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Agencies in this issue—

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1934

How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Title 3—THE PRESIDENT

Executive Order 11322

RELATING TO TRADE AND OTHER TRANSACTIONS INVOLVING SOUTHERN RHODESIA

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 5 of the United Nations Participation Act of 1945 (59 Stat. 620), as amended (22 U.S.C. 287c), and section 301 of Title 3 of the United States Code, and as President of the United States, and considering the measures which the Security Council of the United Nations, by Security Council Resolution No. 232 adopted December 16, 1966, has decided upon pursuant to article 41 of the Charter of the United Nations, and which it has called upon all members of the United Nations, including the United States, to apply, it is hereby ordered:

SECTION 1. The following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order:

(a) The importation into the United States of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products, and hides, skins and leather originating in Southern Rhodesia and exported therefrom after December 16, 1966, or products made therefrom in Southern Rhodesia or elsewhere.

(b) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the export from Southern Rhodesia after December 16, 1966, of any of the commodities specified in subsection (a) of this section originating in Southern Rhodesia, and any dealings by any such person in any such commodities or in products made therefrom in Southern Rhodesia or elsewhere, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings: *Provided*, however, that the prohibition against the dealing in commodities exported from Southern Rhodesia or products made therefrom shall not apply to any such commodities or products which, prior to the date of this Order, had been imported into the United States.

(c) Shipment in vessels or aircraft of United States registration of any of the commodities specified in subsection (a) of this section originating in Southern Rhodesia and exported therefrom after December 16, 1966, or products made therefrom in Southern Rhodesia or elsewhere.

(d) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia.

(e) Any activities by any person subject to the jurisdiction of the United States, which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles, and of equipment and materials for the manufacture, assembly, or maintenance of aircraft or motor vehicles in Southern Rhodesia; the shipment in vessels or aircraft of United States registration of any such goods destined for Southern Rhodesia; and any activities by any persons subject to the jurisdiction of the United States, which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia.

(f) Any participation in the supply of oil or oil products to Southern Rhodesia (i) by any person subject to the jurisdiction of the United States, or (ii) by vessels or aircraft of United States registration, or (iii) by the use of any land or air transport facility located in the United States.

SEC. 2. The functions and responsibilities for the enforcement of the foregoing prohibitions are delegated as follows:

(a) To the Secretary of State, the function and responsibility of enforcement relating to the importation into, or exportation from the United States of articles, including technical data, the control of the importation or exportation of which is provided for in section 414 of the Mutual Security Act of 1954 (68 Stat. 848), as amended (22 U.S.C. 1934), and has been delegated to the Secretary of State by section 101 of Executive Order No. 10973 of September 3, 1961.

(b) To the Secretary of Commerce, the function and responsibility of enforcement relating to—

(i) the exportation from the United States of articles other than the articles, including technical data, referred to in subsection (a) of this section; and

(ii) the transportation in vessels or aircraft of United States registration of any commodities the transportation of which is prohibited by section 1 of this Order.

(c) To the Secretary of the Treasury, the function and responsibility of enforcement to the extent not delegated under subsections (a) or (b) of this section.

SEC. 3. The Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce shall exercise any authority which such officer may have apart from the United Nations Participation Act of 1945 or this Order so as to give full effect to this Order and Security Council Resolution No. 232.

SEC. 4. (a) In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury and the Secretary of Commerce shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

(b) Each such Secretary shall issue such regulations, licenses, or other authorizations as he considers necessary to carry out the purposes of this Order and Security Council Resolution No. 232.

SEC. 5. (a) The term "United States", as used in this Order in a geographical sense, means all territory subject to the jurisdiction of the United States.

(b) The term "person" means an individual, partnership, association, or other unincorporated body of individuals, or corporation.

Lyndon B. Johnson

THE WHITE HOUSE,
January 5, 1967.

[F.R. Doc. 67-241; Filed, Jan. 5, 1967; 1:23 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Tangelo Reg. 31]

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

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 31 F.R. 15059), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 29, 1966, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.491 Tangelo Regulation 31.

(a) Order: (1) Tangelo Regulation 30 (31 F.R. 12835, 16183) is hereby terminated at 12:01 a.m., e.s.t., January 9, 1967.

(2) During the period beginning at 12:01 a.m., e.s.t., January 9, 1967, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

(3) During any week of the aforesaid period, any handler may ship a quantity of tangelos which are smaller than the size prescribed in subdivision (ii) of subparagraph (2) of this paragraph if (i) the number of standard packed boxes of such smaller tangelos does not exceed 35 percent of the total standard packed boxes of all sizes of tangelos shipped by such handler during the same week; and (ii) such smaller tangelos are of a size not smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

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

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

Dated: January 5, 1967.

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

[F.R. Doc. 67-238; Filed, Jan. 6, 1967; 8:49 a.m.]

[Navel Orange Reg. 120]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.420 Navel Orange Regulation 120.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel 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 Navel 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 Navel 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. 553 (1966)) 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 Navel oranges and the need for regulations; 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 com-

mittee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 5, 1967.

(b) *Order.* (1) The respective quantities of Navel 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., January 8, 1967, and ending at 12:01 a.m., P.s.t., January 15, 1967, are hereby fixed as follows:

(i) District 1: 700,000 cartons;

(ii) District 2: 175,000 cartons;

(iii) District 3: 40,000 cartons;

(iv) District 4: 15,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," 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: January 6, 1967.

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

[F.R. Doc. 67-288; Filed, Jan. 6, 1967; 11:28 a.m.]

[Lemon Reg. 249]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.549 Lemon Regulation 249.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 4, 1967.

(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., January 8, 1967, and ending at 12:01 a.m., P.s.t., January 15, 1967, are hereby fixed as follows:

(i) District 1: 27,900 cartons;

(ii) District 2: 88,350 cartons;

(iii) District 3: 111,600 cartons.

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

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

Dated: January 5, 1967.

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

[F.R. Doc. 67-263; Filed, Jan. 6, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 10]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

DECREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, as amended by 29 F.R. 4991, 8396, 15281, and 18212, 30 F.R. 14310 and 15582, 31 F.R. 474, 10179, and 13641, containing the terms and conditions for participation of commercial banks in pools of CCC price support loans on certain commodities, are hereby further amended to change from 5.7 to 5.5 percent per annum, effective January 22, 1967, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1421.3825(a) is amended to read as follows:

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, 5.7 percent per annum from October 22, 1966, through and including January 21, 1967, and 5.5 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on January 4, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-174; Filed, Jan. 6, 1967; 8:46 a.m.]

[Amdt. 6]

PART 1427—COTTON

Subpart—Participation of Financial Institutions in Cotton Loan Pools

DECREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 30 F.R. 7814, as amended by 30 F.R. 14310 and 15582, 31 F.R. 474, 10179, and 13641, containing the terms and conditions for participation of financial institutions in pools of CCC price support loans on cotton are hereby further amended to change from 5.7 to 5.5 percent per annum, effective January 22, 1967, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1421.2239(a) is amended to read as follows:

§ 1427.2239 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, 5.7 percent per annum from October 22, 1966, through and including January 21, 1967, and 5.5 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on January 4, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-175; Filed, Jan. 6, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7269; Amdt. No. 37-11]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Automatic Pressure Altitude Digitizer Equipment, TSO-C88

The purpose of this amendment is to establish the minimum performance standards that 100-foot increment digitizing equipment must meet in order for a manufacturer to identify it with the applicable Technical Standard Order (TSO) designation. This action was published as a notice of proposed rule making (31 F.R. 5454, Apr. 6, 1966), and circulated as Notice No. 66-11.

Digitizer equipment comprises only one element of the complete system required for automatic altitude reporting. By separate rule-making action, the Agency is also revising the present minimum performance standard (TSO-C74a) for ATC transponder equipment by providing for an automatic altitude reply capability.

As stated in Notice 66-11, the Datex Corp., Monrovia, Calif., owns U.S. Patent No. 3,165,731 issued January 12, 1965, in the name of Carl P. Spaulding, and claims it covers digitizer equipment employing the parallel digital code set forth in the International (ICAO) Code for SSR Pressure Altitude Transmission (ICAO International Standards and Recommended Practices; Aeronautical Telecommunications, Annex 10, Volume I, Part I, Equipment and Systems).

The FAA takes no position on whether the patent (1) is valid, or (2) covers the ICAO Code so that use of the code might infringe the patent. However, in order to assure that the equipment covered by the TSO will be readily available at reasonable cost, the FAA has obtained an agreement for the granting of nonexclusive licenses on reasonable terms for the manufacture, use, or sale of the equipment claimed to be covered by the patent.

Numerous comments have been received in response to Notice 66-11. The more pertinent of these comments, together with the changes in the proposal resulting therefrom, are discussed in detail hereinafter.

Comments have been received concerning the applicability provision of the TSO, suggesting that the TSO should be applicable only to air carriers and that while minimum standards are needed to prevent system degradation, they should be issued in some form other than a TSO. In response to this comment, the Agency considers it appropriate to point out once again that the performance standards set forth in this TSO are mandatory only for equipment manufacturers who wish to obtain TSO authorization covering digitizer equipment. As the preamble to Notice 66-11 stated, this TSO is not directed to persons who install or use digitizer equipment in aircraft. Therefore, reference to "air carriers" in the applicability provision of the TSO would be both meaningless and confusing.

At the present time, TSO approval of a digitizer is not necessary in order to obtain approval for the installation of the digitizer and such installation may be made (notwithstanding the adoption of this TSO) without necessarily meeting the TSO performance standards. However, as the Agency indicated in Advance Notice 65-9 (Airborne Radio Navigation and Communication Equipment for General Aviation Aircraft, and related Considerations) all digitizer equipment must be capable of meeting a minimum level of performance (although not necessarily those in this TSO) if airborne equipment interference is to be avoided and safe passage of aircraft in the National Airspace System is to be realized. In that notice the Agency proposed, among other things, the development of "essential system characteristics" and "minimum performance standards" for equipment providing an automatic altitude reporting capability. Essential system characteristics, as outlined in that notice, are those the equipment must have if its operation is not to impair the use of the airspace environment by others, nor create a hazard. Minimum performance standards are those the equipment must meet to insure acceptable accuracy for IFR operations in controlled airspace. These characteristics and standards are still under development by the Agency and the matters raised by the subject comments will be considered in developing the necessary standards and characteristics. When completed, they will be the subject of a separate notice of proposed rule-making action. The present TSO action is in no way indicative of the course of action that the Agency may take in future rule making under Notice 65-9.

A comment was also made that paragraph 3.6(b) of the proposed Federal Aviation Standard should be amended to make it clear that separate warning of power failure of the digitizer alone, when it is part of a larger system, is not required. The Agency agrees with this comment and paragraph 3.6(b) now requires that the equipment must provide for operation of a warning device in the event of a loss of system power. Another comment objected to monitoring power in equipment where the digitizer is supplied power from the transponder, pointing out that such power failure is the least likely to occur of all kinds of possible failures and when it does, it becomes immediately known to the ground controller by the absence of altitude reply. However, it appears that the commentator overlooked the parenthetical statement in paragraph 3.6 which would exclude equipment in which the transponder furnishes excitation power to the digitizer code wheel to form the electrical code output for return to the transponder. The standard applies to the input electrical power, if used, which moves the encoder shaft in direct relation to pressure altitude. To prevent any possible confusion in this regard, the Agency has amended the first sentence to make it clear that the electrical power referred to is the electrical power used to drive the digitizer.

In a comment concerning the performance of the digitizer equipment it was suggested that to avoid misconstruction, the parenthetical statement "based on 29.9213 inches of mercury absolute" set forth in paragraph 3.7.3 should be changed to read "when corrected for the difference between the altimeter barometric setting and 29.9213 inches of mercury absolute." The Agency agrees with this suggestion since it is possible to interpret the proposed standard as requiring the display to have a fixed datum reference of 29.9213 inches of mercury. The Standard has been changed accordingly. In this connection, another comment stated that paragraph 3.7.3 is restrictive and does not recognize individual equipment tolerances in the total system tolerance. Two examples are presented to illustrate this point. The first example compares a pilot's altimeter display from an air data computer with the digitizer output and concludes that ±25-feet tolerance cannot be met and must be greater than the ±50 feet specified in paragraph 3.7.2. The second example again compares a pilot's altimeter with the digitized output concluding that ±125-feet correspondence cannot be achieved in view of the large errors possible in the pilot's altimeter itself which is not considered. Neither of these examples, however, illustrate the requirements of this Standard since it is concerned only with the reproduction and display of the pressure altitude as actually fed to the digitizer and involves a relatively simple device which can easily do this within ±25 feet. The ±125-feet correspondence tolerance involves adding to ±25 feet the total tolerance of the digitizing process which is easily performed within ±100 feet. Aneroid and other instrument errors as assumed in the comment are not involved in this process.

Various comments were made concerning the provisions of paragraph 3.9—*Radio Interference*. The Agency in general concurs with these comments and agrees that the proposed Standard places an unrealistic burden on the digitizer manufacturer to effectively control all likely combinations of system installation factors including associated quipment interface relations. It is recognized that the airplane system modifier must make the complete automatic altitude reporting system work properly and it can be expected that should an RF interference problem be encountered, he is in the best position to incorporate effec-

tive suppression features. This coupled with RF interference testing required of the transponder, which normally incorporates suppression filtering of the digitizer brush contact noise, should adequately provide for handling digitzer produced RF interference energy should this occur. Therefore, the proposed requirement covering radio interference has been eliminated from the Standard.

A comment recommended that the test condition should specify the use of geometric altitude tables of the U.S. standard atmosphere since both geometric and geopotential tables are provided. However, the Agency considers that it would be incorrect to use the geometric altitude (Z) tables as suggested because pressure sensitive altimeters which furnish altitude data to the digitizer indicate geopotential altitude (H) and not a physical height (as with a tape measure). The difference, though small at low altitudes, is 120 feet at 50,000 feet (H). To clarify the matter, the Standard has been amended to specify "geopotential altitude tables."

With respect to section 5—*Required tests*, of the proposed Standard, it was suggested that the table be changed to allow testing at the transition point, either "leading" or "lagging," e.g., the 0 digital output could be checked at +50 ±50 feet or at −50±50 feet. The Agency agrees that acceptable results could be obtained by testing for transition from either direction, e.g., by slowly increasing the pressure input (leading) or by slowly decreasing the input (lagging). The table has therefore been changed to permit manufacturers the choice of test direction as suggested. It was further suggested that the Standard should be revised to apply to digital type air data computers which provide a digitized output by computation and conversion of the computation. It was also pointed out that there seems to be no reason to specify in paragraph 5.1.1 an altimeter tolerance of ±50 feet; it is more desirable to specify a ±50-foot tolerance between the output to the altimeter and the digitizer output. In response to this comment, it should be made clear that the Standard is not directed to one kind of digitizer and it is not intended to exclude any equipment which falls within the definition set forth in paragraph 1.2. Moreover, paragraph 5.1.1 supplements the Standard Test Procedures when applied to those packaged combination devices where it is impractical to perform transition point accuracy check tests except by directly applying air pressure. The Standard permits allowance for the instrument errors involved. For combination devices like air data computers, the same considerations may apply. In such cases, errors of pressure measurement, computation, and presentation of altitude equivalent input to the digitizing device are equally involved. The suggested ±50-foot tolerance (between the output to the altimeter and the digitizer output) for combination devices such as air data computers is apparently based on the assumption that under paragraph 5.1.1 of the Standard, the input pressure must be used as the altitude-equivalent input in showing compliance with the test in paragraph 5.1. This is not so, and to avoid this kind of misunderstanding, paragraph 5.1.1 has been revised to state that for combination devices, if pressure is used as the altitude-equivalent input in showing compliance with the Standard, the tolerance specified may be increased by the applicable altimeter tolerance.

A comment was received concerning the need to provide sufficient coverage in the TSO for multiple transponder usage and suggested three specific factors as important to fully insure compatibility. This would require the addition of specific design requirements concerning these factors. As proposed, the Standard specifies that when compatibility and matching of characteristics with other airborne equipment is necessary, the digitizer must be so identified and limitations and installation proceedings established to accomplish this. Since the addition of detailed design standards for this purpose would unduly restrict designers and hamper design development, the Agency does not consider that a change in Standard as suggested is appropriate.

A suggestion was also made that the altimeter system that controls the automatic pressure altitude digitizer equipment should have the accuracy of the current state-of-the-art. Thus, as expressly stated in the proposal, where the digitizer forms part of an aircraft system such as an altimeter, the Standard applies only to the digitizing equipment. The altimeter is covered by other airworthiness requirements and any increase in the minimums applicable to such altimeters would require action to those requirements and not this TSO.

A comment was made that the Federal Aviation Agency should do something to upgrade altimetry systems which feed altitude information to the digitizer-transponder to preclude the use of an unacceptable altimetry system causing such differences in the flight plan and ground display as to negate the prime purpose of the system. While the question of upgrading of altimetry systems is beyond the scope of Notice 66-11, which deals only with devices that transform available altitude data into signals for transmission to ground stations, it should be pointed out that rules have been adopted aimed at improving altimetry (Amdts. 23-1, 25-5, 43-2, 91-20). Moreover, as the preamble to those regulations indicate, future rule making designed to improve altimetry is under consideration. It was further suggested that the Federal Aviation Agency should require a pilot readout display for the system, not merely indicate that one might be included. The matter of a required pilot display of the altitude information being reported to the ground is an installation problem and is outside the scope of this notice. However, it will be considered in connection with future and separate rule making concerning transponder-digitizer system installations.

A suggestion was made that the performance requirements of paragraph 3.7.2 should be changed to make it clear that by the words "same device" the Agency includes properly identified matched components. The Agency sees merit in this suggestion and the paragraph.

In response to comments, the Agency has made several minor changes to paragraph 3.7.3 of the proposal. In this connection, the word "cockpit" has been removed because parts of the system could be located outside the cockpit. Since the terms "pressure analogue information" and "altitude" mean the same thing and since the term "altitude" is more commonly used and more likely to be understood, the Agency considers it appropriate to use "altitude" in place of "pressure analogue information." The words "to the pilot" as used in the third sentence of that paragraph are inconsistent with the reference to a "display in the cockpit" as used in the first sentence. Therefore, the phrase "to the pilot" has been deleted.

Since a prototype article is not necessarily similar to the production article, the requirements of paragraph 5.1 have been revised to make it clear that the article to be tested must be a prototype of the production article.

Other changes of an editorial or clarifying nature have been made to the TSO as proposed. They are not substantive and do not impose any additional burden on regulated persons.

Interested persons have been afforded the opportunity to participate in the making of this amendment. All relevant material submitted has been fully considered.

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

In consideration of the foregoing, Part 37 of the Federal Aviation Regulations is amended by adding a new § 37.197 to read as set forth hereinafter, effective February 10, 1967.

Issued in Washington, D.C., on December 30, 1966.

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

§ 37.197 Automatic pressure altitude digitizer equipment; TSO–C88.

(a) *Applicability.* This technical standard order prescribes the minimum performance standards which automatic pressure altitude digitizer equipment must meet in order to be identified with the applicable TSO marking. New models of the equipment that are to be so identified and that are manufactured on or after February 10, 1967, must meet the "Federal Aviation Agency Standard for Automatic Pressure Altitude Digitizer Equipment," set forth at the end of this section.

(b) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish the Chief, Engineering and Manfacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Seven copies of the manufacturer's operating instructions, equipment limitations (including environmental conditions, and where compatibility with other airborne equipment is required, identification of all characteristics to assure proper matching) and installation procedures; and

(2) One copy of the manufacturer's test report.

(c) *Previously approved equipment.* Automatic pressure altitude digitizer models approved prior to February 10, 1967, may continue to be manufactured under the provisions of their original approval.

FEDERAL AVIATION AGENCY STANDARD

AUTOMATIC PRESSURE ALTITUDE DIGITIZER EQUIPMENT

1. *Purpose.* 1.1 This document specifies minimum performance standards and test procedures for 100-foot increment automatic altitude digitizing equipment which is to be approved under this Standard.

1.2 The digitizer equipment is defined as the combination of components needed for conversion of an input related to pressure altitude into the parallel digital code set forth in the International (ICAO) Standard Code for SSR Pressure Altitude Transmission.

2. *General requirements.* 2.1 To be eligible for approval under a TSO authorization, each automatic altitude reporting digitizer equipment manufactured must comply with the requirements of this Standard up to its maximum range as indicated on the equipment nameplate.

2.2 The digitized altitude output must be in accordance with the International (ICAO) Standard Code for SSR Pressure Altitude Transmission contained in ICAO International Standards and Recommended Practices; Aeronautical Telecommunications, Annex 10, Volume I, Part I, Equipment and Systems. This ICAO code is the same as specified in the U.S. National Standard for Common System Component Characteristics for the IFF Mark X (SIF)/Air Traffic Control Radar Beacon System SIF/ATCRBS as amended December 27, 1963.

2.3 In those cases where the digitizing equipment forms part of an aircraft system such as an altimeter, an air data computer, or an ATC transponder, this Standard applies only to the digitizing equipment element as defined in paragraph 1.2. The other elements are covered by separate airworthiness requirements, technical standard orders, and operating rules.

3. *Detail requirements*—3.1 *Marking.* In addition to the information required to be marked by § 37.7(d), the information must include the maximum operating altitude.

3.2 *Accessibility of controls.* Controls which are not normally adjusted in flight must not be readily accessible to flight personnel.

3.3 *Compatibility of components.* The automatic altitude digitizer equipment may be qualified either separately or in association with a pressure altitude device and/or an ATC transponder. If the digitizer equipment is qualified separately, but requires matching, it must be identified in a manner that will assure proper matching.

