

FEDERAL REGISTER

VOLUME 31 • NUMBER 162

Saturday, August 20, 1966 • Washington, D.C.

Pages 11055-11127



Agencies in this issue—

Atomic Energy Commission
Civil Aeronautics Board
Coast Guard
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
International Commerce Bureau
Interstate Commerce Commission
Maritime Administration
Post Office Department
Securities and Exchange Commission

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Volume 79

UNITED STATES
STATUTES AT LARGE

[89th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1965, reorganization plans, a proposed amendment to the Constitution, and Presidential proclamations. Also in-

cluded are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

Price: \$9.25

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402



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SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 21]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Revision of Regulations

Part 373 of Title 15 of the Code of Federal Regulations is revised to read as set forth below.

Effective date. August 4, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

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SUPPLEMENT NO. 4: COUNTRIES ADHERING TO THE LIMITED NUCLEAR TEST BAN TREATY.

AUTHORITY: The provisions of this Part 373 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

Subpart A—How To Use Part 373

§ 373.01 Scope.

The special requirements for validated licenses set forth in this Part 373 are in addition to or modify the general requirements applicable to all exportations requiring validated licenses. The provisions of this Part 373, however, apply only to particular commodities or particular destinations.

§ 373.02 Other special provisions.

In addition to this Part 373, the Commodity Control List (§ 399.1 of this chapter) includes certain other special requirements which apply only to particular commodities. As examples, the Commodity Control List indicates that for certain commodities the commodity description shown on an application for export license shall "specify the copper content," "specify the horsepower," etc., or that the quantity on the application shall be shown in "barrels of 42 gallons," or shall "specify the tonnage by grade," etc. Therefore, both this Part 373 and the specific entry on the Commodity Control List shall be consulted to determine all the special provisions applicable to a particular commodity.

§ 373.03 Organization of sections.

(a) *General organization.* (1) The sections of this Part 373, while numbered consecutively in the usual manner, are arranged into three separate divisions under the following main headings:

Multiple Commodity Section Provisions (§§ 373.1–373.10).

Individual Commodity Section Provisions (§§ 373.11–373.64).

Destination Provisions (§§ 373.65–373.75).

(2) The basis for the organization of the first two divisions is the "commodity section." Commodity sections are the major classifications of commodities exported from the United States as set forth on page 4 of § 399.1 of this chapter. There are 10 such sections, numbered 0 to 9, inclusive. The commodity section number of any commodity is the same as the first digit of the Export Control Commodity No.

(b) *Commodity provisions.* Under the heading "Multiple Commodity Section Provisions" are those sections (§§ 373.1–373.10) which apply to commodities in several or all commodity sections and cannot therefore be identified with a single commodity or commodity section. Under the heading "Individual Commodity Section Provisions" are those sections (§§ 373.11–373.64) containing the provisions for each commodity section 0 to 9, inclusive, each such section being identified by the appropriate sub-heading "Commodity Section 1," "Commodity Section 2," etc.

(c) *Destination provisions.* Under the heading "Destination Provisions" are all provisions relating solely to exportations

to particular destinations without regard to the commodity involved; i.e., all commodities requiring a validated license for export are subject to these provisions when exported to one of these destinations.

NOTE: The special provisions for particular commodity sections, "Individual Commodity Section Provisions" (§§ 373.11-373.64), relate in some cases both to particular commodities and particular destinations. These provisions are considered "commodity" provisions since they apply only to particular commodities when exported to these destinations, rather than to all commodities.

§ 373.04 How to determine whether any special provision is applicable.

(a) *Commodity provisions.* To determine whether this Part 373 contains any special provisions applicable to a particular commodity, an applicant for export license need only take the first figure in his Export Control Commodity No. and then refer to the similar section number. For example, ball bearings, Export Control Commodity No. 71970, are in Commodity Section 7, as indicated by the first digit of the Export Control Commodity No. Special provisions for this commodity, as well as any other commodity having an Export Control Commodity No. beginning with the number 7, will be found in the sections under the subheading "Commodity Section 7" (§§ 373.45-373.53). If a commodity is subject to a multiple commodity provision (§§ 373.1-373.10), a provision to this effect appears in the first section under the appropriate commodity section heading. Multiple commodity section provisions are not repeated in the individual commodity section provisions but are referred to whenever applicable. Section 373.45, the first section under the heading "Commodity Section 7," contains a provision to that effect. An applicant need not, therefore, refer to any of the multiple commodity section provisions in §§ 373.1-373.10 unless specifically directed to do so by the provisions appearing in the first section under the individual commodity section heading. If so directed, the applicant should refer to the other sections under the same commodity section heading to determine which of them apply to the commodity.

(b) *Destination provisions.* To determine whether there are special provisions applicable to a particular destination, an applicant need only consult the provisions under the heading "Destination Provisions," §§ 373.65-373.75. The section titles indicate the destinations covered; e.g., § 373.67, "Switzerland and Liechtenstein."

Subpart B—Multiple Commodity Section Provisions¹

§ 373.1 Export licensing general policy.

The following general, but not exclusive, policy for export licensing and related procedures is hereby established.

¹ Applicants should first consult the special provisions for the particular commodity sections in which commodities are classified before referring to the provisions in §§ 373.1-373.10. (See "How to Use Part 373", §§ 373.-01-373.04.)

(a) *National security and welfare.* It is the policy to deny any request or application for authorization to export or reexport either commodities or technical data to any nation or combination of nations threatening the national security of the United States, if such export or reexport makes a significant contribution to the military or economic potential of such nation or nations which would prove detrimental to the national security and welfare of the United States.

(b) *End use.* Where commodities are licensed for export on the basis of the specific end uses, applications will be considered for approval only if they conform to appropriate end uses.

(c) *Foreign government recommendations.* The U.S. Department of Commerce reserves the right in all respects to determine to what extent any recommendations made by foreign governments should be followed. However, the U.S. Department of Commerce will not seek or undertake to give consideration to recommendations from foreign government as to the U.S. exporters whose export license applications should be approved.

(d) *Commodity advisory panels and committees.* Commodity advisory panels and committees will be consulted regarding problems arising in the administration of the provisions of this section.

§ 373.2 Confirmation of country of ultimate destination and verification of actual delivery.

(a) *Scope—(1) General.*^{2,3} The provisions of this section shall apply to shipments for which a validated license is required covering the following commodities proposed for export or exported to the following countries:

(i) *Commodities.* The commodities subject to the provisions of paragraph (d) of this section, "Submission of Import Certificate," are those commodities identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter). (See paragraph (i)(2) of this section for commodities from which the symbol "A" is deleted after the Import Certificate has been submitted.)

(ii) *Countries.* (a) Austria, Belgium, Denmark, France, Greece, Hong Kong (see paragraph (c) of this section), Italy (including the area of Trieste under Italian civil administration), Japan, Luxembourg, Netherlands, Norway, Portugal, Turkey, United Kingdom, and West Germany (Federal Republic of Germany, Western Sectors of Berlin, and Saar). (See Supplement No. 2 to this Part 373 for list of addresses where foreign importers may obtain Import Certificates. Facsimiles of Import Certificates issued by each of these countries

² Submission of an Import Certificate does not relieve the parties to the transaction from compliance with the reexportation provisions. (See § 372.12 of this chapter.)

³ In certain exceptional instances, an Import Certificate may be required for transactions not involving an exportation from the United States under a validated license. (See § 368.1(b)(7) of this chapter.)

may be inspected at any U.S. Department of Commerce Field Office, or at the Office of Export Control, U.S. Department of Commerce, Washington, D.C.)

(b) The provisions of this section do not apply to the overseas territories of the countries listed above unless such territories are specifically included in the list.

(2) *Exemptions.* The provisions of paragraph (d) of this section shall not apply to:

(i) A shipment or an application for export license covering a shipment under a Project License (see Part 374 of this chapter);

(ii) An application for a license to export commodities classified in a single entry on the Commodity Control List the total value of which, as shown on the export order, is less than \$500, except where a multiple transactions Import Certificate is filed in accordance with paragraph (d)(2) of this section;

(iii) An application for a license to export a commodity to a foreign government or government agency when such government or government agency actually placed the order with the applicant and will take delivery of the exportation when it is received in the importing country (see § 373.65(a)(2)(iv) for definition of "government agency");

(iv) A shipment made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, to a member agency in the foreign country;

(v) An application for a license supported by a Form FC-43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts, or by a Form FC-143, Request for Authorization to Distribute U.S. Origin Commodities Stocked Abroad to Approved Customers, or by current Station Number or validation number of either of these forms (see §§ 373.3 and 373.4); or

(vi) An application for a license to export commodities for exhibition, demonstration, or testing purposes (see § 373.6).

(b) *Definitions.* (1) As used in this section, the terms "Import Certificate," "Delivery Verification," "Hong Kong Import License," and "Landing Certificate," refer to the documents issued by governments of countries listed in paragraph (a)(1) of this section to importers in such countries, and are the equivalent documents to the Form FC-826, Import Certificate, and Form FC-908, Delivery Verification, issued to U.S. importers (see § 368.1 of this chapter).

(2) These documents contain an undertaking by the government issuing the Import Certificate or the Delivery Verification to exercise legal control over the disposition of the commodities covered. This control is in addition to the conditions and restrictions placed on the exportation by the Office of Export Control. The laws and regulations of the United States are in no way modified, changed, or superseded by the issuance of an Import Certificate or Delivery Verification.

(3) In accordance with international practice, the issuing office may stamp a triangular symbol on the Import Certifi-

cate. This symbol is a notification that the importer does not intend that the commodities will be imported into or remain in the country issuing the import certificate, but that the issuing country represents that in any case the commodities will not be delivered to any destination except in accordance with its export regulations.

(c) *Special provisions for Hong Kong.* With regard to exports to Hong Kong, wherever the term "Import Certificate" appears in this section it shall be construed as meaning the duplicate copy of Form 3, Hong Kong Import License, issued by the Hong Kong authorities containing one of the following stamped endorsements which shall bear the signature of an official of the Hong Kong Government:

For consumption in Hong Kong. Diversion en route prohibited. Reexport not permitted except under special license and subject in addition to general or specific concurrence of government of supplying country concerned.

OR

For reexport to (Approved destination). Diversion en route prohibited. To be delivered by shipping or airline company concerned to Govt-designated godown. Oversea delivery not permitted. Release from godown subject to approval of export license.

Wherever the term Delivery Verification appears in this section, it shall be construed as meaning the C&I Form 229, Hong Kong Delivery Verification, or the C&I Form 42, Hong Kong Landing Certificate. C&I Form 42 is acceptable only where the Hong Kong Government does not issue its C&I Form 229 Delivery Verification. (See paragraph (g) of this section for delivery verification requirements.)

(d) *Submission of Import Certificate*—(1) *Single transaction Import Certificate.* (i) The applicant shall attach to his license application, covering a proposed exportation described in paragraph (a) of this section, the original Import Certificate,⁴ bearing the official authentication of the government authorities in the importing country, issued to the named importer or his agent and covering the commodity or commodities described in the export license application. (See Supplement No. 2 to this Part 373 for list of addresses where importers may obtain Import Certificates.)

NOTE: 1. *Reproduced copy of Import Certificate not acceptable.* As indicated above, the original Import Certificate, whether a single transaction or multiple transactions Import Certificate shall be attached to the license application. A reproduced copy (photostat or other type) of the Import Certificate will not be accepted by the Office of Export Control.

2. *Furnishing commodity description with request for Import Certificate.* In requesting an Import Certificate from his foreign consignee, whether a single transaction or multiple transactions Import Certificate, the U.S. exporter should furnish his consignee the commodity description shown on the Commodity Control List and advise him to

use this description when applying for the Import Certificate from his government. In addition, where the commodity is a new or highly technical product, it is advisable to furnish also a manufacturer's catalog or bulletin, or printed pages describing the commodity. This will be helpful to the foreign government in determining whether the commodity meets the criteria for the issuance of an Import Certificate.

(ii) Where the single transaction Import Certificate covers commodities for which more than one export license application is submitted, the original Import Certificate⁴ shall be attached to the first such application. On each subsequent application the following certification shall be inserted in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the (Name of Country) Import Certificate (or Hong Kong Import License) Number _____, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same Import Certificate, including the present application, do not total more than the quantities shown on that Import Certificate.

This Import Certificate was submitted in support of application number (insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the Import Certificate or Hong Kong Import License was attached, and Export Control Commodity numbers and processing codes shown on that application.)

NOTE: Whenever possible, the case number should be indicated on the certification set forth above since failure to supply the case number may result in delay in processing the license application.

(2) *Multiple transactions Import Certificate.* (i) Instead of a single transaction Import Certificate, the applicant may submit a multiple transactions Import Certificate.⁵ A multiple transactions Import Certificate is an officially authenticated original of an Import Certificate which covers more than one proposed transaction.

(ii) Where a multiple transactions Import Certificate specifies the amount of the commodities (in terms of either quantity or value), all export licenses, including a commodity shown on the export license in a value of less than \$500, will be charged against the amount of the commodities shown on the Import Certificate.

(iii) The applicant shall attach to the first license application covered by the multiple transactions Import Certificate, the original Import Certificate,⁵ bearing the official authentication of governmental authorities in the importing country. On each subsequent application for export license submitted against the multiple transactions Import Certificate, one of the following certifications (depending on whether a quantity or value is shown on the Import Certificate) signed by the applicant, shall be inserted on the application in the space entitled "Additional Information" or on an attachment thereto:

(a) If quantity or value is shown on the certificate:

I (We) certify that the quantities (values) of commodities shown on all export licenses based on the Import Certificate issued by (name of country) or (Hong Kong Import License) Number _____, when added to the quantities (values) shown on all additional applications pending in the Office of Export Control based on the same Import Certificate, including the present application, do not total more than the quantities (values) shown on that Import Certificate. This Import Certificate was submitted in support of application number (Insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the Import Certificate or Hong Kong Import License was attached, and Export Control Commodity numbers and processing codes shown on that application.)

OR

(b) If the amount of commodities in terms of quantity or value is not shown on the certificate:

I (We) certify that this application is supported by the multiple transactions Import Certificate issued by (name of country) or (Hong Kong Import License) Number _____, which was submitted in support of application number (Insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the Import Certificate or Hong Kong Import License was attached, and Export Control Commodity numbers and processing codes shown on that application.)

NOTE: See Notes 1 and 2 following subparagraph (1) of this paragraph.

(3) *Requirements applicable to both Single and Multiple Transactions Import Certificates*—(i) *Translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Commodity Control List units shall be converted into Commodity Control List units. Documents in a foreign language shall be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, shall be certified by the applicant to be a correct translation. An explanation or translation of an Import Certificate shall be submitted on a separate document attached to the Import Certificate. (See § 381.8 of this chapter with regard to an alteration of an export control document.)

(ii) *Purchase order.* The Import Certificate may cover more than one purchase order and may be concerned with several commodities. However, the Import Certificate shall relate only to purchase orders placed by a single importer located in a single foreign country with a single U.S. exporter.

(iii) *Parties named on the Import Certificate.* The Import Certificate may be accepted from either the ultimate consignee or the purchaser if they are different parties located in the same country. If the ultimate consignee and the purchaser are not located in the same country, an Import Certificate, a consignee/purchaser statement, or other ap-

⁴ For Hong Kong, see paragraph (c) of this section.

⁵ For Hong Kong, see paragraph (c) of this section.

plicable equivalent document is required from the party located in the country of ultimate destination. The U.S. exporter named in the Import Certificate must appear as applicant, supplier, or order party on the applications for export license submitted to the Office of Export Control.

(iv) *Validity period.* The Import Certificate must be submitted to the Office of Export Control within the period shown on each document, which in no case will exceed 6 months from the date it is issued by the foreign government. In addition, any application for export license supported by such Import Certificate must be submitted to the Office of Export Control within 12 months from the date the Import Certificate was initially submitted to the Office of Export Control. The expiration of an Import Certificate will in no way affect the validity period for which an export license is granted.

(v) *Applicant's responsibility for full disclosure.* In submitting an Import Certificate, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the Import Certificate. In accordance with the provisions of § 381.5 of this chapter, the applicant shall promptly bring to the attention of the Office of Export Control any change in the facts which were set forth in the Import Certificate and which were brought to his notice by the foreign importer or any other person subsequent to the date the Import Certificate is issued.

(vi) *Triangular transactions.* Whenever an Import Certificate bearing a triangular symbol is submitted to the Office of Export Control, all parties to the transaction,⁶ including parties located outside the country which issued the Import Certificate, shall be disclosed. This information should be submitted to the Office of Export Control by the exporter. If the importer objects to disclosing this information to the U.S. exporter, the information may be submitted directly to the Office of Export Control through a U.S. Foreign Service Post or by means of a sealed envelope sent to the U.S. exporter and clearly marked "To be opened by the Office of Export Control only."

(4) *Import Certificate as a factor in licensing.* (i) The Office of Export Control reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which a foreign government has issued an Import Certificate.

(ii) Generally, commodities licensed by the Office of Export Control on the basis of dollar value will not be licensed in excess of the dollar value shown on the Import Certificate and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on the Import Certificate.

⁶ See § 370.1(o) of this chapter for definition of parties.

(iii) The Office of Export Control will not seek, or undertake to give consideration to, recommendations from a foreign government as to which U.S. exporter's license application should be approved. An Import Certificate will be used by the Office of Export Control as only one of the considerations upon which licensing action will be based, since end use and other considerations remain important factors in export licensing.

(e) *Return of Import Certificate*—(1) The U.S. exporter may be requested by his foreign importer to return an unused or partially used Import Certificate. In such case, the U.S. exporter shall forward the Import Certificate to his importer as soon as he determines that the Import Certificate will not be used with a new or resubmitted application for export license, or an appeal.

(2) Failure on the part of the U.S. exporter to comply with his foreign importer's request will result in the importer's inability to fulfill his obligations to his government and may result in the foreign importer being denied further Import Certificates. This action obviously would prevent the U.S. exporter's participation in further export transactions with such foreign importer. In addition, the foreign importer may be subjected to other penalties for his failure to return the Import Certificate.

(3) The Office of Export Control will not return an Import Certificate to the U.S. exporter where the total quantity shown on the Import Certificate has been shipped or is covered by an outstanding export license(s), except as indicated in subdivision (iii) of this subparagraph. In order to comply with a foreign importer's request for the return of an unused or partially used Import Certificate, an Import Certificate on file in the Office of Export Control will be returned to the exporter in accordance with the procedures described below:

(i) *Import Certificate quantity greater than license application.* Where an Import Certificate covers a quantity in excess of the export license application submitted against it, or does not specify the quantity covered, the Office of Export Control will retain the Import Certificate until such time as the exporter requests return thereof. When requesting return of the Import Certificate, the exporter should submit his request in writing, showing the name and address of the named importer, case numbers to which the Import Certificate applies, Import Certificate number, and statement that such Import Certificate will not be used in connection with a new or resubmitted application for export license. Appropriate notation will be made on the Import Certificate by the Office of Export Control.

(ii) *Import Certificate and license application in same quantities.* The Office of Export Control will automatically return the applicable Import Certificate to the U.S. exporter (applicant) whenever an application for export license covers the same type and amount of the commodity as that shown on the Import Certificate but such application is re-

jected or approved in a reduced quantity. Appropriate notation will be made on the Import Certificate by the Office of Export Control. In some cases the Import Certificate covering an application rejected by the Office of Export Control will be returned directly to the government which issued the certificate. In such cases the applicant will be notified of this action. In any event, the government issuing the Import Certificate will be notified if the export license application which it covers is rejected.

(iii) *Unshipped quantities.* Where the U.S. exporter does not intend to ship the total quantity of commodities for which a license has been issued and desires the return of the Import Certificate, he shall submit his request in writing for return of the Import Certificate in accordance with the procedure described below:

(a) *Unexpired export license.* If the license has not expired and no further shipment is intended to be made, the written request for return of the Import Certificate shall either be accompanied by the license, or include the name of the port where the license is filed. In the latter event the exporter shall request the Customs Office to forward the license to the Office of Export Control. The license will then be canceled by the Office of Export Control. If a further shipment(s) is intended to be made, the request shall be submitted together with a request for amendment of the license to show the total quantity the exporter intends to ship against the license. The amendment request in such case shall be submitted on Form IA-763 as provided by the regular amendment procedure set forth in § 380.2 of this chapter.

(b) *Expired export license.* If the license has expired, the written request shall either be accompanied by the license, or include the name of the port where the license is filed. Form IA-763 shall not be submitted with a request for return of an Import Certificate where the license has expired. Appropriate notation will be made on the Import Certificate by the Office of Export Control.

(f) *Requests for Amendments.*⁷ A new or appropriately amended Import Certificate shall accompany a request for an amendment of an export license which proposes a change in any party to the transaction named in the export license or any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Import Certificate previously submitted to the Office of Export Control. If a proposed quantitative amendment is in accordance with the previously submitted Import Certificate, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license number _____, if granted, will not exceed the total quantity authorized under the (Name of country) _____

⁷ Section 380.2 of this chapter contains other provisions applicable to amendments of applications covered by an Import Certificate.

Import Certificate (or Hong Kong Import License) Number -----

(g) *Submission of Delivery Verification*—(1) *Notification of requirement.*

(i) The licensee may be requested by the Office of Export Control to submit a Delivery Verification with respect to any commodities exported under a validated license to a country listed in paragraph (a) of this section, including commodities not subject to paragraph (d) of this section and exemptions and exceptions granted under the provisions of paragraphs (a) (2) and (j) of this section. Where a Delivery Verification is required, the face of the export license will bear the stamped words "Delivery Verification Required, see attached Form IA-863". In addition, Form IA-863, Notification of Delivery Verification Requirement, will be attached to the license.⁵ (See Supplement S-17 for facsimile of Form IA-863.) Where a Form IA-863 is attached to a license forwarded by the Office of Export Control to an agent or freight forwarder of the licensee, it shall be the responsibility of such agent or freight forwarder to notify the licensee that a Delivery Verification is required. (See Supplement No. 2 to this Part 373 for list of addresses where importers may obtain Delivery Verifications.) Facsimiles of Delivery Verifications issued by each of these countries may be inspected at any U.S. Department of Commerce field office or at the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230.

(ii) The requirement that a Delivery Verification be submitted for a particular export transaction is cancelled automatically if subsequent to the issuance of a license, (a) the symbol "A" is removed from the last column of the Commodity Control List, and (b) the exporter returns the original copy of Form IA-863 to the Office of Export Control with a statement that the symbol "A" has been removed from the last column of the Commodity Control List.

(2) *Submission to the Office of Export Control.* When notified to do so by the Office of Export Control, any person issued a license covering a shipment within the scope of this section shall:

(i) Transmit to the foreign importer a written request for delivery verification at the time of making each shipment under the license (whenever possible, this request shall be submitted together with the related Bill of Lading or Air Waybill). The request shall include the number of the Import Certificate for the particular transaction which is referred to in the Form IA-863, Notification of Delivery Verification Requirement. In addition, the request shall also notify the foreign importer that this same Import Certificate number should be shown on the Delivery Verification;

(ii) Obtain from the named importer a Delivery Verification which has been issued to the importer by his government covering the commodities described on

the particular export license, or so much thereof (when complete shipment against the license will not be made) as the licensee has shipped; and

(iii) Send the original copy of the Delivery Verification to the Office of Export Control within a reasonable time after clearance of the last exportation made under the license. If a Delivery Verification is required with respect to commodities covered by a license and the licensee makes partial shipments against the license, the licensee shall obtain a Delivery Verification for each partial shipment and retain it in his files until all Delivery Verifications respecting shipments against the license have been received by him. The licensee shall then send the original copies of all such Delivery Verifications to the Office of Export Control in one parcel. (See Supplement No. 2 to this Part 373 for list of addresses where foreign consignees may obtain Import Certificates and Delivery Verifications.)

(3) *Inability to obtain a Delivery Verification.* If an exporter is unable to obtain the required Delivery Verification from his importer, he shall promptly notify the Office of Export Control and upon request, make available to the Office of Export Control all information and records, including correspondence, regarding his attempt to obtain the Delivery Verification.

NOTE: 1. *Delivery verifications.* It is the policy of the Office of Export Control to require Delivery Verifications on a selective basis where Import Certificates are required. Also, Delivery Verifications may be required relative to export licenses issued for exportation to any of the countries participating in the Import Certificate/Delivery Verification procedure, even though the licensed commodities are not subject to paragraph (d) of this section, or are commodities for which exemptions and exceptions have been granted under the Import Certificate/Delivery Verification procedure.

2. *Coded terms and translation requirements.* See paragraph (d) (3) (i) of this section.

(h) *Effective dates.* Whenever the scope of this section is extended by adding a commodity or country (see paragraph (a) of this section), such change shall become effective 45 days from the date the new commodity or country is added.

(i) *Relationship to consignee/purchaser statement*—(1) *Where Import Certificate required.* The requirement for submission of a consignee/purchaser statement specified in § 373.65 shall not be applicable wherever an Import Certificate is submitted pursuant to the requirements of this section.

(2) *Where Import Certificate not required.* (i) Where an Import Certificate is not specifically required by the provisions of this section, an exportation to a country listed in paragraph (a) (1) (ii) of this section is subject to the requirement for submission of a consignee/purchaser statement as specified in § 373.65, and an Import Certificate may not be substituted for that statement.

(ii) In any case where the symbol "A" is deleted from an entry on the

Commodity Control List, the commodities covered by that entry are removed from the Import Certificate and Delivery Verification requirements of this section. Neither a new Import Certificate nor an Import Certificate previously submitted to the Office of Export Control will be accepted in lieu of the required consignee/purchaser statement in support of an export license application which is submitted to the Office of Export Control after the deletion of the symbol "A".

(j) *Request for exception.* An applicant for an export license subject to the requirement for an Import Certificate in accordance with the provisions of paragraph (d) of this section, may request an exception to this requirement.

(1) *Grounds for exception.* Favorable consideration of a request for exception generally will be given where the requirement for an Import Certificate:

(i) Imposes an undue hardship on the applicant and/or ultimate consignee (e.g., the foreign government refuses to issue an Import Certificate and such refusal constitutes discrimination against the U.S. exporter); or

(ii) Cannot be complied with (e.g., the commodities will be held in a foreign trade zone or bonded warehouse for subsequent distribution in one or more countries); or

(iii) Is not applicable to the transaction (e.g., the commodities will not be imported for consumption into the named country of destination).

An exception will not be granted where such exception will be contrary to the objectives of the U.S. export control program.

(2) *Types of requests.* A request for exception may involve either a single transaction or multiple transactions.

(i) The request for a single transaction exception relates to a single export order and, if granted, will cover the application or applications which the exporter submits to ship the single export order.

(ii) The request for a multiple transactions exception, if granted, will cover all applications submitted by the exporter during all or any part of the period ending not later than June 30 of the year following the year during which the request is submitted. For example, a multiple transactions request submitted on April 1, 1965, may cover all applications for shipment to the ultimate consignee filed on or before June 30, 1966, unless an earlier termination date is requested or directed. A multiple transactions request for exception will be considered by the Office of Export Control only where the reason necessitating the request is continuing in nature.

(3) *When to submit request.* The request for exception shall be submitted together with the application to which it relates. Where the request for exception relates to more than one application, the request shall be submitted together with the first application to which it relates.

(4) *How to submit request.* Each request for exception shall be by letter, in duplicate, addressed to the U.S. Depart-

⁵ In certain cases the licensee may be requested to submit a Delivery Verification under alternative procedures.

ment of Commerce, Office of Export Control, Operations Division (Attention: 8540) Washington, D.C. 20230. The request shall be accompanied by a statement from the ultimate consignee and purchaser in accordance with § 373.65, unless such statement is already on file in the Office of Export Control. As a minimum, the letter of request shall include:

(i) The type of request, i.e., whether for a single transaction or multiple transactions (see subparagraph (2) of this paragraph);

(ii) A full explanation of the reasons for requesting the exception;

(iii) The nature and duration of the business relationship between the applicant and the importer shown on the license application;

(iv) Whether the exporter has previously submitted to the Office of Export Control any Import Certificate issued in the name of the importer and a listing of the case numbers to which these certificates applied;

(v) Whether a statement from the ultimate consignee and purchaser, in accordance with § 373.65, is on file with the Office of Export Control;

(vi) Name and address of the ultimate consignee;

(vii) The location of the foreign trade zone or bonded warehouse if the commodities will be exported to a foreign trade zone or bonded warehouse;

(viii) Name and address of the purchaser, if different than the ultimate consignee;

(ix) The requested date of expiration if a multiple-transactions exception is requested (see subparagraph (2) of this paragraph) and the exporter wishes the exception period to expire before June 30 of the next year; and

(x) Any other facts which would justify the granting of an exception.

(5) *Action by Office of Export Control*—(i) *Single transaction request.* Where the request involves a single transaction, the Office of Export Control will act on the request for exception together with the application for export license with which the request for exception was submitted. In those cases where the related application is approved, the issuance of the export license will serve also as an automatic notice to the exporter that the exception is approved. However, if any restrictions are placed on the approval, or if the request is disapproved, the Office of Export Control will advise the exporter by letter.

(ii) *Multiple transactions request.* Where the request involves multiple transactions, the Office of Export Control will advise the exporter by letter of the action taken on the request for exception. The letter will contain any conditions or restrictions which the Office of Export Control finds necessary as a condition to approval of the request for exception. In addition, a written acceptance of these conditions will be required from the parties to the transaction.

(6) *Submission of additional application.* On any additional application for export license which is subject to an ap-

proved request for exception to the Import Certificate requirement the following certification shall be inserted on the application in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the circumstances shown in the original request for exception to submission of an Import Certificate (or Hong Kong Import License) also exist with respect to this application. The request for exception was submitted in support of application number. (Insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the request for exception was attached, and Export Control Commodity numbers and processing codes shown on that application.)

(7) *Relationship to reexportation.* The granting of an exception to submission of an Import Certificate in no way relieves the applicant or any other party to the transaction from obtaining reexportation authorization from the Office of Export Control when so required by the Export Regulations.

§ 373.3 Statement by foreign importer of aircraft or vessel repair parts.

(a) *Definitions*—(1) *Foreign importer of aircraft or vessel repair parts.* As used in this section, the term "Foreign Importer of Aircraft or Vessel Repair Parts" means a person or firm which is located in any foreign country except Country Group W, Y, or Z (see § 370.1(g) of this chapter for country groups), and which is either:

(i) Engaged in the repair, maintenance or servicing of aircraft or vessels, either exclusively or as a part of a related business; or

(ii) Engaged in supplying United States origin parts, accessories, equipment, or components directly to aircraft or vessels for use on such aircraft or vessels, either exclusively or as part of a related business. Such foreign person or firm need not maintain an aircraft repair hangar or ship repair yard provided that he is engaged in one of the activities set forth in this procedure.

(2) *Station Number.* As used in this section, a Station Number is that number assigned by the Office of Export Control on Form FC-43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts, to an approved foreign importer of aircraft or vessel repair parts.

Note: 1. *Examples of qualifying foreign businesses.* The following examples illustrate the types of foreign businesses which may qualify under the procedure set forth in this section: (a) The foreign importer may be in the business of repairing vessels or aircraft and, as part of this business, he uses U.S.-origin parts to accomplish the repair, or (b) the foreign importer may be in the business of repairing vessels or aircraft, and, in addition to using U.S.-origin parts in such repair, he also sells U.S.-origin parts directly to vessels or aircraft for use as spares or standby equipment on such vessels or aircraft, or (c) the foreign importer may not be in the vessel or aircraft repair business but does sell U.S.-origin parts directly to vessels or aircraft for use as spares or standby equipment on such vessels or aircraft.

2. *Examples of nonqualifying foreign businesses.* The procedure set forth in this section does not apply to a foreign importer who imports U.S.-origin commodities for general resale (including resale to repairmen) or for reexportation of the commodities in the form received; nor does it apply to a foreign importer whose normal business is the repair of components for aircraft or vessels, e.g., engines, radar, etc., unless the foreign importer installs the components on or returns them to the vessel or aircraft for use on such vessel or aircraft.

3. *Foreign importers engaged in both qualifying and nonqualifying types of businesses.* In some instances a foreign importer may be engaged in several types of businesses but not all of them may qualify under the procedure set forth in this section. For example, the importer may be engaged in repairing aircraft or vessels, as well as in selling commodities to other repairmen, or in reexporting the commodities to other countries. The fact that the importer is engaged in these several types of businesses does not preclude him from qualifying under this procedure with respect to U.S.-origin commodities which are used by him in the repair, maintenance or servicing of vessels or aircraft. However, with respect to commodities which the importer purchases in the United States for end uses not authorized under this procedure, both the importer and the exporter must meet the standard documentation and reexportation provisions of the Export Regulations.

(b) *General.* (1) Sections 373.2, 373.65, 373.67, and 373.70 require, under specified circumstances, the foreign consignee to send his U.S. exporter an Import Certificate, a Hong Kong Import License, a consignee/purchaser statement, a Swiss Blue Import Certificate, or a Yugoslav End Use Certificate for use in connection with the submission of an application for an export license to the Office of Export Control. In addition, before U.S.-origin parts, accessories, equipment, or components may be used abroad in the repair, maintenance or servicing of a vessel or aircraft, authorization must be obtained from the Office of Export Control, either on the validated license or by other type of Office of Export Control authorization. As an alternative to these requirements, a foreign importer may submit Form FC-43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts (see Supplement S-23 for facsimile of Form FC-43), for approval to the Office of Export Control in accordance with the procedure described in this section.

(2) A foreign importer qualifying under this procedure will not be required to submit to his U.S. exporter any of the documents set forth in subparagraph (1) of this paragraph nor will his U.S. exporter be required to submit these documents to the Office of Export Control.

(3) A foreign importer qualifying under this procedure is authorized to use the United States-origin parts in the repair, maintenance or servicing of any vessel or aircraft, provided the vessel or aircraft is not registered in, or not owned or controlled by, or not chartered or leased to Southern Rhodesia or a Country Group W, Y, or Z country or a national of any of these countries. (See § 370.1(g) of this chapter for Country Groups.)

NOTE: Any undertaking made prior to January 29, 1962, that commodities imported will not be used in the repair, maintenance, or servicing of vessels or aircraft owned or operated by, or chartered or leased to, the Armed Forces of the Dominican Republic is no longer binding and the person entering this undertaking is released therefrom.

(4) Unless otherwise authorized by the Export Regulations, a foreign importer may not reexport the U.S.-origin commodities in the form received, or otherwise dispose of the commodities in any manner without the prior approval of the Office of Export Control. The permissive reexportation provisions of §§ 371.4(b) and 372.12(d)(5) of this chapter of the Export Regulations relating to the reexportation of certain commodities within the GLV dollar value limitation shown on the Commodity Control List (§ 399.1 of this chapter) do not apply to commodities exported from the United States under the provisions of this section.

(c) *Request for qualification.* In order to qualify as an approved foreign importer, any person or firm meeting the terms of the definition set forth in paragraph (a)(1) of this section shall submit to the Office of Export Control five completed copies of Form FC-43,* Revised March 1, 1965 (see Supplement S-23 for facsimile of form). Copies bearing an earlier printing date are not acceptable. All items on the form shall be completed and the foreign importer shall signify agreement to the conditions and obligations set forth on the form by signature of an official of the foreign firm.

(d) *Office of Export Control action on request.* After consideration of the request, the Office of Export Control will notify the foreign importer of the action taken. If approved, the foreign importer will be furnished a validated copy of Form FC-43, which will contain a Station Number and an expiration date. (The expiration date generally will be on June 30 of the year following the date on which the Form FC-43 is signed by an official of the foreign firm, unless an earlier termination is requested by that firm.) If the request is denied, the foreign importer will be so notified.

NOTE: The approval of a foreign importer under the procedure set forth in this section does not eliminate the requirement that a U.S. exporter must submit an application for export license and obtain a validated export license before making shipment, where so required by the Export Regulations.

(e) *Use of Station Number on license application.* (1) Where a foreign importer has been approved under this procedure, he shall supply the designated Station Number to his exporter(s) in the United States, instead of an Import Certificate, Hong Kong Import License,

consignee/purchaser statement, Swiss Blue Import Certificate, or Yugoslav End-Use Certificate as otherwise required by the Export Regulations.

(2) A U.S. exporter applying for an export license to ship to a foreign importer approved under this procedure shall insert the following statement on the Form FC-419, Application for Export License, in the space entitled "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved foreign importer of aircraft or vessel repair parts and has been assigned Station Number (Insert Station Number).

An application for an export license supported by this designated Station Number will be considered by the Office of Export Control provided it is received prior to the expiration date shown on the approved Form FC-43.

(f) *Records and reports.* (1) Any foreign importer approved under this procedure shall maintain records, in the detail set forth below, of commodities imported from the United States and supplied to vessels or aircraft, for a period of 3 years from the date the commodities are supplied to such vessel or aircraft. These records shall be made available for inspection, upon demand, by the U.S. Department of Commerce or by a U.S. Foreign Service post or by any other accredited representative of the U.S. Government. In the event the foreign importer is prohibited by governmental regulation or statute from permitting a U.S. Government representative to inspect his records, the U.S. Department of Commerce will consider granting a waiver to this requirement and the substitution therefor of a calendar quarterly report setting forth the information contained in the records. Such request for waiver shall be part of the submission of Form FC-43 to the Office of Export Control, and shall include a citation to the governmental regulation or statute prohibiting the inspection of records, together with a certification that a calendar quarterly report, containing the information specified below, will be submitted to the Office of Export Control if the waiver request is granted.

(2) As a minimum, the records or reports shall include the following with respect to each vessel or aircraft on which U.S.-origin parts, accessories, equipment, or components are supplied:

- (i) Name, business address, and nationality of the owner;
- (ii) Country of registry;
- (iii) Type of aircraft and model number;
- (iv) If a vessel, the name of the vessel or other identification, and type of vessel;
- (v) Date the commodities are supplied to the vessel or aircraft; and
- (vi) The commodity description and units of quantity or value of the commodities supplied to the vessel or aircraft.

(The Export Regulations contain further recordkeeping requirements. See § 381.11 of this chapter.)

(g) *Extension of validity period of Form FC-43.* (1) If there are no changes with respect to the facts and commitments set forth in the Form FC-43 previously approved by the Office of Export Control, a foreign importer may request the extension of an expiring Form FC-43 by submitting a letter to the Office of Export Control, in an original and four copies, which includes the certification set forth below. However, if there will be a change, to take effect upon validation of the extension, with respect to the facts previously certified on the previously approved Form FC-43, a new Form FC-43 must be submitted to the Office of Export Control.

I (We) certify that:

(i) I (We) have reread the Form FC-43 which was executed on _____, and which expires on _____.

(ii) The facts contained in that Form have not changed to date and accurately and completely reflect the intended use and disposition of the commodities to be imported under Station No. _____ for the period ending (insert June 30 next year or an earlier termination date if desired).

(iii) The commodities imported will not be used in the maintenance, repair, or servicing of vessels or aircraft under the registry, ownership, operation, charter, lease, or control of any country in the Soviet Bloc, Communist China, North Korea, the Communist-controlled area of Viet-Nam, Poland (including Danzig), Rumania, Cuba, or Southern Rhodesia, or a national of any of these countries, unless prior approval is received from the Office of Export Control.

(iv) I (We) will maintain records, in the detail set forth in the U.S. Export Regulations, of commodities imported from the United States and supplied to vessels or aircraft, for a period of 3 years from the date the commodities are supplied to such vessel or aircraft. These records will be available for inspection, upon demand, by the Office of Export Control or by a U.S. Foreign Service post.

(v) I (We) shall obtain the approval of the Office of Export Control with respect to any change in the facts or intentions which may occur after the signing of this certification.

-----	-----
(Name of foreign firm)	(Date of signing)
-----	-----
(Signature of official of foreign firm)	(Typed or printed signature)

(2) If the request for extension is approved, one copy of the foreign importer's letter will be returned to him imprinted with the seal of the U.S. Department of Commerce. Where the request for extension is not approved, the foreign importer will be advised by letter.

§ 373.4 Distribution of United States Commodities by Foreign-Based Subsidiary, Affiliate, or Branch.

(a) *Definitions.* As used in this section (and in the related forms), the following terms are defined in subparagraphs (1) through (4) of this paragraph:

(1) *Form FC-243 procedure.*¹⁰ The provisions for the distribution of U.S.

* Copies of Form FC-43 may be obtained at all U.S. Department of Commerce Field Offices and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230.

Foreign importers may obtain copies of this form from their U.S. exporter or from U.S. diplomatic and consular offices.

¹⁰ Copies of Form FC-243 may be obtained at all U.S. Department of Commerce field offices and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230.

commodities by the U.S. exporter or his subsidiary, affiliate, or branch set forth in this section are referred to as the "Form FC-243 procedure."

(2) *Foreign-based stock.* The term "foreign-based stock" is a stock of U.S.-origin commodities, not identified by the symbol "B" in the last column of the Commodity Control List (see § 399.1 of this chapter), which has been duly licensed by the Office of Export Control for stocking outside the United States by a U.S. exporter, his subsidiary, affiliate, or branch for the purpose of distribution in one or more countries to customers approved by the Office of Export Control.

(3) *Distributor.* The term "distributor," as used in this part, refers to, and is limited to, a subsidiary, affiliate, or branch of the U.S. exporter wherein:

(i) The subsidiary, affiliate, or branch is under the full and active control of the U.S. exporter;

(ii) The U.S. exporter owns a majority of any existing voting stock in the subsidiary, affiliate, or branch;

(iii) The subsidiary, affiliate, or branch distributes or sells U.S. commodities covered by a validated Form FC-243 exclusively to customers approved by the Office of Export Control under this Form FC-243 procedure¹¹ for: (a) delivery from foreign-based stocks, or (b) shipment directly from the United States, pursuant to instructions¹² of the subsidiary, affiliate, or branch to fill an urgent need or a specialized requirement for a commodity covered by this Form FC-243 procedure but not available for shipment through the foreign-based stock, or (c) shipment directly from the United States to an approved customer of commodities to be used in repairing equipment originally manufactured by the U.S. exporter; and

(iv) The subsidiary, affiliate, or branch is located in a country other than Southern Rhodesia or Country Group W, Y, or Z.

(4) *Customer.* The term "customer," as used in this part, means a person or firm in a country other than Southern Rhodesia or Country Group W, Y, or Z, who is supplied U.S.-origin commodities through a distributor as defined in subparagraph (3) of this paragraph.

(b) *Establishment of alternative procedure for the distribution of U.S. commodities by a subsidiary, affiliate, or branch of U.S. exporter.* (1) A U.S. exporter is required, under specified circumstances, to obtain and submit to the Office of Export Control certain documentation in support of his application for an export license. (See §§ 373.2, 373.65, 373.67, and 373.70.) In addition, a reexportation to a third country must be authorized by means of a specific in-

dividual authorization. (See §§ 371.4 and 372.12 of this chapter.)

