maintenance of electric powerlines, between specified points in New York. Joe B. Munk, 117 Hawley Street, Binghamton, N.Y., 13901, attorney for applicants.

No. MC-FC-68725. By order of May 20, 1966, the Transfer Board approved the transfer to Chieftain Express, Inc., Lancaster, Ohio, of that portion of the operating rights in certificate No. MC-123949, issued December 7, 1965, to Contract Carriers, Inc., Anderson, Ind., authorizing the transportation of: Clay sewer pipe, drain tile, flue liners, chimney tops, wall coping, hollow building blocks, and stovepipe fittings, in shipment of not less than 20,000 pounds, from Logan and New Straitsville, Ohio, to points in Indiana and points in that part of Illinois

on and east of U.S. Highway 51, with return of rejected shipments. James R. Stiverson, 50 West Broad Street, Columbus, Ohio, 43215; James E. Wilhelm, Jr., 37 West Broad Street, Columbus, Ohio, 43215; and Robert C. Smith, 620 Illinois Building, Indianapolis, Ind., attorneys for applicants.

No. MC-FC-68744. By order of May 20, 1966, the Transfer Board approved the transfer to Harry Snoderly, doing business as Snoderly Transportation Co., Arco, Idaho, 83213, of the operating rights in certificate No. MC-117290, issued September 19, 1958, to Snoderly Transportation, Inc., Arco, Idaho, 83213, authorizing transportation, over irregular routes, of passengers and their baggage in round-trip charter operations, beginning and ending at Arco, Idaho, and extending to Contact, Nev., and points, located on U.S. Highway 93 between Contact and the Idaho-Nevada State line.

No. MC-FC-68764. By order of May 24, 1966, the Transfer Board approved the transfer to Adeline Timperley, doing business as Timperley Trucking, Norfolk, Nebr., of the operating rights in certificate No. MC-107350, issued May 11, 1961, to Irvin Timperley, Norfolk, Nebr., authorizing the transportation of: Agricultural commodities, household goods, emigrant movables, farm machinery, and building materials, between specified points in Iowa, Nebraska, and South Dakota. Vincent J. Kirby, Post Office Box 308, Norfolk, Nebr., attorney for applicants.

No. MC-FC-68765. By order of May 24, 1966, the Transfer Board approved the transfer to Leonard Schertzer, doing business as L. Schertzer Trucking Co., Carteret, N.J., of the operating rights in Permit No. MC-52523 issued January 15, 1962, to Meyer Satsky, Elberon, N.J., authorizing the transportation of: Newspapers, from New York, N.Y., to points in New Jersey, and carbonated beverages, from Newark, N.J., to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Connecticut, and Massachusetts within 150 miles of Newark. Bert Collins, 140 Cedar Street, New York, N.Y., 10006, representative for applicants.

No. MC-FC-68801. By order of May 25, 1966, the Transfer Board approved the transaction whereby Robert Dunn, Wantagh, N.Y., would control the brokerage operations, and acquire broker license No. MC-12731, issued November 24, 1961, to Tenna N' Tours, Inc., Wantagh, N.Y., authorizing the transportation of: Passengers and their baggage, between Merrick, Long Island, N.Y., and points in Nassau and Suffolk Counties, N.Y., within 35 miles of Merrick, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii. Charles H. Trayford, 220 East 42d Street, New York, N.Y., 10017, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-5911; Filed, May 27, 1966;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

EQUAL EMPLOYMENT POLICY AND SECURITY OFFICER, OFFICE OF THE ADMINISTRATOR, ET AL.

Redelegations of Authority

The Redelegations of Authority published in the FEDERAL REGISTER November 14, 1964 (29 F.R. 15295), as amended January 29, 1965 (30 F.R. 957), August 13, 1965 (30 F.R. 10121), April 8, 1966 (31 F.R. 5577), are hereby amended by adding a new section 16 thereto as follows:

SEC. 16. *Equal opportunity program—employment and contract compliance.*
a. The Equal Employment Policy and Security Officer, Office of the Administrator, is designated Bureau Employment Policy Officer, Bureau Contracts Compliance Officer, and Bureau Coordinator to the Office for Equal Opportunity, Office of the Secretary.

b. The Area Managers are designated Area Employment Policy Officers for their respective areas.

c. These officers are responsible for implementing equal opportunity programs so as to comply with departmental policies, procedures and regulations, the Civil Rights Act, related statutes and applicable parts of Executive Orders (including E.O. 10925, 11114, and 11197).

(Secretary's Order 2891, 30 F.R. 12500; 380 DM 3.1; 404 DM 2.4)

Dated: May 19, 1966.

H. R. RICHMOND,
Acting Administrator.

[F.R. Doc. 66-5883; Filed, May 27, 1966;
8:45 a.m.]

Office of the Secretary

DETERMINATION OF FISHERY FAILURE DUE TO RESOURCE DISASTER

Whereas, many firms and individuals are engaged in raising, harvesting, processing, and marketing oysters in the State of Connecticut; and

Whereas, the cumulative effect of a 5-year drought reached its climax in 1965, with a total failure of oyster seed resources; and

Whereas, the failure of a natural source of oyster seed will be felt throughout the entire Northeast section of the Nation, with the prospect of no marketable oysters for the 1968-1969 period; and

Whereas, insurmountable uninsured losses of seed oyster production in the 1965-1966 season will amount to a several million dollar decrease in State income; and

Whereas, the serious disruption of the Connecticut oyster fishery by alteration of habitat was due to natural causes;

Now, therefore, as Secretary of the Interior, I hereby determine that the foregoing circumstances constitute a commercial fishery failure due to a re-

source disaster within the meaning of section 4(b) of Public Law 88-309. Pursuant to this determination, I hereby authorize the use of funds appropriated under the above legislation to rehabilitate, restore, and put back into production the oyster grounds of the State of Connecticut, and for such other measures as may be necessary to mitigate the damage to the resource.

STEWART L. UDALL,
Secretary of the Interior.

MAY 17, 1966.

[F.R. Doc. 66-6020; Filed, May 27, 1966;
1:51 p.m.]

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