3.4 *Operating range.* The operating range for all digitizers must begin at or below −1,000 feet. The upper limit must be as indicated on equipment nameplate.

3.5 *Pressure datum.* The digitized altitude information transmitted to the transponder must be referenced to 29.9213 inches of mercury, absolute (1013.25 millibars). If the digitizer equipment is part of an altimeter system, the altimeter barometric setting system must not affect this pressure datum.

3.6 *Power loss.* If electrical power is used to drive the digitizer, means must be incorporated in the equipment to detect loss of power or the effect thereof (not including excitation power from the ATC transponder). Under this failure condition the equipment must—

(a) Deactivate the digitizer output in a manner which removes the altitude information pulses; and

(b) Provide for operation of a warning device in the event of loss of digitizer drive power.

3.7 *Performance.* 3.7.1 The digitizer equipment must be capable of functioning and not be adversely affected over the ranges of conditions expected in the environment in which the equipment is to be used.

3.7.2 The digitizer must reproduce its input (related to pressure altitude) in digital form with a tolerance of ±50 feet measured at the transition points. When the pressure altitude information and the digitizer are incorporated in the same device (including properly identified matched components in accordance with § 3.3), the total tolerance of the combination must not exceed the applicable altimeter tolerance plus a maximum digitizing error increment of 50 feet at the transition points.

3.7.3 If the pressure altitude input which drives the digitizer also actuates a display in the cockpit, the system, including the display indicator, must meet the accuracy requirements applicable to the pilot's altimeter. The information fed to the digitizer and the displayed altitude shall agree within ±25 feet. The altitude displayed (when corrected for the difference between the altimeter barometric setting and 29.9213 inches of mercury, absolute) must correspond with the digitized information given to the transponder within ±125 feet on a 95 percent probability basis.

3.8 *Power variation.* The device must properly function with plus or minus 15 percent variation in d.c. voltage and/or plus or minus 10 percent variation in a.c. voltage and plus or minus 5 percent variation in frequency.

4. *Test conditions.* 4.1 Unless otherwise specified herein, all tests must be conducted under the conditions specified in paragraph 3.7.1. Standard pressures used in testing must conform with the U.S. Standard Atmosphere, 1962. (Geopotential altitude tables.)

5. *Required tests.* 5.1 A prototype of a production article of digitizer equipment must be tested to show compliance with the performance requirements in paragraph 3.7 and the additional requirements in paragraph 3.8. After these tests have been completed, the prototype must be subjected to the following test: The digitizer altitude-equivalent input must slowly be changed in altitude, either increasing or decreasing in value, until a transition to the values shown in Column (A) occurs in the digital output. The altitude input reading at transition must be as shown in Column (B), if increasing values of altitude input are used; or in Column (C), if decreasing altitude inputs are used. The table is to be used to the maximum altitude as shown on the equipment nameplate.

READING OF ALTITUDE-EQUIVALENT INPUT

(A) Digital output (in feet)	(B) Increasing altitude (in feet)	(C) Decreasing altitude (in feet)
0	−50±50	+50±50
10,000	9,950±50	10,050±50
20,000	19,950±50	20,050±50
40,000	39,950±50	40,050±50
60,000	59,950±50	60,050±50
80,000	79,950±50	80,050±50

5.1.1 For combination devices, if pressure is used as the altitude-equivalent input in showing compliance with para 5.1, the tolerance specified may be increased by the applicable altimeter tolerance.

5.2 The manufacturers must determine the presence of each required digitizer coded position.

[F.R. Doc. 67-141; Filed, Jan. 6, 1967; 8:45 a.m.]

[Docket Nos. 6810, 7046; Amdt. No. 37-9]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Crewmember Demand Oxygen Masks, TSO–C78; Oxygen Regulators, Demand, TSO–C89

The purpose of this amendment is to add new Technical Standard Orders (TSO's) for crewmember demand oxygen masks and demand oxygen regulators to Part 37 of the Federal Aviation Regulations. These TSO's contain the minimum performance standards that such masks and regulators must meet in order for manufacturers to identify them with the applicable TSO markings.

The standards for crewmember demand oxygen masks were published as a notice of proposed rule making (30 F.R. 9547, July 30, 1965) and circulated as Notice 65–18 dated July 26, 1965. The standards for demand oxygen regulators were published as a notice of proposed rule making (30 F.R. 15294, Dec. 10, 1965) and circulated as Notice 65–36 dated December 3, 1965. Because of the similarities and technically related aspects of the two standards, they are being simultaneously promulgated in this amendment to Part 37.

Numerous comments were received in response to Notices 65–18 and 65–36. The more pertinent of these comments, together with the changes in the proposals resulting therefrom are discussed in detail hereinafter.

The parenthetical reference "air carrier or transport category aircraft" and the phrase "to be used on air carrier or transport category civil aircraft" have been deleted from the section catchlines, the titles of the Standards, and the applicability statements of the final regulations. Such statements have created some confusion and they serve no useful purpose insofar as the TSO's are concerned. A TSO contains those standards a manufacturer must meet in order to identify his equipment with the applicable TSO marking. A manufacturer desiring to use the applicable TSO marking must meet the prescribed Standard regardless of the type of operation or the type of aircraft in which the equipment might be used. Thus, the performance standards set forth in the TSO's are mandatory only for equipment manufactures who wish to obtain TSO authorization covering their equipment and are not directed to persons who install or use such equipment in aircraft.

Crewmember demand oxygen masks. Concerning the status of presently approved and installed masks after the effective date of the TSO, two commentators recommended inclusion of a state-

ment that presently approved masks can continue to be manufactured and installed and that the TSO relates only to new design masks. As previously stated, this TSO contains minimum performance standards that oxygen masks must meet in order for the manufacturer to identify it with the applicable TSO mark. The TSO is not directed to persons who install or use this equipment in aircraft. From an operational standpoint, the Technical Standard Order system merely provides one means by which equipment is approved. Unless the operating rules require equipment to be TSO approved, an operator may use any approved equipment. From the standpoint of the identification of a piece of equipment as being TSO approved, the applicability statement of the TSO clearly states that it is only "new models" of oxygen masks that must meet the new Standard in order to be identified as being manufactured under a TSO authorization. However, consistent with other TSO's the Agency considers it appropriate to include a provision specifically indicating that presently approved masks may continue to be manufactured under the provisions of the original approval.

One of the preceding commentators also suggested specifying the extent to which a TSO-approved mask can be modified before it is considered a new model requiring TSO requalification and the extent to which a non-TSO mask can be modified before it must be qualified under the TSO. The Agency does not believe the proposal need be changed in this regard since design changes in articles manufactured under a TSO authorization are objectively covered in § 37.11 of Subpart A of Part 37, and design changes to non-TSO items are outside the scope of Part 37.

Paragraph 2.2 of the TSO allows protective goggles to be included as part of the mask. One recommendation would add vision restriction limits for full face (smoke protection) masks and another would require marks not incorporating integral goggles to be designed for use with standard full-eye protection goggles. While the intent of the TSO is to permit the oxygen mask to serve as a smoke mask where eye protection is provided, the detailed standards relate only to oxygen masks. The recommendations, therefore, are beyond the scope of the TSO and must be rejected.

One manufacturer recommended that paragraph 2.4 quantitatively define the amount of expiratory gases permitted to accumulate within the facepiece chamber. The actual facepiece chamber volume that constitutes a hazard in any given mask, however, depends on a number of interrelated factors i.e., maximum approved altitude, inlet valve design, etc. Since these variables make regulatory quantification impracticable, the proposal has not been changed as suggested.

Four commentators took exception to proposed paragraph 2.5 which would have required that expiratory gases not impinge on the inhalation port or valve. They pointed out that in many present masks the inhalation valves receive impingement of expiratory gases which in the case of coaxial valves, actually assists in opening the exhalation port. Since inhalation valves are not subject to the collection of moisture and frost, as are exhalation valves, the Agency agrees that the requirement is unnecessary and proposed section 2.5 has been deleted.

Proposed paragraph 2.6 stated the basic requirement that mask design must prevent frost interference with exhalation valve functioning. One commentator suggested deletion of the exception to the basic requirement that would allow frost removal from the exhalation valve by external manipulation if it can be shown that such removal can be accomplished without removing the mask. Since it is unlikely that frost buildup, even if encountered, would need frequent removal by external manipulation, the Agency believes that this exception is appropriate. Proposed paragraph 2.6 (now paragraph 2.5) is, therefore, adopted without change.

Comments on proposed paragraph 2.8 noted that the hose disconnect warning device requirement appears to be more a system specification than a mask specification and recommended a higher flow restriction percentage to provide a better warning. Actually, the restriction device will be installed in the mask supply line and, therefore, is a part of the mask assembly. The 25 percent maximum restriction value was determined by the Civil Aeromedical Research Institute, Oklahoma City, which considered, inter alia, that too high a restriction introduces the danger of lung collapse. The paragraph (now 2.7) is being retained as proposed.

With reference to the quick-disconnect coupling set forth in paragraph 3.1, one commentator recommended a reduction in the minimum symmetrical separation force to 10 pounds following the military specification, while another commentator suggested that the stated force should be the minimum regardless of the direction of application. The Agency agrees that the minimum separation force may be set at 10 pounds but does not believe it necessary to specify minimum nonsymmetrical separation forces since in those cases, a force applied along a nonsymmetrical axis would probably be higher, not lower, than the symmetrical separation force. Paragraph 3.1 has been amended to reflect the 10-pound minimum force exerted along the axis of symmetry.

A number of comments were addressed to the leakage performance requirements of paragraph 3.3. As to a recommendation that the TSO specify outward leakage requirements for pressure demand masks, the Agency does not believe it necessary inasmuch as small outward leaks, while wasteful, do not impair proper operation of the mask and large leakage rates would be readily detectable and stopped by the wearer by adjusting the fit of the mask. Two recommendations to increase the 0.10 LPM STPD inward leakage rate must be rejected since this value already represents the highest portion of the maximum total system leakage allocable to the mask. Various recommendations that the negative differential pressure range over which the leakage rate is applicable be either increased or decreased were unsupported and the values as proposed are adopted.

One commentator recommended that paragraph 3.3 include a test requirement that the mask be sealed to the face or test plate and that the leak test include the hose-to-regulator connector. The intent of the requirement, however, is that the leakage rate specified for the given range of differential pressures be applicable to the mask as normally worn on the face (including the effects of mask fit to the face) or to the mask positioned on a suitable equivalent test stand and not to a mask sealed against peripheral leakage. Paragraph 3.3(a) has, therefore, been amended to make it clear that the leakage standard pertains to the mask as normally used. This change makes it unnecessary to include specific mention of the hose-to-regulator connector.

A number of comments recommended changes to the numerical values contained in the tables in paragraphs 3.4 (a) and (b) allegedly to reduce the fatiguing effect due to flow resistance. However, the agency's evaluation of these recommendations indicates that in some instances there is no fatiguing effect to be relieved while in others, a change would actually increase breathing resistance. At the maximum flow rate, fatigue is not a factor because of the short time duration involved. In still other cases, the suggested changes are equivalent in effect to the values given in the table. Therefore, the proposal has not been changed as suggested. However, the Agency does find merit in the suggestions that the oxygen supply tube referenced in paragraph 3.4(a) should include the oxygen supply connector and that, since expiratory gases do not flow through the supply tube, the reference to the oxygen supply tube in paragraph 3.4(b) should be deleted. Paragraphs 3.4 (a) and (b) are changed accordingly.

Proposed paragraph (c) of section 3.4 provides that the mask must not suffer damage at gas flows up to and including 120 LPM. Subsequent review of this proposal in light of comments received reveals that since 100 LPM is the maximum inhalation flow rate that would occur after substantial exercise, there is no need to test for damage at 120 LPM. Paragraph 3.4(c) has, therefore, been deleted.

In response to comments concerning the need to clarify the proposed paragraph 3.5, the Agency has rewritten the pressure-demand exhalation valve performance standard to remove any ambiguity concerning the facepiece pressure and supply tube pressure requirements for valve opening.

Pointing out that a mask in use will not be subjected to the frequency, acceleration, and amplitude enumerated in proposed paragraph 3.6(b), one commentator concluded that the vibration standard applies to the stowed condition

and recommended a change to require that the mask comply with paragraphs 3.3 through 3.5 after being subjected to the vibrations stated in paragraph 3.6(b). Upon further review, the Agency agrees that such a test does not represent a minimum requirement, and, noting that military specifications do not require vibration tests, has deleted the requirements proposed in paragraphs 3.6 (b) and (c).

The low temperature storage and test temperatures proposed in paragraphs 3.8 and 3.9 were stated to be unreasonably low by two persons who proposed higher temperatures. The Agency agrees that storage at —67° F. as required in paragraph 3.8 is unrealistic and the temperature has been raised to 0° F. Likewise, for the low temperature test delay set forth in paragraph 3.9, 20° F. in place of —40° F. is considered adequate to insure proper operation. Both the storage temperature in paragraph 3.9(a) and the test temperature in paragraph 3.9(b) are changed accordingly. A further suggestion that paragraph 3.9 be reworded to refer to "delay apparent to the user" rather than "apparent delay to the user" points up an ambiguity in that paragraph. Since the intent of the paragraph is to preclude any apparent delay, the words "to the user" are inappropriate and the paragraph has been revised accordingly.

Various comments were directed to the decompression requirements for masks not equipped with pressure relief valves as stated in proposed paragraph 3.10(a). One suggested that the high operating altitude of the supersonic transport might influence the depressurization pressure ranges. Another recommended inclusion of human "subjective" testing at the maximum approved altitude.

In connection with the foregoing, the maximum approved altitude criterion for masks is based on the maximum environmental (cabin) altitude rather than maximum aircraft operating altitude. Thus, for the supersonic transport where cabin altitudes in the event of decompression are expected to be no higher than 40,000 feet even though the airplane may be operating at 70,000 to 80,000 feet, the mask described in this proposal will be satisfactory. The Agency does not believe that it is necessary to specify human subjective testing at the maximum altitude although it does agree that the tests should properly simulate conditions of use. We have, accordingly, amended paragraph 3.10 to require decompression tests under conditions simulating those of the mask being worn by a crewmember.

The proposed 10-second decompression test time in paragraph 3.10(a) was geared to the large type airplanes. A related comment correctly points out that this time is unrealistic and unsafe for the small volume, high-performance airplanes which may undergo decompression in less than 2 seconds. One manufacturer stated that a 1-second, or even shorter, decompression time requirement would impose no additional design or manufacturing burden on mask suppliers. Therefore, to accommodate the wide variety of cabin volumes of high-altitude aircraft in which the mask may be used, the decompression test time requirement has been decreased from 10 seconds to 1 second.

Noting that values for pressure relief valve operation are not valid unless related to minimum regulator requirements that have not yet been established by the Agency, one commentator contended that the pressure relief valve schedule given in proposed paragraph 3.10(b) was too low. Assuming a regulator pressure on the order of 15 inches H_2O to be required at 45,000 feet, the spread between opening and maximum was declared to be too small as was the proposed maximum pressure on opening. The schedule was further considered unrealistic and impractical in that it required the pressure relief valve to regulate and to close at the same pressure, whereas the closing point must be slightly below the minimum regulating pressure.

In connection with the foregoing comments, the mask requirements have been made compatible with those of the regulators being promulgated simultaneously in this rule-making action. On this basis, the Agency agrees that the pressure schedule should be increased and paragraph 3.10(b) has been amended to require an opening pressure of 17" H_2O, maximum pressure within 5 minutes 16" H_2O, maximum differential pressure 20" H_2O and closing pressure 14" H_2O.

Interpreting the simulated breathing schedule of paragraph 3.11 as requiring a total of only 25,000 cycles, one commentator recommended a tenfold increase in the number of cycles. Insofar as this comment indicates an ambiguity in the number of cycles required, we concur with the need for change. However, we do not agree that 250,000 cycles are necessary. The intent of the requirement is to assure adequate reliability rather than to establish minimum service life. Since the proposed schedule is additive as to the number of required cycles, the paragraph is amended to make clear that the total is 50,000 cycles.

In response to another comment, the last sentence of paragraph 3.11 is amended to state a requirement for a constant time interval between respiratory cycles.

In addition to the requirement that the microphone not interfere with the mask, it was suggested that the requirements of paragraph 3.12 should state that the operation of the mask must not interfere with use of the microphone and that qualitative tests be included to assure compliance with both of these requirements. However, since mask-microphone compatibility is a system requirement rather than a mask performance requirement, the TSO is properly limited to performance requirements that will insure proper operation of the mask. Nor does the Agency believe that qualitative tests are necessary in this regard since compatibility will be checked during approval of the installation in an aircraft.

Several comments were directed to the quality control production tests, paragraph 4.1, which are simply an inward leakage test. One commentator thought the tests insufficient to establish that each mask assembly had been assembled correctly and suggested that more stringent production tests be required. In this connection, however, demonstration of the inward leakage rate of each mask is considered adequate for production tests since the quality control procedures of the manufacturer are examined as a part of the TSO approval process prescribed in §§ 37.5 and 37.15 of the FARs. Two other commentators noted that the leakage determination is not required to be made on masks for different sized and shaped faces. The purpose of the leakage production test is, among other things, to check whether the mask's flexible seal is capable of making a low-leakage connection with a surface having a face-like shape. It is not intended to insure a low-leakage fit on each prospective user of the mask, or even to insure a low-leakage fit on a variety of face shapes. A single face-like shape could conceivably be used to test a full production run.

Speaking to the quality control random tests, paragraph 4.2, one commentator recommended that lot sizes be at least 1,000 and that the requirement to comply with paragraphs 3.6(b), 3.6(c), 3.7, and 3.9(b) be deleted in view of the cost of the tests. The proposal, however, does not place a low limit on the lot size but rather leaves it to the selection of the applicant subject to approval of the Agency. Also, proposed paragraphs 3.6 (b) and (c) have been deleted as discussed before. To insure adequate testing of random samples, the Agency believes it necessary to retain the acceleration load test, paragraph 3.7 and the low temperature delay test at the low temperature, paragraph 3.9(b). Some of the objection to the latter may have been met by relaxation of the test temperature as previously discussed.

Comments received concerning proposed paragraph 5.0 contained various recommendations that the 40,000 feet maximum operating altitude for straight or diluter-demand masks be either increased or decreased. However, the use of straight and diluter-demand masks at altitudes up to 40,000 feet has been allowed under current airworthiness regulations for some years. On the basis of their service record, the Agency sees no need to reduce the maximum operating altitude. On the other hand, the Agency does not have enough data to justify increasing the maximum altitude for straight or diluter-demand masks as requested and the information submitted with the recommendation for such an increase does not contain the necessary justification. Therefore the provisions of paragraph 5.0 are adopted as proposed.

From the comments received concerning paragraph 5.0 it is apparent that the term "maximum operating altitude" as used in that paragraph has created some confusion since it may be interpreted as referring to aircraft operating altitude rather than the altitude of the environment in which the mask is being used (cabin altitude) as was intended. To make it clear that paragraph 5.0 of the

TSO is not an operating requirement, it has been amended by deleting the term "maximum operating altitude" and using instead the term "maximum environmental (cabin) altitude."

Oxygen regulators. In response to a recommendation for clarification, we have amended paragraphs 2(c), 2(d), 3.4, 3.5, 4.2(a), 4.2(b), 4.3(a), 4.5(a), and 4.6(b) to refer to pressure breathing regulators instead of pressure regulators as originally proposed.

Since, as one commentator correctly points out, oxygen regulators may be designed for shoulder, chest, or other type mounting, paragraph 3.1 has been amended to provide for mounting on a crewmembers clothing or safety harness in addition to mounting on a mask.

We agree with the suggestion that, for fire protection, regulators must have self-extinguishing characteristics, even though they may be constructed of plastic type materials. Paragraph 3.2 has, therefore, been amended by adding the requirement that regulators be at least flame resistant.

One commentator recommended that paragraph 3.3(a), applicable to all demand regulators, permit the filter to be placed at the oxygen inlet hose assembly as well as at the oxygen inlet port. The Agency agrees that this would allow the use of a larger and more reliable filter in the case of mask mounted regulators. The Agency also agrees with recommendations that the screen be not coarser than 200 mesh. Paragraph 3.3(a) has been amended to incorporate both recommendations.

Reading paragraph 3.3(b) as perpetuating a military requirement, one commentator recommended a change to permit only 100 mesh screen in place of the 30 to 100 as proposed but gave no reason why the coarser meshes were thought to be unsatisfactory. The 30 to 100 mesh range has been retained although the paragraph has been reworded to permit multiple screen filters.

One manufacturer advised that regulators may be designed to provide undiluted oxygen by means other than closing the air inlet diluter port, for example, by sensing a certain supply tube pressure. The Agency agrees with a recommendation to broaden the requirement and has amended paragraph 3.4 to state objectively the requirement without specifying the design detail by which this is to be achieved.

Various suggestions were made to change the positive pressure of 11.0 ± 1.0 inches H_2O required by paragraph 3.5. At one end of the range it was recommended that a pressure of 3.5 inches H_2O be considered in order to give a safety pressure capability to the regulator in case of fumes or smoke in the cockpit. The Agency, however, does not agree with this recommendation since (1) protective breathing safety pressure is not needed if the mask fit is proper and, (2) protective breathing equipment, when provided, may utilize a separate regulator and the normal regulator might not be used during smoke or fume emergencies. While nothing in the Standard would preclude a manufacturer from including, as an added feature, a "safety pressure" feature, it should not be a minimum safety requirement. Other commentators, while agreeing with the 11-inch pressure base, recommended varying values in the permissible variation. The Agency agrees that the range of leakage check pressure can be extended and has accordingly amended the requirement to specify 11.0 ± 3.0 inches H_2O.