(2) An alternative to these provisions is hereby established as described below, permitting a U.S. exporter either to stock U.S. commodities abroad at a central location for distribution to customers in the country where the stock is located or in other countries; or, when necessary to fill an urgent need or a specialized requirement which cannot be filled from the foreign-based stock, to ship the commodities directly to these customers from his U.S. stocks.

(c) *Exportations, reexportations, and distributions under the Form FC-243 procedure.* (1) A U.S. exporter who qualifies under the provisions of paragraph (d) of this section may apply for and obtain licenses for exportations to an approved destination for the purpose of maintaining a foreign-based stock covering any commodity not identified by the symbol "B" in the last column of the Commodity Control List, except the following commodities:

Export control commodity No.	Commodity description
71420--	Electronic computers.
72620--	X-ray machines, and specially designed parts therefor, and flash discharge type X-ray tubes.
72952--	Vibration testing equipment.
72952--	Mass spectrometers.
&	
86198	
72970--	Neutron generators and specially designed parts therefor, and neutron generator tubes.

In addition, the United States exporter may apply for an export license to ship directly to his distributor's customer either:

(i) Upon instructions from his distributor, when shipment directly from the United States is necessary to supply promptly an urgent need or specialized requirement for commodities which are covered by this Form FC-243 procedure but are not available from the foreign-based stock, or

(ii) For shipment to an approved customer of parts and components to be used in repairing equipment originally manufactured by the U.S. exporter.

These exportations may be made without obtaining or submitting documents otherwise required by the Export Regulations and referred to in paragraph (b) of this section.

(2) The Form FC-243 procedure also permits the distributor, until the expiration or revocation of his validated Form FC-143, Request for Authorization to Distribute U.S.-Origin Commodities Stocked Abroad to Approved Customers,¹³

¹¹ Copies of Forms FC-143 and FC-243 may be obtained at all U.S. Department of Commerce Field offices and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230.

Late revisions of Form FC-143 refer in item 7.b to Country Groups W, Y, and Z. If an earlier issuance of Form FC-143 is used, the list of destinations in item 7.b shall be revised accordingly.

to distribute or reexport the commodities stocked abroad, without obtaining prior Office of Export Control approval for each separate individual transaction, to any customer who has been approved by the Office of Export Control in accordance with the provisions of paragraph (e) of this section, whether such customer is in the country where the foreign-based stock is located or in any other country.

(3) Only a distributor, as defined in paragraph (a) (3) of this section, will be qualified under the Form FC-243 procedure.

(4) Where a commodity, customer, distributor, or destination is not approved under the Form FC-243 procedure, the exporter is not precluded from using any other applicable export procedure, authorization, or provision. Persons or firms located in Southern Rhodesia or Country Group W, Y, or Z will not be approved as distributors under the Form FC-243 procedure. Customers in Southern Rhodesia or Country Group W, Y, or Z may be approved only on an individual transaction basis with the prior written approval of the Office of Export Control for each shipment from the foreign-based stock.

(5) Except as provided in paragraph (e) (4) of this section, in no case may an exportation, reexportation, distribution, or resale be made under the Form FC-243 procedure to any person or firm until the exporter has received a validated Form FC-243 showing the Office of Export Control approval of that person or firm as a customer.

(6) The permissive reexportation provisions of the Export Regulations relating to the reexportation of commodities within the established GLV dollar value limits (see §§ 371.4(b) and 372.12(d) of this chapter) shall not apply to exportations, reexportations, or distributions under this procedure.

(d) *Qualification of U.S. exporter and his distributor to participate in Form FC-243 procedure.* (1) A U.S. exporter desiring to qualify for participation in the Form FC-243 procedure shall complete and submit to the Office of Export Control, six copies of Form FC-143.

(2) After consideration of the request, the Office of Export Control will notify the U.S. exporter of the action taken. If approved, he will be furnished two validated copies of the Form FC-143, each of which will contain the validation number and expiration date. One copy shall be retained by the exporter, and one copy shall be forwarded to his distributor. Generally, the expiration date will be on June 30 of the year following the date on which the Form FC-143 is signed by the U.S. exporter, unless an earlier termination date is requested. If the request for approval is denied, the exporter will be notified by the return of the Form FC-143 and a rider which will state the reason for rejection.

(e) *Approval of customer of distributor of foreign-based stocks.* (1) Except as provided in subparagraph (4) of this paragraph, each customer to whom distribution is proposed, whether in the country where the foreign-based stock is

¹² See paragraph (c) (4) of this section regarding use of other procedures.

¹³ The instruction from the distributor to ship directly from the United States to his approved customer, together with the related export order shall be retained by the U.S. exporter, as provided by paragraphs (f) (4) and (h) of this section.

located or in any other country, must complete and submit to the distributor, or directly to the U.S. exporter, six copies of Form FC-243, Multiple Transactions Statement by Customer of Distributor of U.S. Commodities Stocked Abroad. These forms shall be forwarded by the U.S. exporter to the Office of Export Control either with or subsequent to the submission of Form FC-143.

(2) If the Form FC-243 is approved, two validated copies of the approved form will be sent to the U.S. exporter. Generally, the expiration date shall be on June 30 of the year following the date on which the Form FC-243 is signed by the customer, unless an earlier expiration date is requested. If the customer is not approved, the form with a rider will be returned to the U.S. exporter explaining the reason for rejection. One copy of either the approved or rejected form shall be retained by the exporter at his U.S. office and one copy shall be sent to the foreign office from which the distribution is controlled. These forms shall be used in assuring that distribution under the Form FC-243 procedure will be made only to customers for which the Office of Export Control has approved a Form FC-243.

(3) In addition, where the customer is located in Switzerland or in Yugoslavia, the exporter or his distributor must obtain for each transaction a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate showing the United States as the country of origin of the commodities to be distributed. However, neither the Swiss Blue Import Certificate nor the Yugoslav End-Use Certificate need be submitted to the Office of Export Control. Instead, these documents shall be retained in accordance with the provisions in paragraph (h) of this section.

(4) A Form FC-243 need not be obtained in any case where the customer is an agency of the U.S. Government (as described in § 371.14(b) of this chapter) or of a foreign government (as defined in § 373.65(a)(2)(iv)), provided the commodities are to be distributed to the government agency. Instead of a Form FC-243, the name and address of the foreign government agency shall be submitted for approval by means of a letter in six copies to the Office of Export Control, and if approved, two validated copies of the letter will be returned by the Office of Export Control. The approval will remain valid until the expiration of the related Form FC-143 or any extension thereof. Notice to, and approval by the Office of Export Control is not required where the distributor makes a sale under this procedure to a U.S. Government agency.

(f) *Application for export license—(1) Types of applications.* A U.S. exporter who has received a validated Form FC-143 may apply for three different types of export licenses under this procedure:

(i) A license to export commodities to his distributor for subsequent distribution, as set forth in paragraph (c)(2) of this section.

(ii) A license to export directly to his distributor's approved customer com-

modities which are not available from the foreign based stock but for which shipment directly from the United States is necessary to meet an urgent need or a specialized requirement of the distributor's customer.

(iii) A license to export directly to his distributor's approved customer parts and components which are not stocked by the distributor and which are to be used in the repair of equipment originally manufactured by the U.S. exporter, in an amount based on the U.S. exporter's estimate of the quantity which he expects to ship during the next 6 calendar months.

(2) *General provisions.* An application for export license described in subparagraph (1) of this paragraph shall be completed in accordance with the provisions of § 372.5 of this chapter except as modified by this subparagraph (2) or by subparagraphs (3), (4), or (5) of this paragraph. All commodities having the same processing code may be included on one application, regardless of the related commodity group number of the commodities.¹⁴ Commodity Control List descriptions and Export Control Commodity numbers, however, must be shown for each commodity in accordance with the provisions of § 372.5 of this chapter. In submitting an application, the applicant is not required to provide the Office of Export Control with an Import Certificate, Statement by Consignee and Purchaser or any other supporting document other than Form FC-143 or Form FC-243.

(3) *Shipment to distributor.* An application covering shipments to the distributor of commodities set forth on the validated Form FC-143 (see subparagraph (1)(i) of this paragraph) must be received in the Office of Export Control prior to the expiration date shown on the validated Form FC-143 or on an extension thereof. In completing the application, the applicant shall enter the following statement in the space entitled "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved distributor of U.S. commodities stocked abroad and has been assigned validation number (insert Form FC-143 validation number).

(4) *Urgent direct shipment to distributor's customer.* This type of license application (see subparagraph (1)(ii) of this paragraph) may be submitted where the U.S. exporter is advised by his distributor that an order has been received from an approved customer for a commodity which has been approved on the customer's validated Form FC-243 but which is not in the distributor's foreign-based stock and for which the customer has an urgent need or a specialized requirement. The license application must be received in the Office of Export Control prior to the expiration date shown on the validated Form FC-243 or an extension thereof. In addition, the appli-

¹⁴ For license applications covering aircraft and equipment, parts, accessories, and components therefor, see § 373.48.

cation shall include the following statement in the space entitled, "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved customer of our foreign distributor. Our distributor (insert Form FC-143 validation number) requests that shipment be made directly from the United States to fill an urgent need or specialized requirement.

(5) *Shipments of parts and components direct to distributor's customer.* This type of license application (see subparagraph (1)(iii) of this paragraph) may be submitted where all of the following conditions are met:

(i) The license application is received in the Office of Export Control prior to the expiration date shown on the customer's validated Form FC-243 or an extension thereof.

(ii) The commodities described on the license application represent parts and components which will be used by the distributor's customer in repairing equipment originally manufactured by the U.S. exporter or which will be supplied by the distributor's customer to another party exclusively for this purpose. If the parts and components are reexported for this purpose, the reexportation will be made only to the countries specified on the customer's validated Form FC-243. In addition, the parts and components will not be used in repairing equipment owned or controlled by, or leased or chartered to a country in Southern Rhodesia or Country Group W, Y, or Z, or a national of any of these countries.

(iii) Each order received from the distributor's customer should, whenever possible, include a certification from the customer that he will comply with all the provisions of subdivision (ii) of this subparagraph. Regardless of whether the certification appears on the order, the U.S. exporter will, at the time of filing the order, transmit a written notification to the customer setting forth these restrictions.

(iv) The commodities set forth on the license application are included on the customer's validated Form FC-243 and are in a quantity which the exporter expects to ship to the customer during the next 6 calendar months for use in repairing equipment originally manufactured by the exporter's firm.

(v) The license application includes the following statement in the space entitled "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved customer of our foreign distributor (insert Form FC-143 validation number). Before making any shipment under this license, if granted, I (we) shall: (1) obtain an export order from the ultimate consignee, (2) wherever possible, obtain a written certification from the ultimate consignee on the export order with regard to the restrictions set forth in subdivision (ii) of this subparagraph) of the Comprehensive Export Schedule, and (3) for each shipment notify the ultimate consignee, in writing, of these restrictions.

If the quantity licensed under this procedure proves insufficient to meet the requirements of a particular customer, a request for an amendment to increase the quantity authorized for export may be submitted in accordance with the provisions of Part 380 of this chapter. However, no amendment will be granted to extend the validity period of such a license. Instead, the exporter should submit a new application for license 30 days prior to the expiration date of an outstanding license. The new application shall be accompanied, in addition to the requirement set forth in this subdivision, by a statement from the applicant setting forth the total quantity and value of each commodity shipped under the previous license, as of the date of the new application.

(g) *Special destination control statement—(1) Shipments to distributor.* The U.S. exporter has the option of entering either of the two destination control statements set forth in subdivisions (i) and (ii) of this subparagraph on the Shipper's Export Declaration, commercial invoice, and Bill of Lading covering exportations from the United States made under the Form FC-243 procedure to the distributor for his foreign-based stock:

(i) These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to U.S. law prohibited.

The country where the foreign-based stock is located shall be shown as the ultimate destination in this statement. Use of the above destination control statement in no way prohibits the distributor from distributing these commodities to other countries provided that the distribution is restricted to customers approved by the Office of Export Control on a Form FC-243.

(ii) These commodities licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name(s) of country(ies)). Diversion contrary to U.S. law prohibited.

The country where the foreign-based stock is located shall be shown in the first blank space. The country where approved customers are located shall be shown in the second blank space.

(2) *Shipments to customers.* (i) As indicated in paragraph (c)(1)(i), (ii), and (c)(2) of this section, shipments may be made to an approved customer by the distributor and, under certain restrictive conditions, by the U.S. exporter. Where the shipment is made by the distributor, the destination control statement shall be entered on each commercial invoice and Bill of Lading. If the shipment is made by the U.S. exporter, the destination control statement shall be entered on the Shipper's Export Declaration, commercial invoice, and Bill of Lading.

(ii) If reexportation has been authorized on the approved Form FC-243, the destination control statement set forth in subparagraph (1)(ii) of this paragraph shall be used with the customer's country of location entered in the first

blank space of the statement and the authorized country(ies) to which reexportation is authorized entered in the second blank space. In instances where reexportation has not been authorized on the approved Form FC-243, the destination control statement set forth either in subparagraph (1)(i) or (ii) of this paragraph may be used. However, if the statement set forth in subparagraph (1)(ii) of this paragraph is used, the customer's country of location shall be entered in the first blank space of the statement and the word "none" shall be entered in the second blank space.

NOTE: In accordance with the provisions of paragraph (c)(5) of this section no shipment may be made by either the U.S. exporter or the distributor to a customer of the distributor until a validated Form FC-243, showing Office of Export Control approval of the customer, has been received by the U.S. exporter. (See paragraph (e)(4) of this section for shipments to government agencies.)

(h) *Records and reports.* (1) The U.S. exporter shall retain one copy of each validated or rejected Form FC-143 and FC-243 at his office in the United States and one copy at his distributor's office abroad from which the distribution of the foreign-based stock is controlled. These forms shall be retained for a period of 3 years from the date of validation or rejection.

(2) All other forms, documents, correspondence, memoranda, books, and other records, as required to be retained by this procedure, relating to any exportation from the United States under the Form FC-243 procedure shall be kept and made available for inspection in accordance with the provisions of § 381.11 of this chapter.

(3) All records regarding a distribution, sale, or reexportation from a foreign-based stock under this Form FC-243 procedure (including distributions to government agencies under the provisions of paragraph (e)(4) of this section) shall be retained at the office from which the distribution is controlled for a period of 3 years from the date of distribution. In addition, any Swiss Blue Import Certificate or Yugoslav End-Use Certificate obtained in accordance with the requirements of this procedure shall also be retained by the distributor for a period of 3 years from the date the commodities are distributed. As a minimum, these records shall contain for each distribution the following:

(i) Validated Form FC-243 number assigned to the customer;

(ii) Full description of each commodity distributed from the foreign-based stock;

(iii) Units of quantity or value of each commodity distributed; and

(iv) Date of shipment.

(4) All of the above-mentioned records shall be made available for inspection upon request, by the U.S. Department of Commerce, by a U.S. Foreign Service post, or by any other accredited representative of the U.S. Government. In the event that a foreign governmental regulation or statute prohibits a U.S. Government representative from inspect-

ing these records in the foreign country, the exporter shall, upon instruction from the U.S. Department of Commerce, obtain these records from his distributor and forward them, in original form or in duplicate or reproduction, to his U.S. office or directly to the U.S. Department of Commerce.

(5) However, in the event that it becomes necessary to forward records to the United States, copies of validated Forms FC-143 and FC-243 shall be forwarded only if specifically requested.

(6) A U.S. exporter shall retain for each shipment made under a license obtained under the provisions of paragraph (f)(5) of this section, records which shall include, as a minimum, the following:

(i) Validated license number;

(ii) Validated Form FC-243 number assigned to the customer;

(iii) A full description of each commodity shipped directly from the United States;

(iv) Units of quantity or value of each commodity shipped;

(v) Date of shipment; and

(vi) A copy of the export order.

(The Export Regulations contain further record keeping requirements. See § 381.11 of this chapter.)

(i) *Extension of validity period—(1) Form FC-143.* (i) In lieu of a new Form FC-143, a request for extension of the validity period of a previously approved Form FC-143 will be considered for approval by the Office of Export Control if there are no changes in the facts, intentions, or responsibilities set forth in the form previously approved. The request for extension shall be submitted by the U.S. exporter by means of a letter, in six copies, which shall include the certification shown below. If the request for extension is approved, two copies of the exporter's letter will be returned to him imprinted with the seal of the U.S. Department of Commerce. If the request for extension is not approved, the exporter will be advised by letter.

(ii) The following certification shall be signed by the exporter:

"I (We) certify that I (we) have reread the Form FC-143 which was executed on _____ and which expires on _____, and I (we) hereby specifically reaffirm all of the facts, intentions, and responsibilities set forth thereon for the period ending (insert June 30 of next year or an earlier termination date if desired). The commodities covered will be distributed exclusively to customers approved by the Office of Export Control and under no circumstances will they be distributed, directly or indirectly, to Southern Rhodesia or Country Group W, Y, or Z, without prior approval from the Office of Export Control or to any person in any country if there is reason to believe that the commodities will be reexported to an unauthorized destination.

The Form FC-143 originally approved and the validated copies of this extension, if approved, shall be retained for a period of 3 years from the date of the validation of this extension, and all records relating to any distribution, sale, or reexportation under the Form FC-243 procedure shall be retained in accordance with the Export Regulations.

A supplementary statement will be submitted for the approval of the Office of Export Control disclosing any change of facts or intentions which may occur after the submission of this extension request.

 (Name of firm)

 (Signature of official of firm)

 (Date of signature)

 (Typed or printed signature)

U.S. Government approval through this distributor prior to such disposition.

 (Date of signing)
 (Print or type)

 (Name of customer)

 (Address of customer)

 (Signature of official of firm named)

 (Name and title of person signing statement)

(2) *Form FC-243.* (i) If there are no changes in the facts, intentions, or responsibilities of the U.S. exporter with respect to his previously approved Form FC-143, in lieu of submitting a new related Form FC-243, the coverage period of the currently valid Form FC-243 on file in the Office of Export Control may be similarly extended by the submission to the Office of Export Control of (a) a certification completed by the customer (see subdivision (ii) of this subparagraph) and (b) a copy of the distributor's letter to his customer requesting the completion of such certification. Such certification and letter shall meet, as a minimum, the requirements described below and shall be submitted in six copies. If the request for extension is approved, two copies of the certification will be returned to the U.S. exporter imprinted with the seal of the U.S. Department of Commerce. If the request for extension is not approved, the exporter will be advised by letter. One copy of either the approval or rejection letter shall be retained by the exporter at his U.S. office and one copy shall be sent to the foreign office from which the distribution is controlled.

(ii) The following certification shall be signed by the customer:

- I (We) certify that:
- (1) I (We) have reread our Form FC-243, Multiple Transactions Statement by Customer of Distributor of U.S. Commodities Stocked Abroad, dated -----;
 - (2) The facts contained in this Statement which will expire on ----- have not changed to date;
 - (3) The facts contained in this Statement accurately and completely reflect our past and present relationship with (name of distributor) and our intended use and disposition of commodities received during the period ending (June 30 of next year, unless an earlier termination date is desired);
 - (4) I (We) shall promptly send a supplemental statement to the named distributor disclosing any change of facts or intentions which occurs after the signing of this certification; and
 - (5) With respect to any shipment which I (we) propose to dispose of contrary to the representations made in the above described Form FC-243, or contrary to limitations on countries of distribution which I (we) receive on my (our) commercial invoice or comparable documents, I (we) will notify the named distributor, and will secure the

(iii) The distributor's letter to his customer requesting the above certification shall, among other things, include the following instructions: (a) the original Form FC-243 shall be reexamined to make sure that the facts and intentions have not changed; (b) the commodities shall be used in the authorized countries only; (c) the commodities shall not be diverted or transhipped from authorized destinations to other destinations without prior U.S. Government approval; and (d) the exporter must be informed of any future change of facts or intentions from the those stated in the certification.

(iv) The certification completed by the customer and the copy of the distributor's letter to his customer requesting the completion of such certification, must be received in the Office of Export Control before the expiration date of the Form FC-243 or any previous extensions thereof.

(3) *Change in facts, intentions, or responsibilities.* If there has been a change in the facts, intentions, or responsibilities set forth on a Form FC-143 by the U.S. exporter, a new Form FC-143 must be submitted to the Office of Export Control. If this change in any way affects the facts, intentions, or responsibilities of a customer of the distributor, a new Form FC-243 is also required from each such customer. An extension of a customer's outstanding Form FC-243 will be considered for approval by the Office of Export Control only if no changes in the facts, intentions, or responsibilities set forth thereon result from either changes in the Form FC-143 or from any other cause.

(j) *Effect of other regulations.* Insofar as consistent with the provisions of this section, all of the other provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this section.

§ 373.5 Licensing policy for agricultural commodities and manufactures thereof covering shipments to Country Groups Y and Z.

(a) *Exportations and reexportations to Country Group Z.* It is the general policy of the Office of Export Control to deny applications for validated licenses to export, and requests for authorizations to reexport, any agricultural commodity or manufacture thereof to Country Group Z.

(b) *Exportations and reexportations of wheat and wheat flour—(1) Destinations and estimated total to be licensed.* The Office of Export Control will consider applications for export licenses to Country Group Y. All such export licenses issued will bear an expiration date of May 31, 1964.

(2) *Percentage of participation.* No American exporter will be permitted to participate in these wheat and wheat flour export transactions to an extent greater than 25 percent of the total quantity expected to be purchased in the United States. License applications which meet all the requirements for approval will be processed promptly if there is sufficient evidence that the provisions of the 25 percent participation rule is met.

(3) *Certification.* The exporter shall enter the following certification on Form FC-419, Application for Export License, in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that with respect to the commodities described on this application (1) the price will be on the basis of the prevailing world price at the time the contract is concluded; (2) the payment will be made in U.S. dollars or gold; (3) the terms of sale will be cash or normal commercial credit; (4) the exportation from the United States will not be financed under Public Law 480; (5) the sale does not involve (me)(us) in any barter arrangement; (6) the commodities were produced in the United States; (7) at least 50 percent of the commodities exported under any export license resulting from this application will be exported in U.S. flag ocean carriers; and (8) promptly upon entering into a charter or other shipping arrangement for each shipment of commodities to be exported under any export license resulting from this application, the U.S. Maritime Administration will be notified of the name of the ship, the name of the ship operator, the ship's flag of registration, the quantity of such shipment, and the export license number under which the shipment is made.

Note: Notifications of shipping arrangements should be addressed to the U.S. Maritime Administration, Office of Ship Operations, 441 G Street NW., Washington, D.C. 20235.

(4) *Additional information.* The following information shall be entered on the license application in the space entitled "Additional Information," or on an attachment thereto:

- (i) The proposed shipping date, if known;
- (ii) The specific terms of sale, i.e., cash, credit and credit terms if applicable;
- (iii) All the details of the financing arrangements, including the names of financial institutions or facilities participating in the financing. (If the financing arrangements are not completed at the time of application submission, the applicant shall state on the application that the Office of Export Control will be provided this information promptly as soon as the financing arrangements are completed. The notification shall refer to the application case number, or if the case number is un-

known, the export license number, the applicant's reference number, or the date of submission of the application); and

(iv) The name and address of the firm which registered the export sale transaction with the U.S. Department of Agriculture, together with the registration number assigned by the U.S. Department of Agriculture. If the export sale transaction has not been registered with the U.S. Department of Agriculture at the time of application submission, the applicant shall state on the application that the Office of Export Control will be advised promptly as soon as the U.S. Department of Agriculture registration is made. The notification to the Office of Export Control shall refer to the application case number, or if the case number is unknown, the export license number, the applicant's reference number, or the date of submission of the application.

Note: The applicant is not required to complete Item 9 of the application with regard to the name and address of the supplier.

(5) *Single transaction statement by consignee and purchaser.* Each application shall be accompanied by a Form FC-842, Single Transaction Statement by Consignee and Purchaser, completed in accordance with the provisions of § 373.65.

Note: In accordance with the provisions §§ 371.4 and 372.12 of this chapter, wheat and wheat flour may not be reexported to Country Group Y or Z unless specific authorization is received from the Office of Export Control.

(c) *Exports and reexports of agricultural commodities and manufactures thereof other than wheat or wheat flour—(1) Destinations.* License applications covering agricultural commodities and manufactures thereof, other than wheat or wheat flour, will be considered for approval in accordance with the provisions of this paragraph (c) for exportations to Country Group Y.

(2) *Certification.* The exporter shall enter on the license application in the space entitled "Additional Information" or on an attachment thereto, whichever one of the following certifications is applicable:

(1) I (We) certify that with respect to the commodities described on this application (1) the terms of sale will be cash or normal commercial credit; (2) the exportation from the United States will not be financed under Public Law 480; (3) the commodities were produced in the United States; (4) the sale will not involve (me) (us) in any barter arrangements; (5) at least 50 percent of the commodities exported under any export license resulting from this application will be exported in U.S. flag ocean carriers; and (6) promptly upon entering into a charter or other shipping arrangement for each shipment of commodities to be exported under any export license resulting from this application, the Maritime Administration will be notified of the name of the ship, the name of the ship operator, the ship's flag of registration, the quantity of such shipment, and the export license number under which the shipment is made.

Note: This certification shall be entered on a license application covering the exportation to the Union of Soviet Socialist Republics of any of the commodities described below:

tation to the Union of Soviet Socialist Republics of any of the commodities described below:

Export control commodity No.	Commodity description
04210-----	Rice, unmilled.
04220-----	Rice, milled.
04300-----	Barley, unmilled.
04400-----	Unmilled corn, except seed.
04510-----	Rye, unmilled.
04520-----	Oats, unmilled.
04590-----	Inbred grain, sorghum seed.
04590-----	Grains, unmilled, n.e.c.

(1) I (We) certify that with respect to the commodities described on this application (1) the terms of sale will be cash or normal commercial credit; (2) the exportation from the United States will not be financed under Public Law 480; (3) the commodities were produced in the United States; and (4) the sale will not involve (me) (us) in any barter arrangement.

Note: This certification shall be entered on a license application covering the export to the Union of Soviet Socialist Republics of any agricultural commodity or manufacture thereof, except for wheat or wheat flour and except for a commodity listed in paragraph (1) above. It shall also be entered on a license application covering the exportation to any other country in Country Group Y of any agricultural commodity or manufacture thereof, except for wheat or wheat flour.

(3) *Terms of sale.* The specific terms of sale, i.e., cash, credit, and credit terms if applicable, shall be entered on the license application in the space entitled "Additional Information" or on an attachment thereto.

(4) *Financing arrangements.* All the details of the financing arrangements, including the names of the financing institutions or facilities participating in the financing, shall be entered on the license application. If the financing arrangements are not completed at the time of application submission, the applicant shall state on the application that the Office of Export Control will be provided this information promptly as soon as the financing arrangements are completed. The notification shall refer to the application case number, or if the case number is unknown, the export license number, the applicant's reference number, or the date of submission of the application.

(5) *Completed Form FC-842.* Each application shall be accompanied by a Form FC-842, Single Transaction Statement by Consignee and Purchaser, completed in accordance with the provisions of § 373.65.

(6) *Reexports.* Requests for authorization to reexport agricultural commodities and manufactures thereof, other than wheat and wheat flour, will be considered for approval in accordance with the provisions of this subparagraph for shipment to Country Group Y if the export from the United States was not financed under the Public Law 480 program, or the Agency for International Development program, and if the terms of sale of the export from the United States were cash or normal commercial credit. Such requests shall be submitted by letter to the Office of Export Control by the U.S. exporter in accordance with

the provisions of § 372.12 of this chapter and shall contain the following certification:

I (We) certify that with respect to the commodities described herein (1) the export from the United States was not financed under the Public Law 480 program, or the Agency for International Development program; and (2) the terms of sale of the export from the United States were cash or normal commercial credit.

§ 373.6 *Commodities exported for exhibition, demonstration, or testing purposes.*

(a) *Applicability.* These provisions apply to the export of a commodity requiring a validated export license, where the export is for the purpose of display at a trade fair or other exhibition, or for demonstration, or testing purposes, provided that the exporter retains title to the commodity and intends to return the commodity to the United States, forward it to another trade fair, exhibition, demonstration, or testing site, or sell it abroad to a yet undetermined purchaser during or after the trade fair, exhibition, demonstration, or test. The term "testing" as used in this section includes the testing of the commodity being exported from the United States as well as the use of the commodity being exported in testing other commodities (e.g., instruments and/or equipment exported for testing aircraft engines).

(b) *Submission of application.* An application for an export license covering an exportation described in paragraph (a) of this section need not be supported by an Ultimate Consignee Purchaser Statement (§ 373.65), an Import Certificate (§ 373.2), a Swiss Blue Import Certificate (§ 373.67), a Yugoslav End-Use Certificate (§ 373.70), or any other documentation issued by either the consignee or the country of ultimate destination. Instead, the license application shall include the following certification in the space entitled "Additional Information" or on an attachment thereto.

The commodities described on this application are to be exported for display at (official name of trade fair or exhibition) or for (demonstration or testing) to be held at (street address, city, and country) and returned to the United States at the conclusion of such (display, demonstration or testing). If these commodities are not returned to the United States at the end of the (trade fair) (exhibition) (demonstration) (test) they will not be (displayed, demonstrated, tested) or otherwise disposed of without prior written authorization from the Office of Export Control.

In addition, since the applicant retains title to the commodities, he shall be shown on the license application as the ultimate consignee, in care of the person who will have custody of the commodities abroad.

(c) *Return of commodities to the United States.* Where commodities are returned to the United States after display at a trade fair, exhibition, demonstration, or test in Country Group W, Y, or Z, the applicant shall notify the Office of Export Control in writing of the case number shown on the related U.S. validated export license, the customs import

entry number (if any) of the returned shipment, the date of return, and the port of entry at which all or any part of the commodities were returned to the United States. If only a part of the commodities are covered by the notification, a full explanation shall be included, and an additional written notification shall be sent for each partial return until the entire shipment described on the related U.S. validated export license is returned.

(d) *Commodities not returned to the United States.* If it is decided that the commodities are no longer intended to be returned to the United States, the required request made to the Office of Export Control for authorization to dispose of the commodities shall be made by letter, setting forth the proposed disposition, the license number, the case number, the ultimate destination, the commodity description, the Export Control Commodity number of the commodity, the quantity and value, as well as the name, address, and identity of each party to the transaction. In addition, except where the request is for permission to display the commodities at another trade fair or exhibition, or to transfer the commodities to another destination for demonstration or testing, the letter shall be accompanied by all documents required in support of an application for an export license to the proposed destination. The Office of Export Control will validate and issue Form IA-L-196, Authorization to Dispose of Commodities Exported for Exhibition, Demonstration, or Testing Purposes (see Supplement S-11 for facsimile of form), for approved requests. If it is subsequently desired to make any other use or disposition of the commodities not authorized by the validated Form IA-L-196, an amendment of the form shall be requested by means of a letter to the Office of Export Control containing the same information and documentation as that described in this paragraph.

§ 373.7 Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing.

(a) *Validated export license requirement.* A validated export license is required for the exportation to any destination (including Canada) of the commodities described in paragraph (b) of this section.¹⁵

(b) *Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing.* (1) Any commodity

which has not been specifically designed or specifically modified for use in designing, developing, or fabricating nuclear weapons or nuclear explosive devices, but which the exporter knows or has reason to believe will be used for one or more of these purposes.

(2) Any commodity which has not been specifically designed or specifically modified for use in devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions, but which the exporter knows or has reason to believe will be used for one or more of these purposes.

(3) Any commodity which is in normal commercial use for other purposes but which has been specifically designed or specifically modified for use in devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions, if the intermediate or ultimate destination is subject to the jurisdiction of any country which, at the time of exportation is not an adherent to the "Treaty Banning Nuclear Weapons Tests in the Atmosphere, Outer Space, and Under Water" which was signed at Moscow, U.S.S.R., on August 5, 1963 (more commonly known as the "Limited Nuclear Test Ban Treaty").¹⁶ The provisions of this section do not apply to an exportation of commodities described in this subparagraph if the exporter knows that they will not be used in the devising, carrying out, or evaluating of nuclear weapons tests or nuclear explosions.

(c) *Advice of manufacturer.* An exporter who proposes to export commodities which he knows are capable of the uses described in paragraph (b) of this section and who is not also the manufacturer of these commodities shall, if he has grounds for a reasonable doubt as to whether a validated export license is required under the provisions of this section, take the following measures before exporting:

(1) Request from the manufacturer of the commodities a written statement as to whether such manufacturer knows or has reason to believe that the intended export requires a validated export license under the provisions of this section, and

(2) If in the opinion of the manufacturer a validated export license is required under the provisions of this section, apply for a validated export license to export such commodities, and such exportation may not be made without specific authorization by the Office of Export Control. A copy of the exporter's letter of inquiry and the manufacturer's reply, shall be retained and made available for inspection by the Department of Commerce for 3 years in accordance with the provisions of § 381.11 of this chapter.

(d) *Application requirements.* An application for a license to export commodities subject to the provisions of this section shall be prepared and submitted on Form FC-419, Application for Export License, with Form FC-420, Application

Processing Card,¹⁷ attached in accordance with the instructions set forth in § 372.5 of this chapter, with the following modifications:

(1) *Identification of license application.* The words "Nuclear Controls" shall be entered across the top of the Form FC-419, immediately above the printed words "United States of America."

(2) *Ultimate consignee.* If the ultimate consignee is not the end-user of the commodities, in addition to the name and address of the ultimate consignee, the application shall include (in the space provided for the commodity description or on a separate attachment) the identity and address of the end-user and, if known, the specific geographic locations of any installations, establishments, or sites at which the commodities will be used.

(3) *Supplier.* If the applicant is not the manufacturer of the commodities to be exported, in addition to the name and address of the manufacturer, the applicant shall indicate on the application in the space entitled "Commodity Description," or on a separate attachment, whether the advice of the manufacturer of the commodity has been received regarding the necessity of a validated license.

(4) *Commodity description.* If applicable, the commodity description shall include a description of any specific features of design or specific modifications which make the commodity capable of the uses described in paragraph (b) of this section.

(5) *End-use.* The application, or an attachment thereto, shall include in the description of the end-use the specific end-use or uses the commodities will have in designing, developing, fabricating, or testing nuclear weapons or nuclear explosive devices, as described in paragraph (b) of this section. The basis for the applicant's knowledge or belief that the commodities are intended for the purpose or purposes described shall also be fully explained.

(e) *Effect of other provisions.* If, at the time of exportation, a validated license is otherwise required for the exportation under the provisions of the Export Regulations, the application shall be submitted in accordance with the provisions set forth in this section as well as in accordance with all other provisions otherwise applicable. The requirements of this section are applicable in addition to, rather than in lieu of, any other validated license requirement set forth in the Export Regulations. Insofar as consistent with the provisions of this section all of the other provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under these special provisions.

NOTE: These provisions do not apply to commodities over which government agencies

¹⁵ Commodities and technical data specifically designed or specifically modified for use in designing, developing, or fabricating nuclear weapons or nuclear explosive devices are subject to export licensing or other requirements of the Department of State's Office of Munitions Control or the Licensing or other restrictions specified in the Atomic Energy Commission Act of 1954, as amended. Similarly, commodities and technical data specifically designed or specifically modified for use in devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions (except such items as are in normal commercial use for other purposes) are subject to the same requirements.

¹⁶ The list of countries adhering to the "Nuclear Test Ban Treaty" is set forth in Supplement No. 4 to this Part 373.

¹⁷ Forms FC-419 and FC-420 may be obtained at all U.S. Department of Commerce Field Offices and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230.

other than the Office of Export Control exercise export control authority, such as the State Department's Office of Munitions Control or the Atomic Energy Commission.

§ 373.8 Past participation in exports licensing method.

(a) *Purpose of past participation licensing method.* The use of the past participation in exports licensing method aids in accomplishing two of the underlying considerations in licensing; namely, maintenance of a normal pattern of export trade during periods of short supply, and assuring an equitable distribution among exporters of the available export quota. Under this method of license issuance, the bulk of an export quota is reserved for those firms which have participated in exports during a representative base period. However, licensing under the past participation method does not completely preclude participation by exporters who do not have a record of past participation in exports during the base period, since a small portion of the quota is also reserved for exporters within this category.

(b) *Restriction on quota participation.* A single firm shall be entitled to only one participation in each quota established for each commodity or each category of commodities. The claiming of an additional participation through any device whatsoever, including the transfer or assignment of an export order, may result in the denial of all export privileges to all persons concerned. In no instance may an additional participation in an export quota be claimed by the device of transferring an export order to another person or firm for the purpose of filing a license application covering a commodity subject to the past participation in exports licensing method.

(c) *Submission of statement of past participation.* Each exporter who has exported the specified commodity, or category of commodities, during the specified base period and who wishes to claim a share of the quota, is required to submit a statement of past participation in exports. This statement shall be submitted, in duplicate, to the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230. The specified commodity or category of commodities, base period, and date of submission of the statement is set forth in the individual commodity section provisions (§§ 373.11-373.64). After evaluating the statements of past participation received from exporters, the Office of Export Control will inform each exporter of his share of the export quota based on his shipments during the specified base period. When required, the statement of past participation shall include the following information and such other information specifically required by the individual commodity section provisions:

(1) *Exports excluded from statement.* The quantity exported during the base period and the total value thereof shall not include any of the following types of shipments:

(i) Shipments to dependencies and other possessions of the United States;

(ii) Intransit shipments exported under the provisions of General License GIT; and

(iii) Shipments to Canada.

(2) *Information of related firms.* The name of each exporter, dealer, manufacturer, or other business organization engaged in the export of the specified commodity(ies) which is directly or indirectly owned or controlled by the firm submitting the statement of past participation, or which directly or indirectly owns or controls the operations of the firm submitting the statement of past participation shall be included in the exporter's statement.

(3) *Successors in interest.* A successor firm which has acquired the business interests of a predecessor may include its predecessor's record of past participation in exports for the purpose of establishing the successor firm's position as an historical exporter, providing that the predecessor is not entitled to claim the same past participation in exports. The successor firm shall submit a statement of past participation in exports for consideration by the Office of Export Control and shall set forth a full explanation of the association between the entities concerned, including the following signed statement:

The terms of acquisition of the business interests of (Name of predecessor firm) preclude the predecessor firm from claiming past participation in exports for the purpose of obtaining export licenses under the historical pattern of export licensing.

(4) *Submission of license applications.* Supplement No. 1 to this Part 373 lists the time schedules for submission of applications to export commodities subject to the past participation in exports method of licensing.

Subpart C—Individual Commodity Section Provisions

COMMODITY SECTION 0

§ 373.11 Applicability of multiple commodity section provisions to Commodity Section 0.

(a) All commodities within Commodity Section 0 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 373.2.

(b) Applications for licenses to export agricultural commodities and manufactures thereof to Country Groups Y and Z shall conform with the special provisions set forth in § 373.5.

(c) All commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) are subject to the provisions set forth in § 373.7.

COMMODITY SECTION 1

§ 373.14 Applicability of multiple commodity section provisions to Commodity Section 1.

(a) All commodities within Commodity Section 1 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this

chapter) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 373.2.

(b) Applications for licenses to export agricultural commodities and manufactures thereof to Country Groups Y and Z shall conform with the special provisions set forth in § 373.5.

(c) All commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) are subject to the provisions set forth in § 373.7.

COMMODITY SECTION 2

§ 373.17 Applicability of multiple commodity section provisions to Commodity Section 2.

(a) All commodities within Commodity Section 2 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 373.2.

(b) All commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) are subject to the provisions set forth in § 373.7.

(c) Many commodities within Commodity Section 2 are subject to time schedules for submission of applications (see Supplement No. 1 to this Part 373).

§ 373.18 Cattle hides, calf and kip skins, and bovine leathers.

(a) *Scope.* The following commodities are subject to the provisions of this section:

Export control commodity No.	Commodity description
21110----	Cattle hides, whole.
21110----	Cattle hides, except whole.
21120----	Calf skins and kip skins.
61150----	Cattle hide and kip side upper leather, grain, except patent and metallized.
61150----	Cattle hide and kip side leather, n.e.c.
61150----	Cattle hide and kip side sole, belting, wetting, rough, russet, and crust leather.
61150----	Calf and whole kip upper leather, except lining, patent, and metallized.
61150----	Calf and whole kip leather, n.e.c., except patent and metallized.

(b) *Certain exports licensed ex-quota.* An application for a license to export any of the commodities set forth in paragraph (a) of this section will be considered for licensing without a charge against the export quota, provided that the commodities:

(1) Were not produced or manufactured in the United States,

(2) Were imported into the United States under a warehouse entry and stored in a bonded warehouse, and

(3) Were not and will not be entered under a U.S. Customs consumption entry.

Such an application shall be accompanied by the following signed certification:

I (We) certify that the commodities described on this application for export license:

(1) Were not produced or manufactured in the United States; (2) were imported into the United States under a warehouse entry and stored in a bonded warehouse; and (3) were not and will not be entered under a U.S. Customs consumption entry.

(c) *Other shipments.* Any application for a license to export any of the commodities set forth in paragraph (a) of this section which does not qualify to be licensed ex-quota in accordance with the provisions of paragraph (b) of this section, will be considered for licensing under the past participation in exports method of licensing (see § 373.8). In order to be considered as an historical exporter in the distribution of the export quota established for the first half of calendar year 1966, exporters shall submit their statements of past participation in exports no later than April 4, 1966. The statement shall be completed in accordance with the general instructions set forth in § 373.8 and the following specific instructions:

(1) *Separate statement for each quota.* A separate statement shall be submitted for each of the following quotas:

- (i) Cattle hides, whole (Export Control Commodity No. 21110);
- (ii) Cattle hides, except whole (Export Control Commodity No. 21120);
- (iii) Calfskins and kip skins (Export Control Commodity No. 21120);
- (iv) Cattle hide and kip side upper leather, grain, except patent and metalized; and cattle hide and kip side leather, n.e.c. (Export Control Commodity No. 61150);
- (v) Cattle hide and kip side sole, belting, welting, grain, offal, rough, russet, and crust leather (Export Control Commodity No. 61150); and
- (vi) Calf and whole kip upper leather, except patent and metalized; and calf and whole kip leather, n.e.c., except patent and metalized (Export Control Commodity No. 61150).

(2) *Additional information on statement.* The statement shall show the commodity description, the country of destination, and for each such commodity description and country of destination, the quantity in units specified on the Commodity Control List exported by the exporter during the base period of January 1, 1964, through December 31, 1965, and the value thereof. However, such exports shall exclude shipments of foreign-origin hides, skins, or leather which were not imported into the United States under a consumption entry, in addition to excluding the types of shipments set forth in § 373.8(c)(1).

(3) *Attachment to statement.* The exporter shall show on a separate sheet of paper, as an attachment to his statement, the commodity description, the country of destination, and for each such commodity description and country of destination, the quantity in units specified on the Commodity Control List exported by the exporter during the period of January 1, 1966, through April 7, 1966, and the value thereof. However, the attachment shall exclude shipments of foreign-origin hides, skins, or leather which were not imported into the United

States under a consumption entry, in addition to excluding the types of shipments set forth in § 373.8(c)(1).

§ 373.19 Iron and steel.

(a) *Export price.* Except as modified by paragraph (b) of this section. The export price on applications for any iron and steel products with the processing code STEE and not identified by the symbol "B" in the last column of the Commodity Control List § 399.1 of this chapter may be shown on the application form in terms of either the total price, including price per unit, or the supplier's price plus a specified markup. This latter method may be used only where the supplier files or has filed with the Office of Export Control his price schedule maintained for the sale of iron and steel items for which export licenses are or may be requested and a statement that the supplier will inform the Office of Export Control within 10 calendar days of any changes which may occur in his price schedule. In case the unit price varies according to size or specifications, the applicant must show unit price for each separate size or specification.

(b) *Iron and steel scrap.* (1) A Form FC-419, Application for Export License, covering any types of iron and steel scrap, except scrap of magnetic material, need not include the quantity and value for each grade of scrap proposed for export. In completing such an application, the applicant shall enter on the application "28200," in the space entitled "Export Control Commodity No.," and "Iron and steel scrap of magnetic materials," in the space entitled "Commodity Description." In addition, one total quantity and one total value (see paragraph (a) of this section) for all the iron and steel scrap shall also be entered. No unit price need be shown on the application.

(2) The export license will be issued in the same terms as shown on the application and shipments may be made interchangeably under such license in any grades of scrap, except scrap of magnetic material. However, when export is made, the Shipper's Export Declaration shall show separately the quantity and value of exports under each Schedule B number represented in the shipment, in accordance with the regulations of the Bureau of the Census.

§ 373.20 Copper ores, concentrates, matte, ash, residues, waste, scrap, and blister copper.

(a) *Copper ores, concentrates, matte, and blister copper.*—(1) *General policy of denial.* As a general policy, applications for licenses to export any of the following commodities will be denied, except as indicated in subparagraph (2) of this paragraph:

Export control commodity No.	Commodity description
28311...	Copper ores and concentrates.
28312...	Copper matte.
68211...	Blister copper and other unrefined copper.

(2) *Exception to general policy of denial.* Consideration will be given to approval of applications covering the proposed export of commodities described in subparagraph (1) of this paragraph which, because of contamination or any other reason, cannot be processed commercially in the United States. Such an application shall include:

(i) A statement describing the commodities, an analysis of the metal content, and an explanation of the difficulty in processing the commodity in the United States;

(ii) The following certification:

I (We) certify that to my (our) best knowledge and belief the commodities described on this application cannot be commercially processed in the United States

and

(iii) The identification of the foreign consumer by setting forth one of the following applicable statements in the space entitled "Additional Information" or on an attachment thereto:

The foreign consumer of the commodities covered by this application is the same as that shown in the "ultimate consignee in foreign country" space on this license application.

or, if the foreign consumer is not the same as that shown in the "Ultimate Consignee in Foreign Country" space on the license application:

The name and address of the foreign consumer is

(b) *Copper and copper-base alloy waste and certain nickel scrap.* (1) *Scope.* The following commodities are subject to the provisions of this paragraph (b):

Export control commodity No.	Commodity description
28401----	Copper metalliferous ash and residues.
28402----	Copper or copper-base alloy waste and scrap.
28403----	Nickel waste and scrap containing 50 percent or more copper irrespective of nickel content.

(2) *Shipments not commercially processible in the United States.* An application for a license to export any of the commodities described above that, because of contamination or any other reason, cannot be processed commercially in the United States will be considered for licensing without a charge against the export quota. Such an application shall be accompanied by a copy(ies) of a letter(s) received by the applicant from a recognized scrap processor(s) who has (have) declined to process the scrap described on the application. Additionally, such an application shall be accompanied by the documentation set forth in paragraph (a)(2)(i), (ii), and (iii) of this section.

(3) *Other shipments.* Commodities described in subparagraph (1) above that cannot be licensed under the provisions of subparagraph (2) above will be considered for licensing under the past participation in exports method of

licensing (see § 373.8). To qualify as a historical exporter, an exporter shall submit a statement of past participation in exports. The statement shall set forth the quantity (in copper content pounds) and total dollar value exported by the applicant during the base period January 1, 1963, through June 30, 1965, except that the following types of shipments shall not be included:

(i) Refined copper produced from foreign-origin materials; and

(ii) Refined copper produced from material that was declared as an offset against an equivalent quantity of foreign material entered into the United States under a Customs Import Entry.

In addition, the foreign consumer shall be identified on the license application in the manner set forth in paragraph (a) (2) (iii) of this section.

NOTE: See § 373.43 for special provisions covering other copper commodities.

§ 373.21 Molybdenum ores and concentrates.

An application for a license to export molybdenum ores or concentrates, Export Control Commodity No. 28393, shall include or be accompanied by the following certification by the supplier of the commodities, regardless of whether the supplier is the applicant:

I (We) certify that the following molybdenum commodities, which are available to (name of applicant) for export, have not been and will not be supplied from commodities released from the U.S. National Stockpile:

Export control commodity No.	Commodity description	Quantity
-----	-----	-----
-----	-----	-----
(Name of supplier)		

NOTE: 1. As used in this certification, a commodity is "available" only if the supplier or the applicant has present legal title to the commodities and has access to such commodities for export purposes.

2. If the applicant is not the producer of the commodities, the certification shall be signed by the supplier shown in Item 9 of the application.

COMMODITY SECTION 3

§ 373.25 Applicability of multiple commodity section provisions to Commodity Section 3.

(a) All commodities within Commodity Section 3 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 372.2 of this chapter.

(b) All commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) are subject to the provisions set forth in § 373.7.

COMMODITY SECTION 4

§ 373.31 Applicability of multiple commodity section provisions to Commodity Section 4.

(a) All commodities within Commodity Section 4 which are identified by the

symbol "A" in the last column of the Commodity Control List (§ 399.1 of this section) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 373.2.

(b) All applications for licenses to export agricultural commodities and manufactures to Country Groups Y and Z shall conform with the special provisions set forth in § 373.5.

(c) All commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) are subject to the special provisions set forth in § 373.7.

COMMODITY SECTION 5

§ 373.34 Applicability of multiple commodity section provisions to Commodity Section 5.

(a) All commodities within Commodity Section 5 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

(b) All applications for licenses to export chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may be necessary to identify the commodity accurately.

(c) Applications for licenses to export agricultural commodities and manufactures thereof to Country Groups Y and Z shall conform with the special provisions set forth in § 373.5.

(d) All commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) are subject to the special provisions set forth in § 373.7.

§ 373.35 Machinery, equipment, and parts.¹⁸

Applications for licenses to export machinery, equipment, and parts, with the processing codes CONS, ELME, FINP, GIEQ, RARA, SATE, TOOL, and TRAN must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter.

(a) A copy of manufacturer's current catalog or bulletin or pertinent pages therefrom describing the commodity, unless previously furnished.

(b) For commodities having a rated capacity, show maximum rating.

(c) For machinery, equipment, or parts, if production and export cannot be completed within 6 months, the Office of Export Control will consider the issuance of a license with a validity period of 1 year. In these instances, the exporter shall enter this request on the application in the space entitled "Additional Information," or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

¹⁸ Parts, accessories, and equipment which are to be scrapped are classified as scrap (e.g. Export Control Commodity Nos. 28200, 28402, 28404, etc.). Sec. § 399.2 of this chapter, Interpretation 10.

§ 373.36 Molybdenum disulfide and molybdates.

The following molybdenum commodities are subject to the special provisions set forth in § 373.21:

Export control commodity No.	Commodity description
51369----	Molybdenum oxide.
51470----	Molybdenum disulfide, 86 percent content* or higher.
51470----	Calcium molybdate.
51470----	Ammonium molybdate.
51470----	Sodium and potassium molybdate.

COMMODITY SECTION 6

§ 373.41 Applicability of multiple commodity section provisions to Commodity Section 6.

(a) All commodities within Commodity Section 6 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 373.2.

(b) Applications for licenses to export agricultural commodities and manufactures thereof to Country Groups Y and Z shall conform with the special provisions as set forth in § 373.5.

(c) All commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) are subject to the special provisions set forth in § 373.7.

(d) Many commodities within Commodity Section 6 are subject to time schedules for submission of applications (see Supplement No. 1 to this Part 373).

§ 373.42 Iron and steel.

Any iron and steel products with the processing code STEE and not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the special provisions set forth in § 373.19.

§ 373.43 Blister and refined copper, copper-base alloy ingots, master alloys, and semifabricated copper products.

(a) *Blister copper.* Blister copper, Export Control Commodity No. 68211, is subject to the special provisions set forth in § 373.20(a).

(b) *Refined copper other than copper-base alloy ingots.*—(1) *Scope.* The term "refined copper," as used in this paragraph (b), means any refined copper, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars, and other crude forms, Export Control Commodity No. 68212.

(2) *Copper produced from or shipped as an offset against foreign materials.* License applications covering refined copper produced from foreign-origin copper raw materials or refined copper produced from material which was declared as an offset against an equivalent quantity of foreign-origin copper raw materials entered into the United States under a Customs Import Entry, will be considered for licensing without a charge against the refined copper export quota.

This licensing on an ex-quota basis will be permitted only if:

(i) The application is submitted to the Office of Export Control within 3 months following the date of the related Customs Import Entry. (For example, if the Customs Import Entry was made on January 5, 1966, the application for related refined copper must be submitted no later than April 4, 1966); and

(ii) The application is supported by the following certification:

I (We) certify that the refined copper described in this license application has been or will be (a) produced from foreign-origin copper raw materials, or (b) produced in the United States from copper raw materials against which an equivalent quantity of copper raw materials, originating from (name of country), has been entered into the United States by (name and address of importer) under Customs Import Entry No. (Entry number), on (date), at (Location of port), covering (quantity) pounds of copper content.

If the importer is a Customs Broker or is otherwise acting as an agent, the certification shall also include the name of the principal for whom the agent is acting.

(3) *Copper not produced from foreign materials.* Refined copper not meeting the provisions of subparagraph (2) of this paragraph will be licensed under the past participation in exports method of licensing (see § 373.8). To qualify as a historical exporter, an exporter shall submit a statement of past participation in exports. The statement shall set forth the quantity (in copper content pounds) and total dollar value, exported by the applicant during the base period of January 1, 1963, through June 30, 1965, except that the following types of shipments shall not be included:

(i) Refined copper produced from foreign-origin materials; and

(ii) Refined copper produced from material that was declared as an offset against an equivalent quantity of foreign material entered into the United States under a Customs Import Entry.

A statement submitted by other than a refiner, shall be accompanied by a certification from the exporter's refiner setting forth the quantity of refined copper produced from domestic materials which the refiner delivered to the exporter during the period January 1, 1963, through June 30, 1965. A refiner, unable to state accurately the quantity of domestic-origin refined copper delivered to the exporter during the base period, may certify to an estimated quantity delivered to the exporter based on the ratio of domestic-origin materials to foreign materials used by the refiner for the refiner's total production of refined copper during the period January 1, 1963, through June 30, 1965. In addition, the foreign consumer shall be identified on each license application in the manner set forth in § 373.20(a)(2)(iii).

(c) *Copper-base alloy ingots*—(1) *Scope.* The term "copper-base alloy ingots," as used in this paragraph means any ingots composed essentially of copper with one or more other metals, for

example, beryllium copper ingots, de-warda alloy ingots, guinea alloy ingots, ounce metal ingots, etc., Export Control Commodity No. 68212.

(2) *Licensing method.* Copper-base alloy ingots will be licensed under the past participation in exports method of licensing (see § 373.8). In order to qualify as a historical exporter an exporter shall submit a statement of past participation in exports. The statement shall set forth the quantity (in copper content pounds) and total dollar value, exported by the applicant during the base period January 1, 1963, through June 30, 1965.

In addition the foreign consumer shall be identified on each license application in the manner set forth in § 373.20(a)(2)(iii).

(d) *Semifabricated copper products and master alloys of copper*—(1) *Scope.* The term "semifabricated copper products and master alloys of copper," as used in this paragraph (d), includes the following commodities:

Export control commodity No.	Commodity description
68213----	Master alloys of copper.
68221----	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222----	Plates, sheets, and strips of copper or copper-base alloy.
68223----	Copper foil.
68223----	Paper backed copper foil.
68224----	Copper and copper alloy powders and flakes.
68225----	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
69892----	Copper and copper-base alloy castings and forgings.
72310----	Wire and cable coated with, or insulated with fluorocarbon polymers or copolymers.
72310----	Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.
72310----	Other coaxial cable.
72310----	Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) Cable in which the nominal mutual capacitance of paired circuits is less than 53 nanofarads/mile (33 nanofarads/KM), except conventional paper and air dielectric types, (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.
72310----	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310----	Other copper or copper-base alloy insulated wire and cable.

(2) *Shipments under military and AID contracts.* Applications for licenses to

export under U.S. military contracts or under contracts financed by the Agency for International Development, any of the commodities set forth in subparagraph (1) of this paragraph, will be considered for licensing without a charge against the exporter's share of the quota. Such applications shall include a statement that the commodities and quantities described on the application are being shipped pursuant to a U.S. military contract or under a contract financed by the Agency for International Development and shall also include the contract number and date of contract. If the shipment is being made pursuant to a U.S. military contract, the application shall specify the branch of the military service executing the contract and the DO-DX defense priority rating.

(3) *Other shipments.* Applications for licenses to export any of the commodities set forth in subparagraph (1) of this paragraph which will not be shipped under U.S. military contracts or under Agency for International Development contracts, generally will be licensed under the past participation in exports method of licensing (see § 373.8). A sizeable portion of the quota will be reserved for historical and nonhistorical exporters to meet essential export requirements that cannot be satisfied under the past participation in exports licensing method. The Office of Export Control will announce at the beginning of each licensing period the percentage of the quota to be licensed under the past participation in exports method of licensing and the percentage of the quota to be reserved for essential export requirements. In order to qualify as a historical exporter, an exporter shall submit a statement of past participation in exports. The statement shall set forth the quantity (in copper content pounds) and total dollar value exported by the applicant during the base period of January 1, 1964, through December 31, 1965, in each of the following three categories:

(i) The quantity shipped under U.S. military contracts;

(ii) The quantity shipped under contracts financed by the Agency for International Development; and

(iii) The quantity of other shipments.

If the exporter did not make any shipments during the base period under U.S. military or Agency for International Development contracts, he shall so indicate on his statement of past participation in exports.

NOTE: See § 373.20 for special provisions covering other copper commodities.

§ 373.44 Other commodities in Commodity Section 6.

(a) *Bovine Leather.* The following types of leather are subject to the provisions of § 373.18:

Export control commodity No.	Commodity description
61150----	Cattle hide and kip side upper leather, grain, except patent and metalized.

Export control commodity

No.	Commodity description
61150----	Cattle hide and kip side leather, n.e.c.
61150----	Cattle hide and kip side sole, belting, wetting, grain, offal, rough, russet, and crust leather.
61150----	Calf and whole kip upper leather, except lining, patent, and metalized.
61150----	Calf and whole kip leather, n.e.c., except patent and metalized.

(b) *Molybdenum metals.* The following molybdenum metals are subject to the special provisions of § 373.21:

Export control commodity

No.	Commodity description
67160----	Ferromolybdenum.
68942----	Molybdenum or molybdenum alloys, unwrought.
68942----	Molybdenum or molybdenum alloys, waste and scrap.
68942----	Molybdenum or molybdenum alloy metal powders.

COMMODITY SECTION 7

§ 373.45 *Applicability of multiple commodity section provisions to Commodity Section 7.*

(a) All commodities within Commodity Section 7 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

(b) All commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) are subject to the provisions set forth in § 373.7.

(c) Many commodities within Commodity Section 7 are subject to time schedules for submission of applications (see Supplement No. 1 to this Part 373).

§ 373.46 *Iron and steel.*

Any iron and steel products with the processing code STEE and not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the special provisions set forth in § 373.19.

§ 373.47 *Machinery, equipment, and parts.¹⁰*

Applications for licenses to export machinery, equipment, and parts, with the processing codes CONS, ELME, FINP, GIEQ, RARA, SATE, TOOL, and TRAN and identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1 of this chapter), must include the following identifying information in addition to the requirements of § 372.4(e):

(a) A copy of manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished.

(b) For commodities having a rated capacity, show maximum rating.

¹⁰ Parts, accessories, and equipment which are to be scrapped are classified as scrap, e.g., Export Control Commodity Nos. 28200, 28402, 28403, 28404, etc. See § 399.2 of this chapter, Interpretation 10.

(c) For machinery, equipment, or parts, if production and exportation can not be completed within 6 months, the Office of Export Control will consider the issuance of a license with a validity period of 1 year. In these instances, the exporter shall enter his request on the application in the space entitled "Additional Information," or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

(d) An application for a license to export ball or roller bearings, or balls for bearings (Export Control Commodity Nos. 71970 and 71993) to Country Groups W, Y, and Z (see § 370.1(g) of this chapter for country groups) shall include the following information in addition to the other information required by the provisions of this section:

(1) For exportations of ball or roller bearings:

(i) The name of the manufacturer;
(ii) The bearing number as listed in the manufacturer's catalog; and
(iii) The inner bore diameter of the bearing.

(2) For exportations of balls for bearings:

(i) The type of metal;
(ii) The grade of the ball (in accordance with standards adopted by the Anti-Friction Bearing Manufacturer's Association); and
(iii) The basic size of the ball.

§ 373.48 *Aircraft and equipment, parts, accessories, and components therefor.*

(a) *Spare parts accompanying aircraft.* Notwithstanding the provisions of § 372.5 (a), (d), and (e) of this chapter, where the applicant intends to export aircraft and accompanying spare parts for such aircraft to any destination except Country Group W, Y, or Z (see § 370.1(g) of this chapter), the applicant may (1) include both the aircraft and the accompanying spare parts on a single application even though these commodities may not have the same processing code or the same related commodity group numbers; and (2) show on the application the total value of all the accompanying spare parts without the necessity for indicating the value of each Commodity Control List entry shown on the application, if at the time of submitting the application the applicant is unable to determine the value of the parts for each Export Control Commodity number.

The provisions of this section do not relieve the applicant from classifying the commodities shown on the application in accordance with Commodity Control List entries, or from describing the commodities in accordance with the commodity description terminology shown on the Commodity Control List.

(b) *Exchange of aircraft equipment, parts, accessories, and components by airlines.* (1) Any airline²⁰ operating

²⁰ See § 370.1(p) of this chapter, for definition of airline.

abroad which has received commodities from the United States for use in the maintenance, repair, or operation of its aircraft may, for the purpose of maintaining in operation aircraft of another airline, lend or sell such commodities to that airline, without written authorization from the Office of Export Control, provided that:

(i) The transaction is subject to an agreement or arrangement that the lender will not receive any monetary profit from the transaction and either that the same or like commodities will be returned to the lender or that payment for the commodities will be limited to no more than the original purchase price to the lender plus any expenses incurred in handling the commodities, e.g., transportation costs, warehousing costs, etc.;

(ii) The commodities will not be supplied for use on any aircraft registered in, or owned or controlled by, or chartered or leased to a country in Country Group W, Y, or Z, or a national of one of these countries; and
(iii) The commodities will not be supplied for use on any aircraft located in Country Group W, Y, or Z.

(2) Transactions meeting the provisions of this paragraph (b) are authorized notwithstanding any restrictions upon reexportation, diversion, or transshipment set forth on the applicable destination control statement, on the validated export license, on any supporting documentation therefor, or in the general license provisions relating to the original exportation from the United States.

(3) If the transaction does not meet the provisions of this paragraph (b), prior written authorization shall be obtained from the Office of Export Control unless the transaction is authorized elsewhere in the Export Regulations.

(4) Records shall be maintained by the airline which provides the commodities, in the detail set forth below, for a period of 3 years from the date of the transaction. These records shall be made available for inspection, upon demand, by the U.S. Department of Commerce or by a U.S. Foreign Service post or by any other accredited representative of the U.S. Government. In the event the airline is prohibited by foreign government regulation or statute from permitting a U.S. Government representative to inspect its records, the airline shall submit a report of such transactions, similar in content to its records, at the end of each calendar quarter during which one or more transactions occur. The report shall be submitted to the U.S. Department of Commerce, Office of Export Control, Operations Division (Attention: 8540), Washington, D.C. 20230. As a minimum, the records and reports shall include the following with respect to each transaction:

(i) Date the commodities are provided;

(ii) Name, business address, and nationality of the airline which received the commodities;

(iii) If the aircraft is leased or chartered, the name, business address, and

nationality of the owner of the aircraft which received the commodities;

(iv) Country of the aircraft's registry and location of the aircraft at time the commodities were installed thereon; and

(v) Description of the commodities provided, including quantity and value thereof.

(The Export Regulations contain further record keeping requirements. See § 381.11 of this chapter.)

(c) *Questions and answers—aircraft.* Supplement No. 3 to this Part 373 contains questions and answers relating to export licensing of civil aircraft and related commodities.

§ 373.49 Semifabricated copper products.

The following semifabricated copper products are subject to the special provisions set forth in § 373.43(d):

Export control commodity No.	Commodity description
72310----	Wire and cable with, or insulated with, fluorocarbon polymers or copolymers.
72310----	Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.
72310----	Other coaxial cable.
72310----	Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch) as follows: (a) Cable in which the nominal mutual capacitance of paired circuits is less than 53 nanofarads/mile (33 nanofarads/KM), except conventional paper and air dielectric types, (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.
72310----	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310----	Other copper or copper-base alloy insulated wire and cable.

COMMODITY SECTION 8

§ 373.54 Applicability of multiple commodity section provisions to Commodity Section 8.

(a) All commodities within Commodity Section 8 which are identified by the symbol "A" in the last column of the Commodity Control List (see § 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

(b) Applications for licenses to export agricultural commodities and manufactures thereof to Country Groups Y and Z shall conform with the special provisions set forth in § 373.5.

(c) All commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) are subject to the provisions set forth in § 373.7.

§ 373.55 Iron and steel.

Any iron and steel products with the processing code STEE and not identified by the symbol "B" in the last column of the Commodity Control List are subject to the special provisions set forth in § 373.19.

§ 373.56 Machinery, equipment, and parts.²¹

Applications for licenses to export machinery, equipment, and parts, with the processing codes CONS, ELME, FINP, GIEQ, RARA, SATE, TOOL, and TRAN must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter:

(a) A copy of manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished;

(b) For commodities having a rated capacity, show maximum rating; and

(c) For machinery, equipment, or parts, if production and exportation cannot be completed within 6 months, the Office of Export Control will consider the issuance of a license with a validity period of 1 year. In these instances, the exporter shall enter this request on the application in the space entitled "Additional Information," or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

COMMODITY SECTION 9

§ 373.62 Applicability of multiple commodity section provisions to Commodity Section 9.

(a) All commodities within Commodity Section 9 which are identified by the symbol "A" in the last column of the Commodity Control List (see § 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

(b) Applications for licenses to export agricultural commodities and manufactures thereof to Country Groups Y and Z shall conform with the special provisions set forth in § 373.7.

(c) All commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) are subject to the provisions set forth in § 373.7.

§ 373.63 Iron and steel.

Any iron and steel products with the processing code STEE and not identified by the symbol "B" in the last column of the Commodity Control List are subject to the special provisions set forth in § 373.19.

²¹ Parts, accessories, and equipment which are to be scrapped are classified as scrap e.g., Export Control Commodity Nos. 28200, 28402, 28403, 28404, etc. See § 399.2 of this chapter, Interpretation 10.

Subpart D—Destination Provisions

§ 373.65 Ultimate consignee and purchaser statement.

(a) *Scope—(1) General.* The provisions of this section apply to all proposed shipments of commodities for which validated export licenses are required where the country of ultimate destination is in Country Group V, W, X, Y, or Z, and to any proposed shipments under the Time Limit (TL) licensing procedure (see Part 377 of this chapter) to Country Group T. (See § 370.1(g) of this chapter for country groups.)

(2) *Exemptions.* The provisions of this section do not apply if the license application covering the proposed shipment shows that one or more of the following conditions are present:

(i) An Import Certificate is required in support of the license application in accordance with § 373.2 (or, as applicable, a Swiss Blue Import Certificate as provided in § 373.67, or a Yugoslav End-Use Certificate as provided in § 373.70);

(ii) The total value, as shown on the export order covering the application, of the commodity(ies) classified in a single entry on the Commodity Control List is less than \$500 and the shipment is not supported by a Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, submitted in accordance with paragraph (c) (3) of this section;

(iii) Shipment will be made under a Project License issued or to be issued as set forth in Part 374 of this chapter;

(iv) (a) The ultimate consignee named in the license application is a foreign government or foreign government agency, and the foreign purchaser is also a foreign government or foreign government agency. However, if one of the parties to the transaction, either purchaser or ultimate consignee, is a party other than the foreign government or government agency, then a statement from that purchaser or ultimate consignee is required;

(b) For the purpose of this part the term "government agency" is construed as follows:

(1) National governmental departments operated by government-paid personnel performing governmental administrative functions; e.g., Finance Ministry, Ministry of Defense, Ministry of Health, etc., municipal or other local government entities must submit consignee statements.

(2) National government-owned public service entities; e.g., nationally owned railway, postal, telephone, telegraph, broadcasting, and power systems, etc.

The term "government agency" does not include government corporations, quasi-government agencies, and state enterprises engaged in commercial, industrial, and manufacturing activities, such as petroleum refining, production, and distribution plants, mines, steel mills, retail stores, automobile manufacturing plants, airlines, or steamship lines which operate between two or more countries, etc.;

(v) Shipment will be made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, Agency

for International Development, to a member agency in the foreign country;

(vi) The license applicant is the same person as the ultimate consignee in the country of ultimate destination, provided that the applicant furnishes all the applicable information on the license application which is required in the consignee/purchaser statement. This exemption does not apply where the applicant and the consignee are separate entities, such as parent and subsidiary, or affiliated or associated firms;

(vii) The application for a license is supported by a Form FC-43,²² Statement by Foreign Importer of Aircraft or Vessel Repair Parts; by a Form FC-143,²² Request for Authorization to Distribute U.S.-Origin Commodities Stocked Abroad to Approved Customers; or by the current Station Number or validation number of either of these forms (see §§ 373.3 and 373.4); or

(viii) Exportation of commodities will be made for display at a trade fair or exhibition, or for demonstration, or testing purposes (see § 373.6).

(b) *Statements required from ultimate consignee and purchaser*—(1) *General.* The applicant shall furnish a statement from the ultimate consignee and purchaser, Form FC-842 or FC-843,²² dated on or after January 1, 1956 (see supplements S-12 and S-13 for facsimile of forms) named in the application, certifying to certain facts relating to the proposed transaction. This statement is required by the Office of Export Control to make certain that foreign consignees and purchasers are fully aware of their responsibility not only for the representations made to the Office of Export Control, but also for the proper disposition of the licensed commodities only in those foreign countries where the Office of Export Control has authorized disposition. In addition, the requirement curtails the time-consuming supplementary inquiries by the Office of Export Control which otherwise often may be necessary.

(2) *Signature by ultimate consignee.* The consignee/purchaser statement must be manually signed by the ultimate consignee (the person abroad who is actually to receive the material for the designated end use), or by a responsible official of the ultimate consignee who has personal knowledge of the information included in the statement, who has authority to bind the ultimate consignee, and who has the power and authority to control the use and disposition of the licensed commodities in the country of ultimate destination. The authority to sign this document may not be delegated to any person (agent, employee, or other) whose authority to sign is not inherent in his official position with the ultimate consignee. The official signing the statement may be located in the United

States or in a foreign country; his official title shall be included with his signature.

(3) *Signature by purchaser.* If the purchaser (the person abroad who has entered into the export transaction with the applicant to purchase the commodities for delivery to the ultimate consignee) named in the export license application is a different person from the named ultimate consignee, the purchaser must either sign the statement executed by the ultimate consignee, or the applicant must also attach to the application an additional statement executed by the purchaser. This statement from the purchaser shall meet the same requirements of signature, etc., as are stated in subparagraph (2) of this paragraph for the ultimate consignee, and it must cover the same subject matter as required from the ultimate consignee in subsequent paragraphs of this section. The purchaser's statement may be a Form FC-842, Single Transaction Statement by Consignee and Purchaser, or a Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, and shall be completed in accordance with the procedure described in paragraph (c) of this section.

(4) *Alterations.* After a consignee/purchaser statement, Form FC-842 or FC-843, has been signed by the consignee or purchaser, no corrections, additions, or alterations may be made by any person other than the consignee or purchaser. (For this purpose, the signing of the exporter's certification on the form is not construed to be a correction, addition, or alteration of the form.) If the signed statement is incomplete or incorrect in any respect, the applicant shall obtain a corrected statement from the consignee and/or purchaser. (See paragraph (c) (1) (x) (c) of this section.)

(5) *Amendments to statements.* Where a consignee/purchaser statement, Form FC-842 or FC-843, is on file in the Office of Export Control, an amendment to the Statement may be submitted in the form of an additional Form FC-842 or FC-843, a wire or cable, or a copy of the wire or cable from the ultimate consignee. Sufficient identifying information shall be submitted with the amendment to permit the Office of Export Control to identify the amendment with the Statement on file in the Office of Export Control, such as: Form number (Form FC-842 or FC-843); name of consignee or purchaser and date of signing; case number of the license application with which the statement was submitted to the Office of Export Control; applicant's reference number, etc. However, no amendment will be granted to extend the validity period of a Form FC-843, Multiple Transactions Statement by Consignee and Purchaser.

(6) *Applications filed without statements.* An application not supported by a consignee/purchaser statement, Form FC-842 or FC-843 (where required), from the ultimate consignee or purchaser will be returned without action to the applicant. However, an applicant who can show to the satisfaction of the Office of Export Control that he has made

diligent efforts to obtain such statement and has been unable to get it, may so advise the Office of Export Control in a letter attached to his application, giving the stated reasons of the ultimate consignee or purchaser for failing or refusing to give the applicant such statement and the application will receive consideration for approval.

(7) *30-day grace period.* Whenever the requirement for a consignee/purchaser statement for any commodity is extended by reason of the addition of a country group(s) in the column headed "Validated License Required for Country Groups Shown Below" on the Commodity Control List, an export license application for such commodity and country group(s) need not conform to the requirements of this section for a period of 30 days from the date such commodity becomes subject to the additional country group(s) requirements. (See § 370.1(g) of this chapter for country groups.) In lieu of the end-use and ultimate consignee statements during such 30-day period, applications shall be accompanied by any evidence available to the exporter which will support the applicant's representations concerning the ultimate consignee, ultimate destination, and the end-use. Such evidence may consist of copies of the letter of credit, the order for the commodities, correspondence between the exporter and consignee, or other documents received from the consignee.

(c) *Information required in consignee statements*—(1) *General.* (i) Where an application to export a commodity involves a single transaction, a statement shall be submitted on Form FC-842, Single Transaction Statement by Consignee and Purchaser (see Supplement S-12 for facsimile of form). In the event of an emergency, the statement may be submitted in the form of a wire or cable provided it contains the same information as required on the form.

(ii) Exporters who have a continuing and regular business relationship with an ultimate consignee (including but not limited to applicants having foreign branches or subsidiaries or distributors under franchise with the applicant) involving recurring orders for the same commodities to the same destinations and for the same end uses, may submit to the Office of Export Control a multiple transactions statement executed on Form FC-843, Multiple Transactions Statement by Consignee and Purchaser (see Supplement S-13 for facsimile of form). An applicant for a Time Limit (TL) License (see Part 377 of this chapter) must submit Form FC-843 for each ultimate consignee and purchaser named on the application. Statements submitted under the multiple transactions procedure will not be accepted on any form other than Form FC-843. The exporter shall attach to Form FC-843 a list in original only of the Office of Export Control licensing divisions responsible for licensing those commodities listed on the statement, and shall submit the original plus one

²² Forms FC-43, FC-143, FC-842, and FC-843, may be obtained at all U.S. Department of Commerce field offices and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230. Foreign importers may obtain copies of these forms from their U.S. exporter or from U.S. diplomatic and Consular offices.

additional copy of the Multiple Transactions Statement for each Office of Export Control licensing division responsible for licensing these commodities. (A list of Office of Export Control licensing divisions and the commodity processing codes for which each licensing division has licensing authority is set forth in § 399.4 of this chapter). Since there are three licensing divisions in the Office of Export Control which license commodities, a maximum of an original plus three additional copies will be required. If the commodities to which the statement applies are assigned processing codes under a single licensing division, the original plus only one additional copy of the statement will be required.

(iii) This Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, shall cover all proposed exportations of such commodities regardless of value (including those based on export orders amounting to less than \$500) for which applications for export licenses will be submitted to the Office of Export Control during all or any part of the period ending on June 30 of the year following the year during which the statement is executed (unless an earlier termination date is desired and is specified on the Multiple Transactions Statement). For example, a Statement executed on April 3, 1966, may cover proposed exportations for which license applications are filed on or before June 30, 1967.

(iv) All of the items of information specified in this paragraph, or on Form FC-842 or Form FC-843, shall be furnished if applicable to the transaction. If such information is unknown, that fact also should be disclosed. Special provisions applicable to the Form FC-842, Single Transaction Statement by Consignee and Purchaser, are set forth in subparagraph (2) of this paragraph; special provisions applicable to the Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, are set forth in subparagraph (3) of this paragraph; and the information required on both the Single and Multiple Transactions Statements is set forth below:

(a) Name and address of the ultimate consignee;

(b) Name of the U.S. exporter or person with whom the order has been placed;

(c) Description of the commodity or commodities to which the statement applies. The commodities shall be described in terms which will enable the Office of Export Control to determine that the commodities described on the statement are the same as those described on the related application for export license. Where the commodity description on the consignee/purchaser statement is not readily identifiable with that shown on the license application, the applicant should add an explanatory note in the space entitled "Commodity Description," or on an attachment thereto to make the relationship clear;

(d) The nature of the consignee's usual business, including whether he is the user, seller, etc., of the commodities to which the statement applies;

(e) The ultimate destination of the commodity or commodities to which the consignee/purchaser statement applies, showing whether the commodities will be reexported from the country indicated in the ultimate consignee item of the statement, and if the commodities are for re-export, the name of the country or countries to which reexportation is proposed (in the space entitled "Disposition of Commodities"). (See § 373.68 with respect to the filing of consignee/purchaser statements which make reference to Viet-Nam.) It is emphasized that nothing shown on Form FC-842 or Form FC-843 shall be construed as an authorization by the Office of Export Control to reexport the commodities to which the consignee/purchaser statement applies without the approval of specific countries from the Office of Export Control. Such authorization to reexport is not granted on the basis of information on these forms, but as a result of a specific request by the U.S. exporter on the license application or upon request of the consignee through the U.S. exporter after the license is issued (see § 372.12 of this chapter);

(f) A specific and detailed description of the end use to which the commodity or commodities will be put by the ultimate consignee in the country of ultimate destination in the space entitled "Specific Use." If the ultimate consignee will use the commodity or commodities to produce other end products, show the names of the end products, the country or countries where the production or manufacture will take place, and the country or countries in which the end product will be distributed, if these facts are known. The end-use information shall be set forth in as much detail as is known to the person(s) signing the consignee/purchaser statement;

(g) Any additional facts relating to the transaction which the consignee or purchaser believes will be of value to the Office of Export Control in the consideration of license applications submitted in his behalf by the U.S. exporter in the space entitled "Additional Information" or on an attachment thereto;

(h) The name of any person, other than the employees of the ultimate consignee or purchaser, who assisted in the preparation of the consignee/purchaser statement;

(i) A certification by the consignee and/or purchaser, as defined in paragraphs (b) (2) and (3) of this section, that the facts contained in the consignee/purchaser statement are true and correct to the best of their knowledge and belief; a certification by the consignee and/or purchaser that they will promptly send a supplemental statement to the U.S. exporter of any change of facts or intentions set forth in their statement(s) which occurs after the statement has been prepared and forwarded; and that with respect to any shipment which they

propose to dispose of contrary to the representations made in the statement, or contrary to the limitations on countries of distribution which may be indicated on the Bill of Lading, commercial invoice or other comparable documents, they will notify the U.S. exporter and secure approval of the Office of Export Control through the U.S. exporter prior to such disposition; and

(j) The applicable information described below should be submitted to the Office of Export Control by the applicant for the export license or the duly authorized agent of the applicant in those instances where the consignee/purchaser statement, Form FC-842 or FC-843, contains corrections, additions, or alterations. Consignee/purchaser statements which do not contain this information may be returned to the applicant for clarification.

(1) Where the statement contains corrections, additions, or alterations which appeared on the statement at the time of receipt from the ultimate consignee or purchaser, the following certification shall be attached to the statement:²³

I (We) certify that no corrections, additions, or alterations were made on the attached Form (FC-842) (FC-843) by me (us) after the form was signed by the (ultimate consignee) (purchaser).

(2) Where the consignee/purchaser statement has been partially or completely filled in by the applicant or his agent prior to signing by the ultimate consignee or purchaser, the name of the person assisting in preparing the statement shall be shown in the space entitled "Assistance in Preparing Statement." If in so assisting, any corrections, additions, or alterations are made on the Form, the applicant shall advise the Office of Export Control, in writing, of (i) the changes made, (ii) the reasons(s) for making the changes, and (iii) shall include the certification shown in (1) of this subdivision (j).

(3) In accordance with paragraph (b)

(4) of this section, after a consignee/purchaser statement, Form FC-842 or FC-843, has been signed by the consignee or purchaser, no corrections, additions, or alterations may be made by any person other than the consignee or purchaser. However, in those instances where an explanatory note by the applicant will aid in identifying the commodity description of the export transaction shown on the consignee/purchaser statement with that shown on the related license application, the applicant may add this explanatory note on the related license application or on an attachment thereto. In all other instances where a correction, addition, or alteration to a Form FC-842 or FC-843 appears necessary after the form was signed by the consignee or purchaser, the applicant shall return the form for correction to the consignee or purchaser, as applicable.

(2) *Special provisions applicable to the Single Transaction Statement.* In

²³ Late revisions of Forms FC-842 and FC-843 provide a printed certification for this purpose.

addition to the general information set forth in subparagraph (1) of this paragraph, the following special provisions apply to the Form FC-842, Single Transaction Statement by Consignee and Purchaser:

(i) The form shall be submitted to the Office of Export Control within 90 days from the date of signing by the consignee or purchaser, whichever date is later;

(ii) The quantity and (if known) the value of commodities ordered by the consignee or purchaser from the U.S. exporter shall be shown on the statement in the "Quantity" and "Value" spaces of the form. If the actual value is not known, an estimated value should be shown and the entry should be labeled "estimate." If it is impossible to determine an estimated value, the word "Unknown" should be entered therein together with an explanation of the reason why an actual or estimated value cannot be provided; and

(iii) The end use of the commodities by the ultimate consignee shall be inserted in the space entitled "Specific End Use," including, if known, the end use of the commodities by the customers of the ultimate consignee. If the end use by the customers is unknown, enter the word "Unknown."

Note: 1. *Commodities licensed in terms of dollar value.* If the commodity is licensed in terms of dollar value, an application for an export license will not be approved for a quantity significantly in excess of the actual or estimated value shown on the Form FC-842. Where the Form FC-842 indicates that the value is unknown, the Office of Export Control will consider the approval of one application against the related Form FC-842, provided that the applicant states on the license application that the transaction described on the license application is the same as that described on the Form FC-842.

2. *Commodities not licensed in terms of dollar value.* If the commodity is not licensed in terms of dollar value, the Office of Export Control uses the value information shown on Form FC-842 primarily as an aid to identifying the commodity. Applications covering this type of commodity will not be approved for a quantity significantly in excess of the quantity shown on the related Form FC-842.

(3) *Special provisions applicable to the Multiple Transactions Statement.* In addition to the general information set forth in subparagraph (1) of this paragraph, the following special provisions apply to the Form FC-843, Multiple Transactions Statement by Consignee and Purchaser:

(i) A representation that the statement shall be considered a part of every application for license filed by the named U.S. exporter or person with whom the order is placed, for export to the consignee of the commodity or commodities to which the statement applies, during the period stipulated shall be entered in the space entitled "Request"; and

(ii) The nature of the consignee's business relationship with the U.S. exporter named on the Form FC-843, and how long the relationship has existed, shall be entered in the space entitled "Nature of business and relationship with U.S. exporter named in Item 2."

Note: *Proper Number of Copies of Statement.* U.S. exporters may wish to advise their foreign importers (ultimate consignees and purchasers) to submit these statements in as many copies as the exporter requires for submission to the Office of Export Control for all license applications to be submitted in connection with the importer's order(s) (see subparagraph (1) of this paragraph).

(4) *Method of extension of validity period of Multiple Transactions Statement.* (i) In lieu of submitting a new Multiple Transactions Statement, the coverage period of a currently valid Multiple Transactions Statement submitted on Form FC-843 on file in the Office of Export Control, may be extended by the submission to the Office of Export Control of (a) a certification completed by the ultimate consignee and purchaser and (b) a copy of the U.S. exporter's letter to his ultimate consignee and purchaser requesting the completion of such certification. Such certification and letter shall meet, as a minimum, the requirements described below and shall be submitted in the same number of copies as are required for the Multiple Transactions Statement under subparagraph (1) of this paragraph.

(ii) The following certification shall be signed by the ultimate consignee and purchaser (if applicable):

I (We) certify that:
(1) I (We) have reread our Form FC-843, Multiple Transactions Statement, dated -----;

(2) The facts contained in this Multiple Transactions Statement which will expire on ----- have not changed to date;

(3) The facts contained in this Multiple Transactions Statement accurately and completely reflect our past and present relationship with (Name of U.S. exporter) and our intended use and disposition of commodities received during the period ending (June 30 of next year, unless an earlier termination date is desired);

(4) I (We) shall promptly send a supplemental statement to the named U.S. exporter disclosing any change of facts or intentions which occurs after the signing of this certification; and

(5) With respect to any shipment which I (we) propose to dispose of contrary to the representations made in the above described Form FC-843, or contrary to limitations on countries of distribution which I (we) receive on my (our) Bill of Lading, commercial invoice, or comparable documents, I (we) will notify the named U.S. exporter, and will secure the U.S. Government approval through this exporter prior to such disposition.

(Date of signing)

(Print or type)

(Name of consignee/purchaser)

(Address of consignee/purchaser)

(Signature of official of firm named)

(Name and title of person signing statement)

(iii) The U.S. exporter's letter to his consignee requesting the above certification shall, among other things, include the following instructions: (a) The Form FC-843, original Multiple Transactions Statement shall be reexamined to make

sure that the facts and intentions have not changed; (b) the commodities shall be used in the authorized countries only; (c) the commodities shall not be diverted or transshipped from authorized destinations to other destinations without prior U.S. approval; and (d) the exporter must be informed of any future change of facts or intentions from those stated in the certification.

(iv) The certification completed by the ultimate consignee and purchaser and the copy of the U.S. exporter's letter to his ultimate consignee and purchaser requesting the completion of such certification, must be received in the Office of Export Control before the expiration date of the consignee statement or any previous extensions thereof.