One commentator recommended that mask-mounted regulators be excluded from the flow indicator requirement of paragraph 3.6 and further that "cylinder oxygen" for which a flow indicator is required be changed by deleting the word "cylinder." Another commentator expressed belief that flow indication is required only for dilution type regulators since a crewmember will know by the increased suction when a nondilution type regulator is not flowing oxygen. The Agency agrees with these recommendations and they have been incorporated into paragraph 3.6.

Several objections were made to the .92 inches of water outlet suction pressure required for the 100 LPM flow as stated in paragraph 4.1(a). Higher outlet pressures, as generally recommended, would make it easier to achieve the specified flows but would require a greater breathing effort on the part of the using crewmember. The Agency agrees with one commentator that the pressure for the 100 LPM flow may be increased to 1.0 inches of water since the increased breathing effort would occur for only short periods of time during heavy breathing. However, an increase to 1.5 inches of water at all flows, as suggested by another, would require added breathing effort for long periods even during light or moderate breathing rates.

The Agency rejects a recommendation that paragraph 4.2 specify dynamic testing rather than static (constant flow) testing since experience has shown that regulators which meet constant flow requirements have been satisfactory under varying flow conditions. Likewise the Agency does not agree with a suggestion that the diluter-demand pressure column be deleted from the table in paragraph 4.2(a) and that the diluter-demand column show the minimum for both diluter demand and diluter-demand pressure regulators inasmuch as the oxygen mixture requirements are different for the two types.

A number of comments addressed the numerical table proposed in paragraph 4.2(a). One recommendation would have stopped altitude listing at 35,000 on the ground that there is no dilution above that altitude and dilution tables are not normally shown above 35,000. However, as presented, the table indicates the 40,000 feet environmental altitude limit of the diluter demand and the 45,000 feet limit of the diluter-demand pressure regulators and will therefore be retained. In this connection, the Agency does agree the table presented an ambiguity in showing a zero value as the percentage of cylinder oxygen for diluter demand at 45,000 feet when, in fact, the percentage of cylinder oxygen is not applicable at that altitude.

The Agency must reject a suggestion that the 91 percent shown in the paragraph 4.2(a) table for 35,000 be raised to 95 percent. While such a change would be consistent with existing military specifications, 91 percent provides the minimum tracheal oxygen partial pressure required for physiological reasons. A manufacturer, of course, may provide in excess of 91 percent if he so elects. However, we do agree with another recommendation that all values of 95 percent minimum percent oxygen in paragraphs 4.2 (a) and (b) be increased to 98 percent. This will provide a 3-percent allowance for system deficiencies such as mask leakage where the applicable airworthiness standards (i.e., FAR § 25.1443 (b)) require 95 percent oxygen by volume for each crewmember at cabin pressure altitudes above 35,000 feet.

As two commentators pointed out, flow rates at altitudes other than sea level, to be meaningful, must be stated for conditions of ambient temperature and pressure. Therefore, paragraphs 4.2(a), 4.3, 4.4, 4.8 and 4.9 are amended to show ATPD in place of STPD.

Many comments were submitted with reference to the paragraph 4.3(a) table. The Agency does not agree that a minimum positive outlet pressure of 2.5 inches of water is required at 40,000 feet, since an adequate level of oxygen saturation will be maintained in the blood when breathing nonpressurized oxygen at that altitude. For the same reason we do not believe that any positive safety pressure need be maintained at altitudes between 30,000 and 40,000 feet to prevent mask inboard leakage. Moreover, the Agency does not agree with other recommendations that the minimum allowable positive outlet pressure be increased since the values proposed will provide adequate oxygen in the bloodstream. However, we agree that pressure tolerances may be widened at all specified altitudes and the table has been amended accordingly.

The Agency does not agree that the basic 20 LPM flow rate specified in paragraphs 4.3(a), 4.3(b), and 4.3(c) should be reduced inasmuch as this value represents a normal breathing rate. Similarly, a recommendation that the range of flow rates in paragraph 4.3(c) be changed to 0.10–10 LPM was not supported by any justification.

Pointing out that there are other acceptable methods of measuring leakage rate, two commentators recommended deletion of the last sentence of paragraph 4.4(d) that proposed to determine leakage on the basis of a decrease in pressure during a 2-minute period. The Agency agrees and has deleted the sentence. Also the ambiguous phrase "oxygen supply port" as proposed in paragraphs 4.4 (c) and (d) has been clarified to read "regulator outlet port."

In the proposed paragraphs 4.5 (a) and (b), we agree that the negative pressure stated in terms of inches of mercury should be stated in inches of water. Also, for the tests specified in the same paragraphs, it is necessary to clarify that the regulator inlet port, as well as the diluter valve, be closed. Paragraphs 4.5

(a) and (b) have been amended to incorporate these changes.

As discussed previously in this preamble in connection with TSO-C78, *Crewmember demand oxygen masks*, an allowance of 10 seconds is not representative of the decompression interval that can occur in small volume aircraft having high altitude capabilities. Following a recommendation for a shorter decompression time allowance, the Agency has determined, from the information available, that imposition of a one-second decompression requirement will impose no added design or manufacturing burden on the producers of regulators. In the interest of safety, paragraphs 4.6 (a) and (b) are amended to place a 1-second decompression capability on all regulators.

The Agency agrees with one comment that performance compliance at 160° F. is unrealistic and has reduced the temperature to 130° F. in paragraph 4.7(c). In like vein, two commentators said the −40° F. proposed in paragraph 4.7(d) was too low and recommended it be set at +20°. We agree that in the event of decompression, it would be unrealistic for the cabin to remain at −40° F. long enough to enable equipment to cool to this temperature.

Objections were raised to the proposed paragraph 4.8 on the grounds that it did not indicate how compliance with paragraphs 4.1 through 4.4 would be determined, that the term "simulated flow conditions" was not clearly defined, and that it did not define the vibration to be applied. We do not agree that the vibration need be defined, for example, as sinusoidal with a logarithmic sweep rate, as one commentator suggested. However, we do agree that some clarification is necessary. Accordingly, paragraph 4.8 has been amended to require independent vibration and flow endurance tests of definite duration. The tables have been deleted and the requirements now stated in text form to make it clear that compliance with paragraphs 4.1 through 4.4 must be shown after the vibration and flow endurance tests. We agree further that mask-mounted regulator vibration requirements may be less strict than for panel-mounted regulators, and the mask-mounted regulators have been exempted from the vibration requirements. The reference to "demand regulators" in the first sentence of paragraphs 4.8 and 4.9 is sufficiently clear without listing all specific types in view of paragraph 2, *Classification*.

Paragraph 4.10 proposed compliance with paragraph 4.1 although its applicability extended only to subparagraph 4.1(a). The Agency agrees with the commentators who pointed out the inconsistency and paragraph 4.10 has been amended to clarify its applicability.

For the reasons discussed previously in connection with TSO-C78, Crewmember Demand Oxygen Masks, paragraph 5.0 has been reworded to refer to maximum environmental (cabin) altitude.

The Agency rejects the suggestion that "each lot" as used in paragraph 6.2 be carefully defined. As discussed previously in connection with crewmembers masks, TSO-C78, lot size in relation to quality control, is dependent on a number of variables so that it is not practical to define it in the TSO. The general requirements of a quality control system are stated in paragraphs 37.5 and 37.15 of the FARs and need not be repeated in the TSO itself. Neither does the Agency agree with a suggestion that would delete the requirement to requalify one regulator for each lot. Requalification provides a check of continued compliance with all the pertinent requirements and is considered essential.

Complying with several responses to the notice, paragraph 7 has been amended to correct the abbreviations and definitions relating to "STPD" and "g". "ATPD" has been added to the list.

One recommendation that separate standards be promulgated for mask-mounted and panel-mounted regulators has been effectively accomplished by including separate reference, when necessary, to mask-mounted regulators. The TSO, as revised, is therefore applicable to both. Other recommendations that the TSO incorporate installation and operational requirements must be rejected as beyond the general scope and intent of any TSO. A flat recommendation that the TSO requirement be equivalent to existing military requirements fails to recognize that civil requirements are often different from military requirements. Insofar as practicable, Agency standards utilize applicable portions of the military specifications.

One commentator made the general objection that the proposed TSO went beyond minimum requirements and, in fact, pushed the state-of-the-art. In considering the detailed comments from all sources, however, we have incorporated those recommendations which permitted a relaxation in the proposal. Furthermore, no comment pointed out any specific unreasonable requirement or any requirement believed impossible to meet. We consider, therefore, that the standards are appropriate minimum requirements and do not exceed the state-of-the-art.

Interested persons have been afforded the opportunity to participate in the making of this amendment and all relevant material submitted has been fully considered.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 37 of the Federal Aviation Regulations is amended by adding new §§ 37.184 and 37.198, as hereinafter set forth, effective February 10, 1967.

Issued in Washington, D.C., on December 29, 1966.

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

§ 37.184 Crewmember demand oxygen masks—TSO-C78.

(a) *Applicability.* This TSO prescribes the minimum performance standards that aircraft crewmember demand oxygen masks must meet in order to be identified with the applicable TSO marking. New models of demand oxygen masks that are to be so identified and that are manufactured on or after February 10, 1967, must meet the requirements of the following "Federal Aviation Agency Standard, Crewmember Demand Oxygen Masks."

(b) *Marking.* Each oxygen mask manufactured in accordance with the provisions of this section must be marked—

(1) To indicate whether it is a "nonpressure demand" or a "pressure demand" mask;

(2) To indicate the maximum environmental (cabin) altitude for which it is qualified; and

(3) As specified in § 37.7, except that the markings need not include the serial number, the weight, or the date of manufacture.

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Seven sets of manufacturer's operating instructions and equipment limitations.

(2) Seven sets of installation procedures with applicable drawings and specifications, limitations, restrictions, and other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

(4) One copy of the manufacturer's maintenance instructions, including cleaning and sterilizing procedures.

(d) *Previously approved equipment.* Crewmember demand oxygen masks approved prior to February 10, 1967, may continue to be manufactured under the provisions of the original approval.

FEDERAL AVIATION AGENCY STANDARD

CREWMEMBER DEMAND OXYGEN MASKS

1.0 *Purpose.* This Standard contains minimum performance standards for the manufacture of demand type oxygen masks for use with nonpressure demand (straight-demand and diluter-demand) and pressure-demand oxygen systems.

2.0 *Design and construction of mask.* To be eligible for approval under a Technical Standard Order authorization, the oxygen mask must possess the following design and construction characteristics.

2.1 Masks designed for use with a remotely located oxygen flow regulator must include a flexible oxygen supply tube fixed or detachable at the mask or at the regulator or at both. Oxygen supply tubes used in conjunction with mask-mounted oxygen flow regulators are not subject to this paragraph.

2.2 The mask must be designed for respiration through the nose and mouth (oronasal). The mask may also include integral goggles designed to protect the eyes from smoke and harmful gases (fullface).

2.3 The mask must be constructed of materials that—

(a) Do not contaminate air or oxygen;

(b) Are not adversely affected by continuous contact with oxygen; and

(c) Are at least flame resistant.

2.4 The mask must be designed to prevent the accumulation of hazardous quanti-

ties of expiratory gases within the facepiece chamber.

2.5 The mask must be designed to prevent the formation or accumulation of frost which would interfere with the function of the exhalation valve, unless it can be shown that the frost can be removed by external manipulation without removing the mask from the face of the user.

2.6 The fullface mask must be designed to include means for the prevention or the removal of condensation from the inside surfaces of the goggle lenses.

2.7 Masks equipped with oxygen supply tubes designed for quick disconnection at the mask or at the regulator must incorporate means to alert the user when his oxygen supply tube has become disconnected. Such means must not restrict the flow of ambient air through the oxygen supply tube by an amount exceeding 25 percent. This section does not apply if the quick disconnect device incorporates means to prevent inadvertent separation.

3.0 *Performance.* Five masks of each kind for which approval is sought must be shown to comply with the minimum performance standards set forth in paragraphs 3.1 through 3.12, except that only one mask of each kind is required to comply with the provisions of paragraphs 3.6, 3.8, 3.9, and 3.11. Tests must be conducted at ambient atmospheric conditions of approximately 30" hg. and 70° F., except as otherwise specified. Gas flow rates and pressures must be corrected to STPD.

3.1 *Quick-disconnect coupling.* The force required to separate quick-disconnect couplings not designed to prevent inadvertent separation must not be less than 10 pounds exerted along the axis of symmetry of the oxygen supply tube.

3.2 *Strength.* (a) The mask must be capable of sustaining a pull force on the suspension device attachment fittings of not less than 35 pounds in any direction for a period of not less than 3 seconds.

(b) The oxygen supply tube assembly must be capable of sustaining a pull force of not less than 30 pounds exerted along the axis of symmetry of the tube for a period of not less than 3 seconds.

(c) The oxygen supply tube assembly must be capable of sustaining an internal pressure of 1.5 p.s.i.g.

3.3 *Leakage.* (a) The total inward leakage rate, with the complete mask positioned on the face or on a suitable test stand in a manner which simulates normal use, must not exceed 0.10 LPM, STPD, at any negative differential pressure within the range of from zero to 6.0 inches of water.

(b) Inhalation valves installed in pressure-demand masks must not backleak more than 0.015 LPM, STPD, when subjected to a suction pressure differential of 0.1" H_2O and not more than 0.15 LPM, STPD, when subjected to a suction pressure differential of 12.0" H_2O.

(c) The oxygen supply tube assembly must not leak when subjected to an internal pressure of 1.5 p.s.i.g.

3.4 *Flow resistance.* (a) The inspiratory resistance of the mask and oxygen supply tube including the oxygen supply connector when inserted in an appropriate mating fitting must not exceed the following negative differential pressures at the corresponding oxygen flow rates:

Differential pressure (inches H_2O)	*Flow rate (LPM)*
0.6	20
1.5	70
2.5	100

(b) The expiratory resistance of the mask must not exceed the following positive differential pressures at the corresponding oxygen flow rates:

Differential pressure (inches H_2O)	*Flow rate (LPM)*
1.0	20
2.0	70
3.0	100

3.5 *Pressure-demand exhalation valve performance.* The exhalation valve installed in a pressure-demand mask must open when the pressure within the facepiece is 20 mm. Hg. and the pressure in the supply tube is 15 to 19.9 mm. Hg.

3.6 *Vibration.* The flow of gases during the respiratory process must not cause vibration, flutter, or chatter which would interfere with the satisfactory operation of the mask.

3.7 *Acceleration load.* The exhalation valve must not inadvertently operate under a 3g. load applied in any direction.

3.8 *Extreme temperature.* The mask must comply with paragraphs 3.3 through 3.5 in an ambient temperature of 70° F. within 15 minutes after being stored at a temperature of 160° F. for 12 hours, and within 15 minutes after being stored at 0° F. for 2 hours. The relative humidity during storage must vary from 5 to 95 percent. The mask facepiece must not be gummy or sticky and must provide a normal seal after the high temperature exposure.

3.9 *Low temperature test delay.* (a) The mask must function properly, without apparent delay, at a temperature of 70° F. after being stored at a temperature of 20° F. for not less than 2 hours.

(b) The mask must function properly, without apparent delay, and continue for a period of not less than 15 minutes when tested at a temperature of 20° F. after being stored at a temperature of 70° F. for not less than 12 hours.

3.10 *Decompression.* (a) A mask not equipped with a pressure relief valve must not suffer damage and must comply with paragraphs 3.3 through 3.5 after being subjected to a decrease in ambient pressure from 12 p.s.i.a. to not less than 2.7 p.s.i.a. for a straight or diluter-demand kind, or to not less than 2.1 p.s.i.a. for a pressure-demand kind, within a period of not more than 1 second. This decompression test must simulate the condition that would be imposed on a mask being worn by a crewmember during the specified decompression.

(b) A mask equipped with a pressure relief valve must be subjected to the decompression specified in subparagraph (a) of this section during which the pressure relief valve must open at a differential pressure of 17" H_2O and must relieve the differential pressure to a value not exceeding 16" H_2O within 5 seconds. During the 5-second interval, the pressure differential must not exceed a value of 20" H_2O. The pressure relief value must close at a differential pressure of 14" H_2O.

3.11 *Cycling.* The mask must comply with paragraphs 3.3 through 3.5 after being subjected to the following simulated breathing schedule for a total of 50,000 cycles:

Respiratory cycles	Minute flow rate LPM, STPD	Volume, tidal liters
20,000	20	1.0
25,000	30	1.5
5,000	70	2.0

A constant time interval must be maintained between respiratory cycles.

3.12 *Microphone.* If the mask is designed to include a microphone, the installation of the microphone must not interfere with the operation of the mask.

4.0 *Quality control*—4.1 *Production tests.* Each mask must be shown to comply with the provisions of paragraph 3.3(a), total leakage.

4.2 *Random tests.* One mask must be selected at random from each lot and must be shown to comply with paragraphs 3.1 through 3.12. The lot size must be selected by the applicant subject to the approval of the Federal Aviation Agency (see FAR § 37.5), on the basis of evaluation of the applicant's quality control systems (see § 37.5(a)(3)).

5.0 *Maximum environmental (cabin) altitude.* The minimum pressure to which the mask has been shown to decompress satisfactorily in accordance with paragraph 3.10 (a) or (b) of this standard determines the maximum environmental altitude of the mask, except that it shall not exceed the value shown in the following table:

Maximum environmental (cabin) altitude	*Kind of mask*
40,000 feet	Straight or Diluter Demand.
45,000 feet	Pressure Demand.

6.0 *Abbreviations and definitions.*

LPM: Liters per minute.
STPD: Standard temperature and pressure, dry (0° C, 760 mm. Hg.).
p.s.i.g.: Pounds per square inch, gage.
p.s.i.a.: Pounds per square inch, absolute.
g.: Acceleration of gravity, 32.2 feet/second.^{2}
Tidal volume: Volume of air inspired per breath.

§ 37.198 Oxygen regulators, demand—TSO–C89.

(a) *Applicability.* This technical standard order prescribes the minimum performance standards that aircraft demand oxygen regulators must meet in order to be identified with the applicable TSO marking. New models of demand oxygen regulators that are to be so identified and that are manufactured on or after February 10, 1967, must meet the requirements of the following "Federal Aviation Agency Standard, Oxygen Regulators, Demand."

(b) *Marking.* In addition to the markings required by § 37.7, the inlet supply pressure range and the maximum environmental (cabin) altitude must also be marked on the regulator.

(c) *Data requirements.* The manufacturer must furnish the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Seven copies of the manufacturer's operating instructions, equipment limitations, and installation procedures.

(2) One copy of the manufacturer's test report.

(d) *Previously approved equipment.* Oxygen regulators approved prior to February 10, 1967, may continue to be manufactured under the provisions of the original approval.

FEDERAL AVIATION AGENCY STANDARD

OXYGEN REGULATORS, DEMAND

1. *Purpose.* This standard contains minimum performance and quality control standards for the manufacture of demand oxygen system regulators.

2. *Classification.* The term "demand regulator" includes all of the following classes of regulators:

(a) Straight demand regulators designed to deliver oxygen only.

(b) Diluter demand regulators designed to deliver a mixture of oxygen and air, and oxygen only.

(c) Straight demand pressure breathing regulators (straight demand regulators designed to deliver undiluted oxygen under positive pressure).

(d) Diluter demand pressure breathing regulators (diluter demand regulators designed to deliver undiluted oxygen under positive pressure).

3. *Design and construction of regulator.* To be eligible for approval under a TSO authorization, the regulator must possess the following design and construction characteristics:

3.1 Demand regulators designed to be mounted directly upon an oxygen mask or the crewmember's clothing or safety harness must include a flexible oxygen supply tube connecting the regulator inlet with the oxygen supply system.

3.2 Demand regulators must be constructed of materials that—

(a) Do not contaminate air or oxygen;

(b) Are not adversely affected by continuous contact with oxygen; and

(c) Are at least flame resistant.

3.3 (a) Demand regulators must be equipped with a 200-mesh screen, or equivalent filter, at the oxygen inlet port or at the oxygen inlet hose assembly.

(b) Diluter demand and diluter-demand pressure regulators must be equipped with screening of not more than 100 mesh and not less than 30 mesh, or equivalent filter, at the air inlet port.

3.4 Diluter demand and diluter-demand pressure breathing regulators must be provided with a means for manually selecting a delivery of undiluted oxygen. If the selection means is controlled by a rotating handle or lever, the travel must be limited to not more than 180 degrees from the "normal oxygen" position to the "100 percent oxygen" position. The dilution position of the selection means must be designated "normal oxygen" and the nondilution position must be designated "100 percent oxygen." The selection means must be such that it will not assume a position between the "normal oxygen" and "100 percent oxygen" positions.

3.5 Straight demand pressure breathing and diluter demand pressure breathing regulators must be designed to provide oxygen at a positive pressure of 11.0±3.0 inches H_2O to determine mask peripheral leakage at altitudes below which positive pressure are hereinafter required. The means of obtaining this pressure must be by push, pull, or toggle control appropriately marked to indicate its purpose.

3.6 Diluter demand and diluter demand pressure breathing regulators must incorporate means to indicate when oxygen is and is not flowing from the regulator outlet. This requirement does not apply to mask mounted regulators.

4. *Performance.* Two demand regulators of each class for which approval is sought must be shown to comply with the minimum performance standards set forth in paragraphs 4.1 through 4.10 in any position which the regulators can be mounted. Tests must be conducted at ambient atmospheric conditions of approximately 30 inches Hg and 70° F., except as otherwise specified. It is permissible to correct gas flow rates and pressures to STPD conditions by computation.

4.1 (a) Demand regulators must supply the following oxygen or oxygen-air flows at not more than the specified outlet pressures. These characteristics must be displayed at all altitudes, with the oxygen supply pressure at all values within the design inlet pressure range, and with the diluter valve open and closed.