(d) *Applications supported by consignee statements—(1) Applications supported by a Multiple Transactions Statement.* An application for an export license supported by a Multiple Transactions Statement shall contain the following statement in the space entitled "Additional Information" or on an attachment thereto:

This application is supported by the Multiple Transactions Statement dated ----- from the named consignee to this applicant.

(2) *Applications supported by a Single Transaction Statement.* Where a Form FC-842, Single Transaction Statement by Consignee and Purchaser, covers a purchase order for a commodity or commodities that require more than one license application, each license application supported by the Single Transaction Statement shall contain the following certification in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the Single Transaction Statement dated -----, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same Single Transaction Statement, including the present application, do not total more than the quantities shown on that statement. This Single Transaction Statement was submitted in support of application number: (Insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the Single Transaction Statement was attached, and Export Control Commodity numbers and processing codes shown on that application).

(3) *Requirements applicable to both Single and Multiple Transactions Statements.—(i) Purchase order.* The statement from the ultimate consignee and purchaser shall relate only to purchase orders placed by one ultimate consignee and one purchaser with one U.S. exporter. A purchase order covered by any consignee statement may involve several commodities. The Form FC-842, Single Transaction Statement by Consignee and Purchaser, shall relate to only one purchase order. The Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, may cover more than one purchase order.

(ii) *Coded terms and translation requirements.* All abbreviations, coded

terms, or other expressions having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Commodity Control List units shall be converted into Commodity Control List units. Documents in a foreign language shall be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, shall be certified by the applicant to be a correct translation. Exporters may provide their foreign customers with Forms FC-842 and FC-843 translated into the foreign language of the customers. Copies of Form FC-842 and Form FC-843 in foreign languages will not be provided by the Office of Export Control. An explanation or translation of a consignee/purchaser statement shall be submitted on a separate document attached to the consignee/purchaser statement. (See § 381.8 of this chapter with regard to an alteration of an export control document.)

(iii) *Applicability of statements on consignee/purchaser statement to license application and export license.* Information supplied by a consignee or purchaser on a consignee/purchaser statement (Forms FC-842 or FC-843) cannot be construed as extending or expanding the specific information on a license application or an export license resulting therefrom. With regard to disclosure of facts pertaining to an individual export transaction, the export license application covering the transaction must be self-contained. The authorizations contained in the resulting export license are not extended by the general information contained in the consignee/purchaser statement with regard to reexportation from the country of destination or with regard to any other facts relative to the transaction as reported on the application.

(iv) *Liability of ultimate consignee or purchaser.* Misrepresentations, either through failure to disclose facts, concealing a material fact, or furnishing false information in the required consignee/purchaser statement, will subject the ultimate consignee and/or purchaser to administrative action by the Office of Export Control, including suspension, revocation, or denial of licensing privileges and denial of other participation in exports from the United States.

(v) *Applicant's responsibility for full disclosure.* In submitting Statements (Forms FC-842 or FC-843) from the ultimate consignee and foreign purchaser, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations of the ultimate consignee or foreign purchaser. In accordance with the provisions of § 381.5 of this chapter, the applicant shall promptly bring to the attention of the Office of Export Control any change in the facts which were set forth in the first or any supplementary statement from the ultimate consignee or purchaser and which change was

brought to his notice by the ultimate consignee or purchaser or any other person subsequent to the date the statement was made.

(vi) *Applicant is not named on consignee statement.* If the applicant for license is not named on the consignee/purchaser statement, the order party provisions of § 372.4(a) (2) of this chapter must be observed.

(e) *Letterheads and order forms.* The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letter head or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application.

(f) *Request for amendment.*²⁴ (1) A new consignee/purchaser statement, Form FC-842 or FC-843, shall accompany a request for an amendment of an export license which proposes a change in the consignee or purchaser in the transaction named in the export license, if the proposed amendment is not in accordance with the consignee and purchaser statement previously submitted to the Office of Export Control.

(2) A new Form FC-842, Single Transaction Statement by Consignee and Purchaser, or a letter, wire, or cable from the ultimate consignee and purchaser (if applicable) confirming the change, shall accompany a request for an amendment of an export license which proposes any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Single Transaction Statement by Consignee and Purchaser previously submitted to the Office of Export Control. If a proposed quantitative amendment is in accordance with the previously submitted Single Transaction Statement by Consignee and Purchaser, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license number _____, if granted, will not exceed the total quantity covered by the Single Transaction Statement by Consignee and Purchaser against which this export license was issued.

Where the export license is based on a Form FC-843, Multiple Transactions Statement, an additional statement is not required from the consignee or purchaser to support a proposed license amendment for increase in quantity. In lieu thereof, the following certification shall be placed on the request for amendment:

I (We) certify that the license listed above is supported by a Multiple Transactions Statement.

§ 373.66 Republic of South Africa.

In considering applications to export or requests to reexport any commodity to the Republic of South Africa, the policy of the Office of Export Control is generally to deny any applications covering arms, ammunition, military vehicles, or items used primarily in the manufacture or maintenance of arms, ammunition, or implements of war.

²⁴ Section 380.2 of this chapter contains other provisions applicable to amendments of licenses covered by a consignee/purchaser statement.

erally to deny any applications covering arms, ammunition, military vehicles, or items used primarily in the manufacture or maintenance of arms, ammunition, or implements of war.

§ 373.67 Switzerland and Liechtenstein.

(a) *Import Certificate requirement—*
 (1) *Submission of certificate.* A license application for export of commodities, regardless of value, to Switzerland or Liechtenstein must be accompanied by the original Swiss Blue Import Certificate issued to the importer by the Swiss Federal Department of Public Economy, Division of Commerce, Import and Export Control, covering the proposed exportation from the United States. Where the Import Certificate covers commodities for which more than one license application is submitted, the original of the Swiss Blue Import Certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the Swiss Blue Import Certificate No. _____, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same Certificate, including the present application, do not total more than the quantities shown on that Certificate. This Swiss Blue Import Certificate was submitted in support of application number: (Insert case number, or if case number is unknown, the applicant's reference number, date of submission of application to which the Swiss Blue Import Certificate was attached, and Export Control Commodity Numbers and processing codes shown on that application).

(2) *Coded terms and translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Commodity Control List units shall be converted into Commodity Control List units. Documents in a foreign language shall be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, shall be certified by the applicant to be a correct translation. An explanation or translation of a Swiss Blue Import Certificate shall be submitted on a separate document attached to the Import Certificate. (See § 381.8 of this chapter with regard to an alteration of an export control document.)

(3) *Purchase order.* The Swiss Blue Import Certificate may cover more than one purchase order and may be concerned with several commodities. However, the certificate shall relate only to purchase orders placed by a single importer with a single U.S. exporter.

(4) *Applicant's responsibility for full disclosure.* In submitting a Swiss Blue Import Certificate, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief,

whether or not inconsistent with the representations set forth in the Swiss Blue Import Certificate. In accordance with the provisions of § 381.5 of this chapter, the applicant shall promptly bring to the attention of the Office of Export Control any change in the facts which were set forth in the Swiss Blue Import Certificate and which was brought to his notice by the foreign importer or any other person subsequent to the date the Swiss Blue Import Certificate is issued.

(5) *Certificate as a factor in licensing.*

(i) The Office of Export Control reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which the Swiss Government has issued an Import Certificate.

(ii) Generally, commodities licensed by the Office of Export Control on the basis of dollar value will not be licensed in excess of the dollar value shown on the Swiss Blue Import Certificate, and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on the Certificate.

(iii) The Office of Export Control will not seek or undertake to give consideration to recommendations from the Government of Switzerland or Liechtenstein as to the U.S. exporter whose license application should be approved. A Swiss Blue Import Certificate will be used by the Office of Export Control as only one of the considerations upon which licensing action will be based, since quotas, end uses, and other considerations are important factors in export licensing.

(b) *Exemptions*—(1) *45-day grace period.* Whenever the requirement for a Swiss Blue Import Certificate for any commodity is extended by reason of Country Group V being added to the column headed "Validated License Required for Country Groups Shown Below" on the Commodity Control List, an export license application for such commodity need not conform to the requirements of this section for a period of 45 days from the date such commodity becomes subject to the Swiss Blue Import Certificate requirement. (See § 370.1 (g) of this chapter for destinations in Country Group V.)

(2) *Shipments to Government agencies.* An application for license to export commodities to a Swiss or Liechtenstein Government agency is exempted from the requirement to submit a Swiss Blue Import Certificate where the government agency actually placed the order with the applicant and will accept delivery of the exportation when it is received in Switzerland or Liechtenstein.

Note: For definition of "government agency," see § 373.65(a)(2)(iv).

(3) *Approved Form FC-43 or FC-143.* An application for a license to export commodities to Switzerland or Liechtenstein is exempted from the requirement for the submission of a Swiss Blue Import Certificate if such license application is supported by Form FC-43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts; or by a Form FC-143, Request for Authorization to Dis-

tribute U.S.-Origin Commodities Stocked Abroad to Approved Customers; or by the current Station Number or validation number of either of these forms. However, this exemption does not relieve an exporter, or his distributor, of the requirement that this certificate be obtained and held available for inspection under the Form FC-243 Procedure. (See §§ 373.3 and 373.4.)

(4) *Shipments for exhibition, demonstration, or testing purposes.* An application for a license to export commodities for exhibition, demonstration, or testing purposes in Switzerland or Liechtenstein is exempted from the requirement for submission of a Swiss Blue Import Certificate.

(c) *Return of Swiss Blue Import Certificate.* The Swiss Blue Import Certificate provides that the importer has pledged himself to import the commodities directly into the Swiss customs territory and that any reexportation of these goods is prohibited. If the importer is unable to obtain the commodities covered by a Swiss Blue Import Certificate, he is required by the Swiss Government to produce evidence of such inability. Therefore, U.S. exporters may be requested by their foreign importers to return unused or partially used Import Certificates. In such case, the U.S. exporter should forward the Import Certificate to his importer as soon as he determines that the Import Certificate will not be used with a new or resubmitted license application, or an appeal. In order to meet these requests, Import Certificates on file in the Office of Export Control will be returned to exporters in accordance with the procedures indicated below:

(1) *Import Certificate quantity greater than license application.* Where an Import Certificate covers a quantity in excess of the license application(s) submitted against it, the Office of Export Control will retain the Swiss Blue Import Certificate until such time as the exporter requests the return thereof. When requesting the return of the Import Certificate, the exporter should submit his request in writing, showing the name and address of the named importer, applicable case numbers to which the Import Certificate applies, Import Certificate number, and a statement that such Import Certificate will not be used in connection with a new or resubmitted application for export license. Appropriate notation will be made on the Import Certificate by the Office of Export Control.

(2) *Import Certificate and license application in same quantities.* The Office of Export Control will automatically return the applicable Swiss Blue Import Certificate to the U.S. exporter (applicant) whenever an application for export license covers the same type and amount of the commodity as that shown on the Import Certificate, but such application is rejected or approved in a reduced quantity. Appropriate notation will be made on the Import Certificate by the Office of Export Control.

(3) *Unshipped quantities.* Where the U.S. exporter does not intend to ship

the total quantity of commodities for which a license has been issued and desires the return of the Swiss Blue Import Certificate, he shall submit his request in writing for return of the certificate in accordance with the procedure described below:

(i) *Unexpired export license.* If the license has not expired and no further shipment is intended to be made, the written request for return of the Import Certificate shall either be accompanied by the license, or include the name of the port where the license is filed. In the latter event, the exporter shall request the Customs Office to forward the license to the Office of Export Control. The license will then be canceled by the Office of Export Control. If a further shipment is intended to be made, the request should be submitted together with a request for amendment of the license to show the total quantity the exporter intends to ship against the license. The amendment request in such case shall be submitted on Form IA-763 as provided by the regular amendment procedure set forth in § 380.2 of this chapter.

(ii) *Expired export license.* If the license has expired, the written request shall either be accompanied by the license, or include the name of the port where the license is filed. Form IA-763 shall not be submitted with a request for return of a Swiss Blue Import Certificate where the license has expired. Appropriate notation will be made on the Swiss Blue Import Certificate by the Office of Export Control.

(d) *Request for exception.* An applicant for an export license subject to the requirement for a Swiss Blue Import Certificate in accordance with the provisions of paragraph (a) of this section may request an exception to this requirement.

(1) *Grounds for exception.* Favorable consideration of a request for exception generally will be given where the requirement for a Swiss Blue Import Certificate:

(i) Imposes an undue hardship on the applicant and/or ultimate consignee (e.g., the Swiss Government refuses to issue a Blue Import Certificate and such refusal constitutes discrimination against the U.S. exporter);

(ii) Cannot be complied with (e.g., the commodities will be held in a foreign trade zone or bonded warehouse in Switzerland or Liechtenstein for subsequent distribution in one or more countries); or

(iii) Is not applicable to the transaction (e.g., the commodities will not be imported for consumption into Switzerland or Liechtenstein).

An exception will not be granted where such exception will be contrary to the objectives of the U.S. export control program.

(2) *Types of request.* A request for exception may involve either a single transaction or multiple transactions.

(i) The single transaction exception relates to a single export order and, if granted, will cover the application or applications which the exporter submits to ship the single export order.

(ii) The multiple transactions exception, if granted, will cover all applications submitted by the exporter during all or any part of the period ending not later than June 30 of the year following the year during which the request is submitted. For example, a multiple transactions request submitted on April 1, 1966, may cover all applications for shipment to the ultimate consignee filed on or before June 30, 1967, unless an earlier termination date is requested or directed. A multiple transactions request for exception will be considered by the Office of Export Control only where the reason necessitating the request is continuing in nature.

(3) *When to submit request.* The request for exception shall be submitted together with the application to which it relates. Where the request for exception relates to more than one application, the request shall be submitted together with the first application to which it relates.

(4) *How to submit request.* Each request for exception shall be by letter, in duplicate, addressed to the U.S. Department of Commerce, Office of Export Control (Attention: 8542), Washington, D.C. 20230. The request shall be accompanied by a statement from the ultimate consignee and purchaser in accordance with § 373.65, unless such statement is already on file in the Office of Export Control. As a minimum, the letter of request shall include:

(i) The type of request, i.e., whether for a single transaction or multiple transactions (see subparagraph (2) of this paragraph).

(ii) A full explanation of the reason(s) for requesting the exception;

(iii) The nature and duration of the business relationship between the applicant and the importer shown on the license application;

(iv) Whether the exporter has previously submitted to the Office of Export Control any Swiss Blue Import Certificate issued in the name of the importer and a listing of the case numbers to which these certificates applied;

(v) Whether a statement from the ultimate consignee and purchaser, in accordance with § 373.65, is on file with the Office of Export Control;

(vi) Name and address of the ultimate consignee;

(vii) The location of the foreign trade zone or bonded warehouse if the commodities will be exported to a foreign trade zone or bonded warehouse in Switzerland or Liechtenstein;

(viii) Name and address of the purchaser, if different than the ultimate consignee;

(ix) The requested date of expiration if a multiple transactions exception is requested (see subparagraph (2) of this paragraph) and the exporter wishes the exception period to expire before June 30 of the next year; and

(x) Any other facts which would justify the granting of an exception.

(5) *Action by Office of Export Control—(i) Single transaction request.* Where the request involves a single

transaction the Office of Export Control will act on the request for exception together with the application for export license with which the request for exception was submitted. In those cases where the related application is approved, the issuance of the export license will serve also as an automatic notice to the exporter that the exception is approved. However, if any restrictions are placed on the approval, or if the request is disapproved, the Office of Export Control will advise the exporter by letter.

(ii) *Multiple transactions request.* Where the request involves multiple transactions, the Office of Export Control will advise the exporter by letter of the action taken on the request for exception. The letter will contain any conditions or restrictions which the Office of Export Control finds necessary as a condition to approval of the request for exception. In addition, a written acceptance of these conditions will be required from the parties to the transaction.

(6) *Submission of additional application.* On any additional application for export license which is subject to an approved request for exception to the Swiss Blue Import Certificate requirement the following certification shall be inserted on the application in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the circumstances shown in the original request for exception to submission of a Swiss Blue Import Certificate also exist with respect to this application. The request for exception was submitted in support of application number (Insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the request for exception was attached, and Export Control Commodity Numbers and processing codes shown on that application).

(7) *Relationship to reexports.* The granting of an exception to submission of a Swiss Blue Import Certificate in no way relieves the applicant or any other party to the transaction from obtaining reexport authorization from the Office of Export Control when so required by the Export Regulations.

(e) *Requests for amendments.*²⁵ A new or appropriately amended Swiss Blue Import Certificate shall accompany a request for an amendment of an export license which proposes a change in any party to the transaction named in the export license or any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Swiss Blue Import Certificate previously submitted to the Office of Export Control. If a proposed quantitative amendment is in accordance with the previously submitted Swiss Blue Import Certificate, the amendment request shall include the following certification on Form IA-763 or on a signed attachment thereto:

²⁵ Section 380.2 of this chapter contains other provisions applicable to amendments of licenses covered by a Swiss Blue Import Certificate.

I (We) certify that this request for amendment of export license No. _____, if granted, will not exceed the total quantity authorized under Swiss Blue Import Certificate No. _____.

§ 373.68 Vietnam.

All license applications (Form FC-419), consignee/purchaser statements (Form FC-842 or FC-843, see § 373.65), and destination control statements (see § 379.10(c) of this chapter) which make reference to Vietnam shall also specify which of the following areas is referred to:

(a) Communist-controlled areas of Vietnam.

(b) Republic of Vietnam (area not under Communist control).

§ 373.69 Southern Rhodesia.

(a) *Licensing policies—(1) Applications generally denied.* In considering applications for licenses to export, or requests for authorization to reexport any commodity to Southern Rhodesia, the policy of the Office of Export Control generally is to deny such applications for requests covering the following commodities:

Export control commodity No.	Commodity description
23110-23140----	Crude rubber, including synthetic and reclaimed rubber.
331-33296-----	Petroleum and petroleum products.
51209-51500----	Chemicals, organic and inorganic, except medicinal chemicals, pesticides and agricultural chemicals and radioisotopes.
57112-57140----	Explosives and pyrotechnic products.
58110-58199----	Plastic materials, and other chemical products, n.e.c., except insecticides, fungicides, disinfectants and similar products.
62101-62989----	Rubber manufactures, n.e.c.
67120-67930----	Iron and steel.
68050-68950----	Nonferrous metals.
71110-71999----	Nonelectric machinery, except agricultural equipment.
72210-72999----	Electrical machinery, apparatus and appliances, except medical and dental x-ray tubes and valves.
73201-73300----	Automotive vehicles and other vehicles, and parts and accessories.
73410-73492----	Aircraft and parts.
89430-----	Shotguns, and parts.

Consideration will be given to approval of applications for licenses to export the commodities listed in this subparagraph only when, in the judgment of the Office of Export Control, the export is for:

(i) The essential needs of the Rhodesian Railways, the Central African Airways, or the Central African Power Corporation (which are operated jointly by Southern Rhodesia and Zambia; and in the case of Central African Airways, also by Malawi);

(ii) The essential needs of recognized charitable institutions, diplomatic missions, or their accredited representatives; or

(iii) Any other essential need justified by special circumstances in which the export is necessary to prevent or alleviate an undue hardship, such as the export of commodities needed to maintain U.S.-owned or U.S.-controlled facilities.

(2) *Export important to the economy of Southern Rhodesia.* Applications for licenses to export any commodity, other than the commodities listed in subparagraph (1) of this paragraph above, will be considered for approval if it is found that the shipment would not constitute a significant contribution to the Southern Rhodesian economy.

§ 373.70 Yugoslavia.

(a) *End-Use Certificate requirement—*

(1) *Submission of certificate.* A license application for export of commodities, regardless of value, to Yugoslavia (including the area of Trieste under Yugoslav civil administration) must be accompanied by the original End-Use Certificate issued to the Yugoslav importer by the Federal Economic Chamber in Belgrade, covering the proposed export from the United States. Where the End-Use Certificate covers commodities for which more than one export license application is submitted, the original of the End-Use Certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the Yugoslav End-Use Certificate No. _____, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same End-Use Certificate, including the present application, do not total more than the quantities shown on that Certificate. This End-Use Certificate was submitted in support of application number (insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the End-Use Certificate was attached, and Export Control Commodity Numbers and processing codes on that application).

(2) *Relationship to purchase order.* The Yugoslav End-Use Certificate may cover more than one purchase order and may be concerned with several commodities. However, the End-Use Certificate shall relate only to purchase orders placed by a single importer with a single U.S. exporter.

(3) *Coded terms and translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Commodity Control List units shall be converted into Commodity Control List units. Documents in a foreign language shall be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, shall be certified by the applicant to be a correct translation. An explanation or translation of a Yugoslav End-Use Certificate shall be submitted on a separate

document attached to the Certificate. (See § 381.8 of this chapter with regard to an alteration of an export control document.)

(4) *Certificate as a factor in licensing.*

(i) The Office of Export Control reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which the Yugoslav Government has issued an End-Use Certificate.

(ii) Generally, commodities licensed by the Office of Export Control on the basis of dollar value will not be licensed in excess of the dollar value shown on the Yugoslav End-Use Certificate and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on the Certificate.

(iii) The Office of Export Control will not seek or undertake to give consideration to recommendations from the Yugoslav Government as to the U.S. exporter whose license application should be approved. A Yugoslav End-Use Certificate will be used by the Office of Export Control as only one of the considerations upon which licensing action will be based since quotas, end uses, and other considerations remain important factors in export licensing.

(5) *Applicant's responsibility for full disclosure.* In submitting a Yugoslav End-Use Certificate, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end-use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the End-Use Certificate. In accordance with the provisions of § 381.5 of this chapter, the applicant shall promptly bring to the attention of the Office of Export Control any change in the facts which were set forth in the Yugoslav End-Use Certificate and which was brought to his notice by the foreign importer or any other person subsequent to the date the Yugoslav End-Use Certificate is issued.

(b) *Exemptions—(1) 45-day grace period.* Whenever the requirement for a Yugoslav End-Use Certificate for any commodity is extended by reason of Country Group V being added to the column headed "Validated License Required for Country Groups Shown Below" on the Commodity Control List, an export license application for such commodity need not conform to the requirements of this section for a period of 45 days from the date such commodity becomes subject to the Yugoslav End-Use Certificate requirement. (See § 370.1(g) of this chapter for destinations in Country Group V.)

(2) *Shipments to Yugoslav Government Agencies.* An application for license to export commodities to a Yugoslav Government agency is exempted from the requirement to furnish the Yugoslav End-Use Certificate where the Yugoslav Government agency actually placed the order with the applicant and will accept delivery of the exportation when it is received in Yugoslavia.

NOTE: For definition of "government agency," see § 373.65(a) (2) (iv).

(3) *Approved Form FC-43 or FC-143.* An application for a license to export commodities to Yugoslavia is exempted from the requirement for the submission of a Yugoslav End-Use Certificate if such license application is supported by Form FC-43. Statement by Foreign Importer of Aircraft or Vessel Repair Parts; or by a Form FC-143, Request for Authorization to Distribute U.S.-Origin Commodities Stocked Abroad to Approved Customers; or by the current Station Number or validation number of either of these forms. However, this exemption does not relieve an exporter, or his distributor, of the requirement that this Certificate be obtained and held available for inspection under the Form FC-243 procedure. (See §§ 373.3 and 373.4.)

(4) *Shipments for exhibition, demonstration, or testing purposes.* An application for a license to export commodities for exhibition, demonstration, or testing purposes in Yugoslavia is exempted from the requirement for submission of a Yugoslav End-Use Certificate.

(c) *Return of End-Use Certificate.* The Yugoslav End-Use Certificate provides a certification by the Yugoslav importer to his government that he will import the commodities through the Yugoslav customs frontier and that he will not reexport the commodities without obtaining permission from his government. If the Yugoslav importer is unable to obtain the commodities covered by the End-Use Certificate, he is required by the government of Yugoslavia to produce evidence of such inability. Therefore, where U.S. exporters are requested by the foreign importers to return unused or partially used End-Use Certificates, U.S. exporters shall return such Certificates in the same manner as established for the return of a Swiss Blue Import Certificate (see § 373.67(c)).

(d) *Request for exception.* (1) The Office of Export Control will consider the granting of an exception to the requirement for submission of the Yugoslav End-Use Certificate where the ultimate consignee has been unable to obtain the required document and the granting of an exception will not be contrary to the objectives of the U.S. export control program. The Office of Export Control may waive the requirement of the submission of the Yugoslav End-Use Certificate where the refusal by the foreign government to issue the Certificate constitutes discrimination against the U.S. exporter, or for any other valid reason of similar importance. Each such request for exception shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the U.S. Department of Commerce, Office of Export Control, Operations Division (Attention: 8542) Washington, D.C. 20230. The letter request should include, among other things:

(i) The nature and duration of the business relationship between the applicant and the importer shown on the license application;

(ii) The reason or reasons for the foreign importer's inability to obtain the

Yugoslav End-Use Certificate from his government;

(iii) A statement as to whether the exporter has previously submitted to the Office of Export Control any Yugoslav End-Use Certificate issued in the name of the importer and a listing of the case numbers to which these certificates applied; and

(iv) Any other facts which would justify the granting of an exception.

The applicant should also attach to his letter request, or have on file in the Office of Export Control, a statement from the consignee and purchaser in accordance with § 373.65. No request will be considered or granted unless such statement is submitted or is on file in the Office of Export Control.

(2) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, the original letter request shall be attached to one application and a copy of the letter request shall be attached to each additional application to which it is equally applicable. Any application to which a copy of the letter request is attached shall contain a reference (case number if known, or applicant's reference number) to the application to which the original letter request was attached.

(e) *Request for amendment.*²⁸ A new or appropriately amended Yugoslav End-Use Certificate shall accompany a request for an amendment of an export license which proposes a change in any

party to the transaction named in the export license or any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Yugoslav End-Use Certificate previously submitted to the Office of Export Control. If a proposed quantitative amendment is in accordance with the previously submitted Yugoslav End-Use Certificate, the amendment request shall include the following certification on Form IA-763 or on a signed attachment thereto:

I (We) certify that this request for amendment of export license No. _____, if granted, will not exceed the total quantity authorized under Yugoslav End-Use Certificate No. _____.

NOTE: 1. *Coded terms and translation requirements.* See paragraph (a) (3) of this section.

2. *End-Use Certificates.* Foreign consignees may obtain these certificates from Yugoslav Federal Economic Chamber, Knez Mihailova 10, Belgrade.

§ 373.71 Trieste.

For export control purposes, the destination "Italy" includes the area of Trieste under Italian civil administration, and the destination "Yugoslavia" includes the area of Trieste under Yugoslav civil administration. Therefore, any application for export license (Form FC-419) which makes reference to Trieste, shall also specify which of the following areas is referred to:

(a) The area of Trieste under Italian civil administration.

(b) The area of Trieste under Yugoslav civil administration.

Supplement No. 1—Time Schedules for Submission of Applications for Certain Commodities

Export control commodity No.	Commodity	Submission dates for nonhistorical applicants (No later than date shown below)	Submission dates for historical applicants (No later than date shown below)
21110.....	Cattle hides, whole	May 31, 1966	Aug. 15, 1966
21110.....	Cattle hide croupions, crops, dossets, sides, butts and butt bends	do	Do.
21120.....	Calf skins and kip skins	do	Do.
61150.....	Cattle hide and kip side upper leather, grain, except patent and metalized.	do	Do.
61150.....	Cattle hide and kip side sole, belting, and wetting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits.	do	Do.
61150.....	Calf and whole kip upper leather, n.e.c.	do	Do.
61150.....	Calf and whole kip leather, n.e.c., except patent and metalized	do	Do.
28401.....	Copper metalliferous ash and residues	do	Do.
28402.....	Copper and copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.	July 31, 1966	Nov. 30, 1966
28403.....	Nickel waste and scrap containing 50 percent or more copper irrespective of nickel content.	do	Do.
68212.....	Refined copper, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms.	do	Do.
68212.....	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc.	do	Do.

²⁸ Section 380.2(d) of this chapter contains other provisions applicable to amendments of licenses covered by a Yugoslav End-Use Certificate.

Supplement No. 2—Authorities Administering Import Certificate/Delivery Verification System in Foreign Countries¹

Country	Authority	System administered ²
Austria	Bundesministerium für Handel und Wiederaufbau, Stubenring 1, Vienna I. Bundesministerium für Handel und Wiederaufbau—Aussenstelle, Metternichgasse 4, Vienna III.	IC DV
Belgium	Ministère des Affaires Economiques, Office Central des Contingents et Licences 11, Parc du Cinquanteaire, Bruxelles.	IC/DV
Denmark	Handelsministeriets Licenskontor Gothersgade 49, Copenhagen K. IC/DV also issued by Danmarks Nationalbank, Holmens Kanal 17, Copenhagen K.	IC/DV
France	Ministère des Finances et des Affaires Economiques, Direction des Relations Economiques Exterieures, Service des Autorisations Commerciales 8, rue de la Tour-des-Dames, Paris (9eme).	DV IC/DV
West Germany (Federal Republic of Germany). Western sectors of Berlin	Bundesamt für gewerbliche Wirtschaft, Bockenheimer Landstrasse 38, Frankfurt am Main. Senator für Wirtschaft und Kredit Zentrale Genehmigungsstelle, Martin-Luther-Strasse 61-66, Berlin-Schöneberg.	IC/DV IC/DV
Greece	Banque de Grece, Direction des Transactions Commerciales avec l'Etranger Athens.	IC/DV
Hong Kong	Import Control Branch, Department of Commerce and Industry, Fire Brigade Building, Hong Kong. Department of Commerce and Industry, Connaught Road, Central, Hong Kong.	IC DV
Italy	Ministero del Commercio con l'Estero Direzione Generale delle Importazioni e delle Esportazioni, Div. VII, Rome. Dogana Italiana (of the town where the import takes place)	IC DV
Japan	Bureau of International Trade and Industry in Tokyo, Osaka, Fukuoka, Sapporo, Sendai, Nagoya, Marugame, Hiroshima, Shimonoeki, Kobe, Yokohama, and Shimizu.	IC
Luxembourg	Japanese Customs Offices	DV
Netherlands	Office des Licences, 21, rue Glesener, Luxembourg-Gare	IC/DV
Norway	Centrale Dienst voor In- en Uitvoer, van Stolkweg 14, The Hague	IC/DV
Portugal	Handelsdepartementet, Direktoratet for Eksport-og-Importregulering, Fr. Nansens plass 5, Oslo.	IC/DV
Turkey	República do Comercio Externo, Direccao-Geral do Comercio, Secretaria de Estado do Comercio, Ministerio da Economia, Lisbon.	IC/DV
United Kingdom	Ministry of Commerce, Department of Foreign Commerce, Ankara, Head Customs Office at the point of entry. Board of Trade, Export Licensing Branch, Hillgate House, 35 Old Bailey, London, E.C. 4. H.M. Customs and Excise, Section 22, King's Beam House, Mark Lane, London, E.C. 3.	IC DV

¹ Facsimiles of Import Certificates and Delivery Verifications issued by each of these countries may be inspected at any U.S. Department of Commerce field office listed on page 1, or at the U.S. Department of Commerce, Office of Export Control, 1201 E St. N.W., Washington, D.C. 20230.

² IC—Import Certificate. DV—Delivery Verification.

Supplement No. 3—Questions and Answers Regarding Export Licensing of Civil Aircraft and Related Commodities

EXPORT LICENSING AUTHORITY OF U.S. DEPARTMENTS OF COMMERCE AND STATE

1. Q. Since both the U.S. Department of State and the U.S. Department of Commerce license aircraft and equipment, parts, accessories, or components therefor, how can an exporter determine which agency has the licensing authority?

A. The U.S. Munitions List lists only aircraft and related commodities which are licensed by the Department of State (see paragraph 370.5(a)). Any aircraft or related commodity which is not listed in the U.S. Munitions List is licensed by the Department of Commerce. In addition, Interpretation No. 20 (§ 399.2 of this chapter) provides criteria for determining aircraft commodities under Commerce Department licensing authority. As a general rule, civil aircraft and equipment, parts, accessories, or components therefor, are licensed by the Department of Commerce. Military aircraft and equipment, parts, accessories, or components which are used exclusively for military aircraft are licensed by the Department of State. General purpose equipment, parts, accessories, or components which can be used for either military or civilian aircraft are licensed by the Department of Commerce.

2. Q. If an aircraft is exported to the military establishment of a foreign government, would the exportation necessarily be under the licensing authority of the Department of State?

A. No. The fact that the importer is a foreign government military establishment

is not a determining factor as to whether the Department of State or the Department of Commerce has the licensing authority. (Also see Question No. 3 below.)

3. Q. If equipment, parts, accessories, or components for aircraft are certificated by the Federal Aviation Agency but are also listed in a military catalog, are they licensed by the Department of Commerce or the Department of State?

A. The listing of equipment, parts, accessories, or components for aircraft in a military catalog is not a determining factor as to which department has the licensing authority. However, equipment, parts, accessories, or components certificated by the Federal Aviation Agency and listed in a military catalog are usually general purpose and, as such, are under the licensing authority of the Department of Commerce. Interpretation No. 20 (see § 399.2 of this chapter) sets forth the aircraft and equipment, parts, accessories, or components therefor under the licensing authority of the Department of Commerce, while the U.S. Munitions List (see § 370.5 of this chapter) lists those commodities under licensing authority of the Department of State.

4. Q. Is flight training equipment licensed by the Department of Commerce?

A. Only nonmilitary types of flight training equipment are licensed by the Department of Commerce. These include nonmilitary types of link trainers, operational flight trainers, flight simulators, radar trainers, instrument flight trainers, and navigation trainers. Military types of these trainers are under the licensing authority of the Department of State. Other military flight training equipment licensed by the Department of State includes such equipment as attack trainers, radar target trainers, radar

target generators, gunnery training devices, antisubmarine warfare trainers, target equipment, armament trainers, pilotless aircraft trainers, and mobile training units.

5. Q. Does the Department of Commerce license for export an aircraft which bears a military designation?

A. No.

IMPORT LICENSES

6. Q. Does the Department of State maintain import control on civil aircraft and equipment, parts, accessories, or components therefor?

A. No. (Also see Question No. 7.)

7. Q. Is an import license required from the Department of Commerce to import civil aircraft into the United States?

A. No. An import license is not required for any commodities under Department of Commerce export licensing authority, unless the commodity was acquired abroad pursuant to the Foreign Excess Property Disposal Program. In such cases an import permit must be obtained from the Business and Defense Services Administration, U.S. Department of Commerce. (Also see Questions Nos. 26 and 27.)

CATEGORIES OF DEPARTMENT OF COMMERCE LICENSES

8. Q. How does the Department of Commerce license exports?

A. The Department of Commerce has two categories of licenses: the general license and the validated license.

A general license is a general authorization which permits exporters to make shipments under certain specified conditions without the need for submitting an application or receiving a license document from the Department of Commerce.

A validated license is a license document issued only after an application for license has been submitted to the Department of Commerce. Commodities which are for consumption in Canada may be shipped to that country without a general or validated license.

VALIDATED LICENSES

9. Q. What types of validated licenses are available?

A. An "Individual license" and bulk types of licenses known as "Project License" (see Part 374 of this chapter), "Blanket License" (see Part 375 of this chapter), "Periodic Requirements License" (see Part 376 of this chapter), "Time Limit License" (see Part 377 of this chapter), and "Technical Data License" (see Part 385 of this chapter).

10. Q. Is an exporter or an importer of civil aircraft or equipment, parts, accessories, or components therefor, required to register with the Department of Commerce before or at the time of filing a license application?

A. No. However, an exporter or an importer who intends to file applications with the Department of State covering military aircraft, or any other commodities under licensing authority of the Department of State, may need to retain his registration with the Department of State.

11. Q. Does the Department of Commerce charge any fee for issuing an export license?

A. No.

12. Q. What is the usual time for processing a license application in the Department of Commerce?

A. Currently the Department of Commerce processes approximately 95 percent of applications within 5 days after receipt, and approximately 99 percent within 10 days. An application which involves a new foreign policy or security question which the Office of Export Control has not previously resolved may require a longer period of time for processing.

13. Q. How may an exporter obtain information as to the status of his license application?

A. A status inquiry should be made on Form FC-743-A and addressed to the U.S. Department of Commerce, Office of Export Control, Operations Division Exporter's Service Section (Attention: 8540) Washington, D.C. 20230, or to any U.S. Department of Commerce field office (see page 1). Item 2 of Form FC-743-A need not be completed. Generally, an applicant should allow a period of 2 weeks after submitting a license application before making a status inquiry.

14. Q. In case of an emergency, may an exporter request special processing of a license application?

A. Yes. In an emergency situation properly justified by the exporter—for example, a shipment of repair parts to a grounded aircraft—the exporter may request emergency clearance from the Department of Commerce. The request may be made direct to the Office of Export Control in Washington, or through a U.S. Department of Commerce field office of a Customs Office. Where no license application has been filed, the exporter may submit the application to the field office or Collector of Customs at the time emergency clearance is requested. If the exportation is approved, the Customs Office will be notified by telephone or telegraph to permit clearance of the shipment (see § 372.5(i) of this chapter).

15. Q. What is the usual validity period of a license issued by the Department of Commerce?

A. Generally, an individual license or a Blanket License has a validity period of 6 months and consideration will be given to the extension of the license upon request of the licensee. However, the Department of Commerce will consider issuing a license with a validity period of more than 6 months for long-cycle production commodities. A Time Limit License or a Periodic Requirements License has a validity period of 1 year but will not be extended. A Project License is also valid for 1 year but may be extended.

16. Q. How does the licensee apply for extension or other amendment of his license?

A. Except for an extension of a Project License, the licensee makes application on Form IA-763. A request for extension of a Project License should be made on Form FC-957.

17. Q. Must the application for export license be made by the firm receiving the export order from the foreign customer?

A. Generally, yes. However, if the firm receiving the order is not the same as the applicant for the license, the firm receiving the order must also sign the license application in item 15 (see § 372.4(a)(2) of this chapter).

18. Q. When an export order covers a number of individual parts under one entry on the Commodity Control List, does each part have to be listed separately on the export license application?

A. No. All parts coming under one entry on the Commodity Control List may be included in one entry on the export license application, using the Commodity Control List description for that entry, unless the Commodity Control List entry states that the application must specify the parts by name.

19. Q. Where one export order covers a number of different commodities, all of which are licensed by the Department of Commerce, may all commodities be included in one license application, using a general description and one total price?

A. A single license application may include only those commodities shown on the Commodity Control List as having the same processing code and the same related commodity group number. Where such commodities are covered in separate Commodity Control List entries, they must be listed separately on the

license application, with a separate price shown for each listing (see § 372.5 (d) and (e) of this chapter).

One exception to this rule is permitted. Where the applicant intends to export aircraft and accompanying spare parts for such aircraft to any destination except Country Group W, Y, or Z (see § 370.1(g) of this chapter for country groups) the applicant may (1) include both the aircraft and the accompanying spare parts on a single application even though these commodities may not have the same processing code or the same related commodity group number; (2) show on the application the total value of all the accompanying spare parts without the necessity for indicating the value of each entry shown on the application, if at the time of submitting the application the applicant is unable to determine the value of the parts for each Export Control Commodity number. This exception does not relieve the applicant from classifying the commodities shown on the application in accordance with the Commodity Control List or from describing the commodities in accordance with Commodity Control List commodity description terminology. Exporters are reminded that the value must be shown on the Shipper's Export Declaration in accordance with the regulations of the Bureau of Census, even though the value may not appear on the export license.

20. Q. Should the price shown on the license application be shown in terms of price quotation to the foreign purchaser?

A. Yes. The total price should be shown in the customary form of quotation such as f.o.b. (factory), f.a.s. (named port), c.i.f., or other form.

21. Q. What documents should accompany an application for export license?

A. The documents required for license applications are specified in several sections of this Part 373. (A summarization of the required documents is included in Table III of the Digest of Export Regulations.)

22. Q. May a Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, be used in support of an application for license to export to a foreign distributor who will resell to customers in the same country?

A. Yes. Item 4 of Form FC-843 provides a space for the importer to indicate that he is a distributor.

23. Q. If a U.S. exporter leases an aircraft to a foreign individual or firm to be used abroad, is the export of the aircraft subject to export control?

A. Yes. The export of an aircraft for use overseas under a lease is subject to the same export control procedures as the export of an aircraft involving a sale.

24. Q. May an existing Department of Commerce Project License be used to export aircraft equipment, parts, accessories, or components not identified by the symbol "B" in the last column of the Commodity Control List?

A. Yes, provided the aircraft equipment, parts, accessories, or components are being exported to the approved consignees on the Project License for the use specified in the license, and provided the anticipated shipments will not exceed the grand total approved on the license. A complete aircraft, however, may not be exported under a Project License.

GENERAL LICENSES

25. Q. Is there more than one type of general license?

A. Yes, there are a number of different general licenses, each of which is designed to meet a specified type of shipment. These general licenses are described in Part 371 of this chapter of the Comprehensive Export Schedule. Exporters of civil aircraft will be particularly interested in the following gen-

eral licenses: General License GIT (see § 371.9 of this chapter), GLV (see § 371.10 of this chapter), PLANE STORES (see § 371.13(b) of this chapter), RCS (see § 371.13(d) of this chapter), GLC (see § 371.15 of this chapter), GLR (see § 371.18 of this chapter), GTDP (see § 385.2(b) of this chapter), GTDU (see § 385.2(c) of this chapter), GTDS (see § 385.2(d) of this chapter), and GATS (see § 371.25 of this chapter).

26. Q. Does the U.S. Department of Commerce require a validated license for a shipment transiting the United States?

A. No. An in-transit shipment of foreign-origin commodities under the licensing authority of the U.S. Department of Commerce is permitted to enter the United States without a license and may leave the United States under General License GIT. This general license does not apply to any shipment to Country Group W, X, Y, or Z (see paragraph 370.1(g) for country groups), however, unless such shipment could be made direct from the United States to that destination under some other general license. (Also see Question No. 27.)

27. Q. Is a validated license required for aircraft equipment, parts, accessories, or components manufactured in Canada which are being exported from Canada through a U.S. port to a third country?

A. No. A shipment from Canada moving in transit through the United States may leave the United States under General License GIT, provided the shipper presents to the Customs Office a copy of Form B-13, Canadian Custom Entry, authorizing the shipment. Where any pertinent detail of such shipment is not the same on the U.S. Shipper's Export Declaration as that shown on the Canadian Customs Entry, either a validated U.S. export license or a new Form B-13 authorizing the shipment is required unless the shipment is exportable to the new destination from the United States under another general license.

28. Q. If a new engine is installed in an aircraft while it is in the United States, is a validated license required to cover exportation of the new engine?

A. Exportation of the engine is covered by General License PLANE STORES except if the engine is installed on an aircraft registered in a country in Country Group W, Y, or Z or an aircraft controlled by or under charter to a country in Country Group W, Y, or Z or a national of any of these countries. Where General License PLANE STORES does not apply, a validated license is required. (Also see Questions Nos. 29 and 30.)

29. Q. Where an aircraft is brought to the United States for repair or overhaul, must a validated license be obtained to return the aircraft to the country from which it came to the United States?