Flow, LPM, ATPD:	*Maximum outlet suction pressure, inches of water*
20	0.40
70	.80
100	1.00

(b) Demand regulators must not flow more than 0.01 LPM, STPD, when the outlet suction pressure is reduced to 0 inch of H_2O under the conditions specified in subparagraph (a) of this paragraph.

4.2 (a) Diluter demand and diluter demand pressure breathing regulators must supply the following percentages of cylinder oxygen, by volume, at the specified atmospheric pressures and corresponding altitudes. These oxygen percentages must be delivered at regulator outlet gas flows of 20, 70, and 100 LPM, ATPD, with the oxygen supply pressure at all values within the design inlet pressure range.

Pressure mm Hg	Altitude feet	Minimum percent oxygen	
		Diluter demand	Diluter demand pressure breathing
760	0	0	40
632.4	5,000	0	40
522.8	10,000	6	40
429.1	15,000	14	40
349.5	20,000	25	40
282.4	25,000	40	40
226.1	30,000	61	61
179.3	35,000	91	91
178.5	35,100	98	98
141.2	40,000	98	98
111.1	45,000	(1)	98

(1) Not applicable.

(b) Straight demand and straight demand pressure breathing regulators must supply not less than 98 percent oxygen, by volume, at all altitudes under the conditions specified in subparagraph (a) of this paragraph.

4.3 (a) Diluter demand pressure breathing regulators with the diluter valve open or closed, and straight demand pressure breathing regulators, must provide positive breathing pressure at a flow of 20 LPM, ATPD, in accordance with the following table:

Altitude 1,000 feet	*Positive outlet pressure—H_2O*
30	0.0+3.5 −0.0
40	2.5±2.5
42	6.0±1.5
44	10.0±1.0
45	12.0±1.0

(b) The positive pressure at 100 LPM, ATPD, must not decrease by more than 0.8 inch H_2O from the positive pressure at 20 LPM, ATPD.

(c) The positive pressure at 0.01 LPM, ATPD, must not increase by more than 0.8 inch H_2O from the positive pressure at 20 LPM, ATPD.

4.4 (a) The inward leakage of air through the regulator at sea level must not exceed 0.1 LPM, STPD, with a suction pressure of 1.0 inch H_2O applied to the outlet port, the oxygen supply inlet port sealed, and the diluter valve closed.

(b) The outward leakage of air through the regulator at sea level must not exceed 0.1 LPM, STPD, with a positive pressure of 12 inches H_2O applied to the outlet port, the oxygen supply inlet port sealed, and the diluter valve open and closed.

(c) The regulator outlet leakage must not exceed 0.01 LPM, STPD, with the regulator outlet port open and any oxygen supply pressure within the specified operating range applied at the regulator inlet port.

(d) The regulator overall leakage must not exceed 0.01 LPM, STPD, with the regulator outlet port sealed and the regulator inlet port pressurized to a value equal to the maximum specified oxygen supply pressure.

4.5 (a) Straight demand pressure breathing and diluter demand pressure breathing regulators must comply with paragraphs 4.1 through 4.4 after a negative pressure of 29 inches H_2O and a positive pressure of 24 inches H_2O are applied to the outlet port for a period of 2 minutes. The diluter valve and the regulator inlet port must be closed during these two pressure tests.

(b) Straight demand and diluter demand regulators must comply with paragraphs 4.1 through 4.4 after a negative pressure of 29 inches H_2O and a positive pressure of 12 inches H_2O are applied to the outlet port for a period of 2 minutes. The diluter valve and the regulator inlet port must be closed during these two pressure tests.

(c) Demand regulators must comply with paragraphs 4.1 through 4.4 after a positive pressure of 1.5 times the maximum oxygen supply pressure is applied to the inlet port, or to the inlet of the oxygen supply tube in the case of mask mounted regulators, for a period of 2 minutes. The positive pressure must be applied rapidly to simulate rapid opening of the supply valve. The diluter valve must be closed and the outlet port must be sealed during the test.

4.6 (a) Straight demand and diluter demand regulators must comply with paragraphs 4.1 through 4.4 after being subjected to a change in pressure from not less than 12.2 p.s.i.a. to not less than 2.7 p.s.i.a. in not more than 1 second.

(b) Straight demand pressure breathing and diluter demand pressure breathing regulators must comply with paragraphs 4.1 through 4.4 after being subjected to a change in pressure from not less than 12.2 p.s.i.a. to not less than 2.1 p.s.i.a. in not more than 1 second.

4.7 Demand regulators must comply with paragraphs 4.1 through 4.4 under each condition specified in subparagraphs (a) through (d) of this paragraph with the maximum oxygen supply pressure applied to the regulator inlet:

(a) At a temperature of approximately 70° F. after being stored at a temperature of not less than 160° F. for 12 hours.

(b) At a temperature of 70° F. after being stored at a temperature of not warmer than −67° F. for 2 hours.

(c) At a temperature of not less than 130° F.

(d) At a temperature of not more than 20° F.

4.8 Demand regulators must comply with paragraphs 4.1 through 4.4 after being subjected to the tests specified in subparagraphs (a) and (b) of this paragraph.

(a) The regulator must be vibrated along each mutually perpendicular axis for 1 hour (3 hours total), at a frequency of 5 to 500 cps, and at a double amplitude of 0.036 inches or an acceleration of 2 "g," whichever occurs first. Mask mounted regulators need not be subjected to this vibration test.

(b) The regulator must be subjected to an endurance test of a total of 250,000 breathing cycles. The peak breathing rate must be 30 LPM, STPD, for 200,000 cycles, and 70 LPM, STPD, for 50,000 cycles. The dilution valve must be open during one half of the 200,000 cycles and one half of the 50,000 cycles, and it must be closed during the remaining cycles. During the nonflow portion of the 30 LPM and 70 LPM breathing cycles, a back pressure of 0.5 and 1.0 inches H_2O, respectively, must be applied to the regulator outlet.

4.9 Demand regulators must be free of vibration, flutter, or chatter that will prevent compliance with paragraphs 4.1 through 4.3 when subjected to the following simulated flow conditions:

Cycles	Peak flow per cycle LPM, STPD	Back pressure at 0 LPM, inches H_2O	Diluter valve
5,000	100	1.5	Closed.
5,000	100	1.5	Open.

4.10 Demand regulators, when subject to accelerations up to 3 "g." in any position, must comply with paragraph 4.1(a) except that the specified suction pressures may be exceeded by not more than 0.6 inches H_2O.

5. *Maximum environmental (cabin) altitude.* The minimum pressure to which the regulator has been shown to comply under paragraph 4.6 (a) or (b) of this standard determines the maximum environmental (cabin) altitude of the regulator, except that the maximum environmental (cabin) altitude must not exceed the value shown in the following table:

Class	Feet
Straight or diluter-demand	40,000
Pressure demand	45,000

6. *Quality control.* 6.1 Each production regulator must be shown to comply with paragraphs 4.1 through 4.4.

6.2 One regulator selected at random from each lot must be shown to comply with paragraphs 4.1 through 4.10. The lot size may be selected by the applicant subject to the approval of the Federal Aviation Agency on the basis of evaluation of the quality control system of the applicant (see FAR, § 37.5).

7. *Abbreviations and definitions.*

LPM: Liters per minute.

STPD: Standard temperature and pressure, dry (0° C., 760 mm. Hg., $PH_2O=0$).

ATPD: Ambient temperature and pressure, dry (70° F.; ambient pressure; $PH_2O=0$).

c.p.s.: Cycles per second.

p.s.i.a.: Pounds per square inch absolute.

g.: Acceleration of gravity, 32 feet/second/second.

[F.R. Doc. 67-142; Filed, Jan. 6, 1967; 8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1205—SPACE SCIENCE FLIGHT EXPERIMENTS

Chapter V of Title 14 is amended by the addition of a new Part 1205, reading as follows:

Subpart 1—Policy Concerning Data Obtained From Space Science Flight Experiments

Sec.

AUTHORITY: The provisions of this Part 1205 issued under 42 U.S.C. 2454.

Subpart 1—Policy Concerning Data Obtained From Space Science Flight Experiments

§ 1205.100 Scope.

(a) This subpart establishes the policy and responsibilities for reduction, analysis, preservation, and dissemination of data obtained from space science flight experiments.

(b) The provisions of this subpart apply to all data obtained from space science flight experiments recommended by the Space Science Steering Committee of National Aeronautics and Space Administration (NASA) and approved by the Associate Administrator for Space Science and Applications, NASA Headquarters. The policy and procedures for the conduct of the Space Science Program and the responsibilities for the selection and support of scientific investigations and investigators are set forth in NASA Management Issuance 7100.1.

§ 1205.101 Policy.

(a) In conducting space science flight experiments, NASA shall seek to:

(1) Preserve the integrity of each investigation.

(2) Encourage the participation of the best qualified scientists.

(3) Make the results of investigations generally available to the scientific community at the earliest practicable time.

(b) NASA shall rely heavily on individual scientists in the United States (in and out of Government) to carry out a complete investigation by:

(1) Conceiving specific investigations.

(2) Developing, when appropriate, the instrumentation for the investigation.

(3) Participating actively, wherever possible, in the actual conduct of the investigation.

(4) Reducing and analyzing the data obtained.

(5) Publishing their findings as soon as practicable and making their reduced data records available on a timely basis for use by others.

(c) A provision for the release of data obtained by the individual investigator from the investigation shall be included in an agreement with the individual investigator at the time the investigation is selected. NASA shall take such action as necessary to insure that data are released as required to meet scientific and technological needs.

(d) Foreign scientists participating in cooperative space science flight experiment projects shall be governed by the respective international agreements.

§ 1205.102 Definitions.

For the purpose of this subpart, the following definitions apply:

(a) *Space science flight experiments.* Investigations of natural phenomena of the earth and its environment, the moon, other planets, the sun, interplanetary space, and other celestial objects and regions made from, or in conjunction with aircraft, balloons, sounding rockets, earth satellites, space probes, and manned spacecraft for the purpose of increasing basic knowledge of these natural phenomena. The biological investigations involving both the search for extraterrestrial life and observation of the effects of space environment on living organisms other than man are included.

(b) *Original data records.* Those records made by the various telemetering and/or tracking stations as part of the basic field operations and exposed film and data records returned by recovered spacecraft. These records will generally require specialized processing techniques to prepare them for further use or, as in the case of tracking data, to convert them into more meaningful terms.

(c) *Returned samples.* Recovered specimens of extraterrestrial material or terrestrial material exposed to space environment.

(d) *Master data records.* Those records obtained through specialized processing techniques from the original data records. They contain the original experiment information and supporting information such as orbital position, spacecraft attitude, and command and housekeeping data. Ground time, and where applicable, spacecraft time will have been correlated with these data. Extraneous and duplicate segments have been removed and the remainder is an organized, identified set of records, usually in a digital form, capable of direct entry into a computer.

(e) *Experiment data records.* Those records extracted from the master data records to provide the principal investigator with data associated only with his experiment.

(f) *Reduced data records.* Those records prepared from the experiment data records by the introduction of calibration factors, and the elimination of meaningless and duplicate portions of information. Records prepared from analysis of returned samples and photographs are also included. Visual data, such as photographs derived from data processing techniques, may also be considered as reduced data records. These records will contain the values of the quantities measured as functions of time, position and other appropriate parameters. It is from these records, or the tabulations and graphs prepared directly from them, that the investigator will develop his analysis and conclusions.

(g) *Correlative data.* Those records, such as magnetograms and ionograms from ground-based observatories, necessary for the analysis and evaluation of space science experiments.

§ 1205.103 Responsibility.

(a) *The Office of Space Science and Applications, NASA Headquarters.* The Associate Administrator for Space Science and Applications is responsible for:

(1) Overall administration and operation of the Space Science Flight Experiments Program.

(2) Overall direction of the National Space Science Data Center (NSSDC) through the Director, Goddard Space Flight Center, Greenbelt, Md.

(3) Management of data reduction, analysis, preservation, and release functions concerning space science flight experiments.

(4) Issuance of implementing management instructions and guidelines consistent with the provisions of this subpart. The Director, Physics and Astronomy Programs, Office of Space Science and Applications, is responsible for program management of the NSSDC.

(b) *NASA Headquarters Program Offices.* Each program director within Headquarters Program Offices is responsible for managing the data reduction, prime analysis and delivery of reduced

data records to the NSSDC from space science flight experiments for which he has program management responsibility.

(c) *Tracking and data systems management.* The Goddard Space Flight Center and the Jet Propulsion Laboratory are responsible for development of master data records and experimenter data records and delivery of experimenter data records to the cognizant project management center.

(d) *NASA field installation responsibility.* NASA field installations assigned project management responsibility for unmanned flight projects or science systems/experiments development responsibility for manned flight projects are also responsible for:

(1) Insuring that the contracts or written agreements negotiated between the Principal Investigator's institution and the project management center specify the responsibility of the Principal Investigator for data reduction, prime analysis and delivery of reduced data records and necessary documentation to the NSSDC.

(2) Insuring that investigators on these projects fulfill the stipulations of the contracts or written agreements pertaining to the responsibilities described in subparagraph (1) of this paragraph (d).

(3) Delivery of experimenter data records to investigators on a timely basis.

(4) Insuring that the recovered specimens of terrestrial material exposed to space environment and the original data records or master data records are preserved until all meaningful information has been extracted from them and placed in the NSSDC.

(5) Providing the Associate Administrator for Space Science and Applications with the name of the individual who will be the field installation's focal point for matters pertaining to the NSSDC.

(e) *Responsibilities of the Principal Investigator (NASA, non-NASA and foreign).* At the time an investigation is approved for flight, the Principal Investigator will be notified in writing by the Office of Space Science and Applications, National Aeronautics and Space Administration, Washington, D.C. 20546, of his responsibilities for reduction, prime analysis, and delivery to NSSDC of reduced data records. These responsibilities (subject in the case of foreign scientists to the specifications of the governing international agreement) will include:

(1) Completion of data reduction and prime analysis of the data from his experiment within the period of time agreed upon between the Principal Investigator and the Associate Administrator for Space Science and Applications.

(2) Publication of the results of his analysis as soon as practicable.

(3) Preparation of reduced data records together with the necessary background information to make them usable by other scientists and delivery of a copy of the records and background information to the NSSDC on a schedule to be negotiated between the Principal Investigator's institution and the project management center.

(f) *National Space Science Data Center.* The Director, Goddard Space Flight Center, is responsible for management of the National Space Science Data Center, Goddard Space Flight Center, Greenbelt, Md. 20771. For functions and operation of the Center, see Appendix A to this subpart. The Data Center Director, appointed by the Director, Goddard Space Flight Center, is responsible for:

(1) Implementing the NASA project development plan for the operation of the National Space Science Data Center.

(2) Recommending, through the Director, Goddard Space Flight Center, any changes in policies, procedures, and plans for the operation of the Data Center deemed appropriate to the effective attainment of project objectives.

(3) Preparing budget estimates for operation of the Data Center.

(4) Establishing fees for the computer and reproduction services performed by the Center.

(5) Compiling, based on information obtained from project management centers, schedules for transmission of reduced data records to the NSSDC by investigators on NASA flight projects and reporting on the progress of the collection of data from investigators.

(6) Preparing guidelines for investigators in preparing data records for the Data Center, and disseminating these guidelines to appropriate individuals and agencies.

(7) Reporting quarterly on the progress and financial status of the Data Center operations.

(8) Assessing adequacy of Data Center facilities and the effectiveness of their utilization; and recommending, through the Director, Goddard Space Flight Center, the necessary actions to meet future facility requirements.

(9) Maintaining, protecting, and retiring NASA records in the custody of the Data Center in accordance with the policies and practices of the NASA Records Management Program and other pertinent management instructions.

§ 1205.104 Support of research.

The NSSDC will support investigations in space sciences to the extent of making available its scientific data and facilities. However, the NSSDC will not provide financial support for such research. The Office of Space Science and Applications will entertain proposals for space science research based on data available in the NSSDC.

Effective date. The provisions of this Subpart 1205.1 are effective upon publication in the FEDERAL REGISTER.

ROBERT C. SEAMANS, Jr.,
Deputy Administrator.

APPENDIX A—FUNCTIONS AND OPERATION OF NATIONAL SPACE SCIENCE DATA CENTER

The National Space Science Data Center (NSSDC) at the Goddard Space Flight Center provides scientific data and facilities in support of investigations in space science.

(a) *Data to be acquired.* The NSSDC will acquire or accept:

(1) Reduced data records from NASA-sponsored space science flight experiments. When more appropriate, the Director of the NSSDC may make other arrangements for the acquisition of data from experiments and/or their archiving and distribution.

(2) Unclassified reduced data records made available from space science flight experiments by other agencies in accordance with interagency agreements.

(3) Correlative and other data requested by investigators as necessary for the utilization of data in the NSSDC.

(4) Data records from foreign space science flight experiments which may be made available by international exchange of data through the World Data Centers or by cooperative agreements.

(5) Those final analyzed data which the Principal Investigator designates as best containing scientific results of his experiment.

(b) *Data not to be acquired.* (1) Data obtained from operational observations made for specific applications such as weather forecasting, navigation, communications, tracking and telemetry, medical investigations, and technological investigations which contribute only to the development of space flight hardware will not be acquired by the Center.

(2) Because of the problems associated with the prevention of contamination of lunar samples and subsequently samples from other planets, returned samples and associated data will be stored at the Lunar Receiving Laboratory at the Manned Spacecraft Center. However, a description of samples will be furnished the Data Center for announcement.

(3) Original data records (including magnetic tapes, telemetry records, exposed film, and meteorite collection panels) will normally not be acquired by the Center.

(c) *Availability of data.* Data records in the NSSDC will be available to users on the following basis:

(1) To U.S. residents and organizations upon request.

(2) To foreign nationals in accordance with the procedures of World Data Center A.

(3) To foreign nationals on the basis of cooperative agreements between NASA and the space agencies of foreign governments or multilateral organizations devoted to space research.

(4) To foreign governments on the basis of bilateral intergovernment agreements made by the United States on behalf of NASA.

(d) *Preservation of data.* Data in the Center will be preserved for the longest practicable time consistent with the physical life of the record. An inspection system will be established for the reproduction or destruction of deteriorating records. In general, records will be reproduced to extend their storage life only if the record of their past utilization justifies such prolongation. Specific categories of data may be reproduced to extend their storage life regardless of past usage in accordance with international or interagency agreements or with the expressed approval of the Office of Space Science and Applications. Whenever a NASA center determines that there is no longer a requirement to store original data records, the Data Center will be given prior notice. The Data Center will also notify the responsible center prior to disposing of any reduced data records.

(e) *NSSDC publications.* The Center will issue such publications as are necessary to promote and facilitate the use of available data. Publications which are presently planned include:

(1) *Data users notes.* Provides the data user with experiment information and describes the reduced data available.

(2) *Catalogs of data.* Listings of all data from Space Science Flight Experiments avail-

able from the Data Center will be issued as needed but at least every 6 months. The forms in which the data are available will also be indicated, i.e., microfilm, tapes, printouts, etc.

(3) *Data announcements.* To be made as data become available.

(f) *Other services.* The NSSDC will provide technical assistance to data users. In some cases, this may involve the conversion of data records into compatible formats to facilitate correlation of data from various sources. When facilities are available the Center will provide lecture rooms, study rooms, and office space for use by visiting scientists in research involving the use of available data.

(g) *User charges.* (1) User charges will be in accordance with the policies set forth in the Bureau of the Budget Circular A-25 and NASA Financial Management Manual 9080. The methods to be used in computing the user charges will be reviewed by the Director of Financial Management, NASA Headquarters.

(2) Appropriate fees will be charged for reproduction, computer and dissemination services provided to individual users by the Data Center. The NSSDC may perform conversion of data records and general technical assistance without charge to individual users. Fees for reproduction and dissemination services may be waived by the Data Center Manager if:

(i) The cost of collecting the fee would be an unduly large proportion of the amount of the fee.

(ii) The data furnished are required to accomplish a research task approved by NASA Headquarters, field installations, or Jet Propulsion Laboratory.

(iii) The data are to be used by a Federal, State, or local Government agency or by a nonprofit organization.

[F.R. Doc. 67-177; Filed, Jan. 6, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1145]

PART 13—PROHIBITED TRADE PRACTICES

Colbert's

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Colbert's, Dallas, Tex., Docket C-1145, Dec. 9, 1966]

In the Matter of Colbert's, a Corporation

Consent order requiring a Dallas, Tex., retail furrier to cease misbranding, deceptively invoicing and falsely advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Colbert's, a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication on labels, that any price whether accompanied or not by descriptive terminology is the respondent's former price of fur products when such price is in excess of the price at which such fur products have been sold or offered for sale in good faith by the respondent in the recent regular course of business, or otherwise misrepresenting the price at which such fur products had been sold or offered for sale by respondent.

2. Misrepresenting in any manner on labels or other means of identification the savings available to purchasers of respondent's fur products.

3. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

4. Failing to set forth on labels the item number or mark assigned to each such fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to any such fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

4. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artifically colored.

5. Failing to set forth on invoices the item number or mark assigned to each such fur product.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Represents, directly or by implication, that any price whether accompanied or not by descriptive terminology is the respondent's former price of fur products when such price is in excess of the price at which such fur products have been sold or offered for sale in good faith by the respondent in the recent regular course of business, or otherwise misrepresenting the price at which such fur products have been sold or offered for sale by respondent.

4. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

5. Fails to set forth the terms "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

6. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

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

Issued: December 9, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-149; Filed, Jan. 6, 1967; 8:45 a.m.]