A. The aircraft usually may be returned under General License GLR. This general license does not apply, however, to aircraft being exported to Country Group W, X, Y, or Z, or to aircraft disposed of by a U.S. Government agency under the Foreign Excess Property Disposal Program (see § 371.18 of this chapter).

30. Q. If an aircraft is brought to the United States to be converted from piston to turboprop, is a validated license required to return the converted plane?

A. The aircraft may be returned under General License GLR to any destination except Country Group W, X, Y, or Z. A validated license is required for the return of the aircraft to Country Group W, X, Y, or Z.

31. Q. May an aircraft be exported under General License GLR for purposes of repair and return to the United States?

A. Yes. General License GLR may be used to export the complete aircraft, or any equipment, parts, accessories, or components therefor, to the foreign country in which it

was manufactured or from which it was imported into the United States, except to Country Group W, X, Y, or Z, for purposes of repair and return to the United States.

32. Q. Which types of aircraft may depart from the United States under General License GLC?

A. Only an aircraft which is operating under an Operating Certificate (Air Carrier, Commercial, or Air Taxi) from the Federal Aviation Agency may depart from the United States under General License GLC.

33. Q. Where an aircraft leaving the United States for a temporary sojourn does not qualify for exportation under General License GLC, is a validated license required for its departure?

A. No. U.S. aircraft leaving for temporary sojourn abroad, or a foreign aircraft which has been on temporary sojourn in the United States, may depart under General License GATS, provided all of the requirements of that general license are met (see § 371.25 of this chapter).

34. Q. If a foreigner purchases an aircraft in the United States, may he fly the aircraft out of the United States under the provisions of General License GATS?

A. No. General License GATS permits aircraft of foreign registry to depart from the United States under its own power only if the aircraft was initially brought into the United States for a temporary sojourn or, if the aircraft is registered in the United States, it may depart from the United States for a temporary sojourn abroad and subsequent return to the United States.

35. Q. May an aircraft be exported under the provisions of General License BAGGAGE or General License TOOLS OF TRADE?

A. No. For a temporary sojourn abroad, an aircraft may depart from the United States under General License GATS (see § 371.25 of this chapter).

36. [Reserved for future use.]

TECHNICAL DATA

37. Q. If technical data relating to the manufacture of aircraft are to be exported, is a validated license required? If so, which agency has the export licensing authority?

A. If the technical data bear a U.S. Government security classification, such as "Confidential," "Secret," or "Top Secret," the exportation must be authorized by an export license issued by the Department of State. If the technical data do not bear a U.S. Government security classification, their exportation may be under the licensing authority of either the Department of State or the Department of Commerce as follows: (1) The Department of State has export licensing authority over all technical data relating to commodities set forth on the U.S. Munitions List (see § 370.5 of this chapter) and requires a validated license for these exportations; (2) The Department of Commerce has export licensing authority over unclassified technical data relating to aircraft and equipment, parts, accessories, and components thereof which are specified in Interpretation No. 20 (see § 399.2). Except for selected kinds of technical data relating to the manufacture of civil aircraft which may be exported under General License GTDU or GTDP (see Question No. 40), the Department of Commerce requires that a validated license be obtained prior to exporting technical data relating to the manufacture of civil aircraft.

38. Q. May technical data be exported under a Project License if the data relate to the project for which the license was issued?

A. Yes. Technical data may be exported under a Project License provided the Project License specifically authorizes the exportation of technical data (see § 374.2 of this chapter).

39. Q. May one export license application include all technical data covered in a single licensing agreement with a foreign firm?

A. Yes. One Form FC-419 should include all those items covered in one licensing agreement which are under the jurisdiction of the Department of Commerce. Technical data exportable under the provisions of a general license should be exported under that general license. Separate application should be made to the Department of State covering data under the jurisdiction of that Department.

40. Q. Do maintenance, repair or operating manuals, instruction sheets, and blue prints for aircraft require a validated export license?

A. No. Such maintenance, repair, or operating instructional material for aircraft may be exported under General License GTDU to any destination except Country Group Z (excluding Cuba) (see § 385.2(c) of this chapter).

Supplement No. 4—Countries Adhering to the Limited Nuclear Test Ban Treaty

For purposes of the Export Regulations a country will be treated as an adherent to the Limited Nuclear Test Ban Treaty if it has deposited with the U.S. Department of State in Washington, D.C. an instrument of ratification or accession to that Treaty (or an unrestricted notification that it considers itself bound by the ratification or accession of a predecessor government). The following countries are adherents to the Limited Nuclear Test Ban Treaty:

Afghanistan.	Luxembourg.
Australia.	Malagasy Republic.
Austria.	Malawi.
Belgium.	Malaysia.
Bolivia.	Malta.
Brazil.	Mauritania.
Bulgaria.	Mexico.
Burma.	Morocco.
Canada.	Nepal.
Central African Republic.	Netherlands (including Surinam and Netherlands Antilles).
Ceylon.	New Zealand.
Chad.	Nicaragua.
China (Republic of).	Niger.
Congo (Leopoldville).	Norway.
Cyprus.	Peru.
Czechoslovakia.	Panama.
Dahomey.	Philippine.
Denmark.	Poland.
Dominican Republic.	Rumania.
Ecuador.	Rwanda.
El Salvador.	San Marino.
Finland.	Senegal.
Gambia.	Sierra Leone.
Gabon.	South Africa (Republic of).
West Germany (Federal Republic of Germany).	Spain.
Ghana.	Sudan.
Greece.	Sweden.
Guatemala.	Switzerland.
Honduras.	Syrian Arab Republic.
Hungary.	Thailand.
Iceland.	Togo.
India.	Trinidad and Tobago.
Indonesia.	Tunisia.
Iran.	Turkey.
Iraq.	Uganda.
Ireland.	Union of Soviet Socialist Republics.
Israel.	United Arab Republic.
Italy.	United Kingdom.
Ivory Coast.	United States.
Japan.	Venezuela.
Jordan.	Western Samoa.
Kenya.	Yugoslavia.
Korea (Republic of).	Zambia.
Kuwait.	
Laos.	
Lebanon.	
Liberia.	

[F.R. Doc. 66-8933; Filed, Aug. 19, 1966; 8:45 a.m.]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 175]

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

Limitation of Handling

§ 908.475 Valencia Orange Regulation 175.

(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 com-

pleted on or before the effective date hereof. Such committee meeting was held on August 18, 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., August 21, 1966, and ending at 12:01 a.m., P.s.t., August 28, 1966, are hereby fixed as follows:

- (i) District 1: 150,000 cartons;
 - (ii) District 2: 425,000 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "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: August 19, 1966.

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

[F.R. Doc. 66-8187; Filed, Aug. 19, 1966; 11:35 a.m.]

[Lemon Reg. 228]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.528 Lemon Regulation 228.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 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 regulation; interested persons were af-

forded 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 August 16, 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., August 21, 1966, and ending at 12:01 a.m., P.s.t., August 28, 1966, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 255,750 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handler," "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: August 18, 1966.

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

[F.R. Doc. 66-9155; Filed, Aug. 19, 1966; 8:50 a.m.]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

Findings. (a) Notice of rule making regarding proposed restrictions on the importation of onions into the United States to be made effective under section 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1), was published in the August 2, 1966, FEDERAL REGISTER (31 F.R. 10368). The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than the 10th day after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the proposal as published in the notice, except for a change in the effective date, should be issued and that such restrictions on the importation of onions, as hereinafter provided, comply with the grade, size, quality, and maturity requirements applicable to onions produced

in the United States, and effective under Marketing Order No. 958 (7 CFR Part 958) regulating the handling of onions grown in designated counties of Idaho and eastern Oregon. This regulation is subject to amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 1003) in that (1) the requirements established by this regulation are mandatory under section 8e-1 of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the August 2, 1966, FEDERAL REGISTER (31 F.R. 10368), and such notice is determined to be reasonable.

§ 980.105 Onion import regulation.

Except as otherwise provided, during the period September 1, 1966, through June 15, 1967, no person may import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements—(1) Yellow varieties—(i) Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 2 inches minimum diameter.

(2) *White varieties—(i) Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 1 inch minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e-1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the U.S. import requirements of onions under section 8e-1 (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 111, 222 McClelland Bldg., Harlingen, Tex. 78550 (Phone—Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, 136 Grand Ave., Post Office Box 1646, Nogales, Ariz. 85621 (Phone—Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 784 South Central Ave., Room 294, Los Angeles, Calif. 90021 (Phone—Madison 2-8756).	3 days.
All Hawaii points.	Stevenson Ching, Post Office Box 5425, Honolulu, Hawaii 96814 (Phone—9-2071).	1 day.
New York City.	Edward J. Beller, 346 Broadway, Room 306, New York, N.Y. 10013 (Phone—264-1130).	Do.
New Orleans.	Pascal J. Lamarea, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—529-2411, Ext. 6741).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—Dudley 8-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to onions to be imported into the United States shall set forth, among other things:

- (i) The date and place of inspection;
- (ii) The name of the shipper, or applicant;
- (iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e-1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The terms "U.S. No. 1," and "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Onions (Other than Bermuda-Granex and Creole Types, §§ 51.2830-51.2850 of this title). Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 1 and No. 2 grades shall be deemed to comply with the requirements of U.S. No. 1 and U.S. No. 2 grades. "Importation" means release from custody of the U.S. Bureau of Customs.

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

Dated: August 17, 1966 to become effective September 1, 1966.

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

[F.R. Doc. 66-9118; Filed, Aug. 19, 1966; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reseal Loan Regs., 1965 and Subsequent Storage Periods (1966-67 Supp.)]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Reseal Loan Program (1966-67 Storage Period Supplement)

AREA OF AVAILABILITY; CORRECTION

Federal Register Document 66-7720, published at page 9600 in the issue dated Friday, July 15, 1966, is corrected by inserting the section number and heading "§ 1421.3511 Area of availability" immediately above the paragraph headed

"Area and scope" now appearing as the second paragraph of § 1421.3510.

Signed at Washington, D.C., on August 17, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-9119; Filed, Aug. 19, 1966; 8:49 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

PART 1485—DAIRY PRODUCTS

Subpart—Dairy Product Export Payment-in-Kind Program—Terms and Conditions (5M-7 Revision 1—Amdt. 1)

LIQUIDATED DAMAGES

The purpose of this amendment is to amend § 1485.211(c) to read as follows:
§ 1485.211 Liquidated damages.

(c) If the shipment of any dairy products pursuant to the exporter's contract with CCC does not qualify as an exportation to an eligible country, or if any of the dairy products exported are reentered in any form, or as a component of any other product, into the United States, including Puerto Rico, regardless of whether such reentry is caused by the exporter, or if any of the dairy products are transshipped in any form, or as a component of any other product, by the exporter to any country excluded by § 1485.220, the exporter shall be in default, and shall return to CCC any certificates issued by CCC in payment for export of such dairy products, or shall refund to CCC the face value of such certificates in cash, and, with respect to any of the dairy products reentered in any form, or as a component of any other product, into the United States, including Puerto Rico, shall also pay to CCC liquidated damages in amounts provided in paragraph (a)(2) of this section. The exporter shall not be subject to such damages if he establishes to the satisfaction of CCC that the dairy products, or products containing such dairy products so reentered were lost, damaged, or destroyed, and their physical condition was such that their reentry will not impair CCC's export and price support program. Notwithstanding the provisions of this paragraph (c), the exporter shall not be subject to liquidated damages as provided in paragraph (a)(2) of this section and shall be entitled to retain the certificates if he establishes to the satisfaction of the General Sales Manager that the reentry was not due to his fault or negligence and promptly after he received notice of reentry, he subsequently exported a quantity of dairy products in fulfillment of his contract with CCC equal to that which was reentered.

(Secs. 4, 5, 62 Stat. 1070, 1072, 15 U.S.C. 714 b, c)

Issued this 17th day of August 1966.

COMMODITY CREDIT CORPORATION,

C. R. ESKILDSEN,
Acting Administrator,
Foreign Agricultural Service.

[F.R. Doc. 66-9120; Filed, Aug. 19, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7564; Amdt. No. 11-5]

PART 11—GENERAL RULE-MAKING PROCEDURES

Updating and Clarification

This amendment adds FAA Area Offices to the list of offices that may receive and handle emergency exemptions under § 11.15. In addition, it clarifies Part 11 by expressly stating the rule-making powers of the Associate Administrators and the applicability of § 11.25 to petitions for exemption from any FAA rules. Minor editorial changes are made to update certain references in Part 11.

Since § 11.15 was added to Part 11 in 1964, the Regions have been subdivided into Areas headed by Area Managers (Amendment 2 to the FAA Organization Statement, 31 F.R. 838) whose purpose is to manage the operating programs of the Agency. Area Offices are therefore added to the list of offices in § 11.15 where exemption petitions may be filed and handled. In addition, the reference in § 11.15 to "Flight Standards International Field Office" is updated to read "International Field Office, or FAA Representative in the Europe, Africa, and Middle East Region, or in the Pacific Region."

Section 11.25 contains procedural rules that govern the filing of petitions for an "exemption from any rule issued under Title III or VI of the Federal Aviation Act of 1958." This provision is being amended to make it clear that it applies to exemptions from any Agency rules issued under the Federal Aviation Act of 1958 or other statute administered by the FAA. This amendment conforms the rule to actual Agency practice.

Under the principle (FAA Organization Statement, Part IV—Delegations, section 1(b)(1)) that a delegation of authority to an FAA officer is also made to any officer exercising executive direction over the delegatee with respect to the subject-matter of the delegation (unless the delegation provides expressly to the contrary), each Associate Administrator has the rule-making authority delegated in this part to the Service Directors under his executive direction. A majority of the Services that have substantive responsibility for FAA rules (Airports Service; Air Traffic Service; Flight Standards Service; and Systems Maintenance Service) are under the executive direction of

the Associate Administrator for Programs. To make this part more nearly self-contained in this respect, §§ 11.41(a) and 11.61(c) are being amended to state expressly the authority of the Associate Administrators. Since the Air Traffic Service is the only Service concerned under Subpart D, the added reference in § 11.65(c) is only to the Associate Administrator for Programs.

The Agency has always considered late filed comments in rulemaking proceedings if it was possible to do so without delaying the project or incurring expense, but this policy is not currently stated in the regulation. Section 11.47(a) is therefore amended to state it.

Since these amendments are procedural in nature, do not constitute substantive rule making, and do not impose a burden on any person, notice and public procedure thereon are not required and the amendment may be made effective less than 30 days after publication.

In consideration of the foregoing, Part 11 of the Federal Aviation Regulations (14 CFR Part 11) is amended, effective August 20, 1966, as follows:

1. By amending the first sentence of § 11.15 by inserting the words "Area Office" after the words "Regional Office"; and by striking out the words "or Flight Standards International Field Office" and inserting in place thereof the words "International Field Office, or FAA Representative in the Europe, Africa, and Middle East Region, or in the Pacific Region".

2. By amending § 11.25(a) by striking out the words "under Title III or VI of the Federal Aviation Act of 1958" and inserting in place thereof the words "by the Federal Aviation Agency under statutory authority".

3. By adding the following new sentence at the end of § 11.41(a):

§ 11.41 Scope.

(a) * * * Any authority conferred by this subpart on the head of any Office or Service is also conferred on the Associate Administrator (if any) who exercises executive direction over that official.

4. By adding the following new sentence at the end of § 11.47(a):

§ 11.47 Proceedings of the notice of proposed rule making.

(a) * * * All timely comments are considered before final action on the rule-making proposal is taken. Late filed comments are considered so far as possible without incurring expense or delay.

5. By amending the first sentence of § 11.61(c) to read as follows:

§ 11.61 Scope.

(c) For the purposes of this subpart, "Director" means the Associate Administrator for Programs, the Director, Air Traffic Service (or any person to whom he has delegated his authority in the

matter concerned), or a Regional Director. * * *

(Secs. 302(f), 303(d), 313(a), 1001, Federal Aviation Act of 1958; 49 U.S.C. 1343(d), 1344(d), 1354(a), 1481)

Issued in Washington, D.C., on August 15, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-9093; Filed, Aug. 19, 1966; 8:47 a.m.]

[Docket No. 6904; Amdt. 39-278]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Model M20 and M20A Airplanes

Amendment 39-138 (30 F.R. 11849), AD 65-22-3, as amended by Amendment 39-153 (30 F.R. 13948), requires repetitive inspection, and repair or replacement where necessary, of the tail truss on Mooney Model M20 and M20A airplanes. Subsequent to the issuance of Amendment 39-153, the Agency has determined that repetitive inspections are not necessary on airplanes equipped with tail truss, Mooney P/N 480007, installed in accordance with Mooney Service Bulletin No. 20-138. Therefore, the AD is being further amended to require compliance with the repetitive inspection requirements of the AD until the installation of tail truss, P/N 480007.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

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, Amendment 39-138 (30 F.R. 11849), AD 65-22-3, as amended by Amendment 39-153 (30 F.R. 13948), is further amended by amending the compliance statement to read as follows:

Compliance required within the next 25 hours' time in service after September 16, 1965, unless already accomplished within the last 75 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection until tail truss, Mooney P/N 4009, is replaced with tail truss, Mooney P/N 480007, in accordance with Mooney Service Bulletin No. 20-138 or later FAA-approved revision.

This amendment becomes effective August 20, 1966.

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

Issued in Washington, D.C., on August 12, 1966.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-9066; Filed, Aug. 19, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Transition Area**

On June 30, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9011) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kinston, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Because of the redefinition of the final approach radial from 047° to 046°, subsequent to the publication of the notice, it is necessary to redesignate this extension on the Kinston, N.C., VORTAC 046° radial. Since this change is minor in nature, it is incorporated in this rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 13, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Kinston, N.C., transition area is amended to read:

KINSTON, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stallings Field (latitude 35°19'40" N., longitude 77°37'05" W.); within 2 miles each side of the 046° radial of the Kinston VORTAC extending from the 5-mile radius area to 8 miles NE of the VORTAC; within 2 miles each side of the 225° radial of the Kinston VORTAC, extending from the 5-mile radius area to 11 miles SW of the VORTAC.

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

Issued in East Point, Ga., on August 9, 1966.

WILLIAM M. FLENER,

Acting Director, Southern Region.

[F.R. Doc. 66-9094; Filed, Aug. 19, 1966; 8:47 a.m.]

[Airspace Docket No. 66-SW-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Control Zone and Transition Area**

On June 21, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8597) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Corpus Christi, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is

amended, effective 0001 e.s.t. October 13, 1966, as herein set forth.

1. In § 71.171 (31 F.R. 2082) the Corpus Christi NAS, Tex., control zone is amended to read:

CORPUS CHRISTI NAS, TEX.

Within a 5-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within 2 miles each side of the Navy Corpus VOR 010° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Navy Corpus RBN 315° bearing extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Navy Corpus TACAN 139° radial, extending from the 5-mile radius zone to 6 miles SE of the TACAN; and within 2 miles each side of the Navy Corpus TACAN 313° radial, extending from the 5-mile radius zone to 6 miles NW of the TACAN.

2. In § 71.181 (31 F.R. 2175) the Corpus Christi, Tex., transition area is amended to read:

CORPUS CHRISTI, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within a 7-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within a 4-mile radius of the Sinton Airport (latitude 28°02'25" N., longitude 97°32'34" W.); within 2 miles each side of the Corpus Christi VORTAC 328° radial, extending from the 4-mile radius area to the VORTAC; within 2 miles each side of the Corpus Christi ILS localizer SE course, extending from the 6-mile radius area to 13 miles SE of the airport; within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the International Airport 6-mile radius area to 8 miles NW of the OM; within 2 miles each side of the Corpus Christi RBN 048° bearing, extending from the International Airport 6-mile radius area to 8 miles NE of the RBN; within 2 miles each side of the Navy Corpus RBN 135° bearing, extending from the NAS Corpus Christi 7-mile radius area to 8 miles SE of the RBN; and within 2 miles each side of the Navy Corpus TACAN 139° radial, extending from the NAS Corpus Christi 7-mile radius area to 12 miles SE of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the N by the SW boundary of V-163, latitude 28°07'00" N., and the N boundary of V-20; on the NE and E by a line extending from the N boundary of V-20 through latitude 28°42'00" N., longitude 96°26'00" W., to latitude 28°37'15" N., longitude 96°17'15" W.; thence to latitude 28°14'00" N., longitude 96°46'00" W.; thence S along longitude 96°46'00" W., to 3 nautical miles from the shoreline; thence SW 3 nautical miles from and parallel to the shoreline to latitude 27°49'00" N., to latitude 27°45'30" N., longitude 96°51'00" W.; to latitude 27°28'20" N., longitude 96°45'30" W.; to latitude 27°14'30" N., longitude 96°55'30" W.; to latitude 27°23'00" N., longitude 97°06'00" W.; thence SW to a point 3 nautical miles from the shoreline at latitude 27°11'20" N., thence to latitude 26°50'00" N., longitude 97°51'00" W.; and bounded on the S and W by a line extending from latitude 26°50'00" N., longitude 97°51'00" W.; to latitude 26°51'00" N., longitude 97°58'30" W.; to latitude 27°24'00" N., longitude 98°15'30" W.; to latitude 27°24'00" N., longitude 98°27'00" W.; to latitude 28°07'00" N., longitude 98°27'00" W., through latitude 28°27'00" N.,

longitude 98°14'00" W., to the SW boundary of V-163; and that airspace extending upward from 4,500 feet MSL bounded on the E by longitude 98°27'00" W., on the S by latitude 27°24'00" N., on the W by the arc of a 35-mile radius circle centered on latitude 27°35'22" N., longitude 99°29'54" W.; and on the N by a line extending from the intersection of the 35-mile radius arc and latitude 27°39'10" N., to latitude 27°44'00" N., longitude 98°27'00" W.

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

Issued in Fort Worth, Tex., on August 10, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-9095; Filed, Aug. 19, 1966; 8:47 a.m.]

[Airspace Docket No. 66-WA-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Continental Positive Control Area; Correction**

On February 10, 1965, a rule was published in the FEDERAL REGISTER (30 F.R. 1836) amending Part 71 of the Federal Aviation Regulations by consolidating the several positive control areas into one area designated as the continental positive control area. On February 3, 1966, Federal Register Document 66-935 was published in the FEDERAL REGISTER (31 F.R. 2002) setting forth a compilation of Parts 71, 73, and 75 of the Federal Aviation Regulations. The continental positive control area was described erroneously in this compilation, and action is taken herein to correct the error.

Since this amendment is editorial in nature, notice and public procedure are unnecessary and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, Federal Register Document 66-935 (31 F.R. 2002) is altered effective immediately, as hereinafter set forth.

In § 71.193 (31 F.R. 2276) the continental positive control area is amended by deleting all between "latitude 45°40'40" N., longitude 70°30'30" W.," and "latitude 45°27'00" N., longitude 67°29'00" W.," and substituting "thence along the United States/Canadian border to latitude 45°40'20" N., longitude 67°46'30" W.; thence to latitude 45°37'30" N., longitude 67°46'30" W.; thence to" therefor.

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

Issued in Washington, D.C., on August 15, 1966.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 66-9096; Filed, Aug. 19, 1966; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 35-15540]

PART 256—UNIFORM SYSTEM OF ACCOUNTS FOR MUTUAL SERVICE COMPANIES AND SUBSIDIARY SERVICE COMPANIES, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

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

Notice of proposed rule making regarding revisions of its Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies, promulgated under the Public Utility Holding Company Act of 1935 (17 CFR Part 256a), so as to establish the "Regulation to Govern the Preservation and Destruction of Records of Mutual and Subsidiary Service Companies," was published in the FEDERAL REGISTER on May 28, 1966 (31 F.R. 7692) by the Securities and Exchange Commission. After consideration of all comments and other relevant matters presented by interested persons, the Commission has determined to adopt the proposed revisions, subject to the following changes:

1. In paragraph (i) of § 256a.15, under the column heading "Period of Retention", the language reading "6 years after termination of employment" is changed to read "3 years after close of fiscal year, provided employment and salary changes are recorded in records described in § 256a.24(a)."

2. In paragraph (a) of § 256a.24, under the column heading "Period of Retention", the language reading "2 years after termination of employment" is changed to read "6 years after termination of employment."

3. In paragraph (d) of § 256a.31, under the column heading "Description of Records", the word "effecting" is changed to read "affecting".

4. In § 256a.0-8 the language reading "and rates charged for utility service" is changed to read "or rates charged for utility service."

To implement the foregoing, the Commission has amended paragraph (c) of § 256.01-8 of this chapter as indicated below.

Effective date. The Commission finds that the foregoing action provides relief to the affected companies and that it would be to their advantage if the regulation were made effective immediately, and therefore the procedures specified in section 4 of the Administrative Procedure Act are not applicable. Accordingly, the

foregoing action is declared effective August 12, 1966.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 12, 1966.

I. Pursuant to authority contained in section 13, 15, and 20 of the Public Utility Holding Company Act of 1935, paragraph (c) of § 256.01-8 of Chapter II of Title 17 of the Code of Federal Regulations is amended to read:

§ 256.01-8 Records.

(c) 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.

II. Pursuant to the authority contained in sections 13, 15, and 20 of the Public Utility Holding Company Act of 1935, a new Part 256a of Chapter II of Title 17 of the Code of Federal Regulations has been adopted to read as follows:

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.
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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.
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256a.14	Other records of tangible property owned or leased.
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256a.16	Insurance and bonding coverage.
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TAX RECORDS	
256a.18	Tax returns, reports, and supporting papers.
PURCHASE AND STORES RECORDS	
256a.19	Purchases.
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TREASURY	
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.
<p>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.</p>	
GENERAL REQUIREMENTS	
§ 256a.0-1 Scope of part.	
<p>(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 this Part 256a 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.</p>	
<p>(b) This Part 256a consists of these "General Requirements" (§§ 256a.0-1 to 256a.0-9) and the "Records Retention Schedule" (§256a.01 et seq.).</p>	
<p>(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.</p>	
<p>(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 (§§ 256a.0-1 to 256a.0-9), the Records Retention Schedule (§ 256a.01 et seq.) 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.</p>	
<p>(e) Notwithstanding the provisions of the Records Retention Schedule (§ 256a.01 et seq.), the Commission may,</p>	

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 Records Retention Schedule (§ 256a.01 et seq.).

§ 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 (§ 256a.01 et seq.).

(b) Microphotographic indicators in the Records Retention Schedule (§ 256a.01 et seq.) designate those records for which microphotographs may be substituted in lieu of original records. Such indicators appearing in the Records Retention Schedule (§ 256a.01 et seq.) 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 (§ 256a.01 et seq.).

(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 charac-

teristic, feature or other attribute of the original records, which microphotography 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 (§ 256a.01 et seq.) 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, or 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.

RECORDS RETENTION SCHEDULE

CORPORATE AND GENERAL

§ 256a.01 Capital stock records.

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 forms, 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, or 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 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 (j) and (k) 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.	6 years after termination	ME or M-5 whichever is shorter.
(1) If associate company has copies the retention of which is governed by regulations of the Federal Power Commission and/or applicable State Commission.		M-3 (If retention period is 25 years or less) MP-3 (If retention period is more than 25 years).
(2) If associate company does not have copies.	Retain for longest periods prescribed by any other applicable regulatory agency for the associate company in respect of such records.	

Description of records	Period of retention	Microphotographic indicator
(ii) Applicable to all other plant accounts: (2) Other charges to associate company for services or goods; (3) Other accounts of the Company (b) Lists of standard or recurring journal entries.	Retain until original cost or other classification of such plant accounts has been approved by Federal Power Commission and/or any interested State Commission exercising audit jurisdiction in respect of such plant accounts; but in no event less than 10 years after close of fiscal year. -----do----- Destroy at option after supersession.	MP-5. M-5. M-5.
§ 256a.09 Cash books.		
Description of records	Period of retention	Microphotographic indicator
(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	Microphotographic indicator
(a) Voucher registers or similar records.	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.11 Vouchers evidencing disbursements.		
Description of records	Period of retention	Microphotographic indicator
(a) Accounts payable vouchers, together with all supporting documents and account distributions, identifiable with the Company to associate companies respect of purchase of services or construction for or sales of goods to such companies and accommodation or convenience payments, which are capitalized by such companies: (1) If amounts of vouchers are \$500 or more. (2) If amounts of vouchers are less than \$500. (b) Accounts payable vouchers, together with all supporting documents and account distributions identifiable with: (1) Other charges to associate companies for services performed and goods sold and accommodation or convenience payments. (2) Investments in fixed assets of the Company. (1) If amounts of vouchers are \$500 or more. (1) If amounts of vouchers are less than \$500. (3) Other accounts of the Company.	Follow instructions to §256a.08(a)(1), but see §256a.11(c). 10 years after payment, but see §256a.11(c). 6 years after payment, but see §256a.11(c). 6 years after retirement or disposition of fixed assets. 10 years after payment. 6 years after payment.	M-2. M-2. M-5. M-2. M-2.

Description of records	Period of retention	Microphotographic indicator
(b) Other contracts, agreements, leases, deeds, or title papers entered into by the Company as principal: (1) If documents affect fixed capital accounts of the Company. (2) If documents do not affect fixed capital accounts of the Company. (c) Other contracts, agreements, leases, deeds, or title papers entered into by the company as agent of an associate company: (1) If associate company has copies the retention of which is governed by regulations of the Federal Power Commission. (2) If associate company does not have copies.	6 years after disposition or writeoff of capitalized item. 6 years after termination. Destroy at option. Retain for longest period prescribed by any other applicable regulatory agency for the associate company in respect of such records.	M-3. M-3. M-3 (If retention period is 25 years or less). MP-3 (If retention period is more than 25 years). M.
(d) Work papers supporting or used in compiling the completed documents referred to in paragraphs (a), (b), and (c) of § 256a.06 above.	3 years after preparation.	M.

ACCOUNTING RECORDS

§ 256a.07 General and subsidiary ledgers.

Description of records	Period of retention	Microphotographic indicator
(a) General and subsidiary ledgers and ledgers auxiliary to general ledgers, except as provided for elsewhere, and indexes thereto. (b) Trial balances of ledgers described in §256a.07 (a) above.	50 years. 2 years after Company's accounts are examined by independent accountants.	MP-10. M.

§ 256a.08 Journals, journal vouchers and journal entries.

Description of records	Period of retention	Microphotographic indicator
(a) Journals, journal entries or journal vouchers, including all supporting analyses, summarizations, distributions, and other computations relating to: (1) Charges by Company for services or construction performed for, or for goods sold to associate company which are capitalized by associate company. (1) Applicable to licensed projects;	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 classification 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.

§ 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.	Retain in accordance with instructions to § 256a.08(a).	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.	3 years after date of issue.	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 close of fiscal year.	M.
(e) Authorizations for changes in wage and salary rates, summaries and reports of changes in pay-roll and similar records.	3 years after close of fiscal year.	M.
(f) Employment authorizations and records of authorized positions.	3 years after termination.	M.
(g) Employment termination records.	Destroy at option.	M.
(h) Payroll statistical reports and analyses.	3 years after close of fiscal year, provided employment and salary changes are recorded in records described in § 256a.24(a).	M.
(i) Employee earnings records.	Destroy at option after Company's accounts have been examined by independent accountants.	M.
(j) Pay deviation computations.	3 years after supersession or termination of employment.	M.
(k) Payroll deduction authorizations and related records.	3 years after audit or reconciliation.	M.
(l) U. S. Savings Bond issuing agency reports and records.	6 years after termination.	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.	6 years after withdrawal from plan or termination of participation.	M.
(1) Contracts or agreements.	6 years after close of fiscal year.	M.
(2) Employee participation and withdrawal authorization.	6 years after close of fiscal year.	M.
(3) Accounting records relative to administration of plans.	3 years after date of issue.	M.
(4) Accounting records relative to participating employees.	3 years after date of issue.	M.
(5) Copies of communications to participating employees.	3 years after expiration.	M.
(6) State "Blue Sky" clearances relative to plans.	3 years after date of filing.	M.
(7) Employees Health, Welfare, and Pension Plan Disclosure Act filings and related records.	6 years after supersession of the study or report or termination of plan.	M.
(8) Actuarial studies and reports.	3 years after date of issue.	M.
(9) Canceled checks or drafts paid under benefit plans.	6 years after termination of plans.	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, requis, such as communications, public carrier, gasoline and oil change 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.15(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 receipts:		
(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 Commissions; otherwise follow instructions to § 256a.08 (a)(1).	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 Commissions; 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.

PURCHASE AND STORES RECORDS

§ 256a.19 Purchases.

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

§ 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. (2) Issues. (3) Balances on hand. (b) Records and reports pertaining to sales of scrap.	3 years after receipt. 3 years after close of fiscal year. do. do.	M. M. M. M.

TREASURY

§ 256a.21 Records of receipts and disbursements.

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Daily or other periodic statements of receipts or disbursements of funds. (b) Records of periodic statements of outstanding vouchers, checks and drafts.	2 years after date of statement. do.	M. 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. (b) Summaries and periodic statements of cash balances on hand and with depositories. (c) Statements of associates' cash balances on hand and with depositories. (d) Authorizations for statements of transfers of funds from one depository of the Company to another.	10 years after close of fiscal year. Destroy at option. do. do.	M.

§ 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. (b) Bank deposit slips or similar records.	Destroy at option after supersession. 2 years after company's accounts have been examined by independent accountants.	M.

INSURANCE RECORDS

§ 256a.16 Insurance and bonding coverage.

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. (b) Inspectors' reports and records of condition of property. (c) Insurance policies and bonds. (d) Records of insurance policies and bonds in force, showing coverage, premiums paid and expiration dates. (e) Reports of minor losses not covered by insurance and of losses less than minimum amount collectible. (f) Insurance maps of property and structures erected thereon. (g) Records and statements relating to insurance requirements.	6 years after settlement. Destroy at option after supersession. Destroy at option after termination. Destroy at option after supersession. 2 years after company's accounts have been examined by independent accountants. Destroy at option after supersession or disposition of property. Destroy at option.	M. M. M. M. 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. (b) Papers, reports, statements of witnesses, etc., necessary to the support or rejection of individual claims against the Company. (c) Detailed schedules or spread sheets of payments to others for personal injuries or property damage. (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.	2 years after settlement. do. do. Destroy at option after settlement.	M. M. M. M.

TAX RECORDS

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

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. (2) Property taxes. (3) Other taxes. (4) Agreements between associate companies as to allocation of consolidated income taxes. (b) Allocations of consolidated income taxes among associate companies. (c) Tax bills from taxing authorities and receipts for payment. (d) Summaries of taxes paid. (e) Filings with taxing authorities to qualify employee benefit plans. (f) Information returns or reports to taxing authorities (such as Federal W-2 and 1099 F forms).	10 years after settlement. do. do. 10 years after supersession of agreement. 10 years after settlement. Instructions to paragraphs (a) and (b) of §256a.11 apply. Destroy at option. 6 years after supersession. 3 years after filing.	M.E. M.E. M.E. M.E. M.E. M. M.

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

Description of records	Period of retention	Microphoto-graphic indi-cator
Minutes of meetings of system committees.....	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

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(e), 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.....	

PERSONNEL RECORDS

§ 256a.24 Employment records.

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

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Records of employees' service, attendance and other essential data.	6 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.....	M.E.
(2) Other.....	6 years after supersession.....	M.E.
(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.....	

MISCELLANEOUS RECORDS AND REPORTS

§ 256a.26 Organization diagrams and charts.

Description of records	Period of retention	Microphoto-graphic indi-cator
Organization diagrams and charts.....	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 applic- able State Commissions; otherwise, 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; (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.	Retain in accordance with the provisions of this Part 256a. Retain in accordance with the Commission's Regulation to Govern the Preservation and Restriction 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 857 of this chapter). 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 Commission 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.

⁴ Holding Company Act of 1935 Release No. 14033, dated Nov. 24, 1959, 24 F.R. 9724.

§ 256a.36 Records of the company not listed in the Schedule (§ 256a.01 et seq.)

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Records not listed in this Schedule which do serve purposes substantially similar to records listed in the Schedule. (b) Records not listed in this schedule which do not serve purposes substantially similar to re- cords 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. (c) Any other records of the Company not listed in this Schedule.	Retain for periods prescribed in the Schedule for such similar or related records. Retain until the destruction of such records has been authorized by the Commission. Destroy at option.	M.

Description of records	Period of retention	Microphoto-graphic indi-cator
(c) Indexes of forms used by the Company and and associate companies. (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.....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. (b) Stenographers' notebooks and dictaphone or other mechanical device records.	For periods prescribed for the items to which such materials relate. Destroy at option.	

AUTOMATIC DATA PROCESSING

§ 256a.33 Automatic data processing records.

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.

COMPLETED SERVICES FOR CLIENT COMPANIES

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

Description of records	Period of retention	Microphoto-graphic indi-cator
(a) Reports, studies, statistical or other tabula- tions, charts, maps, tax returns and reports, architectural or engineering drawings and plans, specifications, invitations for bids, bidding specifications, analyses of bids, requisitions, purchase orders, purchase or construction 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 applicable State Commissions; otherwise re- tain for the longest periods prescribed for associate companies in respect of such records by the Federal Power Commission and/or applicable State Commissions.	

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-307; Order 325]

PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES

Gas Plant Instructions; Correction

AUGUST 11, 1966.

In the order issued August 2, 1966, and published in the FEDERAL REGISTER August 9, 1966 (F.R. Doc. 66-8635, 31 F.R. 10605); change account "923" to read account "776" in subparagraph C of paragraph 7 in Part 205.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9072; Filed, Aug. 19, 1966; 8:45 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 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for Treatment of Food-Producing Animals

SYNTHETIC ISOPARAFFINIC PETROLEUM HYDROCARBONS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6H1876) filed by Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, has concluded that a food additive regulation should be issued providing for the safe use of isoparaffinic petroleum hydrocarbons as components of insecticide formulations which may be present in animal feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended by adding to Subpart C the following new section:

§ 121.287 Synthetic isoparaffinic petroleum hydrocarbons.

Synthetic isoparaffinic petroleum hydrocarbons complying with § 121.1154 (a) and (b) may be safely used as a component of insecticide formulations for use on animal feeds in an amount no greater than reasonably required to accomplish its intended effect as an adjuvant in the insecticide formulation and shall not be intended to accomplish any effect in animal feed. It is used or intended for use as a component of insecticide formulations used in compliance

with regulations issued in Part 120 of this chapter and in this part.

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. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 15, 1966.

J. K. KIRK,
Acting Commissioner of
Food and Drugs.

[F.R. Doc. 66-9106; Filed, Aug. 19, 1966; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—SECOND CLASS

PART 61—MONEY ORDERS

Miscellaneous Amendments

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

§ 22.4 [Amended]

I. In § 22.4 *What may be mailed at the second-class rates*, the last sentence in paragraph (c) is revised to read: "Other reprints and bound back numbers are charged with postage at any applicable third- or fourth-class rates." This will make it clear that these reprints and volumes may be mailed at book rates when the publications meet the criteria for book applicable at those rates.

NOTE: The corresponding Postal Manual section is 132.43.

II. In Part 61, make the following changes:

A. Section 61.7 is deleted and the material presently contained in § 61.8 is placed in § 61.7.

B. The new § 61.7 is amended to include personnel rural stations and branches in the instructions governing the sale of nonpostal money orders, and to specify that the selling of nonpostal money orders at contract and personnel rural stations and branches shall be separate from the postal operations. As so amended, § 61.7 now reads:

§ 61.7 Nonpostal money orders.

(a) Postmasters and employees shall not sell nonpostal money orders, checks, or similar instruments for the transmission of money.

(b) Nonpostal money orders that are sold by contract and personnel rural stations and branches shall be separate from the postal operations and shall not be identified with that function.

NOTE: The corresponding Postal Manual section is 171.7.

As the revisions to §§ 22.4, 61.7, and 61.8, relate to a proprietary function of the Government, and do not affect substantive rights, advanced notice, and public rule making procedures, as well as a delayed effective date are unnecessary and would be contrary to the public interest.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 17, 1966.

[F.R. Doc. 66-9081; Filed, Aug. 19, 1966; 8:46 a.m.]

PART 27—OFFICIAL MAIL

PART 36—SPECIAL CANCELLATIONS

PART 37—PREPAYMENT AND REFUNDS

PART 47—FORWARDING MAIL

PART 48—UNDELIVERABLE MAIL

PART 51—REGISTRY

PART 53—COD

PART 56—SPECIAL DELIVERY

PART 58—CERTIFIED MAIL

Miscellaneous Amendments

The following amendments to Parts 27, 36, 37, 47, 48, 51, 53, 56, and 58 relate to a proprietary function of the Government, and do not affect substantive rights. Therefore, advance notice and public rule making procedures, as well as a delayed effective date are unnecessary and would be contrary to the public interest. Accordingly, the following amendments are effective upon publication in the FEDERAL REGISTER:

I. In Part 27, make the following changes:

§ 27.6 [Amended]

A. In § 27.6 *Absentee balloting materials*, delete the words "Postal zone" and insert in lieu thereof the words "ZIP Code" immediately after the word "State" wherever it appears in the address or return address on the illustrations under paragraph (c).

NOTE: The corresponding Postal Manual section is 137.63.

B. Sections 27.7, 27.8, and 27.9 are revised to include instructions cautioning against detaining official mail and prescribing separation of official mail by the mailer. As so revised §§ 27.7, 27.8, and 27.9 now read:

§ 27.7 President-elect, former Presidents and widows of former Presidents.

(a) *President-elect.* All mail, including airmail, of any President-elect sent by him in connection with his preparations for the assumption of official duties as President may be accepted subject to the provisions of § 27.2(c) (2).

(b) *Former Presidents and widows of former Presidents.* All mail of former U.S. Presidents Harry S. Truman, and Dwight D. Eisenhower; and all mail of Jacqueline Bouvier Kennedy, widow of former President John F. Kennedy, shall be accepted without prepayment of postage if it bears the written signature of sender, or a facsimile signature, in the upper right corner of the address side. Such matter may be dispatched by air if it bears the words "Air Mail" on the address side.

§ 27.8 Pan American Union and Pan American Sanitary Bureau.

The Pan American Union and Pan American Sanitary Bureau are authorized by law to transmit official matter without prepayment. The mail must bear the printed clause citing the penalty for private use instead of postage stamps. It must be prepared like Federal Government penalty mail and is subject to the same restrictions. See § 27.2(c) (2), (d), and (e).

§ 27.9 General instructions.

(a) *Official mail not to be detained.* Official mail of any kind must not be detained even though there are indications of abuse of official mailing privileges. It must be promptly dispatched and delivered to the addressee. Reports of the indicated abuse must be submitted to the Bureau of Operations, Classification and Special Services Division.

(b) *Separation of official mail by mailer.* Airmail, special delivery, special handling, and first-class mail should be segregated by the mailers from circulars, printed matter, and parcels before mailing. The postmaster will furnish appropriate sack labels with which to identify the various types of mail.

NOTE: The corresponding Postal Manual sections are 137.7, 137.8, and 137.9, respectively.