[Docket No. C-1146]

PART 13—PROHIBITED TRADE PRACTICES

Goodman Bros. Jewelers, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.125 *Limited offers or supply;* § 13.155 *Prices:* 13.155–15 Compar-

ative; 13.155–40 Exaggerated as regular and customary; 13.155–70 Percentage savings; 13.155–100 Usual as reduced, special, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Goodman Bros. Jewelers, Inc. et al., St. Paul, Minn., Docket C–1146, Dec. 9, 1966]

In the Matter of Goodman Bros. Jewelers, Inc., a Corporation, Goodman Jewelers, Inc., a Corporation, and Stanley B. Goodman and Arthur N. Goodman, Individually and as Officers of Each of Said Corporations

Consent order requiring two affiliated Minnesota jewelry stores to cease using limited availability, false pricing, "free," and deceptive guarantee claims to sell their merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Goodman Bros. Jewelers, Inc., a corporation, Goodman Jewelers, Inc., a corporation, and their officers, and Stanley B. Goodman and Arthur N. Goodman, individually and as officers of each of the said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale and distribution of jewelry or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any offer of sale is limited in time or in any manner; *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any represented limitation or restriction was actually imposed and in good faith adhered to;

2. Using the words "compare at", "value" or any word or words of similar import to refer to any amount which is appreciably in excess of the price at which substantial sales of such merchandise have been made in the recent regular course of business in the trade area where such representations are made; or otherwise misrepresenting the price at which such merchandise has been sold in the trade area where such representations are made;

3. Using the terms "Price $ * * * Now $ * * *" or any other term or terms of similar import to refer to a comparative price; *Provided, however*, That it shall be a defense in any enforcement proceeding, instituted hereunder, for the respondents to establish that the higher stated price of the comparative is not in excess of the price at which such merchandise has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent regular course of their business; or otherwise misrepresenting the price at which such merchandise has been sold or offered for sale by respondents;

4. Using the words "Lowest Price," "Lowest Price Ever," or any other word or words of similar import or meaning as descriptive of any price amount: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the price amount so described is the lowest price at which said merchandise is sold in the trade area where the representations are made;

5. Using the words "½ Price," "Save $40," "Save 30%" or any other word or words of similar import or meaning as descriptive of any price amount: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the purchasers or prospective purchasers of such merchandise save the stated or implied percentage or dollar amounts from the prices at which such merchandise was sold or offered for sale in good faith for a reasonably substantial period of time by the respondents in the recent regular course of their business;

6. Using the words "Special Price", "Special Savings", "Reduced Sale Price" or any other word or words of similar import or meaning as descriptive of any price amount: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such price constitutes a substantial reduction from the price at which such merchandise was sold or offered for sale in good faith for a reasonably substantial period of time by the respondents in the recent regular course of their business;

7. Representing, directly or by implication, that any article of merchandise is being given free or as a gift, or without cost or charge, in connection with the purchase of other merchandise when the price charged includes a price for the so-called free article of merchandise or when the articles of merchandise are usually and regularly sold together for the price charged;

8. Representing that merchandise is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

9. Misrepresenting, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise at retail; or misrepresenting in any manner the amount of savings available to purchasers, or prospective purchasers of respondents' merchandise at retail.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 9, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–150; Filed, Jan. 6, 1967; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin Chemicals

§ 15.105 Foreign origin chemicals.

The Commission issued an Advisory Opinion to the effect that it would be improper to label chemicals composed of 45 percent imported and 55 domestic product as being of domestic origin, unless an equally clear and conspicuous disclosure was made that 45 percent of the product was imported.

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

Issued: January 6, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–103; Filed, Jan. 6, 1967; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Film Projector Promotional Plan

§ 15.106 Film projector promotional plan.

(a) The Commission announced it could not give its approval to a three-party promotional plan, which involved the placing of a film projector in grocery stores to advertise certain food products, because it contained two provisions which would probably be in violation of the law.

(b) According to the terms of the proposed plan which were submitted by a third-party promoter, the entire cost of the plan will be borne by participating food suppliers. Each retailer who participates in the plan will be paid on a sliding scale for the space occupied by the film projector, depending upon the amount of floor space in the entire store. The reason advanced for the basing of payments upon floor space is that, overall, larger stores will attract more customers and hence more viewers of the projected ads.

(c) In order to induce customers to look at the projected ads, each person entering the store will be given a card containing a number which, if it turns out to be the lucky number, entitles the holder to a prize regardless of whether the holder makes a purchase in the store. However, if the holder of the lucky number has in his shopping cart one or more of the products advertised on the film projector, he will receive a "bonus prize on occasion" in addition to the regular prize.

(d) In its opinion the Commission said that sections 2 (d) and (e) of the Robinson-Patman Act "require a supplier to treat all of his competing customers on a nondiscriminatory basis, which means that if the supplier furnishes promotional assistance to one customer he must make that assistance available on proportionally equal terms to all competing customers. The courts have also held that the supplier must comply with these provisions of the law irrespective

of whether the promotional assistance is furnished to the retailer directly or through an intermediary."

(e) Commenting upon specific features of the plan, the Commission said that it contained two features which would probably violate the law.

(1) "The Commission is of the opinion that the standard of payment to retailers, which you contemplate basing upon floor space, does not meet the statutory standard of 'proportionally equal terms' as required by sections 2 (d) and (e) of the Robinson-Patman Act. The proposed standard bears no ascertainable relation to the volume of business which any of the retailers involved might conduct with any of the participating suppliers. Moreover, the proposed standard could result in a situation in which retailers who have a small volume with the participating suppliers would receive more than competing retailers with a much larger volume solely because of larger floor space.

(2) "The Commission is of the opinion that the feature of the plan which induces customers to view the projected ads constitutes the sale of merchandise by means of a lottery or by means of a chance or gaming device contrary to public policy and the provisions of sec. 5 of the FTC Act."

(f) The Commission's opinion also pointed out that, if the plan is revised so as to eliminate the two foregoing objections, it would still be necessary for the following four conditions to be met:

(1) All competing retailers must be notified of their right to participate in the plan on a nondiscriminatory basis.

(2) It must be made available to all competing retailers within a given marketing area and to those who, geographically, are on the periphery of that area if they in fact compete with the favored retailers.

(3) It must be made available to all retailers who compete in the resale of the supplier's product, irrespective of their functional classification. Therefore, if the items involved in the plan are also sold by nongrocery stores, they must be accorded the same opportunity to participate in any promotional assistance given by the suppliers to competing grocery outlets.

(4) An alternative plan on proportionally equal terms must be offered to those retailers who, for practical business reasons, find the film projector not to be usable and suitable.

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

Issued: January 6, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–104; Filed, Jan. 6, 1967; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67–18]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

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

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

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

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 883)

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

Approved: December 30, 1966.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 67–182; Filed, Jan. 6, 1967; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

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

[Reg. 5]

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

Subpart A—Hospital Insurance Benefits

Correction

In F.R. Doc. 66–8201, appearing at page 10116 of the issue for Wednesday, July 27, 1966, the following corrections are made:

1. In § 405.116(e), the phrase reading "inpatient hospital service furnished by the hospital" should read "inpatient hospital service if furnished by the hospital".

2. The section heading immediately following § 405.122 should read as follows:

§ 405.123 Post-hospital extended care services; whole blood cost deductible.

3. In § 405.145, the reference reading "in § 405.41" should read "in § 405.141".

[Reg. 5]

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

Subpart J—Conditions of Participation; Hospitals

Correction

In F.R. Doc. 66–11320, appearing at page 13424 of the issue for Tuesday, October 18, 1966, the first sentence of § 405.1023(p) should read as follows:

(p) *Standard; meetings.* Meetings of the medical staff are held to review, analyze, and evaluate the clinical work of its members; the number and frequency of medical staff meetings are determined by the active staff and clearly stated in the bylaws of the staff; attendance requirements for each individual member of the staff and for the total attendance at each meeting are clearly stated in the bylaws of the staff and attendance records are kept; adequate minutes of all meetings are kept; the method adopted to insure adequate evaluation of clinical practice in the hospital is determined by the medical staff and clearly stated in the bylaws. * * *

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

CREDENTIALS

New credentials for Bureau of Drug Abuse Control agents have been designed. Form FD 200A no longer applies to these agents and Form FD 200D (31 F.R. 8953) is discontinued. Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), and pursuant to section 3(a)(1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002), § 2.121(b) is amended by revising subparagraph (4) and the introduction to subparagraph (5) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(b) * * *

(4) The official credentials denominated as Form FD 200A, Form FD 200B, and Form FD 200C, described in subparagraphs (2) and (3) of this paragraph, and the credentials for personnel of the Bureau of Drug Abuse Control, described in subparagraph (5) of this paragraph,

are all superimposed with the seal of the Department of Health, Education, and Welfare, with blue imprint.

(5) The official credentials issued by the Food and Drug Administration, Bureau of Drug Abuse Control, are as follows: Two white panels, each 4½ inches by 2¾ inches. The top panel bears the name of the Department of Health, Education, and Welfare, the agent's name and title, and the name of the Bureau of Drug Abuse Control. It bears the statement that the person named, whose signature and photograph appear in the lower panel, is duly appointed as an agent or other pertinent title. All is superimposed with the letters "FDA" with blue imprint. The bottom panel bears the statement that the person named is authorized by the Secretary of Health, Education, and Welfare to exercise all enforcement authority and to perform the duties provided by law and Department regulations. That statement is superimposed with the seal of the Department of Health, Education, and Welfare. The bottom panel also bears the signature of the Commissioner, the signature of the person named, a photograph of the person named, and an identification number. Duly appointed and authorized agents of the Food and Drug Administration and all officers and employees of the Food and Drug Administration who have been issued the official credentials of the Bureau of Drug Abuse Control:

* * * * *

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a); sec. 3(a)(1), 60 Stat. 238; 5 U.S.C. 1002)

Dated: December 29, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-191; Filed, Jan. 6, 1967; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES

Canned Spinach; Order Amending Standard of Identity

In the matter of amending the standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) to list "whole leaf" and "cut leaf" or "sliced" as optional forms of canned spinach:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of September 27, 1966 (31 F.R. 12643), on the initiative of the Commissioner of Food and Drugs. In response to the proposal, comments were received from a trade association of canners and from two individual packers of canned spinach.

Based upon comments received and other information available, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the standard substantially as proposed; however, the ruling set forth below modifies the Commissioner's original proposal as follows:

1. The traditional form of canned spinach is whole leaf, and the practice has been to label this food as "Spinach" with no qualification as to the form used; therefore, it is concluded that the labels for canned spinach made with uncut leaves, other than normal trimming, need not specify that the form is "whole leaf."

2. In addition to the "whole leaf" and "cut leaf" or "sliced" forms of canned spinach, there is a third form called "chopped" being packed. In the ruling set forth below this form is also recognized.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by 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 delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That § 51.990 be amended by revising the item "Spinach" in the table in paragraph (b) and by revising paragraph (e) to read as follows:

§ 51.990 Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.

* * * * *

(b) * * *

I	II	III
Name or synonym of canned vegetable	Source	Optional forms of vegetable ingredient
* * *	* * *	* * *
Spinach	Leaves of the spinach plant.	Whole leaf; cut leaf or sliced; chopped.
* * *	* * *	* * *

* * * * *

(e) When two or more forms of the vegetable are specified in Column III of the table in paragraph (b) of this section, the label shall bear the specified word or words, or in case synonyms are so specified, one of such synonyms, showing the form of the vegetable ingredient present; except that in the case of canned spinach, if the whole leaf is the optional form used, the word "spinach" unmodified may be used in lieu of the words "whole leaf spinach."

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days following 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. 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, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: December 29, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-192; Filed, Jan. 6, 1967; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Combination Drugs; Extension of Temporary Exemption From Recordkeeping Requirements

Effective upon publication of this order in the FEDERAL REGISTER and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 511(f), 701, 52 Stat. 1055, as amended, 79 Stat. 230; 21 U.S.C. 360a(f), 371) and under 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), § 166.8 (31 F.R. 1074, 10123) is amended by changing the date "February 1, 1967:" in the introduction to the section to read "April 1, 1967:".

(Secs. 511(f), 701, 52 Stat. 1055, as amended, 79 Stat. 230; 21 U.S.C. 360a(f), 371)

Dated: December 21, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-2; Filed, Jan. 6, 1967; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of the Treasury

[CGFR 66-53]

PART 11-1—GENERAL

Subpart 11-1.7—Small Business Concerns

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):

Subpart 11–1.7 is revised to read as follows:

Subpart 11–1.7—Small Business Concerns

AUTHORITY: The provisions of this Subpart 11–1.7 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

§ 11–1.700 General.

This subpart implements and supplements FPR 1–1.7 of this title by setting forth the Coast Guard small business program, including unilateral set-asides, and assigning responsibility for its implementation, evaluation, and administration. The Coast Guard small business program applies to all procuring activities of Coast Guard.

§ 11–1.701 Definition.

As used in this Subpart 11–1.7, the term "procuring activities" means Coast Guard units with contracting officers designated in accordance with § 11–75.201 (b) and (c) of this chapter.

§ 11–1.702 Small business policies.

It is the policy of the Coast Guard that a fair proportion of Government contracts be placed with small business concerns. This policy conforms with the Federal Property and Administrative Services Act of 1949 and the Small Business Act.

§ 11–1.704 Agency program direction and operations.

§ 11–1.704–1 Program direction.

(a) The Comptroller is responsible for the overall administration of the Coast Guard small business program.

(b) The procurement and contracting aspects of this program shall be carried out under the direction of Commandant (FS).

§ 11–1.704–2 Program operations.

(a) Each procuring activity shall use its best efforts to identify commodities and services where a potential exists for increasing the small business share of contract awards. Contracting officers shall develop effective methods for identifying such categories.

(b) Coast Guard Headquarters contracting officers shall regularly review proposed procurements, on which small business set-asides are not planned, with Chief, Procurement Branch. In the case of field contracting officers, this review will be made with the cognizant comptroller or commanding officer as applicable.

(c) Each procuring activity shall, to the maximum extent feasible, arrange for the making of unilateral small business set-asides on all contracting actions which qualify therefor as provided under FPR 1–1.7 of this title and this Subpart 11–1.7.

(d) Each procuring activity, with respect to the commodities and services identified under paragraph (a) of this § 11–1.704–2 and with respect to small business concerns doing business in such commodities and services in their areas, shall:

(1) Take appropriate actions to publicize avdance and current information about Coast Guard business opportunities to the maximum extent feasible.

(2) Provide maximum advance and current information, assistance, and counseling of such nature, extent, and timeliness as to enable small business concerns to take full advantage of the available Coast Guard business opportunities and to compete for contracts.

(3) Where funds and personnel permit, develop and conduct public information and business relation techniques designated to obtain maximum interest and participation of small business concerns. Such activity shall include, but not be limited to, the following:

(i) Arranging for and participating in meetings with business groups such as chambers of commerce, trade associations and similar organizations, State development corporations, governors' and mayors' advisory groups, local business and civic organizations, and small business councils.

(ii) Developing, preparing, and distributing informational material designed to stimulate interest on the part of small business concerns.

(iii) Developing interest and cooperation on the part of trade publications and the local press, and other media.

§ 11–1.706 Procurement set-asides for small business.

§ 11–1.706–1 General.

(a) In implementation of Coast Guard's assumption of complete responsibility for the initiation of all small business set-asides following the withdrawal of the Small Business Administration representative from participation in the making of small business set-asides, each procuring activity shall, to the maximum extent feasible, arrange for the making of unilateral small business set-asides on all contracting actions which qualify therefor, as provided in FPR Subpart 1–1.7 of this title. Unilateral set-asides made on individual procurements shall be noted in the procurement contract file (see § 11–3.201 of this chapter).

(b) In the initiation of unilateral set-asides priority consideration shall be given to the establishment of class set-asides on individual procurement actions. Procuring activities shall periodically review individual set-asides made unilaterally pursuant to paragraph (a) of this section and other appropriate procurements to develop recommendations for class set-asides. Coast Guard Headquarters procurements shall be reviewed with the Chief, Procurement Branch. In the case of field contracting officers, this review will be made with the cognizant comptroller or commanding officer as applicable.

(c) An understanding has been reached with the Small Business Administration under which it is agreed that every proposed procurement for construction, including alteration, maintenance, and repairs in excess of $200,000 and under $500,000 shall be considered individually as though the SBA has initiated a set-aside request. When, in the judgment of the contracting officer, a particular contract falling within these dollar limits is determined unsuitable as a set-aside for exclusive small business participation pursuant to FPR Subpart 1–1.7 of this title, contracting officer, Coast Guard Headquarters shall notify Chief, Supply Division and field contracting officers shall notify the cognizant comptroller or commanding officer as applicable. Unless the aforementioned officer, such as the case may be, disagrees with the contracting officer's decision, the contracting officer shall proceed to process the procurement on an unrestricted basis.

§ 1–1.706–5 Total set-asides.

When a total small business set-aside is made, a statement to that effect shall be placed on the face of the invitation for bids. In this regard, the following statements are recommended for use, as appropriate:

(a) Notice of total small business set-aside applies to all items in this invitation.

(b) Notice of total small business set-aside applies to items _____ through _____ in this invitation.

§ 11–1.706–50 Documentation of small business set-aside determinations.

(a) As provided in §§ 11–1.704–2 and 11–1.706–1 (a) and (b), each Coast Guard procuring activity is responsible for initiating unilateral small business set-asides. This applies to all contracting actions including requirements type (indefinite quantity) contracts which may be susceptible to small business set-asides.

(b) The determination to make a total unilateral set-aside in connection with an individual procurement shall be noted in the procurement contract file (§ 11–3.201 of this chapter). Class set-aside determinations shall be documented substantially in the format set forth below and a copy shall be retained in the "purchase history" file or equivalent record covering the commodity or service involved. Class set-aside determinations will be signed by the contracting officer involved and approved by (1) Chief, Supply Division for those originating at Coast Guard Headquarters; and (2) by Comptroller or commanding officer as applicable for those originating in the field.

UNILATERAL SMALL BUSINESS CLASS SET-ASIDE DETERMINATION

In accordance with FPR 1–1.706 and CGPR 11–1.706, it is hereby determined that procurements by the (name of procuring activ-

ity) of the following commodities or services shall be set-aside for small business concerns on a class basis. This determination shall be reviewed on ----------, or, in any event, not later than 1 year after the above determinations date. This determination does not apply to any individual procurement for which small purchase procedures are to be used and applies only to the procuring activity named above.

(List items or services)

(c) In the case of any individual procurement action where a set-aside is not considered feasible, the reasons for not making a set-aside shall be summarized in the procurement contract file. In addition, if the Chief, Supply Division or the cognizant comptroller or commanding officer, as applicable, has recommended a set-aside for that procurement action, a copy of a summary of the reasons shall be furnished to him. In other cases the procurement contract files containing reasons for not making set-asides shall be made available for review by Chief, Supply Division for contracts originating at Coast Guard Headquarters and by cognizant comptroller or commanding officer as applicable, for contracts originating in the field.

(d) In any case where the Chief, Supply Division or the cognizant comptroller or commanding officer, as applicable, disagrees with a contracting officer's determination not to make a small business set-aside on a proposed procurement, or in any case where the Chief, Supply Division or the cognizant comptroller or commanding officer, as applicable, develops information which indicates that a small business set-aside should be made on a scheduled procurement action, he shall promptly so notify the contracting officer.

(e) If there is disagreement between the Chief, Supply Division or the cognizant comptroller or commanding officer, as applicable, and the contracting officer concerning the initiation of a small business set-aside, such disagreement shall be referred to Commandant (F).

(f) Under no circumstances will procurement actions be initiated until small business set-aside disagreements have been formally resolved by Commandant (F).

§ 11–1.706–51 Total class set-asides.

(a) In addition to the provisions of Subpart 1–1.7 of this title and § 11–1.706–1 for total set-asides, the chief officer responsible for procurement on June 27, 1960, entered into a Joint Class Set-Aside for small business (Class Set-Aside No. USCG–C–1) providing that: All construction contracts for the construction, maintenance, or repair of shore structures within the United States, valued at $200,000 or less, entered into by the various contracting officers of the U.S. Coast Guard, be limited to small business concerns, exception being made for those contract requirements wherein the contracting officer makes a written determination that there are less than three small business firms that are available to bid on the required work. This class set-aside has been continued on a unilateral basis.

(b) A decision by the contracting officer not to use Class Set-Aside USCG–C–1 due to a determination that there are less than three small business firms that are available to bid on the required work or any other reasons such as unreasonable cost as set forth in § 1–1.706–3 will be made with concurrence of the Chief, Procurement Branch for procurements originating at Coast Guard Headquarters and of the comptroller or commanding officer as applicable for procurements originating in the field.

(c) In procurements involving Class Set-Aside USCG–C–1, each invitation for bid or request for proposal shall contain the notice set forth in § 1–1.706–5(c) changing the words "contracting officer" to "chief officer responsible for procurement." The face of all copies of the invitations for bids or requests for proposals will clearly and conspicuously indicate "Class Set-Aside USCG–C–1."

§ 11–1.708–2 Applicability and procedure.

(a)(6) Referrals pursuant to 1–1.708–2(a)(6) will be made to Commandant (F).

§ 11–1.708–3 Conclusiveness of certificate of competency.

If a certificate of competency is issued and the contracting officer has substantial doubt as to the ability of the contractor to perform, the case shall be forwarded through channels on an expedited basis with complete documentation as to the element of substantial doubt to Commandant (F), for review. The contracting officer shall withhold procurement action pending receipt of instructions from Commandant (F).

§ 11–1.709 Records and reports.

Commandant (FS), district commanders and commanding officers of Headquarters units shall summarize and report such procurements on Standard Form 37 (Report on Procurement by Civilian Executive Agencies) in accordance with § 1–16.804 as implemented by § 11–16.804.

Dated: December 21, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67–180; Filed, Jan. 6, 1967; 8:48 a.m.]

[CGFR 66–55]

MISCELLANEOUS AMENDMENTS TO CHAPTER

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):

PART 11–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 11–2.2—Solicitation of Bids

1. Section 11–2.204 is revised to read as follows:

§ 11–2.204 Records of invitations for bids and records of bids.

In addition to the requirements of § 1–2.204 two copies of IFB's for ship repair, alteration or conversion and construction contracts together with one copy of applicable plans and specifications, will be forwarded to Commandant (FS–1) at time of solicitation.

Subpart 11–2.4—Opening of Bids and Award of Contract

1. Section 11–2.407–8 is revised to read as follows:

§ 11–2.407–8 Protests against award.

* * * * *

(c) Protests after award: All protests after award will be forwarded to the chief officer responsible for procurement for appropriate action. The letter of transmittal will include the material listed in paragraph (b)(2) of this section.

PART 11–11—FEDERAL, STATE AND LOCAL TAXES

1. New § 11–11.000 is added, reading as follows:

§ 11–11.000 Scope of part.

(a) See Chapter 1 of this title.

(b) It is desirable that uniform and consistent tax policies and procedures be maintained throughout the Coast Guard. Accordingly, negotiation will not be undertaken or directed by procuring activities with any taxing authority for the purpose of determining the validity or applicability of, or for obtaining exemptions from or refund of, any tax, except with the approval of Chief Counsel, U.S. Coast Guard.

2. New Subpart 11–11.4 is added, reading as follows:

Sec.
11–11.401–4 Matters requiring special consideration.

AUTHORITY: The provisions of this Subpart 11–11.4 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

Subpart 11–11.4—Contract Clauses

§ 11–11.401–4 Matters requiring special consideration.

(a)–(c) See Chapter 1 of this title.

(d) The specific provisions described in paragraphs (a) and (b) of § 1–11.401–4 of this title and the additional clause set forth in paragraph (c) of § 1–11.401–4 of this title shall be used only with the approval of the Chief Counsel, U.S. Coast Guard.

PART 11–16—PROCUREMENT FORMS

Subpart 11–16.2—Forms for Negotiated Supply Contracts

§ 11–16.250 [Amended]

1. In § 11–16.250 paragraph b(2) is amended by revoking subdivision (v) and renumbering subdivisions (vi) through (x) to (v) through (ix) respectively.

Dated: December 22, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67–181; Filed, Jan. 6, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1131]

[Docket No. AO 271-A12]

MILK IN CENTRAL ARIZONA MARKETING AREA

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

The notice of hearing was issued December 14, 1966, and published in the FEDERAL REGISTER on Tuesday, December 20, 1966 (31 F.R. 16277; F.R. Doc. 66-13626).

The following addition is made to the notice of hearing on proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area: Immediately following the second paragraph of the notice, a paragraph is added to read:

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

Signed at Washington, D.C., on January 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-239; Filed, Jan. 6, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Labeling Requirements for Food Intentionally Subjected to Radiation

Pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, an order was published in the FEDERAL REGISTER of July 13, 1966 (31 F.R. 9491), establishing labeling requirements for foods which have been intentionally subjected to radiation.

Objections and requests for a hearing were received in response to the order. In the opinion of the Commissioner of Food and Drugs, reasonable grounds were not stated for a hearing on the issue of relieving irradiated foods from the labeling requirements imposed or for staying the effectiveness of the order. Objections proposing the terms "pasteurized" instead of "treated" and "sterilized" instead of "processed" are rejected because the commonly accepted meanings of "pasteurized" and "sterilized" are not applicable to the status of these irradiated foods which are subject to regulation.

The Commissioner emphasizes that the requirement that wholesale packages of irradiated food be labeled with a statement reading in part "do not irradiate again" and that invoices and bills of lading of bulk shipments of such food bear a similar statement is made necessary by available data which limit a conclusion of safety and technical effect to single-dose treatment.

Regarding comments that the specific radiation used should be defined on the labeling, it is the judgment of the Commissioner that the use of such terms as "processed (or treated) by X-radiation," "processed (or treated) by gamma radiation," and "processed (or treated) by electron radiation" should be proposed, as set forth below, as optional forms of the terms "processed by ionizing radiation" or "treated by ionizing radiation."

Having considered all objections received in response to the amendments published in the FEDERAL REGISTER of July 13, 1966, the Commissioner concludes that there are no grounds for a factual hearing and the amendments, which became effective upon publication, should continue to be effective. Also, the Commissioner proposes the following amendments regarding the above-described optional forms of terms defining specific radiation on the labeling. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), it is proposed that Subpart G of Part 121 be amended by revising §§ 121.3002(d), 121.3003(c) (1) and (2), 121.3004(e), 121.3005(d), and 121.3007 (d) (1) and (2) to read as follows:

§ 121.3002 High-dose gamma radiation for the processing of food.

* * * * *

(d) To assure safe use, the label of any food so processed shall bear, in addition to the other information required by the Act, the statement "Processed by ionizing radiation" or "Processed by gamma radiation."

§ 121.3003 Low-dose gamma radiation for the treatment of food.

* * * * *

(c) * * *

(1) "Treated with ionizing radiation" or "Treated with gamma radiation" on retail packages.

(2) "Treated with ionizing radiation—do not irradiate again" or "Treated with gamma radiation—do not irradiate again" on wholesale packages and on invoices or bills of lading of bulk shipments.

§ 121.3004 High-dose electron beam radiation for the processing of food.

* * * * *

(e) To assure safe use, the label of any food so processed shall bear, in addition to the other information required by the Act, the statement "Processed by ionizing radiation" or "Processed by electron radiation."

§ 121.3005 High-dose X-radiation for the processing of food.

* * * * *

(d) To assure safe use, the label of any food so processed shall bear, in addition to the other information required by the Act, the statement "Processed by ionizing radiation" or "Processed by X-radiation."

* * * * *

§ 121.3007 Low-dose electron beam radiation for the treatment of food.

* * * * *

(d) * * *

(1) "Treated with ionizing radiation" or "Treated with electron radiation" on retail packages.

(2) "Treated with ionizing radiation—do not irradiate again" or "Treated with electron radiation—do not irradiate again" on wholesale packages and on invoices or bills of lading of bulk shipments.

Any interested person may, within 30 days from the date of publication of this notice 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 comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 29, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-193; Filed, Jan. 6, 1967; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 516]

RECORDS TO BE KEPT BY EMPLOYERS

Notice of Proposed Rule Making

In order to change the recordmaking and recordkeeping requirements promulgated under the Fair Labor Standards Act of 1938 (29 U.S.C. 211) so that they

will serve their purpose under that Act as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89-601), it is proposed, under authority in that Act and those amendments, Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, to revise 29 CFR Part 516 to read as set out below.

Interested persons are invited to send written data, views, or argument concerning this proposal to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210, within 30 days after this proposal is published in the FEDERAL REGISTER.

For the period between February 1, 1967, and the effective date of such revision of 29 CFR Part 516 as may be made pursuant to this proposal, no enforcement action will be taken against any employer who makes and keeps records as he would be required under the regulation here proposed if it were in effect, even though such records may fail to comply fully with the requirements of 29 CFR Part 516 as presently in effect.

The proposed revision of 29 CFR Part 516 reads as follows:

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

INTRODUCTORY

AUTHORITY: The provisions of this Part 516 issued under sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211.

INTRODUCTORY

§ 516.1 Form of records; scope of regulations.

(a) *Form of records.* No particular order or form of records is prescribed by the regulations in this part. However, every employer who is subject to any of the provisions of the Fair Labor Standards Act of 1938, as amended (hereinafter referred to as the "Act"), is required to maintain records containing the information and data required by the specific sections of this part.

(b) *Scope of regulations.* (1) The regulations in this part are divided into two subparts. Subpart A of this part contains the requirements applicable to all employers employing covered employees, including the general requirements relating to the posting of notices, the preservation and location of records, and similar general provisions. This subpart also contains the requirements applicable to employers of employees to whom both the minimum wage provisions of section 6 and the overtime pay provisions of section 7(a) of the Act apply. As most covered employees fall within this category, employers, in most instances, will be concerned principally with the recordkeeping requirements of Subpart A of this part. Section 516.3 thereof contains the requirements relating to executive, administrative, and professional employees (including academic administrative personnel or teachers in elementary or secondary schools), and outside sales employees.

(2) Subpart B of this part deals with the information and data which must be kept with respect to employees (other than executive, administrative, etc., employees) who are subject to any of the exemptions provided in the Act, and with special provisions relating to such matters as deductions from and additions to wages for "board, lodging, or other facilities," industrial homeworkers, employees dependent upon tips as part of wages, and employees subject to more than one minimum wage. The sections in Subpart B of this part require the recording of more, less, or different items of information or data than required under the generally applicable recordkeeping requirements of Subpart A of this part.

Subpart A—General Requirements

§ 516.2 Employees subject to minimum wage or minimum wage and overtime provisions; section 6 or sections 6 and 7(a) of the Act.

(a) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom section 6 or both sections 6 and 7(a) of the Act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address, including zip code,

(3) Date of birth, if under 19,

(4) Sex and occupation in which employed (sex may be indicated by use of the prefixes Mr., Mrs., or Miss),

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6)(i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due un-

der section 7(a) of the Act, (ii) basis on which wages are paid (such as "$2 hr."; "$16 day"; "$80 wk."; "$80 wk. plus 5 percent commission on sales over $800 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(e) of the Act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data).

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the Act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(c) *Employees working on fixed schedules.* With respect to employees working on fixed schedules, an employer may maintain records showing instead of the hours worked each day and each week as required by paragraph (a)(7) of this section, the schedule of daily and weekly hours the employee normally works, and

(1) In weeks in which an employee adheres to this schedule, indicates by check mark, statement, or other method that such hours were in fact actually worked by him, and

(2) In weeks in which more or less than the scheduled hours are worked, shows the exact number of hours worked each day and each week.

§ 516.3 Bona fide executive, administrative, and professional employees (including academic administrative personnel and teachers in elementary or secondary schools), and outside sales employees as referred to in section 13(a)(1) of the Act—items required.

With respect to persons employed in a bona fide executive, administrative or professional capacity (including employees employed in the capacity of academic administrative personnel or teachers in elementary or secondary schools), or in the capacity of outside salesman, as defined in Part 541 of this chapter (pertaining to so-called "white collar" employee exemptions), employers shall maintain and preserve records containing all the information and data required by § 516.2(a) except subparagraphs (6) through (10) thereof, and, in addition thereto the basis on which wages are paid (this may be shown as "$435 mo."; "$115 wk."; or "on fee").

§ 516.4 Posting of notices.

Every employer employing any employees who are (a) engaged in commerce or in the production of goods for commerce or (b) employed in an enterprise engaged in commerce or in the production of goods for commerce, and who are not specifically exempt from both the minimum wage provisions of section 6 and the overtime provisions of section 7(a) of the Act, shall post and keep posted such notices pertaining to the applicability of the Act, as shall be prescribed by the Wage and Hour Division, in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy on the way to or from their place of employment.

§ 516.5 Records to be preserved 3 years.

Each employer shall preserve for at least 3 years:

(a) *Payroll records.* From the last date of entry, all those payroll or other records containing the employee information and data required under any of the applicable sections of this part, and

(b) *Certificates, agreements, plans, notices, etc.* From their last effective date, all written:

(1) Collective bargaining agreements relied upon for the exclusion of certain costs under section 3(m) of the Act,

(2) Collective bargaining agreements, under section 7(b)(1) or 7(b)(2) of the Act, and any amendments or additions thereto,

(3) Plans, trusts, employment contracts, and collective bargaining agreements under section 7(e) of the Act,

(4) Individual contracts or collective bargaining agreements under section 7(f) of the Act. Where such contracts or agreements are not in writing, a written memorandum summarizing the terms of each such contract or agreement,

(5) Written agreements or memoranda summarizing the terms of oral agreements or understandings under section 7(g) or 7(j) of the Act, and

(6) Certificates and notices listed or named in any applicable section of this part.

(c) *Sales and purchase records.* A record of (1) total dollar volume of sales or business, and (2) total volume of goods purchased or received during such periods (weekly, monthly, quarterly, etc.) and in such form as the employer maintains in the ordinary course of his business.

§ 516.6 Records to be preserved 2 years.

(a) Supplementary basic records: Each employer required to maintain records under this part shall preserve for a period of at least 2 years:

(1) *Basic employment and earnings records.* From the date of last entry, all basic time and earning cards or sheets of the employer on which are entered the daily starting and stopping time of individual employees, or of separate work forces, or the individual employee's daily, weekly, or pay period amounts of work accomplished (for example, units produced) when those amounts determine in whole or in part the pay period earnings or wages of those employees.

(2) *Wage rate tables.* From their last effective date, all tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages, or salary, or overtime excess computation, and

(3) *Worktime schedules.* From their last effective date, all schedules or tables of the employer which establish the hours and days of employment of individual employees or of separate work forces.

(b) Order, shipping, and billing records: Each employer shall also preserve for at least 2 years from the last date of entry the originals or true copies of any and all customer orders or invoices received, incoming or outgoing shipping or delivery records, as well as all bills of lading and all billings to customers (not including individual sales slips, cash register tapes or the like) which the employer retains or makes in the course of his business or operations.

(c) Records of additions to or deductions from wages paid: Each employer who makes additions to or deductions from wages paid shall preserve for at least 2 years from the date of last entry:

(1) Those records of individual employee accounts referred to in § 516.2(a)(10),

(2) All employee purchase orders, or assignments made by employees, all copies of addition or deduction statements furnished employees, and

(3) All records used by the employer in determining the original cost, operating and maintenance cost, and depreciation and interest charges, if such costs and charges are involved in the additions to or deductions from wages paid.

(d) Each employer shall preserve for at least two years the records he makes of the kind described in § 516.31 which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment.

§ 516.7 Place for keeping records and their availability for inspection.

(a) *Place of records.* Each employer shall keep the records required by the regulations in this part safe and accessible at the place or places of employment, or at one or more established central recordkeeping offices where such records are customarily maintained. Where the records are maintained at a central recordkeeping office, other than in the place or places of employment, such records shall be made available within 72 hours following notice from the Administrator or his duly authorized and designated representative.

(b) *Inspection of records.* All records shall be open at any time to inspection and transcription by the Administrator or his duly authorized and designated representative.

§ 516.8 Computations and reports.

Each employer required to maintain records under this part shall make such extension, recomputation, or transcription of his records and shall submit to the Wage and Hour Division such reports concerning persons employed and the wages, hours, and other conditions and practices of employment set forth in his records as the Administrator or his duly authorized and designated representative may request in writing.

§ 516.9 Petitions for exceptions.

(a) *Submission of petitions for relief.* Any employer or group of employers who, due to peculiar conditions under which he or they must operate, desires authority to maintain records in a manner other than required in this part, or to be relieved of preserving certain records for the period specified in the regulations in this part, may submit a written petition to the Administrator setting forth the authority desired and the reasons therefor.

(b) *Action on petitions.* If, on review of the petition and after completion of any necessary investigation supplementary thereto, the Administrator shall find that the authority prayed for, if granted, will not hamper or interfere with enforcement of the provisions of the Act or any regulation or orders issued thereunder, he may then grant such authority but limited by such conditions as he may determine are requisite, and subject to subsequent revocation. Where the authority granted hereunder is sought to be revoked for failure to comply with the conditions determined by the Administrator to be requisite to its existence, the employer or groups of employers involved shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or the delay of the Administrator in acting upon such petition shall not relieve any employer or group of employers from any obligations to comply with all the requirements of the regulations in this part applicable to him or them. However, the Administrator shall give notice of the denial of any petition with due promptness.

§ 516.10 Amendment of regulations.

(a) *Petitions for revision of regulations.* Any person wishing a revision of any of the terms of the regulations in this part with respect to records to be kept by employers may submit to the Administrator a written petition setting forth the changes desired and the reasons for proposing them.

(b) *Action on such petitions.* If upon inspection of the petition the Administrator believes that reasonable grounds are set forth for amendment of the regulations in this part, the Administrator shall either schedule a hearing with due notice to interested persons, or make other provisions for affording interested persons an opportunity to present data, views, or arguments relating to any proposed changes.

Subpart B—Records Pertaining to Employees Subject to Miscellaneous Exemptions Under the Act; Other Special Requirements

§ 516.11 Employees exempt from both minimum wage and overtime pay requirements under section 13(a) (2), (3), (4), (5), (8), (9), (10), (11), (12), (13), or (14) of the Act.

With respect to each and every employee covered by the Act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of section 13(a) (2), (3), (4), (5), (8), (9), (10), (11), (12), (13), or (14) of the Act, employers shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, information indicating the place or places of employment.

§ 516.12 Employees exempt from overtime pay requirements pursuant to section 13(b) (1), (2), (3), (4), (5), (7), (9), (10), (15), (16), (17) or (18) of the Act, and hotel, motel, and restaurant employees exempt from overtime pay under section 13(b) (8).

Every employer operating under a complete exemption from the overtime pay requirements of section 7(a) of the Act as provided in sections 13(b) (1), (2), (3), (4), (5), (7), (8), (9), (10), (15), (16), (17), and (18) of the Act, shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the Act applies but to whom neither section 7(a) nor 7(b) applies, containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition therto, containing information and data regarding the basis on which wages are paid (such as "$2 hr."; "$16 day"; "$80 wk."; "$80 wk. plus 5 percent commission on sales over $800 wk.").

§ 516.13 Livestock auction employees exempt from overtime pay requirements under section 13(b) (13) of the Act.

(a) With respect to each and every employee covered by the Act, but to whom the employer is not required to pay overtime compensation as provided in section 7, except as provided in, and due to the applicability of, section 13 (b) (13) of the Act, the employer shall maintain and preserve records containing the information and data required by § 516.2(a) except subparagraphs (6) and (9) and, in addition thereto, the employer shall maintain and preserve the records specified in paragraphs (b) and (c) of this section.

(b) For each workweek in which the employee is employed both in agriculture and in connection with livestock auction operations, the employer shall maintain and preserve records of: (1) The total number of hours worked by each such employee, (2) the total number of hours in which he was employed in agriculture during that workweek, and the total number of hours in which he was employed in connection with livestock auction operations during that workweek, and (3) the total straight-time earnings for his employment in connection with livestock auction operations during that workweek.

(c) The employer shall maintain and preserve records indicating place or places of employment.

§ 516.14 Country elevator employees exempt from overtime pay requirements under section 13(b) (14) of the Act.

(a) With respect to each and every employee covered by the Act, but to whom the employer is not required to pay overtime compensation as provided in section 7, due to the applicability of section 13(b) (14) of the Act, the employer shall maintain and preserve records containing the information and data required by § 516.2(a) except subparagraphs (6) and (9) and, in addition thereto, the information and data required by paragraphs (b) and (c) of this section.

(b) For each workweek, the employer shall maintain and preserve records containing: (1) The names of all employees described in paragraph (a) of this section actually employed (suffered or permitted to work) during any part of the workweek and (2) for all other persons employed in the elevator, whether or not covered by the Act, the following information:

(i) Name in full,

(ii) Name of employer, and

(iii) Occupation in which employed in the elevator.

(c) Information demonstrating that the "area of production" requirements of Part 536 of this chapter are met.

§ 516.15 Local delivery employees exempt from overtime pay requirements pursuant to section 13(b) (11) of the Act.

Every employer operating under the complete exemption from the overtime

pay requirements as provided in section 13(b)(11) of the Act, shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the Act applies but to whom neither section 7(a) nor 7(b) applies, containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, containing information and data regarding the basis on which wages are paid (such as "$2 hr."; "$16 day"; "$80 wk."; "$80 wk. plus 5 percent commission on sales over $800 wk."; "trip rate (Town X to Town Y and return) $17.16"; "$80 week plus 3% commission on all cases delivered and 4¢ per case of empties returned"). Records shall also contain the following information: (a) A copy of the Administrator's finding under Part 551 of this chapter with respect to the plan under which such employees are compensated; (b) a statement or description of any changes made in the trip rate or other delivery payment plan of compensation for such employees since its submission for such finding; (c) identification of each employee employed pursuant to such plan and his work assignments and duties; and (d) a computation for each quarter-year of the average weekly hours of full-time employees employed under the plan during the most recent representative annual period as described in § 551.8(g) (1) and (2) of this chapter.

§ 516.16 Commission employees of a retail or service establishment exempt from overtime pay requirements pursuant to section 7(i) of the Act.

With respect to employees of a retail or service establishment who are exempt from the overtime pay requirements pursuant to the provisions of section 7(i), employers shall maintain and preserve payroll and other records, with respect to each and every such employee, containing all the information and data required by § 516.2 except paragraph (a)(6) through (a)(12), and in addition records which clearly indicate:

(a) (1) Identification of all employees paid pursuant to section 7(i), the work assignments and duties of each, together with notation of the time and nature of each change in such duties and assignments,

(2) A notation in the record showing the date when such employee has been notified that he is being paid pursuant to section 7(i) and of the identity of the representative period applicable to him,

(3) A designation of the period chosen as "representative" for each employee or group of employees similarly situated, or of a formula from which the period established for the particular workweek may be identified.