II. In Part 36, make the following changes:

A. In § 36.2, paragraph (c) (3) (1) is amended to require that the schedule of the event to be advertised appear on applications for special cancellation die hubs. As so amended, it now reads:

§ 36.2 How sponsors obtain special cancellations.

- (c) *Application*— * * * * *
- (3) *Information needed.* * * * * *

(i) Complete description and schedule of the event to be advertised, including evidence that it is not being conducted for private profit.

NOTE: The corresponding Postal Manual section is 146.233a.

B. In § 36.3 paragraph (a) is amended to prohibit the transfer of a die hub from one post office to another. As so amended, paragraph (a) now reads:

§ 36.3 Disposition.

(a) *After use.* Sponsors may not obtain from postmasters die hubs that have been used. A die hub may not be transferred to another post office. Hubs not retained by the postmaster for future use shall be sent by him to the Procurement Parts Unit, Mail Equipment Shops, 2135 Fifth Street NE., Washington, D.C. 20260 as soon as the period of use is completed.

NOTE: The corresponding Postal Manual section is 146.31.

III. In § 37.1, paragraph (b) (1) is amended to exclude registered mail from certain requirements when received without postage or sufficient postage. In addition, a reference to § 51.3(a) is added which describes what may be registered. As so amended, paragraph (b) (1) now reads:

§ 37.1 Postage payment.

(b) *Insufficient prepayment.* (1) Mail of any class, including that for which special services is indicated (except registered mail—see § 51.3(a) of this chapter) received at either the office of mailing or the office of address without any postage or without sufficient postage will be:

- (i) Marked to show the total deficiency of postage and fees.
- (ii) Dispatched promptly to the addressee by means of the regular or special service indicated.

(iii) Delivered to addressee on payment of the charges marked on the mail. As an exception, when quantity mailings of 10 or more pieces are received at the office of mailing without any postage or without sufficient postage, the mailer will be notified, without charge, preferably by telephone, in order that the postage charges may be adjusted before the mail is dispatched.

NOTE: The corresponding Postal Manual section is 147.121.

IV. In Part 47, make the following changes:

A. In § 47.1, paragraph (a) is revised to clarify instructions prescribing that franked mail and official Government mail, as well as postage paid mail, may be forwarded on order of the addressee. In addition, paragraph (a) now lists mail that is forwardable.

B. In § 47.1, paragraph (b) (2) is amended to show the new limit of value for forwarded registered mail between the United States and the Canal Zone. Paragraphs (a) and (b) (2) of § 47.1 now read as follows:

§ 47.1 Order to change address.

(a) *Ordinary mail*—(1) *Forwarding instructions.* To have mail delivered to a new address, file Form 3575, "Change of Address Order", which is available at

any post office or from any carrier. A written and signed order or a telegram is acceptable and must be sent by the patron, his agent, or person in whose care mail will be addressed. Old and new addresses must always be furnished, including the ZIP Code numbers, if known. If the ZIP Code number for new address is not shown, it will be added to the change of address order at the post office before recording.

(2) *Forwarding mail.* Mail received at the old address will be handled as follows:

(i) All first-class mail, all official mail described in Part 27 of this chapter, and all third- and fourth-class parcels of obvious value will be forwarded.

(ii) Second-class, other fourth-class, and other third-class mail of obvious value (see § 48.8 of this chapter) will be forwarded only when specifically requested by the order.

(iii) Third-class matter of no obvious value (see § 48.8 of this chapter), and mail addressed to "Occupant" or "Postal Patron" (see § 13.4 of this chapter) will not be forwarded.

(iv) Mail bearing specific instructions of the sender "Do not forward" will not be forwarded.

(3) *Pledge to pay forwarding postage.* The order to forward mail constitutes the pledge of the addressee to pay forwarding postage. See § 47.3. When an addressee who has pledged to pay forwarding postage refuses to pay the postage due, the postmaster must send Form 3546, "Notice to Change Forwarding Order", to the postmaster at the old address requesting him to discontinue forwarding mail of the class refused. The payment of forwarding postage may not be pledged by the mailer.

NOTE: The corresponding Postal Manual section is 157.11.

(b) Registered, certified, and COD mail. * * * * *

(2) Domestic registered articles mailed outside the United States and addressed for delivery in the United States will not be forwarded to the Canal Zone if the postage indicates the articles were valued at more than \$1000. Articles mailed in the Canal Zone addressed for delivery in the United States will not be forwarded to any place outside the United States if there is reason to believe the value exceeds \$1000.

NOTE: The corresponding Postal Manual section is 157.12b.

C. In § 47.3, paragraph (b) (7) is amended to restrict the forwarding of registered, insured, COD, certified, and special handling mail to the domestic service, and to clarify forwarding instructions for special delivery mail.

§ 47.3 Postage for forwarding.

(b) *Change to another post office.* * * * * *

(7) *Registered, certified, insured, COD and special handling mail.* Registered, certified, insured, COD, and special handling mail is forwarded without the

payment of additional fees, but the ordinary forwarding postage charges, if any, must be paid. Such mail will not be forwarded to a foreign country. See § 47.1(b)(2) concerning registered mail forwarded to the Canal Zone, and § 56.4(g) of this chapter for forwarding special delivery mail.

NOTE: The corresponding Postal Manual section is 157.32g.

V. In § 48.4, paragraph (b) is revised to specify the minimum retention period.

§ 48.4 Retention periods.

(b) *Registered, insured, COD, and certified mail.* (1) Undelivered registered, insured, COD, and certified mail is retained for not less than 3 days, nor more than the periods specified in subparagraphs (2) through (4) of this paragraph.

(2) Registered mail is held up to 60 days if the sender so requests by endorsement on the mail. If the sender names no specific period, the mail will be held 10 days before return. Exception: If the postmaster believes he will be able to make delivery if the mail is held longer than 10 days, it may be held up to 60 days if written permission is obtained from the sender. (See also § 48.2(g).)

(3) Insured and certified mail is held a maximum of 15 days. It is held a lesser number of days if the sender so specifies. (See also § 48.2(g).)

(4) COD mail is held a maximum of 30 days. It is held a lesser number of days if the sender so specifies. See § 53.4(c) of this chapter regarding notice on Form 3849-D.

NOTE: The corresponding Postal Manual section is 158.42.

VI. In § 51.2, paragraph (b) is revised to show the maximum indemnity payable for registered articles mailed to the Canal Zone. As so revised, paragraph (b) now reads:

§ 51.2 Fees and liability.

(b) *Postal insurance liability—(1) Without other insurance.* Postal insurance covers value up to the maximum of \$10,000, except as provided in subparagraph (3) of this paragraph.

(2) *With other insurance.* Postal insurance liability is limited to a maximum of \$1,000. Whenever postal insurance and other insurance both apply to the first \$1,000 of value or any part thereof, postal liability is assumed on a co-insurance basis and prorated according to the formula in Part 54 of this chapter.

(3) *To Canal Zone.* The maximum liability for registered mail addressed to the Canal Zone is \$1,000. For values over \$1,000, the handling charges apply.

NOTE: The corresponding Postal Manual section is 161.22.

VII. In § 53.5, paragraph (a)(2) is amended to specify that carrier service is a condition to the prepayment of postage at the local rate for renewed COD delivery requested by the sender. As so amended, paragraph (a)(2) now reads:

§ 53.5 Delivery.

(a) *At letter carrier offices.* * * *
 (2) A request that a second attempt be made by a carrier to deliver a COD parcel that was refused the first time must be accompanied by postage at the local rate. A parcel that was not refused will be tendered a second time only if the addressee gives assurance that it will be accepted; and no extra postage will be charged. A request by the sender for renewed carrier delivery service must be accompanied by postage at the local rate.

NOTE: The corresponding Postal Manual section is 163.512.

VIII. In § 56.3, paragraph (b) is amended to clarify instructions pertaining to hours of special delivery on Sundays and holidays. As so amended, paragraph (b) now reads:

§ 56.3 Hours of delivery.

(b) *Sundays and holidays—(1) Sundays.* Special delivery service schedules at first and second class offices on Sundays are arranged to coincide with mail receipts but are not earlier or later than the schedule observed on normal weekdays. At other offices, special delivery service is given if mail arrives between closing hour on Saturday and 6 p.m. on Sunday.

(2) *Holidays.* Special delivery service is scheduled to coincide with mail receipts but not earlier or later than normal weekdays.

NOTE: The corresponding Postal Manual section is 166.32.

IX. In § 58.4 make the following changes:

A. Paragraph (d)(6) is amended to specify that restricted delivery is available only for articles addressed to specific individuals by name.

B. Paragraph (e)(6) is amended to clarify instructions to accepting employees in receipting for certified mail on Form 3877a, "Firm Mailing Book."

As so amended, paragraphs (d)(6) and (e)(6) now read:

§ 58.4 Mailing.

(d) *How to mail.* * * *

(6) If the sender desires to restrict delivery of certified mail to the addressee or someone named by him in writing, he must endorse the mail "Deliver to Addressee Only or Deliver to Addressee or Order." This service is available only for articles addressed to specific individuals by name.

NOTE: The corresponding Postal Manual section is 168.45f.

(e) *Firm mailing books.* * * *

(6) The accepting employee will count the items, postmark and receipt the bill for the total number, indicate time of mailing, if requested, and return the bill to the sender.

NOTE: The corresponding Postal Manual section is 168.45f.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 17, 1966.

[F.R. Doc. 66-9082; Filed, Aug. 19, 1966; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS
 AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy
 Commission

PART 9-1—GENERAL

Subpart 9-1.6—Debarred, Suspended
 and Ineligible Bidders

MISCELLANEOUS AMENDMENTS

Section 9-1.606-54 *Hearings*, is revised to read as follows:

§ 9-1.606-54 Hearing.

A hearing, if requested, shall be conducted before the AEC Board of Contract Appeals. (See 10 CFR § 3.17, "Conduct of hearings," and 10 CFR § 3.21, "Reconsideration.") The AEC Board of Contract Appeals has the final authority to decide debarment cases after hearings.

§§ 9-1.606-55 and 9-1.606-56 [Deleted]

Sections 9-1.606-55 *Final debarment determination after hearing*, and 9-1.606-56 *Request for reconsideration of final debarment after hearing*, are deleted and reserved.

[Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486]

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

Dated at Germantown, Md., this 15th day of August 1966.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 66-9063; Filed, Aug. 19, 1966; 8:45 a.m.]

PART 9-4—SPECIAL TYPES AND
 METHODS OF PROCUREMENT

Subpart 9-4.51—Washington-Designated Research and Development Contracts With Educational Institutions

PART 9-16—PROCUREMENT FORMS
 Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

1. In § 9-4.5109-8 *Summary and distribution of reports*, the footnote to the

table, Distribution and Schedule of Documents, is revised to read as follows:

§ 9-4.5109-8 Summary and distribution of reports.

DISTRIBUTION AND SCHEDULE OF DOCUMENTS

DTIE copies should be accompanied by one copy of Form AEC-427 (except as noted above for Item 5, reprints) and should be sent to the contract administrator for transmittal to DTIE.

2. In § 9-16.5002-8 *Outline of fixed-price contract for research and development with educational institutions*, Article B-III—Publication of Results, paragraph (a); and Renewal Proposals under Article B-XXI—Reports and Renewal Proposals, are revised to read as follows:

§ 9-16.5002-8 *Outline of fixed-price contract for research and development with educational institutions.*

ARTICLE B-III—PUBLICATION OF RESULTS

(a) Research results obtained under this contract shall be made available to all through normal and accepted channels without restriction except that no Restricted Data as defined in the Atomic Energy Act of 1954 or other classified information shall be disclosed to unauthorized persons. Such publication shall indicate that the research was supported by the Commission. ----- copies of each article submitted by the Contractor for publication shall be promptly sent to the Commission. The Contractor shall also inform the Commission when the article is published and furnish ----- copies of the article as finally published.

NOTE: In determining the numbers of copies to be required, reference should be made to AECPR 9-4.5109-8.

ARTICLE B-XXI—REPORTS AND RENEWAL PROPOSALS

RENEWAL PROPOSALS

A renewal proposal, if any, shall be submitted along with the technical progress report, and each of the two documents shall be separately bound.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

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

Dated at Germantown, Md., this 15th day of August 1966.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 66-9062; Filed, Aug. 19, 1966; 8:45 a.m.]

Chapter 11—Coast Guard, Department of the Treasury

[CGFR 66-17]

PART 11-16—PROCUREMENT FORMS

Miscellaneous Amendments

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530):

1. New Subpart 11-16.2 is added, reading as follows:

Subpart 11-16.2—Forms for Negotiated Supply Contracts

Sec.	Scope of subpart.
11-16.200	Negotiated contract forms (DD Form 1261 and DD ASPR Form 1270).
11-16.250	Request for Proposals and Proposal Schedule/Continuation Sheet, Amendment to Request for Proposals, Acceptance of Proposal (DD Forms 746, 746-1, or 1155c or Standard Form 36 or Blank Sheet, DD Forms 746s, 746-2).
11-16.251	General.
11-16.251-1	Conditions for use.
11-16.251-2	Instructions regarding late proposals.
11-16.251-3	Contract pricing proposal (DD Forms 633, 633-1, 633-2, and 633-3).
11-16.252	General.
11-16.252-1	DD Forms 633 (Contract Pricing Proposal).
11-16.252-2	DD Forms 633-1, 633-2, and 633-3.
11-16.252-3	

AUTHORITY: The provisions of this Subpart 11-16.2 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

§ 11-16.200 Scope of subpart.

This subpart prescribes forms for use in procuring supplies or services (excluding construction) by negotiation. These forms are in addition to those enumerated in Subpart 1-16.2 of this title.

§ 11-16.250 Negotiated contract forms (DD Form 1261 and DD ASPR Form 1270).

(a) *General.* (1) DD Form 1261 (Negotiated Contract) is designed for use in entering into negotiated contracts where the signature of both parties on a single document is appropriate.

(2) DD ASPR Form 1270 (General Provisions (Short Form Negotiated Contract)) is designed for use with DD Form 1261 as set forth in (b) below, but need not be used in contracts to be performed outside the United States, its possessions or Puerto Rico.

(3) DD Form 1261 (Negotiated Contract), in conjunction with appropriate General Provisions (as provided in paragraphs (b), (c), and (d) of this section), is prescribed for use in entering into negotiated contracts except:

(i) Contracts for which DD Forms 746, 746-1, and 746-2 are used in accordance with § 11-16.251;

(ii) Contracts for the construction, alteration, or repair of buildings, bridges,

roads, or other kinds of real property; (iii) Procurements for which purchase order and related forms are authorized by Subpart 1-3.6 of this title and Subpart 11-3.6 of this chapter.

(b) *Short form negotiated supply and service contracts.* (1) Except as provided in (a) (2) and (3) of this section, DD Form 1261 (Negotiated Contracts) and DD ASPR Form 1270 (General Provisions (Short Form Negotiated Contract)), shall be used for negotiated fixed-price type supply contracts which do not exceed \$10,000 and which are for standard or commercial items not involving special inspection due to complicated specifications. These forms may be used also for nonpersonal services contracts which do not exceed \$10,000. Standard Form 36 (Continuation Sheet) shall be used for the Schedule and Continuation Sheet.

(2) No clause on DD ASPR Form 1270 may be deleted or altered, and no other clause covering the subject matter of any clause set forth in FPR or CGPR may be used (including the clauses required by § 1-1.710-3 and § 1-1.805-3 of this title) except:

(i) Clause number 8, Termination For Convenience, Line 8 will be altered to read "Part 1-8 of the Federal Procurement Regulations" in lieu of "Section VIII of the Armed Services Procurement Regulations";

(ii) Clause number 17, Renegotiation will be deleted;

(iii) The Variation in Quantity Clause (§ 1-7.101-4 of this title) and implementing provisions (§ 11-1.351) may be inserted in the Schedule where appropriate;

(iv) The Soviet-Controlled Areas Clause (§ 11-6.5003) shall be inserted in the Schedule where appropriate;

(v) When the contract is for services, the Termination for Convenience of the Government Clause set forth in § 1-8.705 of this title shall be inserted in the Schedule, and paragraph 7 of the General Provisions deleted;

(vi) When the contract is for procurement of supplies and data or solely for data, one of the clauses set forth in ASPR 9-203 through 9-206 shall be added when required by the instructions contained in ASPR, section IX, Part 2;

(vii) The Priorities, Allocations, and Allotments Clause (§ 11-1.311) may be inserted in the Schedule where required;

(viii) The Federal, State, and Local Taxes Clause (§ 1-11.401.1 of this title) may, in the discretion of the contracting officer, be inserted in the Schedule;

(ix) The procedures set forth in § 1-4.604 of this title will be followed when required by Subpart 1-4.6 of this title, Livestock Products;

(x) Where Government property having an acquisition cost of more than \$25,000 is to be furnished, the Government Property (Fixed-Price) Clause in ASPR 13-702 shall be inserted in the Schedule; and where Government property having an acquisition cost of \$25,000 or less is to be furnished, the Government-Furnished Property (Short Form)

Clause in ASPR 13-710 shall be inserted in the Schedule.

(c) *Long form negotiated supply contracts.* Except as provided in paragraph (a) (3) and (b) of this section, DD Form 1261 (Negotiated Contract) shall be used with Standard Form 32 (General Provisions (Supply Contract)), any other forms containing contract provisions which are prescribed by FPR, CGPR, and Standard Form 36 (Continuation Sheet) for entering into negotiated fixed-price type supply contracts to which Subparts 1-7.1 of this title and 11-7.1 of this chapter, are applicable.

(d) *Special negotiated contracts.* DD Form 1261 (Negotiated Contracts) may be used for special procurements, where clauses other than those on DD ASPR Form 1270, or Standard Form 32 have been authorized. For example, contracts for ship repairing; personal and professional services contracts; and contracts for instruction of military personnel at educational institutions.

(e) *Corporate certificate.* Where a corporate certificate is considered necessary or desirable, it may be executed on a typed sheet, identified by contract number, and attached to DD Form 1261 (Negotiated Contract).

(f) *Schedule and continuation sheet.* Standard Form 36 (Continuation Sheet) shall be used for the Schedule and Continuation Sheets; however, where the columns thereon are not required, a blank sheet may be used in lieu thereof, provided the contract number, page number, and name of contractor are shown thereon.

(g) *Effective date.* The effective date shown on DD Form 1261 is the date agreed to by the contracting parties as the date on which the terms and conditions of the contract take effect. This date may be different from the signature dates and is used for such purposes as establishing a base time from which delivery schedules may be established (see § 1-1.316-4(a)(2) of this title). The effective date does not necessarily determine the fund obligation date which normally is the date when a mutually binding agreement is reached. If referred to in the contract schedule, the effective date shall always be identified as the "effective date" and should not be later than any performance or delivery dates set forth in the schedule. The effective date should be filled in prior to forwarding for contractor signature.

§ 11-16.251 Request for proposals and proposal schedule/continuation sheet, amendment to request for proposals, acceptance of proposal (DD Forms 746, 746-1, or 1155c or Standard Form 36 or Blank Sheet, DD Forms 746s, 746-2).

§ 11-16.251-1 General.

The following forms are prescribed for use under the conditions set forth in § 11-16.251-2 in effecting negotiated fixed-price procurement of supplies or services (other than personal):

(a) Request for Proposals and Proposal (Negotiated Fixed-Price Contract) (DD Form 746); (Reverse side of DD Form 746r);

(b) Schedule, Request for Proposals and Proposal (DD Form 746-1 until stocks are exhausted, at which time DD Form 1155c or, as prescribed in § 11-16.250(f) Standard Form 36 or a blank sheet, whichever is appropriate, may be used as the Schedule/Continuation Sheet with DD Forms 746, 746s, and 746-2);

(c) General Provisions (Supply Contract) (Standard Form 32) (only when procuring supplies);

(d) Any other forms containing contract provisions which are prescribed by FPR and CGPR;

(e) Acceptance of Proposal (Negotiated Fixed-Price Contract) (DD Form 746-2);

(f) Continuation Sheet (see paragraph (b) of this section); and

(g) Amendment to Request Proposals (DD Form 746s) when needed.

§ 11-16.251-2 Conditions for use.

(a) DD Form 746 and 746-1 or other appropriate Schedule/Continuation Sheet as prescribed in § 11-16.251-1(b) (together with authorized contract provisions) shall be used in connection with the negotiation of fixed-price contracts for supplies or services (other than personal) when it appears desirable to commence negotiations by soliciting written offers which, if there is written acceptance by the Government, would create a binding contract without further action. Prospective offerors shall be requested to return only two signed copies of their proposals. Pending revision of the DD Form 746r (December 1, 1963 editions), a current listing of alterations to DD Form 746r is contained in ASPR F-200.746.

(b) When proposals have been submitted on DD Form 746 and it is in the interest of the Government and is in accordance with § 1-3.805-1(b) of this title to accept a prospective contractor's proposal without further negotiation, price and other factors considered, DD Form 746-2 shall be used. In such instances, the contract will consist of the appropriate documents listed in § 11-16.251-1.

(c) When a proposal submitted by a prospective contractor leads to further negotiation, the resulting contract shall be prepared in accordance with § 11-16.250, except that: (1) if the circumstances are such that the prospective contractor can amend his proposal in writing to reflect any necessary changes, the amended proposal may be accepted on DD Form 746-2; or (2) if all the terms and conditions agreed to as a result of such further negotiation are specifically and clearly set forth in identifiable writings but such writings are unsuitable or too voluminous to permit acceptance of the amended proposal on DD Form 746-2 and if the circumstances of the procurement require prompt acceptance of the modified proposal, the proposal as thus modified by such further negotiation may be accepted by the issuance of a notice of award in substantially the format set forth below. In cases within subparagraph (1) of this paragraph, the use of DD Form 746-2 does not preclude

the additional use of informal documents, including telegrams, as notices of award. In cases within subparagraph (2) of this paragraph, all of the terms and conditions of the contract thereby created shall be, without change or modification, promptly consolidated into a contract using the forms authorized by § 11-16.250, and a signed copy thereof, shall be submitted to the General Accounting Office.

NAME AND ADDRESS OF PURCHASING OFFICE

Date: _____

NAME AND ADDRESS OF CONTRACTOR

CONTRACT NO. _____

Gentlemen:

Your proposal dated _____, (in response to Request for Proposals No. _____, dated _____) as amended by [list and identify all documents or portions thereof, such as letters, telegrams, and printed matter, from the prospective contractor and the Government, which together set forth the terms and conditions of the contract] for the furnishing of _____, at a total price of \$ _____, is accepted and award is hereby made.

A contract in the usual form, dated and numbered as set forth above, incorporating all the terms and conditions of the contract hereby created is being prepared and will be forwarded to you in the future.

This contract is authorized by and has been negotiated pursuant to 10 U.S.C. 2304 (a) ().

UNITED STATES OF AMERICA

By: _____
(Name) Contracting Officer
(Jan. 1959)

(d) Standard Form 32, if applicable, and any other general provisions may be attached to each copy of the Request for Proposals. Alternatively, one copy only of Standard Form 32 and any other general provisions need be furnished to each supplier, for retention, if such provisions are specifically incorporated by reference, including each form name, number, and date, in the Schedule/Continuation Sheet of the DD Form 746. Provisions which are inapplicable to a particular procurement, or to military procurements generally, may be deleted by appropriate reference in an "Alterations in Contract" clause.

(e) When a cost breakdown is required in connection with a proposal, the appropriate form of the DD Form 633-series shall be used to the extent provided in § 11-16.252.

(f) This paragraph does not preclude the use of the purchase order forms prescribed in Subpart 11-3.6 of this chapter.

(g) When it is necessary to issue an amendment to a request for proposals, DD Form 746s shall be used.

§ 11-16.251-3 Instructions regarding late proposals.

The Request for Proposals block on the face of DD Form 746 may be modified so as to specify a time, as well as a date, by which proposals are to be received at the issuing office.

§ 11-16.252 Contract pricing proposals (DD Forms 633, 633-1, 633-2, and 633-3).

§ 11-16.252-1 General.

DD Forms 633, 633-1, 633-2, and 633-3 are designed for submission of cost or pricing data by prospective contractors. Contractor reproduction of these forms is authorized.

§ 11-16.252-2 DD Form 633 (Contract Pricing Proposal).

DD Form 633 (Contract Pricing Proposal) shall be used whenever cost analysis is required: *Provided, however*, That departures from the DD Form 633 format are authorized in the following circumstances:

(a) The contractor may submit necessary information in a format acceptable to the contracting officer where the contractor's accounting system makes the use of this form impracticable; or when required for a more effective and efficient presentation of cost or pricing information, provided that in either case the information furnished includes pertinent details as to cost elements with the specific statements, authorizations, and authentications, required by DD Form 633 or by the special cost or price analysis forms listed in § 11-16.252-3; or

(b) the special contract pricing proposal forms referenced in § 11-16.252-3 may be used.

§ 11-16.252-3 DD Forms 633-1, 633-2, and 633-3.

The following forms may be used as appropriate:

(a) DD Form 633-1 (Contract Pricing Proposal (Technical Services));

(b) DD Form 633-2 (Cost and Price Analysis, Contract Negotiations for Technical Publications Preparation); or

(c) DD Form 633-3 (Contract Pricing Proposal (Motion Picture)).

Subpart 11-16.8—Miscellaneous Forms

1. Section 11-16.851 is added, reading as follows:

§ 11-16.851 Security requirements check list (DD Form 254).

The "Military Security Requirements" clause (11-7.101-56) is included in all contracts which are classified "confidential" including "Confidential—Modified Handling Authorized" or higher and in any other contracts the performance of which will require access to such classified information or material. Except where a letter or other written notice of classification is authorized by § 11-7.101-56, contracting officers shall inform contractors of the security classifications assigned to the various documents, materials, tasks, subcontracts, and components of classified contracts by using DD Form 254. Instructions for preparation are included in the form. The contracting officer is responsible for preparation of the form and shall insure that it is physically attached to the copies of the contract forwarded to the contractor, the material inspector, and such other in-

terested parties as he may determine necessary.

2. Sections 11-16.852, 11-16.852-1, and 11-16.852-2 are added, reading as follows:

§ 11-16.852 Change order price analysis (DD Form 1107).

§ 11-16.852-1 General.

DD Form 1107 (Change Order Price Analysis) provides a standard format for the submission of cost data by contractors when such data are required for the pricing of change orders under fixed-price or for cost-reimbursement type contracts. Contractor reproduction of the form is authorized.

§ 11-16.852-2 Conditions for use.

The contracting officer shall request the contractor to submit data required for the pricing of change orders on DD Form 1107, except where the contractor and the contracting officer have agreed otherwise.

Dated: August 12, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 66-9101; Filed, Aug. 19, 1966; 8:48 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-30—FEDERAL CATALOG SYSTEM

Instructions for Maintenance

Subpart 101-30.5 is revised to expand and clarify instructions for civil agency participation in the maintenance of the Federal Catalog System. Subpart 101-30.49 is added to illustrate forms used in the Federal Catalog System.

The table of contents for Part 101-30 is amended as follows:

Subpart 101-30.5—Maintenance of the Federal Catalog System

Sec.	
101-30.500	Scope of subpart.
101-30.501	Applicability.
101-30.502	Definitions.
101-30.503	Maintenance actions required.
101-30.504	Cataloging data from Defense Logistics Services Center (DLSC).
101-30.505	Assistance by Government suppliers.

Subparts 101-30.6—101-30.48 [Reserved]

Subpart 101-30.49—Illustrations of Forms

101-30.4900	Scope of subpart.
101-30.4901	Standard forms. [Reserved]
101-30.4902	GSA forms.
101-30.4902-1303	GSA Form 1303: Request for Federal Cataloging Action.
101-30.4902-2175	GSA Form 2175: Item Identification Worksheet.

AUTHORITY: The provisions of Subpart 101-30.5 and Subpart 101-30.49 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-30.5 is revised to read as follows:

Subpart 101-30.5—Maintenance of the Federal Catalog System

§ 101-30.500 Scope of subpart.

This subpart prescribes the policies and procedures governing the maintenance of the Federal Catalog System.

§ 101-30.501 Applicability.

In accordance with the provisions of the Federal Manual for Supply Cataloging (Cataloging Manual M1) (see § 101-30.201), the Defense Logistics Services Center (DLSC), Battle Creek, Mich. 49016, has established an automatic data processing capability for receiving, storing, and retrieving data associated with the Federal Catalog System. GSA is the agency designated to coordinate the cataloging efforts of civilian agencies with DLSC to assure the integrity of the system and the compatibility of military and civil agency participation in the Federal Catalog System.

§ 101-30.502 Definitions.

As used in this Subpart 101-30.5:

(a) "Recorded data" means data which are associated with a Federal stock number and are recorded on microfilm or magnetic computer tape at the Defense Logistics Services Center (DLSC), Battle Creek, Mich. 49016.

(b) "Item identification data" means recorded data which are used to differentiate an item from all other items. Item identification data are composed of descriptive data, which describe the essential physical characteristics of the item and reference data, which relate the item to other identifying media (such as manufacturer's part numbers, identified blueprints, suppliers' catalogs, or the like).

(c) "Management data" means recorded data that relate an item to the individual agency's supply system for such purposes of supply management as standardization, source of supply, or inventory control. Management data do not affect the identification of an item.

(d) "Maintenance action" means any action taken, subsequent to conversion to the Federal Catalog System, which changes the previously reported identification or management data as to a cataloged item, or which introduces a new item into the Federal Catalog System.

(e) "Data preparation" means the punching of item identification and management data into paper tape format.

(f) "Data transmission" means the operation of paper tape transmission equipment in the receipt and transmission of recorded data.

§ 101-30.503 Maintenance actions required.

After converting to the Federal Catalog System, maintenance actions affecting the items converted, or new items to be added, shall be taken promptly by the agency concerned. This may include deletion or revision of item identification or management data, or any other

change required to assure that the recorded data are maintained on an up-to-date basis. Submission of data to DLSC shall be as follows:

(a) Agencies with cataloging and data preparation and transmission capabilities when authorized by GSA, shall submit data direct to DLSC as prescribed in the Federal Manual for Supply Cataloging (Cataloging Manual M1) for those items which are mission peculiar.

(b) Agencies having cataloging capability, but no data preparation and transmission capabilities shall submit GSA Form 2175, Item Identification Worksheet, to the General Services Administration, Federal Supply Service, Standardization Division—FMS, Washington, D.C. 20406, for the preparation and transmission of data to DLSC when required.

(c) Agencies having neither paragraph (a) nor (b) of this section shall prepare GSA Form 1303, Request for Federal Cataloging Action, as instructed on the reverse of the form and forward the form to General Services Administration, Federal Supply Service, Standardization Division—FMS, Washington, D.C. 20406, for the performance of all cataloging functions and the preparation and transmission of data to DLSC when required.

(d) GSA will confer with civilian agencies periodically to review and revise their methods of submission according to their needs and capabilities.

§ 101-30.504 Cataloging data from Defense Logistics Services Center (DLSC).

Upon receipt of cataloging data from civilian agencies DLSC will process the data and provide for its inclusion in the Federal Catalog System. Notification to the submitting agencies of the action taken by DLSC will be as required by the Federal Manual for Supply Cataloging (Cataloging Manual M1) by means of DD Form 146, Federal Item Identification Card, and DD Form 635, Logistics Item Data Card, when applicable. These cards will be transmitted directly to the submitting agency when the agency is designated as a direct data receiver by GSA. Otherwise DLSC will transmit the required information to GSA for forwarding to the submitting agency, when required.

§ 101-30.505 Assistance by Government suppliers.

When a new item is to be introduced into an agency supply system, the agency establishing the need for the new item shall determine whether or not adequate identification data for cataloging the item are available. If the data are not available, the agency may specify in procurement documents the use of Federal Standard No. 5, Standard Guides for Preparation of Item Identifications by Government Suppliers, and submission of the cataloging data required by that Standard to the contracting officer (for further processing in accordance with this Subpart 101-30.5).

Subparts 101-30.6—101-30.48 [Reserved]

Subpart 101-30.49 is added to read as follows:

Subpart 101-30.49—Illustrations of Forms

§ 101-30.4900 Scope of subpart.

This subpart illustrates forms prescribed or available for use in connection with subject matter covered in other subparts of this Part 101-30.

§ 101-20.4901 Standard forms. [Reserved]

§ 101-30.4902 GSA forms.

(a) GSA forms are illustrated in this § 101-30.4902 to show their text, format, and arrangement to provide a ready source of reference. The subsection numbers in this § 101-30.4902 correspond with the GSA form numbers.

(b) GSA forms illustrated in this § 101-30.4902 may be obtained by Federal agencies without charge from General Services Administration Region 3, Office of Regional Manpower and Administration, OFA, Printing and Publications Division—3BRD, Washington, D.C. 20407.

§ 101-30.4902-1303 GSA Form 1303: Request for Federal Cataloging Action.

§ 101-30.4902-2175 GSA Form 2175: Item Identification Worksheet.

NOTE: The forms in §§ 101-30.4902-1303 and 101-30.4902-2175 are filed as part of the original document. Copies may be obtained from General Services Administration Region 3, Office of Regional Manpower and Administration, OFA, Printing and Publications Division—3BRD, Washington, D.C. 20407.

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

Dated: August 16, 1966.

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

[F.R. Doc. 66-9123; Filed, Aug. 19, 1966; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 34—REFUGE REVENUE SHARING WITH COUNTIES

On page 7286 of the FEDERAL REGISTER of May 19, 1966, there was published a notice of a proposed amendment by adding Part 34 to prescribe the procedures for sharing with certain counties the revenues derived from the management and administration of areas of the National Wildlife Refuge System.

Interested persons were given 60 days in which to submit written comments, suggestions, or objections with respect to the proposal. No comments, suggestions, or objections have been received, and the proposed procedures are hereby adopted without change and are set forth below.

Effective date. Since the procedures prescribed in this amendment are interpretive rules and statement of policy, they shall become effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director.

AUGUST 16, 1966.

Sec.

- 34.1 Purpose.
- 34.2 Authority.
- 34.3 Areas of the System.
- 34.4 Distribution of revenues.
- 34.5 Adjustment of land costs.
- 34.6 Administrative determinations.
- 34.7 Adjustment of payment.

AUTHORITY: The provisions of this Part 34 issued under 78 Stat. 701; 16 U.S.C. 715s.

§ 34.1 Purpose.

The purpose of the regulations contained in this part is to prescribe the procedures for sharing with certain counties the revenues derived from the management and administration of areas of the National Wildlife Refuge System.

§ 34.2 Authority.

(a) The Act of August 30, 1964 (78 Stat. 701, 16 U.S.C. 715s) amended section 401 of the Act of June 15, 1935 (45 Stat. 378, 383), by providing new formulas for sharing with certain counties the revenues derived from areas of the National Wildlife Refuge System that are solely or primarily administered by the Fish and Wildlife Service of the Department of the Interior. Payments to the counties under the Act must be used for the benefit of public schools and roads.

(b) Pursuant to Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d), and the regulations issued pursuant thereto, which are contained in 43 CFR Part 17, counties must file an assurance with the Department, comply with the terms of the assurances, and comply with regulations contained in 43 CFR Part 17 in order to continue to receive this Federal financial assurance.

§ 34.3 Areas of the System.

In order for any county to share in the revenues, there must be located within the county, areas of land and/or water administered by the Secretary of the Interior as wildlife refuges, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas, and these areas must be solely or primarily administered by the Fish and Wildlife Service.

§ 34.4 Distribution of revenues.

The Act provides that the Secretary of the Interior, at the end of each fiscal year, shall pay out of the net revenues deposited into the National Wildlife Refuge Fund for such fiscal year:

(a) To each county in which reserved public lands in areas of the System are situated, an amount equal to 25 per centum of the net receipts collected by the Secretary from such reserved public lands in that particular area of the System: *Provided*, That when any such area is situated in more than one county the distributive share to each county from the aforesaid receipts shall be proportional to its acreage of such public lands therein; and

(b) To each county in which areas in the System are situated that have been acquired in fee by the United States, either (1) three-fourths of one per centum of the cost of the areas, exclusive of any improvements to such areas made subsequent to Federal acquisition, such cost to be adjusted to represent current values as determined by the Secretary for the first full fiscal year after enactment of this Act and as redetermined by him at 5-year intervals thereafter, or (2) 25 per centum of the net receipts collected by the Secretary from such acquired lands in that particular area of the System within such counties, whichever is greater.

§ 34.5 Adjustment of land costs.

(a) Section 401(c)(2) of the Act (16 U.S.C. 715s(c)(2)), provides for the adjustment of costs of acquired lands to represent current values with readjustments at 5-year intervals. The costs of all tracts acquired in each year for each county will be adjusted every 5 years to reflect increases or decreases in land costs. The cost of the land is adjusted according to Tables of Index Numbers of Average Values of Farm Real Estate compiled by the Economic Research Service of the U.S. Department of Agriculture as published in its semiannual "Farm Real Estate Market Development." All land costs will be adjusted as of June 30, 1966, and at each 5-year interval thereafter.

(b) The "cost" of lands before adjustment is the purchase price; condemnation award; or the appraised value of areas acquired by gift, donation or exchange as of the date of acquisition.

§ 34.6 Administrative determinations.

(a) When an area consists of both acquired lands and reserved public lands, standard accounting techniques will be used to allocate net revenues to each type of land. All areas which are part of the System as of June 30 will be included in

calculating the revenues due to each county for the fiscal year ending that date.

(b) The Secretary will determine in accordance with section 401(b) (16 U.S.C. 715s(b)) those expenses which may be paid from the Fund and deducted from revenues in establishing the net receipts for an area.

§ 34.7 Adjustment of payment.

The payments to the counties for any fiscal year shall not exceed the net receipts in the National Wildlife Refuge Fund for that fiscal year, and in case the net receipts for a particular fiscal year are insufficient to pay the full amounts due, the payment to each county will be reduced proportionately.

[F.R. Doc. 66-9073; Filed, Aug. 19, 1966; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 57—RESIDENTIAL ALUMINUM SIDING INDUSTRY

Deceptive Pricing

On June 11, 1966, there was published in the FEDERAL REGISTER (31 F.R. 8243) a notice of proposed revision of § 57.3—"Deceptive pricing" of the Trade Practice Rules for the Residential Aluminum Siding Industry promulgated April 6, 1962. Interested persons were invited to submit their written views, suggestions, objections, or other information concerning the proposed revision on or before July 11, 1966.

Upon consideration of all the relevant matters and acting pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41-58, and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice, 16 CFR 1.61-1.67, the Commission orders that § 57.3 be and it hereby is, amended as follows:

§ 57.3 Deceptive pricing.

It is an unfair trade practice for any member of the industry to represent or imply, in advertising or otherwise, that residential aluminum siding may be pur-

chased for a specified price, or at a saving, when such is not the fact; or that such product is being offered for sale at a reduced price when such is not the fact; or otherwise to deceive purchasers or prospective purchasers with respect to the price of such products offered for sale; or to furnish any means or instrumentality by which others engaged in the sale of residential aluminum siding may make any such representation. Among the practices prohibited by this section are:

(a) Representing or implying in advertising or otherwise that a quoted price, whether determined on the basis of a stated price per square foot or otherwise, is the total cost for a complete installation when in fact the products sold do not include all costs for labor and all parts and accessories necessary for the proper function and appearance of such installed products (such as starter strips, door and window trim, window head flashing, back-up pieces and corner pieces).

(b) Representing or implying in advertising or otherwise that a specified price for residential aluminum siding is for any size structure (e.g., "installed on your home \$_____") when in fact such price applies only to structures of limited size without adequate and conspicuous disclosure of such limitation (e.g., "\$_____ installed on your home when area to be covered does not exceed 1,000 square feet" or "installed price \$_____ per square foot").

(c) The use of pictures or illustrations of large houses or structures in connection with specified prices which is likely to mislead purchasers or prospective purchasers as to the cost of the installation of aluminum siding, as when the aluminum siding for the illustrated house would not be installed for the specified price.

NOTE: On December 20, 1963, the Commission adopted Guides Against Deceptive Pricing which became effective January 8, 1964. Copies thereof will be furnished upon request.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Approved: August 12, 1966.

By direction of the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 66-9061; Filed, Aug. 19, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 31]

SODA WATER

Proposal To Amend Identity Standard by Changing Labeling Requirements and by Listing Dimethylpolysiloxane as an Optional Ingredient

Notice is given that a petition has been filed by American Bottlers of Carbonated Beverages, 1128 16th Street NW., Washington, D.C. 20036, proposing that the standard of identity for soda water (21 CFR 31.1) be amended to:

1. Permit the designation of non-sweetened and nonflavored soda water by names other than those prescribed in the standard; and

2. List dimethylpolysiloxane as an optional ingredient.

Grounds set forth in the petition in support of the proposed amendments are that the labeling change would permit the continued use of long-established, common designations for nonsweetened and nonflavored soda water, and that the permitted use of the defoaming agent dimethylpolysiloxane would facilitate quality control in bottling operations and contribute to production of improved beverages. The petitioner cites the relevant food additive regulation (21 CFR 121.1099(a)(2)) and states that dimethylpolysiloxane would be used in soda water production in conformity with that regulation.

Accordingly, it is proposed that § 31.1 be amended by adding a new subparagraph to paragraph (b), by revising paragraph (c)(2), and by adding a new subparagraph to paragraph (c), as follows:

§ 31.1 Soda water; identity; label statement of optional ingredients.

(b) * * *

(11) The defoaming agent dimethylpolysiloxane.

(c) * * *

(2) The name of each beverage containing flavoring and sweetening ingredients as provided for in paragraph (b) of this section is "----- soda" or "----- soda water" or "----- carbonated beverage," the blank being filled in with the word or words that designate the characterizing flavor of the soda water; for example, "grape soda."

(3) If the soda water is one generally designated by a particular common name; for example, ginger ale, root beer, or sparkling water, that name may be used in lieu of the name prescribed in

subparagraphs (1) and (2) of this paragraph. For the purposes of this section, a proprietary name that is commonly used by the public as the designation of a particular kind of soda water may likewise be used in lieu of the name prescribed in subparagraphs (1) and (2) of this paragraph.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: August 15, 1966.

J. K. KIRK,
Acting Commissioner of
Food and Drugs.

[F.R. Doc. 66-9107; Filed, Aug. 19, 1966;
8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-SO-71]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Anderson, S.C., transition area.

The Anderson, S.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Anderson County Airport (latitude 34°-29'40" N., longitude 82°42'30" W.).

The change in classification of the Anderson County Airport from Criteria II to Criteria III dictates a requirement for airspace protection in addition to that provided by the currently designated control zone. The proposed transition area is required for the protection of turbojet IFR operations at the Anderson County Airport.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Man-

ager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on August 12, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-9097; Filed, Aug. 19, 1966;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-57]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Winchester-Codell Airport, Winchester, Ky.