(4) Basis of compensation, such as salary plus commission, quota bonus, straight commission without advances, straight commission with advances, guarantees, or draws, and amount of compensation: For example, "$80 weekly salary plus PMs and 1% commission computed quarterly", "$85 weekly draw against 5% commission on all sales",

(b) (1) For each workweek:

(i) Total compensation paid to or on behalf of the employee for his employment,

(ii) The amount and nature of each payment which, pursuant to section 7(e) of the Act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(iii) Hours worked each workday and total hours worked each workweek,

(iv) Regular rate of pay: (As a substitute for this rate, and provided the employer makes the necessary computations when requested to do so by a representative of the Division, an identifying mark may be used to indicate that the rate exceeds the minimum required to qualify for the section 7(i) exemption, part one),

(v) Total amounts paid as a salary, hourly rate, daily rate, etc., and date of payment,

(vi) Total amounts paid as a guarantee, advance, or draw against commissions, and date of payment,

(vii) Total amounts computed as commission or other incentive payments, and date of payment,

(2) For each pay period: Total additions to or deductions from wages. Every employer making additions or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts and nature of the items which make up the total additions or deductions,

(3) For each representative period:

(i) Total compensation paid to or on behalf of the employee for his employment,

(ii) Total compensation paid which represents commissions on goods or services.

§ 516.17 Seamen exempt from overtime pay requirements pursuant to section 13(b)(6) of the Act.

Every employer operating under the complete exemption from the overtime pay requirements of section 7(a) of the Act as provided in section 13(b)(6) of the Act shall maintain and preserve payroll or other records, with respect to each and every employee employed as a seaman to whom section 6 of the Act applies, but to whom neither section 7(a) nor 7(b) applies, containing all the information required by § 516.2(a) except subparagraphs (5) through (9) thereof and, in addition thereto, the following:

(a) Basis on which wages are paid (such as "$2 hr."; "$16 day"; "$350 mo."),

(b) Hours worked each workday and total hours worked each pay period (for purposes of this section, a "workday" shall be any consecutive 24 hours; the "pay period" shall be the period covered by the wage payment, as provided in section 6(a)(4) of the Act),

(c) Total straight-time earnings or wages for each such pay period, and

(d) The name, type, and documentation, registry number, or other identification of the vessel or vessels upon which employed.

§ 516.18 Employees employed in industries "of a seasonal nature" who are partially exempt from overtime pay requirements pursuant to section 7(c) of the Act.

(a) *Items required.* With respect to employees employed pursuant to the partial overtime pay exemption provided in section 7(c) of the Act and Part 526 of this chapter, employers shall maintain and preserve records containing all the information and data required by § 516.2, and shall record the daily as well as the weekly overtime compensation. The employer shall also note in the records the beginning and ending of each workweek during which the establishment operates under this exemption.

(b) *Posting of notice of weeks taken under the exemption.* (1) In addition every employer shall prepare a legible printed, typewritten, or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENT

This establishment has taken the workweek beginning _____ and ending _____ as one of the _____ exempt workweeks permitted under section 7(c) of the Fair Labor Standards Act, when overtime at not less than time and one-half the regular hourly rate need be paid only for any time worked over 10 hours a day or 50 hours a week.

This week completes the _____ week of the permissible exempt workweeks.

Date_____

Signed_____

(2) On the date when employees are paid for any pay period which includes any workweek or part thereof during which the establishment operates under the exemption provided under section 7(c) of the Act, the employer shall, after making appropriate notations in the blank spaces in the above form, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.19 Employees engaged in industries handling and processing perishable agricultural commodities who are partially exempt from overtime pay requirements pursuant to section 7(d) of the Act.

(a) *Items required.* With respect to employees employed pursuant to the partial overtime pay exemption provided in section 7(d) of the Act and Part 526 of this chapter, employers shall maintain and preserve records containing all the information and data required by § 516.2, and shall record the daily as well as the weekly overtime compensation. The employer shall also note in the records the beginning and ending of each workweek during which the establishment operates under this exemption.

(b) *Posting of notice of weeks taken under the exemption.* (1) In addition, every such employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek beginning _____ and ending _____ as one of the _____ exempt workweeks permitted under section 7(d) of the Fair Labor Standards Act when overtime at not less than time and one-half the regular hourly rate need be paid only for any time worked over 10 hours a day or 48 hours a week.

This week completes the _____ week of the permissible exempt workweeks.

Date_____

Signed_____

(2) On the date when employees are paid for any pay period which includes any workweek or part thereof during which the establishment operates under the partial overtime exemption provided in section 7(d) of the Act, the employer shall, after making appropriate notations in the blank spaces in the above form, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.20 Employees under certain collective bargaining agreements who are partially exempt from overtime pay requirements as provided in section 7(b)(1) or section 7(b)(2) of the Act.

(a) *Items required.* Every employer of employees who are employed:

(1) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employees shall be employed more than 1,040 hours during any period of 26 consecutive weeks as provided in section 7(b)(1) of the Act, or

(2) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that the employee shall be employed not more than 2,240 hours during a specified period of 52 consecutive weeks and shall be guaranteed employment as provided in section 7(b)(2) of the Act,

shall maintain and preserve payroll or other records, with respect to each and every such employee, containing all the information and data required by § 516.2, and shall record daily as well as weekly overtime excess compensation.

(b) *Submission of copy of agreement to the Administrator.* The employer shall also keep copies of such collective bargaining agreement and such National Labor Relations Board certification as part of his records and, within 30 days after such collective bargaining agreement has been made, report and file a copy thereof with the Administrator, Wage and Hour Division, at Washington, D.C. 20210. Likewise, the employer shall keep a copy of each amendment or addition thereto and, within 30 days after such amendment or addition has been agreed upon, shall report and file a copy thereof with the Administrator.

(c) *Record of persons and periods employed under agreements.* The employer shall also make, keep, and preserve a record, either separately or as a part of the payroll:

(1) Listing each and every employee employed pursuant to each such collective bargaining agreement and each amendment and addition thereto.

(2) Indicating the period or periods during which the employee has been or is employed pursuant to an agreement under section 7(b)(1) or 7(b)(2) of the Act, and

(3) Showing the total hours worked during any period of 26 consecutive weeks, if the employee is employed in accordance with section 7(b)(1) of the Act, or during the specified period of 52 consecutive weeks, if employed in accordance with section 7(b)(2) of the Act.

§ 516.21 Bulk petroleum employees partially exempt from overtime pay requirements pursuant to section 7(b)(3) of the Act.

Every employer operating under the partial exemption from the overtime pay requirements of section 7(a) of the Act, as provided in section 7(b)(3), shall maintain and preserve records containing all the information and data required by § 516.2(a), and in addition shall record the daily as well as the weekly overtime compensation paid to the employees and the rate per hour and the total pay for any time worked between the 40th and 56th hour of the workweek.

§ 516.22 Hospital employees compensated for overtime work on the basis of a 14-day work period pursuant to section 7(j) of the Act.

With respect to each employee compensated for overtime work on the basis of a work period of 14 consecutive days pursuant to an agreement or understanding under section 7(j) of the Act pertaining to hospital employees, employers shall maintain and preserve

(a) The records required by § 516.2, except subparagraphs (5) and (7) through (9) thereof, and in addition thereto:

(1) Time of day and day of week on which the employee's 14-day work period begins,

(2) Hours worked each workday and total hours worked each 14-day work period,

(3) Total straight-time wages paid for hours worked during the 14-day period.

(4) Total overtime excess compensation paid for hours worked in excess of 8 in a workday and 80 in the work period.

(b) A copy of the agreement or understanding with respect to using the 14-day period for overtime pay computations or, if such agreement or understanding is not in writing, a memorandum summarizing its terms and showing the date it was entered into and how long it remains in effect.

§ 516.23 Employees employed under section 7(f) "Belo" contracts.

Every employer shall maintain and preserve payroll or other records, with respect to each and every employee to whom both sections 6 and 7(f) of the Act apply, containing all the information and data required by § 516.2(a) except subparagraphs (8) and (9) and, in addition thereto, the following:

(a) Total weekly guaranteed earnings,

(b) Total weekly compensation in excess of weekly guaranty,

(c) A copy of the bona fide individual contract or the agreement made as a result of collective bargaining by representatives of employees, pursuant to which the employee is employed, or where such contract or agreement is not in writing a written memorandum summarizing its terms.

§ 516.24 Employees paid for overtime on the basis of "applicable" rates as provided in sections 7(g)(1) and 7(g)(2) of the Act.

With respect to each and every employee compensated for overtime work in accordance with section 7(g)(1) or 7(g)(2) of the Act, employers shall maintain and preserve records containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, the following:

(a) (1) Each hourly or piece rate at which the employee is employed, (2) basis on which wages are paid, and (3) the amount and nature of each payment which, pursuant to section 7(e) of the Act, is excluded from the "regular rate,"

(b) The number of overtime hours worked in the workweek at each applicable hourly rate or the number of units of work performed in the workweek at each applicable piece rate during the overtime hours,

(c) Total weekly overtime excess compensation at each applicable rate; that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(d) The date of the agreement or understanding to use this method of compensation and the period covered thereby. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to use this method of compensation a single notation of the date of the agreement or understanding and the period covered will suffice.

§ 516.25 Employees paid for overtime at premium rates computed on a "basic" rate authorized in accordance with section 7(g)(3) of the Act.

With respect to each and every employee compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, as authorized in accordance with section 7(g)(3) of the Act and Part 548 of this chapter, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a)(6) thereof, and, in addition thereto, the following:

(a) (1) The hourly rates, piece rates, or commission rates applicable to each type of work performed by the employee,

(2) the computation establishing the basic rate at which the employee is compensated for overtime hours (if the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to accept this method of compensation, a single entry of this computation will suffice), (3) the amount and nature of each payment which, pursuant to section 7(e) of the Act, is excluded from the "regular rate."

(b) (1) Identity of representative period for computing the basic rate, (2) the period during which the established basic rate is to be used for computing overtime compensation, (3) information which establishes that there is no significant difference between the pertinent terms, conditions and circumstances of employment in the period selected for the computation of the basic rate and those in the period for which the basic rate is used for computing overtime compensation, which could affect the representative character of the period from which the basic rate is derived.

(c) A copy of the written agreement or, if there is no such agreement, a memorandum summarizing the terms of and showing the date and period covered by the oral agreement or understanding to use this method of computation. If the employee is one of a group, all of whom have agreed to use this method of computation, a single memorandum will suffice.

§ 516.26 "Board, lodging, or other facilities" under section 3(m) of the Act.

(a) In addition to keeping other records required by the regulations in this part, an employer who makes deductions from the wages of his employees for "board, lodging, or other facilities" (as these terms are used in section 3(m) of the Act) furnished to them by the employer or by an affiliated person, or who furnishes such "board, lodging, or other facilities" to his employees as an addition to wages, shall maintain and preserve records substantiating the cost of furnishing each class of facility. Separate records of the cost of each item furnished to an employee need not be kept. The requirement may be met by keeping combined records of the costs incurred in furnishing each class of facility, such as housing, fuel, or merchandise furnished through a company store or commissary. Thus, in the case of an employer who furnishes housing, separate cost records need not be kept for each house. The cost of maintenance and repairs for all the houses may be shown together. Original cost and depreciation records may be kept for groups of houses acquired at the same time. Costs incurred in furnishing similar or closely related facilities, moreover, may be shown in combined records. For example, if joint costs are incurred in furnishing both housing and electricity and the records are not readily separable, the housing and electricity together may be treated as a "class" of facility for recordkeeping purposes. Merchandise furnished at a company store may be considered as a "class" of facility and the records may show the cost of the operation of the store as a whole, or records showing the cost of furnishing the different kinds of merchandise may be maintained separately. Where cost records are kept for a "class" of facility rather than for each individual article furnished to employees, the records must also show the gross income derived from each such class of facility; e.g., gross rentals in the case of houses, total sales through the store or commissary, total receipts from sales of fuel, etc.

(1) Such records shall include itemized accounts showing the nature and amount of any expenditures entering into the computation of the reasonable cost as defined in Part 531 of this chapter, and shall contain the data required to compute the amount of the depreciated investment in any assets allocable to the furnishing of the facilities, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets. If the assets include merchandise held for sale to employees, the records should contain data from which the average net investment in inventory can be determined.

(2) No particular degree of itemization is prescribed. The amount of detail shown in these accounts should be consistent with good accounting practices, and should be sufficient to enable the Administrator or his representative to verify the nature of the expenditure and the amount by reference to the basic records which must be preserved pursuant to § 516.6(c)(3).

(b) If additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semimonthly) as to result in the employee receiving less in cash than the applicable minimum hourly wage, or (2) if the employee works in excess of the applicable maximum hours standard and (i) any addition to the wages paid are a part of his wages, or (ii) any deductions made are claimed as allowable deductions under section 3(m) of the Act, the employer shall maintain records showing those additions to or deductions from wages paid on a workload basis. (For legal deductions not claimed under section 3(m) and which need not be maintained on a workweek basis, see §§ 531.38 to 531.40 of this chapter.)

§ 516.27 Tipped employees.

(a) Supplementary to the provisions of any section of the regulations in this part pertaining to the records to be kept with respect to tipped employees, every employer shall also maintain and preserve payroll or other records containing the following additional information and data with respect to each tipped employee whose wages are determined under section 3(m) of the Act:

(1) A symbol or letter placed on the pay records identifying each employee whose wage is determined in part by tips.

(2) Weekly or monthly amount reported by the employee, to the employer, as tips received (this may consist of reports made to Internal Revenue Service).

(3) Amount by which the wages of each tipped employee have been deemed to be increased by tips as determined by the employer (not in excess of 50 percent of the applicable statutory minimum wage).

(4) Hours worked each workday in any occupation in which the employee does not receive tips, and total daily or weekly straight time payment made by the employer for such hours.

(5) Hours worked each workday in occupations in which the employee receives tips, and total daily or weekly straight time earnings for such hours.

(b) Every employer who takes credit for tips as referred to in paragraph (a)(3) of this section shall report to the employee in writing, at the end of each pay period, the amount of such credit.

§ 516.28 Employees under more than one minimum hourly rate.

(a) *Additional items required.* An employer of any employees subject to different minimum wage rates of pay who elects to pay less than an amount arrived at by applying the highest applicable minimum rate for all hours worked in any workweek, shall, in addition to any employee information and data required to be kept with respect to them by any applicable section of the regulations in this part maintain and preserve payroll or other records containing the following information and data with respect to each of those employees:

(1) The minimum rate of pay required to be paid for each different type of employment in which each such employee was engaged during the workweek (including, in Puerto Rico, the Virgin Islands, and American Samoa the applicable wage order rates),

(2) The basis on which wages are paid for each such different type of employment (such as "$2 each hour"; "$16 a day"; "$80 wk."; "2¢ per piece"; "$80 wk. plus 5 percent commission on sales over $800 wk."; etc.),

(3) The piece rate, if any, for each operation on each type of goods upon which the employee has worked under each such different applicable minimum rate of pay and the number of pieces worked upon at such piece rates (including, in Puerto Rico and the Virgin Islands, the lot number of each type of goods upon which the employee has worked),

(4) The total hours or fractions thereof worked that workweek by each such employee in employment covered by each such different applicable minimum rate, and

(5) The total wages due each such employee at straight-time for the hours worked in each such different type of employment including any amounts earned in excess of the applicable minimum rate of pay.

(b) *Records of workers whose work cannot be segregated.* The provisions of paragraph (a) of this section shall not be construed to affect in any way the records to be kept, or compensation to be paid employees whose activities cannot be segregated and who are, there-

fore, not subject to different minimum rates of pay.

§ 516.29 Learners, apprentices, messengers, students, or handicapped workers employed under special certificates as provided in section 14 of the Act.

(a) *Items required.* With respect to persons employed as learners, apprentices, messengers, or full-time students employed outside of their school hours in any retail or service establishment or handicapped workers at special minimum hourly rates under Special Certificates pursuant to section 14 of the Act, employers shall maintain and preserve records containing the same information and data required with respect to other employees employed in the same occupations.

(b) *Segregation or designation on payroll and use of identifying symbol.* In addition, each employer shall segregate on his payroll or pay records the names and required information and data with respect to those learners, apprentices, messengers (and handicapped workers and students), employed under Special Certificates. A symbol or letter shall also be placed before each such name on the payroll or pay records indicating that that person is a "learner", "apprentice," "messenger," "student," or "handicapped worker," employed under a Special Certificate.

§ 516.30 Industrial homeworkers.

(a) *Definitions.* (1) "Industrial homeworker" and "homeworker," as used in this section, mean any employee employed or suffered or permitted to perform industrial homework for an employer.

(2) "Industrial homework," as used in this section, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(3) The meaning of the terms "person," "employ," "employer," "employee," "goods," and "production" as used in this section is the same as in the Act.

(b) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every industrial homeworker employed by him (excepting those homeworkers to whom section 13(d) of the Act applies and those homeworkers in Puerto Rico to whom Part 545 or Part 681 of this chapter apply, or in the Virgin Islands to whom Part 695 of this chapter applies):

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same as that used for Social Security record purposes.

(2) Home address, including ZIP code,

(3) Date of birth if under 19,

(4) With respect to each lot of work:

(i) Date on which work is given out to worker, or begun by worker, and amount of such work given out or begun,

(ii) Date on which work is turned in by worker, and amount of such work,

(iii) Kind of articles worked on and operations performed,

(iv) Piece rates paid,

(v) Hours worked on each lot of work turned in,

(vi) Wages paid for each lot of work turned in,

(vii) Deductions for Social Security taxes,

(viii) Date of wage payment and pay period covered by payment,

(5) With respect to each week:

(i) Hours worked each week,

(ii) Wages earned for each week at regular piece rates,

(iii) Extra pay due each week for overtime worked,

(iv) Total wages earned each week,

(v) Deductions for Social Security taxes,

(6) With respect to any agent, distributor, or contractor: The name and address of each such agent, distributor, or contractor through whom homework is distributed or collected and name and address of each homeworker to whom homework is distributed or from whom it is collected by each such agent, distributor, or contractor.

(7) Record of retroactive payment of wages. Every employer who makes retroactive payment of wages or compensation under the supervision of the administrator pursuant to section 16(c) of the Act, shall:

(i) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(ii) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (*a*) preserve a copy as part of his records, (*b*) deliver a copy to the employee, and (*c*) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(c) *Homework handbook.* In addition to the information and data required in paragraph (b) of this section, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each homeworker. The information required therein shall be entered by the employer or the person distributing or collecting homework on behalf of such employer each time work is given out to or received from a homeworker. Except for the time necessary for the making of entries by the employer, the handbook must remain the possession of the homeworker until such time as the Wage and Hour Division may request it. Upon completion of the handbook (that is, no space remains for additional entries) or termination of the homeworker's services, the handbook shall be returned to the employer for preservation in accordance with the regulations in this part. A separate record and a separate handbook shall be kept for each person performing homework.

§ 516.31 Employees subject to the equal pay provisions of the Act, as set forth in section 6(d).

Every employer of employees subject to the equal pay provisions of the Act shall maintain and preserve all records required by the applicable sections of these regulations of this part and in addition, he shall preserve any records which he makes in the regular course of his business operation which relate to the payment of wages, wage rates, job evaluations, job descriptions, merit systems, seniority systems, collective bargaining agreements, description of pay practices or other matters which describe or explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment, and which may be pertinent to a determination whether such differential is based on a factor other than sex.

§ 516.32 Employees employed in agriculture.

(a) No records, except as required under paragraph (f) of this section, need be maintained by an employer who used fewer than 500 man-days of agricultural labor in every quarter of the preceding calendar year, unless it can reasonably be anticipated that more than 500 man-days of agricultural labor (including agricultural workers supplied by a labor contractor) will be used in at least one calendar quarter of the current calendar year.

(b) If it can reasonably be anticipated that the employer will use more than 500 man-days of agricultural labor (including agricultural workers supplied by a labor contractor but not counting members of the employer's immediate family and hand harvest laborers as defined in section 13(a)(6)(B) of the Act), the employer shall maintain and preserve payroll records containing the following information with respect to each worker:

(1) Name in full. This shall be the same name as that used for Social Security purposes.

(2) Home address, including zip code.

(3) Sex and occupation in which employed (sex may be indicated by Mr., Mrs., or Miss).

(4) Symbols or other identifications separately designating those employees who are (i) members of the employer's immediate family as defined in section 13(a)(6)(B) of the Act, (ii) hand harvest laborers as defined in section 13(a)(6)(C) or (D), and (iii) employees principally engaged in the range production of livestock as defined in section 13(a)(6)(E).

(5) For each employee, other than members of the employer's immediate family and hand harvest laborers as defined in sections 13(a)(6)(B) and (C) of the Act, the number of man-days worked each week or each month. (A man-day is any day during which an employee does agricultural work for 1 hour or more.)

(c) For the entire year following a year in which the employer used more

than 500 man-days of agricultural labor in any calendar quarter, exclusive of members of the employer's immediate family and hand harvest laborers as defined in sections 13(a)(6)(B) and (C) of the Act, he shall in addition to the records required by paragraph (b) of this section, maintain and preserve the following records with respect to every employee (other than members of the employer's immediate family, hand harvest laborers and livestock range employees as defined in sections 13(a)(6)(B), (C), (D), and (E) of the Act):

(1) Time of day and day of week on which the employee's workweek, or the workweek for all employees, begins.

(2) Basis on which wages are paid (such as "$1.30 an hour"; "$15 a day"; "piece work".)

(3) Hours worked each workday and total hours worked each workweek.

(4) Total daily or weekly earnings.

(5) Total additions to or deductions from wages paid each pay period.

(6) Total wages paid each pay period.

(7) Date of payment and pay period covered by payment.

(d) In addition to other required items, the employer shall keep on file with respect to each hand harvest laborer as defined in section 13(a)(6)(C) of the Act for whom exemption is taken, or who is excluded from the 500 man-day test, a statement from each such employee showing the number of weeks he was employed in agriculture during the preceding calendar year.

(e) With respect to hand harvest laborers as defined in section 13(a)(6)(D), for whom exemption is taken, the employer shall maintain in addition to subparagraphs (1) through (5) of paragraph (b) of this section, the date of birth and name of the minor's parent or person standing in place of his parent.