A new VOR/DME instrument approach procedure to Winchester-Codell Airport, Winchester, Ky., will be authorized in the near future. To provide airspace protection for arrival and departure procedures at Winchester-Codell Airport, a 700-foot floor transition area designation will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal

PROPOSED RULE MAKING

conferences with Federal Aviation Agency officials by contacting the Chief, Airspace Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency having completed a review of the airspace requirements for the terminal area of Winchester, Ky., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Winchester, Ky., described as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (38°01'20" N., 84°13'10" W.) of Winchester-Codell Airport, Winchester, Ky.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on August 5, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-9098; Filed, Aug. 19, 1966;
8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A-382]

SAMUEL MARTIN

Notice of Loan Application

Samuel Martin, Box 104, Seldovia, Alaska 99663, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used vessel to engage in the fishery for salmon, halibut, and crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause economic hardship or injury.

HAROLD E. CROWTHER,
Acting Director,

Bureau of Commercial Fisheries.

AUGUST 17, 1966.

[F.R. Doc. 66-9086; Filed, Aug. 19, 1966;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(66)-17]

TOKYO SEIDENSHA CO., LTD.

Order Extending Temporary Denial of Export Privileges

In the matter of Tokyo Seidensha Co., Ltd., 564-7 Chome, Ebara-machi, Shinagawa-Ku, and 8-11 Koyama 6-Chome, Shinagawa-Ku, and 1395 Hara-machi, Meguro-Ku, all of Tokyo, Japan; respondent; File No. 23(66)-17.

An order temporarily denying export privileges for a period of 60 days was issued against the above respondent on June 17, 1966 (31 F.R. 8837). Said order was issued in connection with an investigation instituted by the Investigations Division, Office of Export Control, Bureau of International Commerce. On the evidence presented there was reason-

able basis to believe that the respondent in the recent past had received substantial quantities of U.S.-origin electronic equipment of a strategic nature which had been exported from the United States under validated licenses for ultimate use in Japan; that the respondent had not satisfactorily accounted for its disposition of said commodities in accordance with the conditions under which they were exported or that said disposition had been in accordance with the provisions of the U.S. Export Regulations. The evidence further showed that respondent had on order additional substantial quantities of commodities of a similar nature which, in the ordinary course of events, would be delivered to it. On the evidence presented there was reasonable basis to believe that the respondent had not disposed of the commodities in accordance with the conditions under which they were exported and in accordance with the provisions of the U.S. Export Regulations. There was also reasonable basis to believe that if the respondent received the additional commodities which it had on order it might dispose of them in contravention of the U.S. Export Regulations. Since the issuance of the temporary denial order the respondent has furnished no information concerning its participation in the foregoing transactions. Written interrogatories have been submitted to the respondent pursuant to §382.15 of the Export Regulations and the respondent has not yet replied to said interrogatories. I find that for the protection of the public interest and national security it is reasonably necessary to extend the temporary denial order for an additional 60 days.

Accordingly, it is hereby ordered,

I. The prohibitions and restrictions of the temporary denial order issued in this matter on June 17, 1966 (31 F.R. 8837) are hereby continued in full force and effect.

II. The respondent, its successors, assigns, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibition in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtain-

ing or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor and to any person, firm, corporation, or business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the temporary denial order which was entered on June 17, 1966, and shall remain in effect for a period of 60 days from the expiration of said temporary denial order, unless it is hereafter amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of §382.11 of the Export Regulations, the respondent or any related party may move at any time to vacate or modify this extended temporary denial order by filing an appropriate motion

therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: August 15, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-9084; Filed, Aug. 19, 1966;
8:46 a.m.]

Maritime Administration PRUDENTIAL LINES, INC.

Notice of Application

Notice is hereby given that Prudential Lines, Inc., has applied for permission to make calls at Spanish ports on the Bay of Biscay with freight ships operating on its subsidized Trade Route No. 10 (U.S. North Atlantic/Mediterranean) Service.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on September 6, 1966, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board/Maritime Administration.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By order of the Maritime Subsidy Board.

Dated: August 17, 1966.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 66-9135; Filed, Aug. 19, 1966;
8:50 a.m.]

Office of the Secretary INTERAGENCY COMMITTEES

Committees Chaired by Department of Commerce

The following information on interagency committees chaired by the Department of Commerce is published pursuant to the provisions of Bureau of the Budget Circular No. A-63.

COMMITTEES IN EXISTENCE FOR 2 YEARS ON JUNE 30, 1966, WHICH HAVE BEEN CONTINUED

Air-Sea Interaction Panel of the Joint Interagency Committee for Oceanography/Interdepartmental Committee for Atmospheric Sciences.

Committee on Balance of Payments Information.

Committee on Systems and Equipment, Federal Fire Council.

Executive Committee on Port Utilization and Control.

Federal Committee for Meteorological Services and Supporting Research.

Interagency Shoe Committee.

Interdepartmental Committee for Applied Meteorological Research.

Subcommittee on Acquisition.

Subcommittee on Climatological Services.

Subcommittee on Education and Training.

Subcommittee on Processing.

Interdepartmental Committee on Atmospheric Sciences.

Interdepartmental Committee for Meteorological Services.

Subcommittee on Basic Meteorological Services.

Subcommittee on Marine Meteorological Services.

Subcommittee on Operational Meteorological Satellite.

Interdepartmental Committee on Radiation Preservation of Food.

Interdepartmental Screw Thread Committee.

National Bureau of Standards—Air Force Working Group on Standards.

National Bureau of Standards—Department of Defense Consultative Committee on Measurement Standards.

National Facilitation Committee.

Subcommittee on Trade and Shipping.

Subcommittee on Travel.

Ocean Survey Panel of the Interagency Committee on Oceanography.

Subcommittee on Agricultural Meteorological Research.

Subcommittee on Import and Export Commodity Classifications.

Technical Subcommittee on Essential Activities.

Transportation Allocations, Priorities and Control Committee.

Working Committee—Interdepartmental Highway Safety Board.

COMMITTEES ESTABLISHED SINCE JULY 1, 1965

Alaska Centennial Interagency Committee.

Atomic Energy Commission—Maritime Administration Liaison Committee.

Committee on Government Patent Policy.

Interagency Board of U.S. Civil Service Examiners for the Upstate New York Area.

Interdepartmental Committee for Interama, Oceanic and Intercoastal Shipping Study Group.

Patent Advisory Panel of the Federal Council for Science and Technology.

Pilot Plant Meat Irradiator Task Force.
Technical Advisory Committee on the Analysis of Functions of Transportation Study.

Dated: August 16, 1966.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary
for Administration.

[F.R. Doc. 66-9065; Filed, Aug. 19, 1966;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CARLISLE CHEMICAL WORKS, INC.

Notice of Filing of Petition for Food Additive

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 7B2060) has been filed by Carlisle Chemical Works, Inc., West Street, Reading, Ohio 45215, proposing the issuance of a regulation to provide for the safe use of dimyristyl thiodipropionate as an antioxidant in plastics intended for food-contact use.

Dated: August 12, 1966.

J. K. KIRK,
Acting Commissioner of
Food and Drugs.

[F.R. Doc. 66-9108; Filed, Aug. 19, 1966;
8:48 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0514) has been filed by Elanco Products Co., 740 South Alabama Street, Indianapolis, Ind. 46206, proposing the establishment of a tolerance for residues of the herbicide *N*-butyl-*N*-ethyl- α,α,α -trifluoro-2,6-dinitro-*p*-toluidine in or on the raw agricultural commodity peanuts at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic technique.

Dated: August 15, 1966.

J. K. KIRK,
Acting Commissioner of
Food and Drugs.

[F.R. Doc. 66-9109; Filed, Aug. 19, 1966;
8:48 a.m.]

ESSO RESEARCH & ENGINEERING CO.

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 7B2057) has been filed by Esso Research & Engineering Co., Post Office Box 111, Linden, N.J. 07036, proposing the issuance of a regulation to provide for the safe use of certain ethylene-propylene polymers optionally containing a nonconjugated bicyclic diene, as components of articles for food-contact use.

Dated: August 12, 1966.

J. K. KIRK,
*Acting Commissioner of
Food and Drugs.*

[F.R. Doc. 66-9110; Filed, Aug. 19, 1966;
8:49 a.m.]

**LEDERLE LABORATORIES DIVISION,
AMERICAN CYANAMID CO.**

**Notice of Filing of Petition for Food
Additive Polysorbate 80**

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 6A2047) has been filed by Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965, proposing an amendment to § 121.1009 *Polysorbate 80* to provide for the safe use of polysorbate 80 as a solubilizing and dispersing agent for calcium caseinate in dry vitamin and mineral preparations whereby the maximum daily intake of the additive does not exceed 175 milligrams.

Dated: August 12, 1966.

J. K. KIRK,
*Acting Commissioner of
Food and Drugs.*

[F.R. Doc. 66-9111; Filed, Aug. 19, 1966;
8:49 a.m.]

MORTON CHEMICAL CO.

**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 7B2064) has been filed by Morton Chemical Co., division of Morton International Inc., 110 North Wacker Drive, Chicago, Ill. 60606, proposing the issuance of a regulation to provide for the safe use of certain polymers, produced by copolymerizing vinylidene chloride with one or more of the monomers acrylonitrile, ethyl acrylate, and methyl acrylate, as coatings on nylon film for food-contact use.

Dated: August 12, 1966.

J. K. KIRK,
*Acting Commissioner of
Food and Drugs.*

[F.R. Doc. 66-9112; Filed, Aug. 19, 1966;
8:49 a.m.]

MORTON CHEMICAL CO.

**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 7B2063) has been filed by Morton Chemical Co., division of Morton International Inc., 110 North Wacker Drive, Chicago, Ill. 60606, proposing the issuance of a regulation to provide for the safe use of certain polymers produced by copolymerizing vinylidene chloride with one or more of the monomers methyl acrylate and methacrylic acid, as coatings on nylon film for food-contact use.

Dated: August 12, 1966.

J. K. KIRK,
*Acting Commissioner of
Food and Drugs.*

[F.R. Doc. 66-9113; Filed, Aug. 19, 1966;
8:49 a.m.]

MORTON SALT CO.

**Notice of Filing of Petition for Food
Additive Dimethylpolysiloxane**

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 7A2065) has been filed by Morton Salt Co., a division of Morton International, Inc., 110 North Wacker Drive, Chicago, Ill. 60606, proposing that § 121.1099 *Defoaming agents* be amended (1) to provide for the safe use of dimethylpolysiloxane at a level not to exceed 250 parts per million as a defoaming agent in salt intended for use in cooking and (2) to delete the zero tolerance limitation with reference to dimethylpolysiloxane as a defoaming agent in food for infants and invalids.

Dated: August 12, 1966.

J. K. KIRK,
*Acting Commissioner of
Food and Drugs.*

[F.R. Doc. 66-9114; Filed, Aug. 19, 1966;
8:49 a.m.]

POLYMER INDUSTRIE CHIMICHE S.p.A.

**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 6B1983) has been filed by Polymer Industrie Chimiche Società per Azioni, Largo Guido Donegani, 1-2, Milano, Italy, proposing the issuance of a regulation to provide for the safe use of certain epoxy resins, obtained from the condensation of epichlorohydrin with 4,4'-isopropylidenediphenol, and certain polyethylenimine resins as components of coatings on polypropylene film.

Dated: August 15, 1966.

J. K. KIRK,
*Acting Commissioner of
Food and Drugs.*

[F.R. Doc. 66-9115; Filed, Aug. 19, 1966;
8:49 a.m.]

QUAKER CHEMICAL CORP.

**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 7B2059) has been filed by Quaker Chemical Corp., Lime and Elm Streets, Conshohocken, Pa. 19486, proposing an amendment to § 121.2536 *Filters, resin-bonded* to provide for the safe use of certain vinyl acetate-acrylamide resins as components of resin-bonded filters.

Dated: August 12, 1966.

J. K. KIRK,
*Acting Commissioner of
Food and Drugs.*

[F.R. Doc. 66-9116; Filed, Aug. 19, 1966;
8:49 a.m.]

WALLACE & TIERNAN, INC.

**Notice of Filing of Petition for Food
Additive Azodicarbonamide**

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 6J2041) has been filed by Wallace & Tiernan, Inc., Post Office Box 178, Newark, N.J. 07101, proposing an amendment to § 121.1085 *Azodicarbonamide* to provide for the safe use of azodicarbonamide as a dough-maturing or conditioning agent in bread, rolls, and buns in an amount not to exceed 45 parts per million by weight of the flour used including the azodicarbonamide added to cereal flour as an aging and bleaching ingredient in accordance with § 121.1085.

Dated: August 12, 1966.

J. K. KIRK,
*Acting Commissioner of
Food and Drugs.*

[F.R. Doc. 66-9117; Filed, Aug. 19, 1966;
8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

**CONSOLIDATED EDISON CO. OF NEW
YORK, INC. (INDIAN POINT STA-
TION UNIT NO. 2)**

**Notice of Prehearing Conference and
Postponement of Evidentiary Hear-
ing**

Notice is hereby given in accordance with arrangements and announcement

made at the prehearing conference, which convened on August 17, 1966, pursuant to the Commission's Notice, that the hearing on the application by Consolidated Edison Co. for a provisional construction permit for a pressurized water reactor in this proceeding will be preceded by a prehearing conference to be convened at 10 a.m. (local time) on September 13, 1966, and that the evidentiary hearing shall convene at 10 a.m. (local time) on September 14, 1966, both in the Buchanan Engine Company, No. 1, Inc., Albany Post Road, Buchanan, N.Y.

This postponement has been made necessary in view of the unavailability of certain documentary material specified in the Commission's Statements of Consideration for the rules of practice as needed at indicated intervals for reviews prior to evidentiary hearings.

Issued: August 19, 1966, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[F.R. Doc. 66-9186; Filed Aug. 19, 1966; 11:11 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17597]

CIVIL AIR TRANSPORT CO., LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on August 25, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., August 17, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-9090; Filed, Aug. 19, 1966; 8:47 a.m.]

[Docket No. 17403]

LEEWARD ISLANDS AIR TRANSPORT SERVICES, LTD.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding now assigned to be held August 17, 1966, is postponed to September 22, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., August 16, 1966.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 66-9091; Filed, Aug. 19, 1966; 8:47 a.m.]

FEDERAL AVIATION AGENCY

TAMPA, FLA.

Flight Service Station, Notice of Closing

Notice is hereby given that on or about September 1, 1966, the Flight Service Station at Tampa, Fla., will be closed. Service to the aviation public formerly provided from this facility will be provided from the new St. Petersburg, Fla., Flight Service Station which will be commissioned concurrently with the closing of the Tampa, Fla., facility.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-9092; Filed, Aug. 19, 1966; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16813-16815; FCC 66-718]

1400 CORP. (KBMI), ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of 1400 Corp. (KBMI), Henderson, Nev.; Docket No. 16813, File No. BR-2937; Has: 1400 kc, 250 w, U, Class IV; for renewal of license of station KBMI; Joseph Julian Marandola, Henderson, Nev.; Docket No. 16814, File No. BP-16411; Requests: 1400 kc, 250 w, 1kw-LS, U, Class IV, for construction permit; Charles L. Garner, George Garner, and William J. Mullen, North Las Vegas, Nev.; Requests: 1400 kc, 250 w, 1kw-LS, U, Class IV; for construction permit; 1400 Corp. (Assignor); Thomas L. Brennen (Assignee); Docket No. 16815, File No. BAL-5158; for assignment of license of station KBMI, Henderson, Nev.

1. The Commission has before it for consideration (a) the above-captioned and described applications; (b) a petition to dismiss the Marandola application, filed by KBMI; (c) a pleading in opposition by Marandola; (d) a letter dated February 18, 1966 by Charles L. Garner et al., requesting a waiver of the Commission's "cut-off" rules; and (e) opposition to the waiver request by Marandola.

2. As originally filed, the Marandola application proposed to operate the identical antenna system and transmitter site used by KBMI. In its petition to dismiss, KBMI stated that it was the lessee of the site and under no circumstances would it permit Marandola to use the premises. Under those circumstances, KBMI argued that Marandola had no reasonable assurances of the availability of the proposed site and, for that reason, his application should be dismissed. On February 24, 1965, Marandola amended his application to

specify a site other than the one leased to KBMI. Accordingly, the petition to dismiss is now moot.

3. By public notice of January 7, 1965, the Marandola application was accepted for filing. The same public notice also stated that all prospective applicants wishing to file conflicting proposals would have to tender their applications no later than February 15, 1965, in order to receive concurrent consideration with the Marandola application. The Garner et al., proposal was not tendered for filing until February 18, 1966, and is mutually exclusive with Marandola's application. In requesting a waiver of the "cut-off" rules, Garner et al. have made no attempt to explain the 1 year's delay in filing, nor have they alleged any overriding public interest considerations which persuade us to grant the waiver. Accordingly, the application will be returned.

4. The KBMI renewal application and the Marandola proposal are mutually exclusive in that they both seek authorization for use of the same frequency in Henderson. A hearing must be held to determine whether the KBMI license should be renewed for the purpose of assigning it to Thomas L. Brennen or whether Marandola should be authorized to use the frequency. In two recent cases, Arthur A. Cirilli (WIGL), 2 FCC 2d 692, 6 RR 2d 903 and Northwest Broadcasters, Inc. (KBVU), 3 FCC 2d 571, 7 RR 2d 396, the Commission was presented with similar tripartite situations. In both instances (although for somewhat different reasons), we determined that the public interest would better be served by comparing the qualifications of the two parties intending to operate the station, namely, the prospective assignee and the construction permit applicant, rather than the licensee and the construction permit applicant. In the Cirilli case the license had already been assigned to a Trustee in Bankruptcy under obligation to dispose of the station's assets. There the Commission found that the public interest would not be served by inquiring into the qualifications of a party who was no longer connected with the station. Although the Northwest situation did not involve bankruptcy, the station had been silent for almost a year because of financial difficulties and the licensee had no intention of resuming regular operations. There we found that an assignment application properly filed under one section of the Communications Act was not automatically nullified by a subsequent construction permit application filed under another section of the Act. The same rationale will be followed here. In this case, the assignment application preceded the construction permit application.¹ Thus, we are not presented with a situation in which a renewal applicant, faced with a mutually exclusive proposal, attempts to avoid a comparative hearing by substituting a prospective

¹ The assignment application was filed on July 6, 1964, and the Marandola proposal tendered for filing on Oct. 16, 1964.

assignee to compete in his place. Of course, we need not reemphasize our basic policy that licensees will be held accountable for their stewardship and will not be allowed to evade the consequences of their misconduct or abuse of a license by selling the station at the end of the license period.

5. The financial information contained in the assignment application is over 2 years old and therefore may be obsolete. For this reason we cannot make the requisite finding that Brennen has enough cash or other liquid assets at this time to purchase KBMI. Moreover, since the station has only recently resumed broadcast operations, we have no information as to what its revenues and expenses are. Accordingly, an issue will be included to determine whether Brennen now has sufficient funds to purchase the station and meet the financial burden specified in Ultravision Broadcasting Co., et al, 1 FCC 2d 544, 5 RR 2d 343.

6. According to the 1960 U.S. Census, the population of Henderson is 12,525. The 5 mv/m contour of the Marandola proposal would penetrate the city of Las Vegas, Nev., population 64,405. However, since Marandola is requesting the facilities of KBMI, we find that the policy statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, adopted December 22, 1965, 2 FCC 2d 190, 6 RR 2d 1901, is not applicable and no issue with respect thereto will be included.

7. Except as indicated by the issues specified below, the applicants are qualified. A hearing will be held to compare their qualifications. If Joseph Julian Marandola prevails in the hearing, he will be awarded a construction permit and the renewal application will be denied. If Thomas L. Brennen prevails, the renewal and the assignment will be granted.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications² are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, with respect to the application of Thomas L. Brennen:

(a) His current financial position and whether sufficient funds are available to purchase KBMI and to cover initial operating costs.

(b) In the event the applicant will depend upon operating revenues during the first year to meet fixed costs and operating expenses, the basis of the applicant's estimated revenues for the first year of operation.

(c) Whether, in view of the evidence adduced pursuant to (a) and (b), above, the applicant is financially qualified in that he has or will have sufficient funds to purchase KBMI and operate it for at least 1 year.

² We are also consolidating the renewal application for the sole purpose of permitting action on such application by the Examiner in accordance with par. 7, above.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the request for waiver by Charles L. Garner, George Garner, and William J. Mullen is hereby denied; and that their application is returned.

It is further ordered, That the petition to dismiss by 1400 Corp. is hereby dismissed as moot.

It is further ordered, That, in the event of a grant of the application of Joseph Julian Marandola, the construction permit shall contain the following condition: Permittee shall accept such interference as may be imposed by existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 10, 1966.

Released: August 17, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,³

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9121; Filed, Aug. 19, 1966;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

GULF LINES, LTD., AND
V/O "SOVFRACHT"

Notice of Agreements Filed for Approval

Notice is hereby given that the following 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 agreement(s) at the Washington office of the Federal Mari-

³ Commissioners Loevinger and Wadsworth absent.

time Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. Jan C. Uiterwyk, President, Jan C. Uiterwyk Co., Inc., Post Office Box 3025, 100 West Kennedy Boulevard, Tampa, Fla. 33602.

Agreement 9568, between Gulf Lines, Ltd., Nassau, Bahamas, and V/O "Sovfracht", Moscow, the agent for Soviet flag common carriers, covers a through billing arrangement on cargo transported between U.S. ports from Miami, Fla., to Brownsville, Tex., and Baltic ports of the U.S.S.R. with transshipment at ports in the Antwerp/Hamburg range under terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: August 17, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-9123; Filed, Aug. 19, 1966;
8:50 a.m.]

[Docket No. 66-43]

GULF PUERTO RICO LINES, INC. AND SEA-LAND SERVICE, INC.

Investigation of Increased Minimum Charges and Terminal Delivery Services; Notice of Expansion of In- vestigation

Whereas, by order served July 25, 1966, the Commission entered into an investigation concerning the lawfulness of certain increased minimum bill of lading charges, among others, filed by Sea-Land Service, Inc. (FMC-F No. 10) and Gulf Puerto Rico Lines, Inc.;

Whereas, on July 27, 1966, Sea-Land Service, Inc. filed an amendment to its Tariff FMC-F No. 2 which, upon becoming effective August 30, 1966, will increase the minimum bill of lading charge in Rule No. 5 on break-bulk cargo carried on the "SS Detroit";

Whereas, the Commission is of the opinion that the new charge should also be made the subject of a public investigation to the same extent as the matter currently under investigation herein to determine whether it is unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Now therefore it is ordered, That this proceeding be, and it is hereby expanded to include an investigation into and a

hearing concerning the lawfulness of the increased charge published in Rule No. 5 in the aforementioned tariff with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That (I) a copy of this order shall forthwith be served upon the respondents, and any interveners herein; (II) the said respondents and interveners be duly notified of the time and place of the hearing ordered; and (III) this order be published in the FEDERAL REGISTER and notice of the said hearing be served upon the respondents.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with copy to respondents.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

[F.R. Doc. 66-9129; Filed, Aug. 19, 1966;
8:50 a.m.]

[Docket No. 66-48]

PACIFIC NORTHWEST TIDEWATER ELEVATORS ASSOCIATION

Order of Investigation and Hearing Regarding Rates and Practices

By tariff schedules effective April 1, 1966, seven (7) members of the Pacific Northwest Tidewater Elevators Association (elevator operators) served notice of changes in rates, rules, and regulations applicable at their respective marine grain terminals located at certain port cities in Oregon and Washington.¹ For the most part the changes resulted in substantial increases.

The Portland Steamship Operators' Association (petitioner) filed a protest and petition for investigation of the rates, rules, and regulations contained in the tariffs of the elevator operators. The Puget Sound Steamship Operators Association submitted a letter supporting the protest.

Petitioner argues, among other things, that (1) the percentage increase is extremely high; (2) the service and facilities charge is indefensible and vague in form and its assessment against the vessel is an unreasonable regulation or practice; and (3) the assessment of a major charge, which varies with the number of tons loaded in order to recover costs which do not so vary, is an unreasonable practice. Petitioner urges that the rates and practices contained in the tariffs of the elevator operators are unjust and unreasonable in violation of section 17 of the Shipping Act, 1916.

The elevator operators filed a reply to the protest.

¹ An eighth member of the Association, Harbor Island Dock Co., filed its tariff changes effective July 1, 1966.

The Commission has reviewed the protest and reply and is of the opinion that the matter should be made the subject of a formal investigation to determine whether the rates, rules, and regulations contained in the tariffs of the elevator operators are contrary to section 17 of the Shipping Act, 1916.

Now therefore, it is ordered, That the Commission on its own motion, enter upon an investigation and hearing pursuant to section 22 of the Shipping Act, 1916, to determine whether the rates, rules, and regulations contained in the tariffs of the elevator operators constitute unjust or unreasonable practices in violation of section 17;

It is further ordered, That the parties named in Appendix A set forth below are hereby made respondents in this proceeding; and Portland Steamship Operators Association is hereby designated as petitioner; and

It is further ordered, That the proceeding herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and copy of such order and notice of hearing be served upon respondents and petitioner; and

It is further ordered, That persons other than respondents, petitioners, and Hearing Counsel who desire to become parties in this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 31, 1966, with copy to each respondent; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing shall be mailed directly to all parties of record.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

APPENDIX A

Archer-Daniels-Midland Co., 601 Board of Trade Building, Post Office Box 310, Portland, Ore. 97207.
Cargill, Inc., Lewis Building, Portland, Ore.
Continental Grain Co., Lewis Building, Portland, Ore.
Louis Dreyfus Corp., LDC Dock and Elevator, Foot of North Holladay Street, Portland, Ore. 97230.
Harbor Island Dock Co., 3235 16th Avenue SW., Seattle, Wash. 98134.
Kerr Grain Corp., 600 World Trade Building, Portland, Ore. 97204.
North Pacific Grain Growers, Inc., 400 World Trade Building, Portland, Ore. 97294.
Peavey Co., 1100 Board of Trade Building, Portland, Ore. 97207.

[F.R. Doc. 66-9088; Filed, Aug. 19, 1966;
8:50 a.m.]

ALL NATIONS FORWARDING CO., ET AL.

Independent Ocean Freight Forwarder Licenses and Applications Therefor

Notice is hereby given of the cancellation of the following independent ocean freight forwarder license.

All Nations Forwarding Co., 535 West 110th Street, New York, N.Y.; License No. 428, canceled July 12, 1966.

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

NEW APPLICANTS

Peeters Transportation Co., Inc., 1425 Donner Avenue, San Francisco, Calif.; Application dismissed July 12, 1966.

Banho Shipping Corp., 26 Beaver Street, New York, N.Y.; Application withdrawn July 27, 1966.

General Air Freight, Inc., Cargo Building 80, Kennedy International Airport, Jamaica, N.Y.; Application dismissed July 23, 1966.

Notice is hereby given that the following persons have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573. Protests received within 15 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

Dickinson, Mikell & Comar, Inc., 4 North Atlantic Wharf, Suite 201, Charleston, S.C.; Georgette P. Hanckel, treasurer; R. B. Comar, president; McFarland H. Mikell, vice president, secretary; Gerald P. Dickinson, vice president.

Kuehne & Nagel, Inc., 17 Battery Place, New York, N.Y.; Alexander H. Floch, president, director; Hans E. Nachbur, vice president, secretary, director; Rudolph A. Kovacs, treasurer; Herman W. Feder, director.

P. A. Forwarding, Pedro Alichea, d.b.a., 80 Wall Street, New York, N.Y.; Pedro Alichea, owner.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

ADDRESS CHANGES

J. R. Willever, Inc., 19 Rector Street, Room 1116-1120, New York, N.Y. 10006; License No. 540.

R. B. Comar, 196 East Bay Street, Post Office Box 800, Charleston, S.C. 29402; License No. 273.

ABC International, Inc., 26 Beaver Street, New York, N.Y.; License No. 976.

Davies, Turner & Co., 26 Beaver Street, New York, N.Y. 10004; License No. 827.

The Sellers Transportation Co., Inc., 26 Beaver Street, New York, N.Y. 10004; License No. 827.

Seaport Shipping Co., 604 World Trade Building, Portland, Ore.; License No. 891.

Brauner & Co., Pan American Shipping Agency, 32 Broadway, New York, N.Y. 10004; License No. 575.

Maximino M. Zarate, 1503, Hillyer Street, Elmhurst, N.Y. 11373; License No. 365.

Lusk Shipping Co., Inc., Suite 1615, International Trade Mart, 2 Canal Street, New Orleans, La.; License No. 128.

Kaufman & Vinson Co., 44 Whitehall Street, New York, N.Y. 10004; License No. 49.

J. G. R. Williams, Inc., 507 Cigall Bldg., 107 Camp Street, New Orleans, La. 70130; License No. 348.

Afro-Asian Forwarding Co., Inc., 11 Broadway, Suite 550, New York, N.Y.; License No. 473.

E. J. Littman Co., 75 Public Square, Room 800, Cleveland, Ohio 44113; License No. 808.

Barnett International Forwarders, Inc., 6470 Santa Monica Boulevard, Los Angeles, Calif. 90038; License No. 689.

Darrell J. Sekin & Co. (Branch), Post Office Box 1333, Galveston, Tex. 77554; License No. 786.

Capitol Shipping Co., 1010 Vermont Avenue NW., Derinke Bldg., Suite 902, Washington, D.C. 20005; License No. 835.

Poseidon Freight Forwarders, 24 California Street, San Francisco, Calif. 94111; License No. 964.

CHANGE OF OFFICERS

R. Comar, Inc., 196 East Bay Street, Post Office Box 800, Charleston, S.C.; License No. 273; John E. Bevon, president, treasurer, director; Michael P. Conlon, vice president; Robert B. Comar, vice president; Falcon B. Hawkins, secretary; M. H. Mikell, Jr., assistant secretary.

American Express, 65 Broadway, New York, N.Y.; License No. 289; Frank Mallin, assistant treasurer.

Darrell J. Sekin & Co. (Branch), Post Office Box 1333, Galveston, Tex. 77554; License No. 786; David L. Moore, manager; Harry E. Miller, vice president.

GRANDFATHER APPLICANTS LICENSED JULY 1966

Maximino M. Zarate, 1503 Hillyer Street, Elmhurst, N.Y. 11373; License No. 365; Issued July 11, 1966.

Peerless Forwarders, Ltd., 44 Whitehall Street, New York, N.Y.; License No. 891; Issued July 11, 1966.

NEW APPLICANTS LICENSED JULY 1966

Chicago International Customs Service, Inc., 9801 West Lawrence Avenue, Schiller Park, Ill.; License No. 1121; Issued July 6, 1966.

Lynwood L. Lacy, 100 North Royal Street, Mobile, Ala.; License No. 1122; Issued July 19, 1966.

Harden Agencies (A. L. Harden, d.b.a.), Post Office Box 741, Jacksonville, Fla. 32201; License No. 691; Issued July 18, 1966.

Dated: August 16, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-9089; Filed, Aug. 19, 1966;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CS66-81 etc.]

FOREE CO. ET AL.

Findings and Order

AUGUST 11, 1966.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, severing

and terminating proceedings, amending orders issuing certificates, cancelling FPC gas rate schedules, dismissing applications, making successor co-respondent, redesignating proceeding, and requiring filing of agreement and undertaking.

Each Applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications and in the Appendix hereto.

All Applicants, except those in Docket Nos. CS66-136, CS66-137, and CS66-139, have heretofore been authorized to sell natural gas from the Permian Basin area. Applicants in Docket Nos. CS66-133 and CS66-135 have heretofore received certificate authorization in the certificates issued to Ashland Oil & Refining Co. (Operator), et al., in Docket No. G-7663 and to Pan American Petroleum Corp. (Operator), et al., in Docket No. G-11564, respectively. Applicant in Docket No. CI66-126 proposes to sell natural gas from producing properties from which sales have heretofore been authorized to be made pursuant to Murphy Oil Corp. FPC Gas Rate Schedule No. 11 although Applicant is not an authorized seller under Murphy's certificate. Applicants in Docket Nos. CS66-125 and CS66-127 propose to sell natural gas from producing properties from which sales have heretofore been authorized to be made pursuant to J. Wes Johnson, doing business as Tower Oil & Gas Co. of Texas, FPC Gas Rate Schedule No. 1 and MacDonald Oil Corp. (Operator), et al., FPC Gas Rate Schedule No. 1, respectively. Applicants in Docket Nos. CS66-81 and CS66-82 are affiliates of R. L. Foree and have filed to cover their interests in Foree's Permian Basin sales presently being made pursuant to authorization in Docket No. CS66-83. Applicant in Docket No. CS66-134 proposes to sell gas from Permian Basin interests from which sales were heretofore authorized to be made by the Henry and Lucy Moses Foundation Trust in Docket No. CS66-7.

The certificates issued herein shall be effective on the date of this order in all dockets except CS66-136, CS66-137, and CS66-139. The certificates issued in the latter dockets shall be effective on the date of initial delivery. The certificates heretofore issued to Applicants shall be terminated and the related rate schedules canceled, except that the orders issuing certificates in Docket Nos. G-7663 and G-11564 shall be amended by deleting therefrom authorization to sell gas from the interests of Applicants in Docket Nos. CS66-133 and CS66-135, respectively. Applicants' pending certificate applications for sales from the Permian Basin area, which sales will be included in the small producer certificates, will be dismissed as moot.

Various Applicants herein have heretofore filed increases in rate which have been suspended and, in some cases, have

been made effective subject to refund. Some of the rate proceedings have been consolidated with the original proceeding in Docket No. AR61-1, et al., or in the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR61-1, et al. In those instances in which the increased rates have not been made effective or have been made effective and are below the applicable area base rates, the proceedings will be severed from Docket No. AR61-1, et al., and terminated. These proceedings are listed in the Appendix as are the proceedings which will not be terminated.

Applicant in Docket No. CS66-127 has heretofore filed an application in Docket No. CI66-798 to continue in part the sale of natural gas theretofore authorized in Docket No. CI64-426 and made pursuant to Sinclair Oil & Gas Co. (Operator), et al., FPC Gas Rate Schedule No. 261. Applicant filed the contract comprising said rate schedule as its own rate schedule. The Commission issued a temporary certificate to Applicant in Docket No. CI66-798 authorizing the sale of natural gas pursuant to said rate schedule at a rate in effect subject to refund in Docket No. RI65-40.¹ Therefore, Applicant will be made a co-respondent in Docket No. RI65-40, the proceeding will be redesignated and Applicant will be required to file an agreement and undertaking to assure the refund of any amount collected by it in excess of the amount determined to be just and reasonable in said proceeding. Also, the order issuing the certificate in Docket No. CI64-426 will be amended by deleting therefrom authorization to sell gas from the assigned acreage.

After due notice a petition for leave to intervene and protest to the granting of the application in Docket No. CS66-134 was filed on June 20, 1966, by Hunt Oil Co. and was denied by Commission order issued June 30, 1966. No petitions to intervene, notices of intervention or protests to the granting of the other applications have been received.

At a hearing held on August 4, 1966, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is or will be engaged in the sale of natural gas in interstate commerce subject to the jurisdiction of the Commission, and each Applicant is or upon commencement of service will be a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein and below, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of

¹ Consolidated with the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61-1, et al.

any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Applicants are or will be independent producers of natural gas who are not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants for sales of natural gas from the Permian Basin, which sales will be continued under the small producer certificates issued hereinafter, should be terminated, and the related rate schedules should be canceled; except that the orders issuing certificates in Docket Nos. G-7663 and G-11564 should be amended by deleting therefrom authorization to sell gas from the interests of Applicants in Docket Nos. CS66-133 and CS66-135, respectively.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings listed below in which Applicants' increased rates have not been made effective or have been made effective and are less than the area base rates should be severed from the proceedings in Docket No. AR61-1, et al., and terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant in Docket No. CS66-127 should be a co-respondent in the proceeding pending in Docket No. RI65-40, that the proceeding should be redesignated accordingly and that Applicant should be required to file an agreement and undertaking.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the order issuing a certificate in Docket No. CI64-426 should be amended as hereinafter ordered.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the juris-

diction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the Appendix hereto and in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly,

(a) The subject certificates shall be applicable only to all previous and all future "small producer sales", as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area.

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act, and

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms and conditions of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued in all dockets except CS66-136, CS66-137, and CS66-139, shall be effective on the date of this order. The certificates issued in

Docket Nos. CS66-136, CS66-137, and CS66-139 shall be effective on the date of initial delivery. The successions in Docket Nos. CI66-583 and CI66-167 by Applicants in Docket Nos. CS66-125 and CS66-127, respectively, described in the Appendix hereto, shall be effective on August 1, 1965, and March 1, 1965, respectively, the dates of transfer of the producing property.

(F) The certificates heretofore issued to Applicants for sales proposed to be continued under small producer certificates are terminated and the related FPC gas rate schedules are canceled; except that the orders issuing certificates in Docket Nos. G-7663 and G-11564 are amended by deleting therefrom authorization to sell natural gas from the interests of Applicants in Docket Nos. CS66-133 and CS66-135. In all other respects the orders issuing certificates in Docket Nos. G-7663 and G-11564 shall remain in full force and effect.

(G) The proceedings in which Applicants' increased rates have not been made effective or have been made effective and are less than the applicable area base rates are terminated as indicated below. Said proceedings, except those in Docket Nos. G-17059 and RI64-293, which are consolidated with Docket No. AR61-1, et al., are severed therefrom.

(H) The issuance and termination of certificates and the cancellation of rate schedules herein shall not relieve Applicants from compliance with any orders which have been or may be issued in Applicants' pending rate proceedings and in the proceedings in Docket No. AR61-1, et al., including refund obligations, and from the submission of refund reports for sales made at rates in excess of the applicable area base rates between September 1, 1965, and the date of this order; nor shall any action taken herein be construed to relieve Applicants from the obligations of making refunds for sales commenced pursuant to unconditioned temporary certificates if the Commission finds that such refunds are required.

(I) Applicants' pending certificate applications for authorization to make specific sales from the Permian Basin area are dismissed as moot.

(J) The order issuing a certificate in Docket No. CI64-426 is amended by deleting therefrom authorization to sell natural gas from acreage from which sales will be made by Applicant in Docket No. CS66-127, and in all other respects said order shall remain in full force and effect.

(K) Applicant in Docket No. CS66-127 shall be a co-respondent in the proceeding pending in Docket No. RI65-40, and said proceeding is redesignated accordingly.²

(L) Within 30 days from the issuance of this order Applicant in Docket No. CS66-127 shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable

² Sinclair Oil & Gas Co. (Operator), et al., and Southwestern Natural Gas, Inc.

agreement and undertaking in Docket No. RI65-40 to assure the refund of any amount collected by it, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in Docket No. RI65-40. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission such agreement and undertaking shall be deemed to have been accepted for filing.

(M) Applicant in Docket No. CS66-127 shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Applicant shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[Docket Nos. CS67-1—CS67-3]

J. C. BARNES OIL CO., ET AL.

Notice of Applications for "Small Producer" Certificates¹

AUGUST 15, 1966.

Take notice that on July 25, 1966, J. C. Barnes Oil Co., Chancellor Building, Midland, Tex. 79701, on July 20, 1966, Adobe Oil Co., 1223 Petroleum Life Building, Midland, Tex. 79701, and on July 5, 1966, Leonard Latch, et al., Gladewater, Tex. 75647, filed in Docket Nos. CS67-1, CS67-2, and CS67-3, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for "small producer" certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests 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 or 1.10) on or before September 5, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9067; Filed, Aug. 19, 1966; 8:45 a.m.]

[Docket No. CP67-27]

UNITED GAS PIPE LINE CO.

Notice of Application

AUGUST 15, 1966.

Take notice that on August 8, 1966, United Gas Pipe Line Co. (Applicant),

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

APPENDIX

Docket No.	Applicant	Canceled FPC Gas rate schedule	Terminated certificate docket No.	Terminated rate proceeding docket No.	Rate proceeding dockets not to be terminated
CS66-81 1-24-66	Foree Co. ¹				
CS66-82 1-24-66	FTF Gas Corp. ¹				
CS66-125 5-2-66	Landmark Oil, Inc., et al.	2	CI64-125		
		3	CI60-461		
			CI66-583 ²		
CS66-126 5-3-66	Ross R. Bickel, Trustee	(3)			
CS66-127 5-5-66	Southwestern Natural Gas, Inc. (Operator), et al.	(4)	G-14977 ³		
			CI66-167 ³		
CS66-128 5-9-66	The Fluor Corp., Ltd.	1	CI66-798 ⁷		RI65-40, ⁸
		3	G-5683		G-20401. ¹⁰
		4	G-5691		G-20401. ¹⁰
		6	G-5688	RI65-585 ⁹	G-20401. ¹⁰
		7	G-5689	RI65-585 ⁹	G-20401. ¹⁰
		8	G-5682	RI65-585 ⁹	G-20401. ¹⁰
		9	G-5681	RI65-585 ⁹	
		10	G-5680		G-20401. ¹⁰
		11	G-5687	RI65-585 ⁹	G-20401. ¹⁰
		12	G-5686		G-20401. ¹⁰
		13	G-5685	RI65-585 ⁹	G-20401. ¹⁰
		16	G-8082	RI65-585 ⁹	G-20401. ¹⁰
		17	G-9236		
		18	G-8083		G-20401. ¹⁰
		19	G-12370		
		21	CI65-415		
CS66-129 5-9-66	Connally Oil Co., Inc. (Operator), et al.	11	G-18925		RI60-104. ¹⁰
		12	G-19288		RI60-104. ¹⁰
		13	G-20590		
		14	CI62-629 ⁷		
		15	CI62-1479		
		1	G-16389	RI63-363 ⁸	
CS66-130 5-9-66	Earl Vest, et al., d.b.a. Vest, Dorbandt & Ross, et al.				
CS66-131 5-16-66	Cowper Brothers Production Co.	2	CI66-1121 ⁷		
CS66-133 5-17-66	Albert C. Muse, et al.	(4)	G-7663 ¹⁰		RI60-329, ¹⁰ 11
CS66-134 5-17-66	Rilan Corp. ¹⁷				
CS66-135 5-23-66	H. W. Register	1	G-11564 ¹²	RI64-293 ¹⁰	
CS66-136 5-24-66	E. B. Clark (Operator), et al.			G-17059 ¹⁰ 18	
CS66-137 5-18-66	Ryan Consolidated Petroleum Corp.				
CS66-139 5-31-66	Mrs. Thomas Cassidy, et al.		CI66-1031 ¹⁸		

¹ Applicant is an affiliate of R. L. Foree and has filed to cover its interest in the Permian Basin sales of R. L. Foree heretofore authorized in Docket No. CS66-83.

² This is a pending application to continue in part the sale of natural gas heretofore made pursuant to J. Wes Johnson, doing business as Tower Oil & Gas Co. of Texas, FPC Gas Rate Schedule No. 1. The succession is authorized as of Aug. 1, 1965, and the certificate application is dismissed as moot.

³ Sales are presently being made from producing property covered by Murphy Oil Corp. FPC Gas Rate Schedule No. 11. Applicant is not covered by said rate schedule.

⁴ Designated as MacDonald Oil Corp. (Operator), et al., FPC Gas Rate Schedule No. 1. Said rate schedule is canceled.

⁵ Certificate issued to MacDonald Oil Corp. (Operator), et al.

⁶ This is a pending application to continue the sale of natural gas heretofore made pursuant to MacDonald Oil Corp. (Operator), et al., FPC Gas Rate Schedule No. 1. The succession is authorized as of Mar. 1, 1965, and the certificate application is dismissed as moot.

⁷ Temporary certificate. Pending certificate application is dismissed as moot.

⁸ Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61-1, et al.

⁹ Applicant is made a co-respondent in Docket No. RI65-40 by the instant order.

¹⁰ Consolidated in the original proceeding in Docket No. AR61-1, et al.

¹¹ Designated as J. E. Connally and Connally Oil Co.

¹² Designated as J. E. Connally and Connally Oil Co. (Operator), et al.

¹³ Designated as J. E. Connally (Operator), et al.

¹⁴ Applicant's interest is covered by Ashland Oil & Refining Co. (Operator), et al., FPC Gas Rate Schedule No. 44.

¹⁵ The order issuing a certificate in this docket is amended by deleting therefrom authorization to sell gas from Applicant's interests.

¹⁶ The proceeding is terminated only with respect to the interest of Applicant.

¹⁷ Applicant proposes to sell gas from Permian Basin interests from which sales were heretofore authorized to be made by the Henry and Lucy Moses Foundation Trust in Docket No. CS66-7.

¹⁸ Pending application dismissed as moot.

[F.R. Doc. 66-9022; Filed, Aug. 19, 1966; 8:45 a.m.]

Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-27 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the delivery of natural gas to United Petrochemicals, Inc. (United); all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the construction and operation of the following: Install valve assemblies, together with measuring and controlling facilities, on Applicant's 30-inch Agua Dulce to Sterlington pipeline near Milepost 112, Emory H. Durst Survey, Abstract 165, Fort Bend County, Tex.

Applicant states that such facilities will be utilized for the sale and delivery of natural gas to United for use as fuel and shrinkage in the operation of an extraction plant to be constructed by United near Applicant's Needville Compressor Station, Fort Bend County, Tex. Applicant states that the estimated shrinkage volume will be 4,630,000 Mcf annually and the volume to be used as fuel will be 1,452,500 Mcf annually.

The total estimated cost of Applicant's proposed construction is \$124,000, and will be financed out of funds on hand.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 12, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9068; Filed, Aug. 19, 1966;
8:45 a.m.]

[Docket No. CP67-28]

UNITED GAS PIPE LINE CO.

Notice of Application

AUGUST 15, 1966.

Take notice that on August 8, 1966, United Gas Pipe Line Co. (Applicant),

1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP67-28 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 (c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to construct and operate during the 12-month period commencing November 1, 1966, certain minor gas sales and transportation facilities, including taps, valves, meters, and service lines, for delivery of natural gas to existing customers for resale and to direct customers located near Applicant's pipeline system in the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

Applicant states that no direct industrial sales will be made pursuant to the authorization requested and further states that delivery to no one purchaser through the proposed facilities will exceed 100,000 Mcf annually and will not be used for boiler fuel purposes as defined by the Commission.

Applicant further states that the minimum price per Mcf for the proposed direct industrial sales in its Central and Jackson Rate Zones are as follows:

Central Rate Zone; 25.58 cents per Mcf.
Jackson Rate Zone; 30.22 cents per Mcf.

The total estimated cost of the proposed facilities is \$11,800, which cost will be financed out of current working funds.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 12, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9069; Filed, Aug. 19, 1966;
8:45 a.m.]

[Docket No. CP67-26]

UNITED GAS PIPE LINE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

AUGUST 15, 1966.

Take notice that on August 8, 1966, United Gas Pipe Line Co., 1525 Fairfield Avenue, Shreveport, La., and Texas Eastern Transmission Corp., Southern National Bank Building, Houston, Tex. (Applicants), filed in Docket No. CP67-26 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two additional points of delivery for the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants specifically propose to construct and operate two interconnections, with the requisite facilities, between their respective pipeline systems for the exchange of natural gas at the following locations:

(1) At the intersection of Texas Eastern's 24-inch Provident City-Blessing line and United's 30-inch Agua Dulce-Sterlington line in Jackson County, Tex.

(2) At a point on Texas Eastern's 36-inch Venice line where it crosses United's 12-inch Valentine Field Line, Lafourche Parish, La.

Applicants state that they make exchanges of natural gas under exchange agreements between them dated August 5, 1948, and March 29, 1954, as supplemented and amended, and such exchange agreements are on file and in effect with the Commission as United's Rate Schedules X-2 and X-3 and Texas Eastern's Rate Schedule X-6.

The total estimated cost of the proposed facilities is \$180,795, which cost will be financed out of general funds with United constructing and financing the Jackson County, Tex., interconnection and Texas Eastern constructing and financing the Lafourche Parish, La., interconnection.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 12, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal

hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9070; Filed, Aug. 19, 1966;
8:45 a.m.]

[Docket No. CP67-30]

UNITED GAS PIPE LINE CO.

Notice of Application

AUGUST 15, 1966.

Take notice that on August 10, 1966, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-30 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities in order to replace certain existing pipeline facilities and to provide additional pipeline capacity in order to meet the anticipated requirements of its customers in the Tyler, Tex., area, Smith and Gregg Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the following:

(1) Construct approximately 0.9 mile of 12-inch loop on Applicant's existing 6-inch pipeline extending from the delivery line to Texas Eastern Transmission Corp. to Longview Compressor Station yard, in Gregg County, Tex.;

(2) Construct 0.13 mile of 12-inch pipeline and 0.04 mile of 8-inch pipeline, and remove 0.11 mile of 10-inch yard piping at Longview Compressor Station, Gregg County, Tex.;

(3) Construct 21.93 miles of 12-inch pipeline and remove or abandon 21.27 miles of 8-inch pipeline, beginning at approximately Milepost 40.5 on the existing 8-inch Waskom-Tyler line in Gregg County, Tex., and extending in a westerly direction to end at Milepost 61.7 in Smith County, Tex.; and

(4) Construct 2.15 miles of 10-inch pipeline, orifice meter station and appurtenant equipment, leaving in place the existing 2.05 miles of 8-inch line to serve rural sales and farm tap deliveries only, beginning at Tyler Junction at approximately Milepost 69.5 on the existing 8-inch Waskom-Tyler line and extending to Milepost 71.6 at the Tyler City Gate No. 1, all in Smith County, Tex.

Applicant states that it is necessary to replace the existing 8-inch pipeline on its Waskom-Tyler line with a 12-inch line because the existing 8-inch line has undergone, since its installation in 1925, subsequent erosion and washing, thereby reducing the amount of cover on portions of the line such that it does not fulfill its standard requirements.

Applicant estimates that the total cost of the proposed facilities will be approximately \$1,419,800.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 6, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9071; Filed, Aug. 19, 1966;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2728]

BASIC METALS, INC.

Notice and Order for Hearing

AUGUST 15, 1966.

I. Basic Metals, Inc. (issuer), a Colorado corporation, with offices at 305 Burns Building, Colorado Springs, Colo., filed with the Commission on April 19, 1966, a notification on Form 1-A and an offering circular relating to a public offering of 3,000,000 shares of its 10 cents par value common stock at 10 cents per share for an aggregate of \$300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. Lowry Investments, Inc., Room 418, Mining Exchange Building, Colorado Springs, Colo., is listed as the underwriter of the proposed offering.

II. The Commission, on July 5, 1966, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. On August 8, 1966, the issuer submitted a written request for a hearing.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered. Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10 a.m., on September 30, 1966, at the Denver Regional Office, Room 7224 Federal Building, 1961 Stout Street, Denver, Colo., with respect to the matters set forth in the Commission's order dated July 5, 1966, which temporarily suspended the Regulation A exemption of Basic Metals, Inc., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered.* That Samuel Binder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered. That the Secretary of the Commission shall serve a copy of this order by certified mail on Basic Metals, Inc., and that notice of the entry of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before September 28, 1966, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered. That Basic Metals, Inc., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in the Commission's order dated July 5, 1966. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Basic Metals, Inc., does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in the Commission's order dated July 5, 1966.

Notice is hereby given that if Basic Metals, Inc., fails to file an answer pursuant to 17 CFR 201.7 within 15 days after service upon it of this notice and order for hearing, the proceedings may be determined against Basic Metals, Inc., by the Commission upon consideration of this notice and order for hearing and said allegations in the Commission's order dated July 5, 1966, may be deemed to be true.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-9074; Filed, Aug. 19, 1966;
8:46 a.m.]

[File No. 70-4403]

DELMARVA POWER & LIGHT CO.**Notice of Proposed Acquisition of Utility Assets**

AUGUST 15, 1966.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19801, a registered holding company and also a public-utility company, has filed an application with the Commission, designating to the extent applicable, sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("Act"), regarding the acquisition of an undivided interest in certain lands upon which generating facilities are to be constructed. All interested persons are referred to the application, which is summarized below, for a complete statement of the transaction proposed.

Pennsylvania Power & Light Co. ("PP&L"), a public-utility company and an exempt holding company (Holding Company Act Release No. 13203, June 18, 1956), is the owner of certain lands and options on lands located near Johnstown, Pa., on which there is to be constructed a coal-fired, mine-mouth 1,800,000 KW electric generating station. Pursuant to an agreement between PP&L and eight other utility companies which will own the generating station as tenants in common and share in its capacity in proportion to their ownership interest, Delmarva proposes to acquire from PP&L an undivided 3.72 percent interest in the land and options for an estimated cash consideration of \$281,186.

It is stated in the application that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction and that no fees or commissions will be charged in connection with the proposed transaction.

Notice is further given that any interested person may, not later than September 6, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-9075; Filed, Aug. 19, 1966;
8:46 a.m.]

[812-1974]

EXETER SECOND FUND, INC.**Notice of Application for Order of Exemption**

AUGUST 15, 1966.

Notice is hereby given that Exeter Second Fund, Inc. ("applicant"), 3001 Philadelphia Pike, Claymont, Del. 19703, an open end, diversified registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. Section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least \$100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 800,000 shares of common stock, \$1 par value, to be offered to investors in exchange for securities included in a list set forth in the prospectus. Applicant is intended as an investment vehicle for investors who wish to exchange securities they presently hold for shares of the applicant in a simultaneous exchange on a tax-free basis. The minimum deposit to be accepted from any investor is to be securities having a market value of \$25,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities as at the effective date of the planned exchange is at least \$30,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

Notice is further given that any interested person may, not later than September 2, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as

provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-9076; Filed, Aug. 19, 1966;
8:46 a.m.]

[File No. 7-2595]

FAIRCHILD HILLER CORP.**Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing**

AUGUST 15, 1966.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Fairchild Hiller Corp., File 7-2595.

Upon receipt of a request, on or before August 30, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-9077; Filed, Aug. 19, 1966;
8:46 a.m.]

[File Nos. 7-2598, 7-2596]

TELEDYNE, INC., AND UNITED STATES GYPSUM CO. (DELAWARE)**Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing**

AUGUST 15, 1966.

In the matter of applications of the Philadelphia-Baltimore-Washington

Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges: Teledyne, Inc., File 7-2598; United States Gypsum Co. (Delaware), File 7-2596.

Upon receipt of a request, on or before August 30, 1966, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-9078; Filed, Aug. 19, 1966;
8:46 a.m.]

[File No. 7-2597]

TRANS WORLD AIRLINES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 15, 1966.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the Warrants for the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Trans World Airlines, Inc., File 7-2597.

Upon receipt of a request, on or before August 30, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should

state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-9079; Filed, Aug. 19, 1966;
8:46 a.m.]

[812-1071]

SMALL BUSINESS INVESTMENT CO. OF NEW YORK, INC.

Notice of Filing of Application for Order Exempting Proposed Transactions

AUGUST 12, 1966.

Notice is hereby given that Small Business Investment Co. of New York, Inc. ("applicant"), 64 Wall Street, New York, N.Y. 10005, a New York corporation, a registered closed-end investment company, and a licensee under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) and Rule 17d-1 of the Investment Company Act of 1940 ("Act"). Applicant requests an order of the Commission exempting from the provisions of sections 17(a) and 17(d) of the Act, to the extent necessary, a transaction in which it will sell the securities of Northern Packaging Corp. ("Northern"), a New York corporation, to American Bag & Paper Corp. ("American"), a Pennsylvania corporation. All interested persons are referred to the application for a statement of applicant's representations, which are summarized below:

Applicant has purchased shares of Northern in various transactions since October 1963, culminating in its present ownership of all of the outstanding shares of Northern, at an aggregate purchase price of \$129,800. In addition, applicant has invested \$785,000 in Northern in the form of both demand notes and notes payable in 1966-1970. Thus, as of the date of application, July 5, 1966, applicant's total investment in Northern amounted to \$914,800.

Northern is engaged in the business of converting materials such as paper and foil into flexible packaging by the application of molten plastic. Applicant prefers to direct elsewhere its monies available for investment (i) because Northern has never operated profitably, suffering consistent losses since the time of applicant's original investment, and (ii) because Northern's products are

primarily valuable to companies able to use them in connection with the manufacture of their own finished products. Applicant states that of the two offers which it received concerning its proposed sale of Northern, the acceptable offer, for approximately \$600,000, was received from American, of whom Northern is one of the prime suppliers of laminations and coatings used in American's manufacture of bags and papers.

The sale and purchase agreement, dated April 1, 1966, and entered into by applicant and American, provides that (1) applicant will contribute \$283,454 face amount of the \$785,000 Northern notes to Northern's capital; (2) applicant will thereafter sell to American all of the stock of Northern owned by applicant for \$100,000; and (3) American will make it possible for Northern to prepay to applicant the remaining debt owed to applicant (\$501,546). As of the time that the sale is consummated, applicant will have no further interest in Northern.

Applicant represents that neither American nor any of its officers or directors are or have been affiliated in any way with applicant, and neither applicant nor any of its officers or directors are or have been affiliated with American, with one exception. On April 1, 1966, American entered into an employment agreement with Stanley A. Schottland, formerly a Vice President of applicant and presently one of 15 directors of applicant and a member of its Executive Committee. The agreement provides that Mr. Schottland will receive from American a salary equal to that which he received as Vice President of applicant and, in addition, he will, pursuant to this agreement, purchase from American for \$10,000 10 percent of the stock of Northern. If he is still employed by American he may, at any time between April 1, 1971, and March 31, 1973, purchase from American an additional 9 percent of Northern's stock at the then current book value of such stock. Mr. Schottland will serve as Vice President of American and as a member of the Executive Committee of American, and as President of Northern. At the outset of negotiations, applicant was advised by American that because of Mr. Schottland's unique knowledge of the operations of Northern, American's proposed purchase of Northern from applicant was dependent upon Mr. Schottland's availability. The employment agreement between American and Mr. Schottland provides that it shall become void should American's acquisition of Northern not be consummated.

Stanley A. Schottland, as a director of applicant, is an affiliated person of applicant within the meaning of section 2(a)(3) of the Act. Section 17(a), as here pertinent, makes it unlawful for an affiliated person of a registered investment company to purchase from such company any security, unless exempted by the Commission pursuant to section 17(b) of the Act. Mr. Schottland's purchase of shares of the capital stock of Northern may be deemed to be a purchase of securities from applicant within the meaning of section 17(a)(2). Sec-

tion 17(b) states that the Commission shall grant an exemption from the prohibitions of section 17(a), if it finds that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any persons concerned, that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in the registration statement and reports filed under the Act, and with the general purposes of the Act.

Applicant represents that the terms of the proposed transaction, including the consideration to be received by applicant for its sale of Northern, are reasonable and fair and do not involve overreaching on the part of any party concerned therewith. Applicant states that the terms of the proposed sale by applicant of Northern and the terms of the employment of Mr. Schottland by American were separately negotiated by the respective parties involved. In addition, applicant points out that Mr. Schottland owns only 100 shares of applicant's 790,000 outstanding shares of common stock and that he did not participate in the approval of the transaction by applicant's Board of Directors. Applicant further represents that the proposed sale is consistent with the policies of applicant as recited in its registration statement and its reports filed under the Act. In further support of its application, applicant asserts that the proposed transaction is consistent with the purposes of the Act in that it is in the best interests of applicant and its shareholders.

Applicant and Mr. Schottland, an affiliate of applicant, are entering into transactions with American which may be deemed to constitute transactions in which applicant and an affiliated person are joint or joint and several participants within the meaning of section 17(d) and Rule 17d-1 thereunder. Section 17(d) and Rule 17d-1 prohibit any affiliated person of a registered investment company acting as principal to effect any transaction in which such registered company is a joint or a joint and several participants with such affiliated person, unless the Commission, upon application under Rule 17d-1, grants an exemption from such prohibition. Rule 17d-1 states that the Commission shall issue an order of exemption if, in passing upon such application, evidence establishes that the participation of such registered company in such joint enterprise on the basis proposed is consistent with the provisions, policies and purposes of the Act and that the participation is on a basis not different from or less advantageous than that of other participants. Applicant asserts that Mr. Schottland's participation in the transaction with American is no more advantageous than the participation of applicant, due to separate negotiations resulting in applicant receiving from American the fair market value for its investment in Northern and Mr. Schottland receiving from American the fair

value for his services as a Vice President and member of the Executive Committee of American and as the President of Northern.

Notice is further given that any interested person may, not later than August 29, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-9080; Filed, Aug. 19, 1966;
8:46 a.m.]

[File No. 1-3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

AUGUST 16, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, \$10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 17, 1966, through August 26, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.
By: Nellye A. Thorsen,
Assistant Secretary.

[F.R. Doc. 66-9103; Filed, Aug. 19, 1966;
8:48 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

AUGUST 16, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5 $\frac{7}{8}$ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period August 17, 1966, through August 26, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.
By: Nellye A. Thorsen,
Assistant Secretary.

[F.R. Doc. 66-9104; Filed, Aug. 19, 1966;
8:48 a.m.]

[811-1277]

REGISTERED EXCHANGE FUND, INC.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

AUGUST 16, 1966.

Notice is hereby given that Registered Exchange Fund, Inc. ("applicant"), 122 East 42d Street, New York, N.Y. 10017, a Delaware corporation, has filed an application for an order of the Commission, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), declaring that applicant has ceased to be an investment company. Pursuant to a registration statement filed under the Securities Act of 1933 which became effective on December 9, 1965, applicant offered shares of its common stock to the public, but having failed to obtain the minimum amount of capital it had undertaken to raise, applicant withdrew its Securities Act registration statement, effective July 21, 1966. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant registered as a management closed-end, nondiversified investment company on January 29, 1965. According to the application, applicant is not

in operation and does not intend to engage in the business of being an investment company, nor does applicant intend or propose to make another public offering of its securities. At the time of its organization, applicant issued twenty (20) shares of its common stock at a price of five dollars (\$5.00) per share; all of said shares have been redeemed by applicant and the purchase price has been returned. Applicant has no shares outstanding and no stockholders. It has incurred liabilities of less than \$10,000 which liabilities will be borne and paid by Robert L. Ferman & Co., Inc., the dealer-manager of applicant.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 6, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,
Secretary.

[F.R. Doc. 66-9105; Filed, Aug. 19, 1966;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 237]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 17, 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 application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of 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 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 87720 (Sub-No. 53 TA), filed August 15, 1966. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Post Office Box 391, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground limestone*, in bulk, from Florence and Chester, Vt., to Burlington, N.J., (2) *Resin*, in bulk, from Flemington, N.J., to Watkinsville, Ga., (3) *Ground clay*, in bulk, from Gordon and Sandersville, Ga., to Burlington, N.J. Restriction: The proposed authority is to be restricted to a service for Tenneco Manufacturing Co., for 180 days. Supporting shipper: Tenneco Manufacturing Co., Post Office Box 38, East Brunswick, N.J. 08816. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 126243 (Sub-No. 3 TA), filed August 15, 1966. Applicant: VERNON ROBERTS, doing business as ROBERTS TRUCKING CO., Route 1, Poteau, Okla. Applicant's representative: David D. Brunson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). Serving the off-route of Lock Dam No. 14 located near Fort Coffee, Okla., in connection with applicant's present regular route operations. Proposed point of departure to the off-route point is approximately 5 miles east of Spiro, Okla., for 180 days. Supporting shipper: Thurman-Pierce Buick Co., Poteau, Okla., R. A. Young & Sons, Fort Smith, Ark. Send protests to: District Supervisor, D. R. Partney, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark. 72201.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-9100; Filed, Aug. 19, 1966;
8:48 a.m.]

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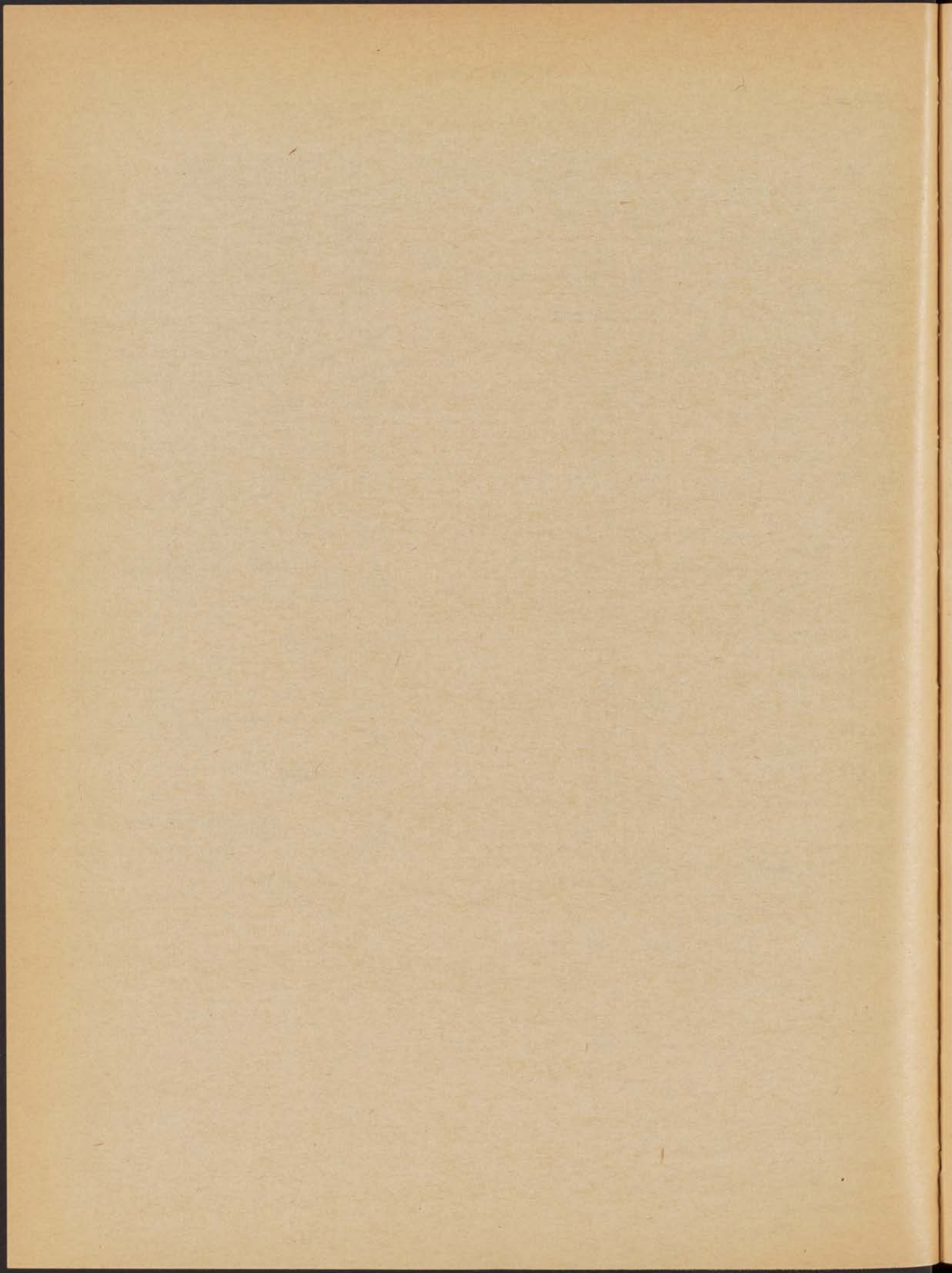
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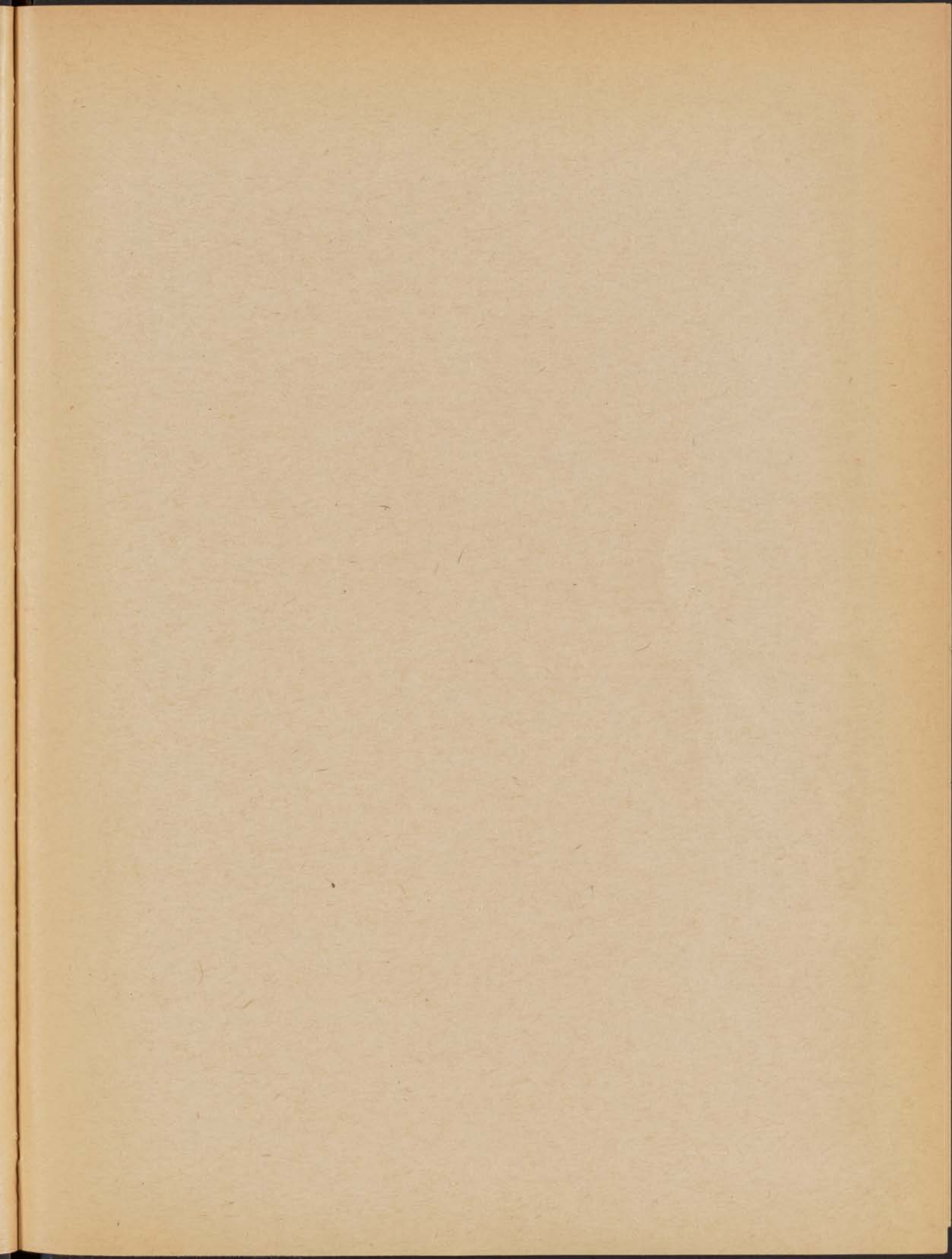
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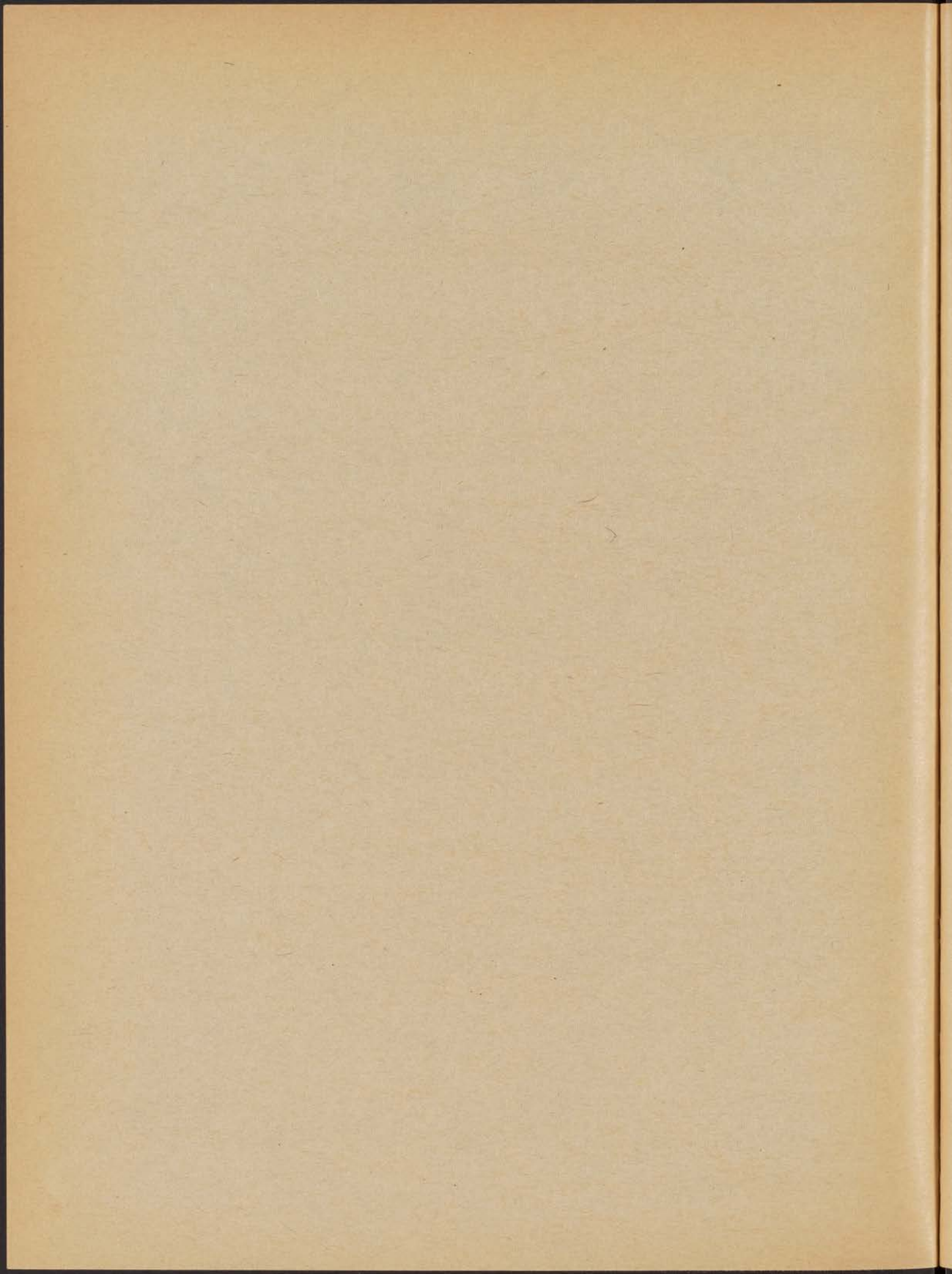
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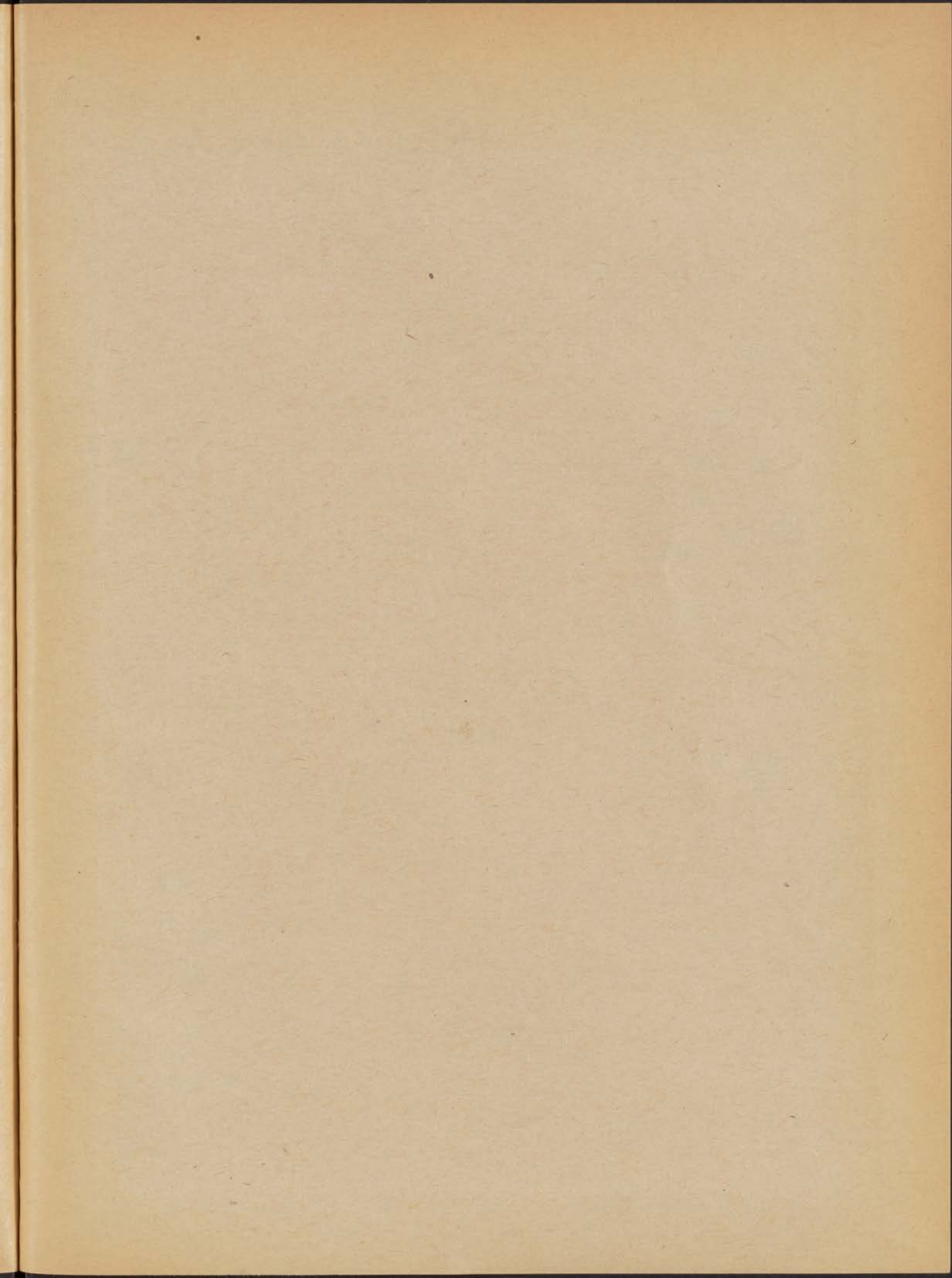
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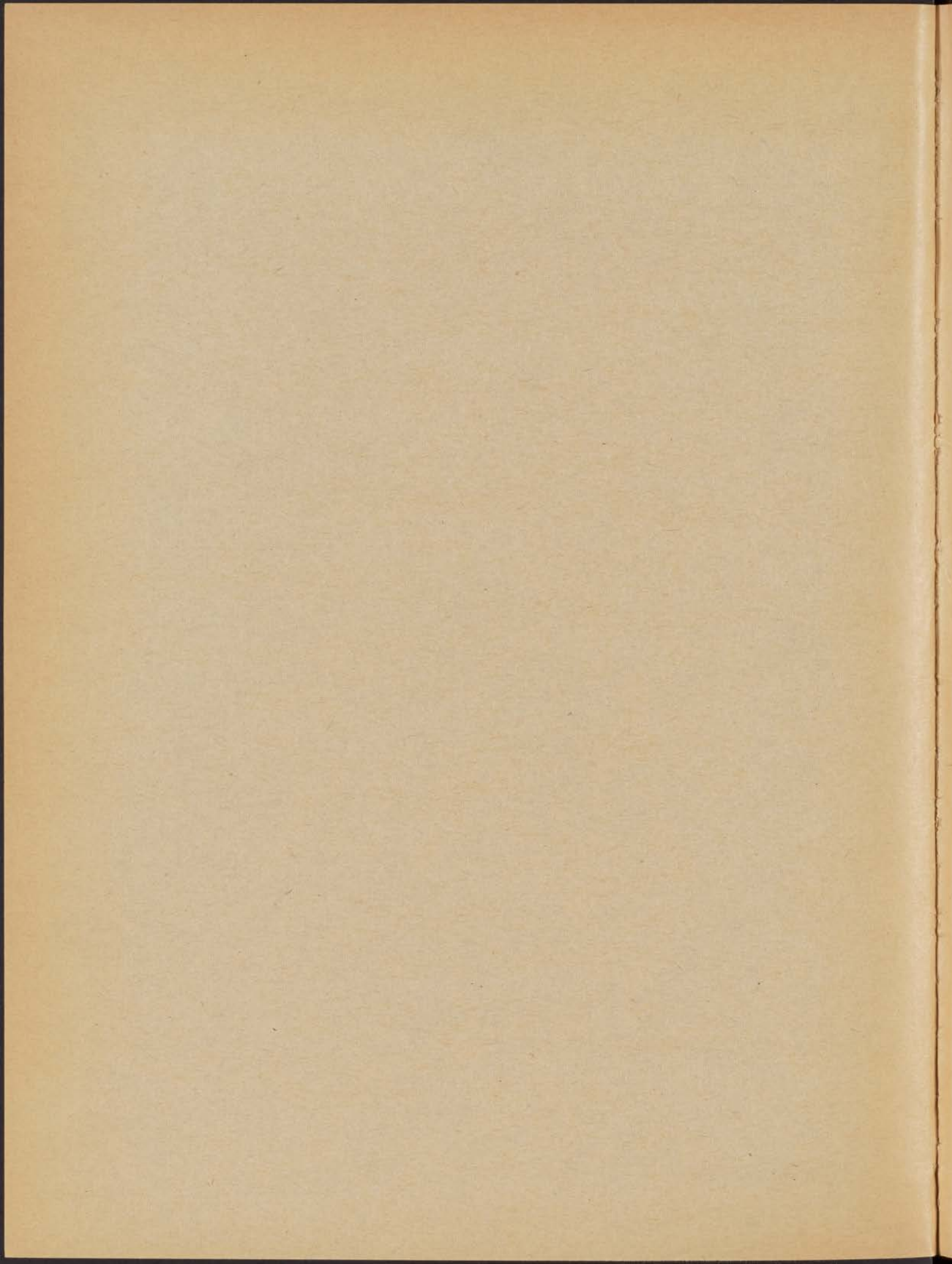
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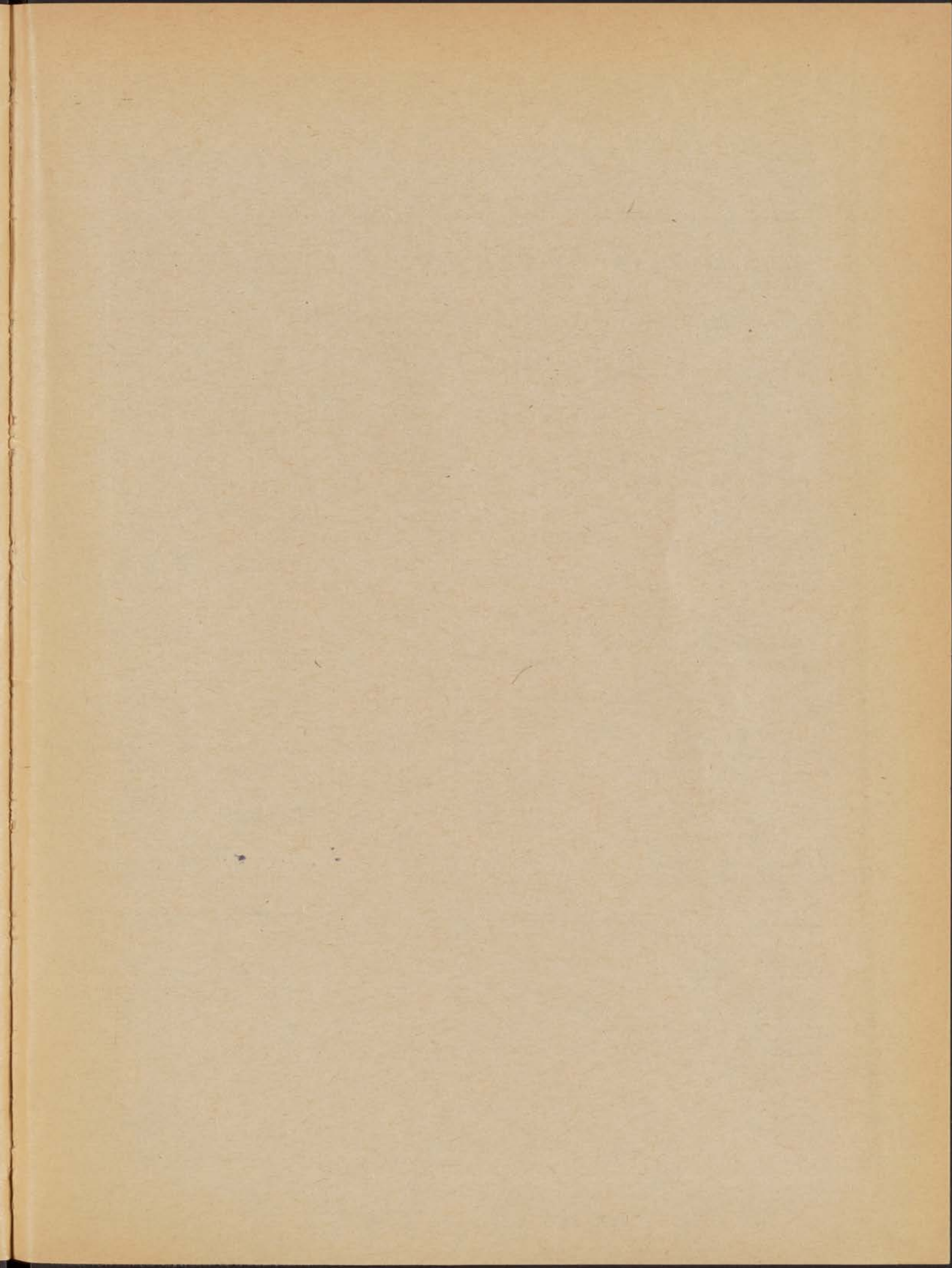












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