(f) Every employer (other than a parent or guardian standing in the place of a parent employing his own child or a child in his custody) who employs in agriculture any minor under 18 years of age on days when school is in session or on any day if the minor is employed in an occupation found to be hazardous by the Secretary shall maintain and preserve records containing the following data with respect to each and every such minor so employed:

(1) Name in full,

(2) Place where minor lives while employed. If the minor's permanent address is elsewhere, give both addresses,

(3) Date of birth.

(g) In any week in which a farmer uses agricultural workers supplied by a crew leader or other type of labor contractor, he shall maintain the records required by this section whether or not he pays the workers directly. (This may consist of copies of the contractor's records which contain the required information.)

Signed at Washington, D.C., this 31st day of December 1966.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 67-155; Filed, Jan. 6, 1967; 8:46 a.m.]

[29 CFR Part 519]

EMPLOYMENT OF FULL-TIME STUDENTS AT SPECIAL MINIMUM WAGES

Notice of Proposed Rule Making

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, I hereby propose to revise 29 CFR Part 519 as set out below. The purpose of the proposed revision is to adapt the part to amendments in the authorizing statute contained in the Fair Labor Standards Amendments of 1966 (P.L. 89–601).

Interested persons may, within 15 days from the date of publication of this notice in the FEDERAL REGISTER, submit data, views, or argument in writing to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D.C. 20210, relative to the proposal.

The proposed 29 CFR Part 519 reads as follows:

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS AT SPECIAL MINIMUM WAGES

Sec.

AUTHORITY: The provisions of this Part 519 issued under secs. 11 and 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; secs. 501 and 602, 80 Stat. 843, 844.

§ 519.1 Applicability of the regulations in this part.

(a) *Statutory provisions.* Under section 14 of the Fair Labor Standards Act of 1938, as amended, and the authority and responsibility delegated to him by the Secretary of Labor (15 F.R. 3290), the Administrator of the Wage and Hour and Public Contracts Divisions is authorized and directed, to the extent necessary in order to prevent curtailment of opportunities for employment, to provide by regulation or order for the employment of full-time students regardless of age but in compliance with applicable child labor laws on a part-time basis in retail or service establishments and in agriculture (not to exceed 20 hours in any workweek) or on a part-time or a full-time basis during school vacations, under special certificates issued pursuant to regulations promulgated by him at a wage rate not less than [illegible]er centum of the minimum wage applicable under section 6 of the Act, except that the proportion of student hours of employment to total hours of employment of all employees in any retail or service establishment may not exceed the proportion established in a detailed formula provided in section 14. Before a certificate of this type is issued, either for employment in a retail or service establishment or for employment in agriculture, the Administrator must find that such employment will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under such certificates.

(b) *Source of limitations.* Some of the limitations expressed in this part are necessary to confine the certificates to those authorized by the formula referred to in paragraph (a) of this section. Special minimum wages on a broader basis than that expressed in §§ 519.4 (e), (f), and (g), and 519.5 (a), (c), (d), (e), and (f) are found to be not necessary to prevent curtailment of opportunities for employment. I cannot find that special minimum wages for employment proscribed by the limitations expressed in §§ 519.4 (e), (f), and (g), 519.5 (b), (c), (d), and (e) and 519.6(c)(2) will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed pursuant to certificates issued under this part.

§ 519.2 Definitions.

(a) *Full-time students.* A "full-time student" for the purpose of this part is defined as a student who receives primarily daytime instruction at the physical location of a bona fide educational institution, in accordance with the institution's accepted definition of a full-time student, and who is at least 14 years of age. A full-time student retains that status during Christmas, summer, and other vacations. An individual who was such a student immediately prior to vacation will be presumed not to have discontinued such status during vacation if local law requires his attendance at the end of the vacation. In the absence of such requirement, his status during vacation will be governed by his intention as last communicated to his employer. The term "full-time student" does not include a student learner covered by a certificate issued under Part 520 of this chapter.

(b) *Bona fide educational institution.* A "bona fide educational institution" is ordinarily an accredited institution. However, a school which is not accredited may be considered a "bona fide educational institution" in exceptional circumstances, such as when the school is too recently established to have received accreditation.

(c) *Outside of their school hours.* "Outside of their school hours" refers to periods outside the scheduled hours of instruction of the individual student.

(d) *Retail or service establishment.* "Retail or service establishment" means a retail or service establishment as defined in section 13(a)(2) of the Fair Labor Standards Act. The statutory

definition is interpreted in Part 779 of this chapter.

(e) *Base year.* The phrase "base year" shall mean:

(1) Except as provided in subparagraph (2) of this paragraph the base year for a retail or service establishment shall be the 12-month period preceding May 1, 1961.

(2) In the case of a farm or a retail or service establishment whose employees (other than employees engaged in commerce or in the production of goods for commerce) are covered by the Fair Labor Standards Act of 1938 as amended, for the first time on or after February 1, 1967, the base year shall be the 12-month period immediately prior to February 1, 1967.

(3) In the case of a farm coming into existence after February 1, 1966 or a retail or service establishment coming into existence after May 1, 1960 or a farm or a retail service establishment for which records of student hours worked are not available, the base year shall be the 12-month period provided in subparagraph (1) or (2) of this paragraph, whichever is applicable, in (i) similar retail or service establishments of the same employer in the same general metropolitan area in which the new establishment is located, (ii) similar retail or service establishments of the same employer in the same or nearby counties if the new establishment is not in a metropolitan area, or (iii) other farms or retail or service establishments, as the case may be, of the same general character operating in the community or the nearest comparable community.

(f) *Base period.* (1) The base period for retail or service establishments whose base year is provided in subparagraph (1) or (2) of paragraph (e) of this section shall be the corresponding calendar or fiscal month of the base year which corresponds to the month of full-time student certificated employment for which a base period comparison is required.

(2) The base period for any farm and the base period for a retail or service establishment whose base year is defined in subparagraph (3) of paragraph (e) of this section shall be the base year.

§ 519.3 Application for a full-time student certificate.

(a) Whenever the employment of full-time students working outside of school hours in agriculture or in any retail or service establishment at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 is believed to be necessary to prevent curtailment of opportunities for employment and employment of them will not create a substantial probability of reducing the full-time opportunities of the other workers, an application for a certificate authorizing such employment may be filed by their employer with the appropriate Regional or District Office of the Wage and Hour and Public Contracts Divisions. Such application shall be signed by an authorized representative of the employer.

(b) The application must be filed in duplicate on official forms or exact copies thereof. The forms are available at the offices mentioned in paragraph (a) of this section. The application must contain the information as to the type of products sold or services rendered by the establishment, base year data on occupations, and, in cases of retail or service establishments, hours of employment, and other information for which request is made on the form.

(c) Separate application must be made for each farm or establishment in which authority to employ full-time students at special minimum wage rates is sought.

(d) Application for renewal of a certificate shall be made on the same type of form as is used for a new application. No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed, and is received by the office specified in paragraph (a) of this section not less than 15 nor more than 30 days prior to the expiration date. A final determination means either the initial grant, denial, or withdrawal of such application. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

§ 519.4 Procedure for action upon an application.

(a) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions specified in this part are satisfied. To the extent he deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data, views, or argument on the application prior to granting or denying a certificate.

(b) If a certificate is issued, there shall be published in the FEDERAL REGISTER a general statement of the terms of such certificate together with a notice that, pursuant to § 519.9, for fifteen (15) days following such publication any interested person may file a written request for reconsideration or review.

(c) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

(d) Neither oppressive child labor as defined in section 3(l) of the Act and regulations issued under the Act nor any other employment in violation of a Federal, State, or local child labor law or ordinance shall come within the terms of any certificate issued under this part.

(e) Full-time students shall not be permitted to work at special minimum wages for more than 8 hours a day, nor more than 40 hours a week when school is not in session, nor more than 20 hours a week when school is in session, except that when a full-day school holiday occurs on a day when the establishment is open for business, the weekly limitation on the maximum number of hours which may be worked shall be increased by 8 hours for each such holiday but in no event shall the 40-hour limitation be exceeded. Whenever a full-time student is employed for more than 20 hours in any workweek in conformance with this paragraph, the employer shall note in his payroll records that school was not in session during all or part of that workweek.

(f) Full-time students shall be employed at special minimum wages only in occupations of the same general classes as those in which the establishment employed full-time students (as defined in § 519.2(a)) at wages below $1 per hour in the base period (or at wages below $1.30 per hour in the base period for a retail or service establishment whose employees are subject to the minimum wage provisions of the act for the first time on February 1, 1969, as a result of the Fair Labor Standards Amendments of 1966), except as provided in § 519.6(e).

(g) No full-time student shall be hired under a full-time student certificate while abnormal labor conditions, such as a strike or lockout, exist in the establishment.

(h) No provision of any full-time student certificate shall excuse noncompliance with higher standards applicable to full-time students which may be established under the Walsh-Healey Public Contracts Act, the McNamara-O'Hara Service Contract Act, or any other Federal law, State law, local ordinance, or union or other agreement.

§ 519.5 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at special minimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at special minimum rates; the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The employment of full-time students will not create a substantial probability of reducing the full-time employment opportunities for persons other than those employed under such certificates.

(c) Abnormal labor conditions such as a strike or a lockout do not exist at the farm or establishment for which a full-time certificate is requested.

(d) The base year data given on the application is accurate and the records on which it was based are available.

(e) The farms or establishments on whose base year experience the applicant relies meet the requirements of § 519.2(e).

(f) There are no serious outstanding violations of the provisions of a full-time student certificate previously issued to the employer, nor have there been any serious violations of the Fair Labor Standards Act (including Child-Labor Regulation No. 3 and the Hazardous Occupations Orders published in Part 1500 of this title) which provide reasonable

grounds to conclude that the terms of a certificate may not be complied with, if issued.

§ 519.6 Terms and conditions of employment under full-time student certificates.

(a) A full-time student certificate will not be issued for a period longer than 1 year, nor will it be issued retroactively. It shall specify its effective and expiration dates. A copy of the certificate shall be posted during its effective period in a conspicuous place or places in the establishment or at the farm readily visible to all employees, for example, adjacent to the time clock or on the bulletin board used for notices to the employees.

(b) Full-time students may not be employed under a certificate at less than 85 percent of the minimum wage applicable under section 6 of the Act.

(c) (1) During any month (regardless of whether the base period is a month or a year) in which full-time students are to be employed at special minimum wages in any retail or service establishment the percentage derived by the total number of hours worked by full-time students at special minimum wages divided by the total number of hours worked by all employees shall not exceed the same percentage computed for the base period, comparing total hours worked by full-time students at less than $1 per hour with total hours for all employees.

(2) For example, in retail establishment A, with a base year as defined in § 519.2(e)(1), full-time students employed at less than $1 worked 900 hours in July 1960 and the total hours of employment of all employees in the establishment in that month were 10,000. The percentage of full-time student hours at less than $1 an hour to all hours of employment is therefore 9 percent. In July 1968, if the hours of employment of Establishment A are 12,000, then not more than 9 percent or 1,080 of these hours may be compensated at special minimum wages for full-time students.

(d) An overestimate of total hours of employment of all employees in the establishment for a current month resulting in the employment of the full-time students in excess of the hours authorized in paragraph (c) of this section may be corrected by compensating them for the difference between the special minimum wages actually paid and the applicable minimum under section 6 of the Act for the excess hours. This additional compensation shall be paid on the regular payday next after the end of the period.

(e) Where unusual conditions are demonstrated, a farm or retail or service establishment may be authorized by certificate to exceed the limitations contained in § 519.4(f).

(f) Full-time students shall be employed only outside of their school hours.

§ 519.7 Records to be kept.

(a) The employer shall designate each worker employed as a full-time student under a full-time student certificate at special minimum wages, as provided under Part 516 of this chapter.

(b) (1) In addition to the records required under Part 516 of this chapter and this part, the employer shall keep the records specified in subparagraphs (2) and (3) of this paragraph specifically relating to full-time students employed at special minimum wages.

(2) The employer shall obtain at the time of hiring and keep in his records information from the school attended that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student.

(3) The employer operating any farm or retail or service establishment shall maintain records of the monthly hours of employment of full-time students at special minimum wages and of the total hours of employment during the month of all employees in the establishment, who, in cases of employment in agriculture, do not come within one of the other exemptions from the minimum wage provisions of the Act. The records shall show the total hours worked in the establishment by all full-time students of the type defined in § 519.2(a) at less than the minimum wage otherwise applicable under the Act, and the total hours of employment of all employees in the establishment, to whom, in cases of employment in agriculture, the minimum wage provision of the Act applies. They shall be based on payroll or other available records such as those used for social security and withholding income taxes.

(c) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of 3 years at the place and made available for inspection, both as provided in Part 516 of this chapter.

§ 519.8 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in Part 528 of this chapter) the authorized officer upon his own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificate.

§ 519.9 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 15 days after FEDERAL REGISTER publication of a statement of the terms of the certificate granted, any person aggrieved by the action of an authorized officer in denying or granting a certificate may: (1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration determination of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data, views, or argument.

§ 519.10 Amendment or revocation of the regulations in this part.

The Administrator may at any time upon his own motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations in this part.

Signed at Washington, D.C., this 30th day of December 1966.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 67-156; Filed, Jan. 6, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 21]

GILA PROJECT, ARIZ.

Public Notice of Annual Water Rental Charges During Development Period

DECEMBER 21, 1966.

1. *Water service.* Irrigation water will be furnished under approved Application for Water Service During Development Period to the irrigable lands in Irrigation Block 1 of the Yuma Irrigation District as designated pursuant to the contract of July 23, 1962, No. 14-06-300-1270, between the United States and said district, as amended October 25, 1965.

2. *Charges and terms of payment.* Charges for water service during calendar year 1967 and thereafter unless modified by other public notice shall be payable in advance of the delivery of water at rates as follows:

(a) For lands furnished water before July 1, 1967, the minimum charge shall be $9 for each acre of irrigable land for which water service is requested. Payment of this minimum charge in full and approval of the application will entitle the applicant to the delivery of a basic quantity equal to 5 acre-feet of water per acre during calendar year 1967 and to purchase additional water for delivery to the same lands prior to January 1, 1968, at the rate of $3 per acre-foot, subject to the provisions of the application.

(b) The making of a water service application, payment of one-half of the minimum charge prior to July 1, 1967, and approval of the application will entitle the applicant to receive as much as but not more than one-half the basic quantity of water applied for under subdivision (a) above. No part of the other one-half of the basic quantity of water applied for nor any additional water shall be delivered until the other one-half of the minimum charge has been paid in full.

(c) If water service hereunder begins on or after July 1, 1967, the minimum charge shall be $4.50 for each acre of land for which water service is applied for and approved. Payment of this minimum charge will entitle the applicant to delivery of a basic quantity equal to 2½ acre-feet of water per acre prior to January 1, 1968, and to purchase additional water for delivery to the same lands during the same period at the rate of $3 per acre-foot, subject to the provisions of the application.

3. *Refund or credit.* No refund or credit will be given for any part of a basic quantity of water paid for but not used by an applicant during calendar year 1967. Any amount paid by an applicant during calendar year 1967 for additional water which remains undelivered at the end of that year will at the option of the United States either be refunded to the applicant or credited against the minimum charge payable by such applicant for the following calendar year.

4. *Acreage limitation.* Except as otherwise provided in the Reclamation Law (Act of June 17, 1902, 32 Stat. 388, as amended or supplemented), and the aforesaid contract of July 23, 1962, as amended, no application will be accepted nor will water be delivered hereunder to any lands which constitute "excess lands" within the meaning of said laws and the aforesaid contract of July 23, 1962, as amended.

5. *Eligibility.* Water service applications may be made by the landowner, by his duly authorized representative, or by anyone who presents evidence satisfactory to the Project Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Ariz., that he is the tenant or lessee of the land for which water is requested.

6. *Application and payment.* The prescribed form of water service application, hereinabove referred to, may be obtained at the office of the Project Manager, Yuma Projects Office, Yuma, Ariz. Completed water service applications and the required payments will be received at that office.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

A. B. WEST,
Regional Director.

[F.R. Doc. 67-153; Filed, Jan. 6, 1967; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. S-385]

MILTON H. DOUMIT

Notice of Loan Application

JANUARY 3, 1967.

Milton H. Doumit, General Delivery, Chinook, Washington 98614, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 38-foot registered length wood vessel to engage in the fishery for salmon, tuna, and Dungeness crabs.

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 operations of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such 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 such economic hardship or injury.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-151; Filed, Jan. 6, 1967; 8:45 a.m.]

[Docket No. A-428]

BERNARD H. AND FRANCES I. WAMSER

Notice of Loan Application

JANUARY 3, 1967.

Bernard H. and Frances I. Wamser, Box 342, Kodiak, Alaska 99615, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 67.6-foot registered length wood vessel to engage in the fishery for king crab and salmon.

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 such 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 such economic hardship or injury.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-152; Filed, Jan. 6, 1967; 8:45 a.m.]

Office of the Secretary

FINISHED PRODUCTS OTHER THAN RESIDUAL FUEL OIL TO BE USED AS FUEL

Adjustment of Maximum Level of Imports Into Puerto Rico

Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended (30 F.R. 15459), for the period January 1, 1967, through December 31, 1967, the maximum level of imports of finished products other than residual fuel oil to be used as fuel established in section 14 of Oil Import Regulation 1 (Revision 5), as amended, is increased by 220,000 barrels to permit the importation of asphalt in that amount to meet a demand in Puerto Rico which would not otherwise be met.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 28, 1966.

[F.R. Doc. 67-154; Filed, Jan. 6, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

AGREEMENT WITH MOHAIR COUNCIL OF AMERICA, INC.

Notice of Referendum Among Producers and Procedure for Conduct of Referendum

A referendum is being held to determine producer approval of an agreement between the Secretary of Agriculture and the Mohair Council of America, Inc., for the advertising and sales promotion of mohair and mohair products pursuant to section 708 of the National Wool Act of 1954, as amended (68 Stat. 912, 7 U.S.C. 1787). The procedure for conducting the referendum follows:

1. *Definitions.* For the purpose of this notice, the following terms shall have the following meanings:

(a) *ASC County Committee.* The group of persons elected within a county as the County Committee pursuant to the regulations governing the election and functioning of the County Agricultural Stabilization and Conservation Committees.

(b) *ASC State Committee.* The group of persons designated within any State to act as the State Agricultural Stabilization and Conservation Committee.

(c) *Cooperative association.* An incorporated group of producers which (1) is operated for the mutual benefit of its members as producers; (2) markets the members' mohair; (3) does not deal in mohair for nonmembers to an amount greater in value than the amount representing the value of mohair handled by the association for members, and (4) permits every member to have only one vote irrespective of the amount of stock or membership capital he may own in the association.

(d) *Deputy Administrator.* The Deputy or Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(e) *Eligible voter.* A producer who owned any Angora goats, 6 months of age or older, located in the United States, continuously during a single period of at least 30 days during the calendar year 1966 constitutes an eligible voter. Two or more producers who are required by § 1468.264 of the mohair payment program regulation (31 F.R. 5817) to apply jointly for a payment constitute an eligible voter and only one ballot may be cast for all. A cooperative association which qualifies for voting in accordance with section 6(c) of this notice is an eligible voter and may cast one ballot for eligible voters who on the date the ballot is cast are members of, stockholders in, or are under contract to sell their mohair through the association, which ballot shall be counted as votes in behalf of each such eligible voter who shall not otherwise cast a ballot.

(f) *Individual voter.* An individual voter is a producer who is an eligible voter and casts a ballot in this referendum, or two or more joint producers who constitute an eligible voter and cast a ballot in this referendum.

(g) *Producer.* A producer is any person (i.e., an individual, partnership, corporation, association, business trust, any organized unincorporated group of persons, or a State or any subdivision thereof) who has an interest in Angora goats as owner or part owner thereof or who, under a caretaking agreement with such owner, furnishes labor in connection with mohair production, in return for which he is entitled either to a share of the mohair produced or of the proceeds from the sale of such mohair.

(h) *Secretary of Agriculture.* The Secretary or Acting Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. *Agreement considered in this referendum.* The agreement being considered in this referendum would be between the Secretary of Agriculture and the Mohair Council of America, Inc., a nonprofit membership corporation organized under the laws of the State of Texas, for the purpose of developing and conducting an advertising and sales promotion program for mohair and mohair products, subject to the determination by the Secretary that the agreement has the approval of the producers as provided in section 708 of the National Wool Act of 1954, as amended (68 Stat. 912; 7 U.S.C. 1787). The text of the agreement follows:

AGREEMENT

Pursuant to section 708 of the National Wool Act of 1954, as amended, this agreement is entered into between the U.S. Secretary of Agriculture (hereinafter referred to as "Secretary") and the Mohair Council of America, Incorporated, a nonprofit membership corporation organized under the laws of the State of Texas (hereinafter referred to as "Council"), to provide for the conduct of sales and promotion programs for mohair, and the products thereof, and the financing of such programs by deductions from price support payments made to mohair producers under the Act for the years commencing January 1, 1966, and ending December 31, 1969.

WITNESSETH:

Whereas, the Secretary pursuant to the National Wool Act of 1954, as amended, 7 U.S.C. 1781–1787 (hereinafter referred to as the "Act"), has announced a price support program for mohair marketed during 1966;

Whereas, it is anticipated that similar programs may be instituted for subsequent marketing years under the Act;

Whereas, any payments under such programs will be made by the Commodity Credit Corporation to producers of mohair as soon as practicable after the end of the year in which the mohair is marketed;

Whereas, section 708 of the Act authorizes the Secretary to enter into agreements with marketing cooperatives, trade associations or other organizations engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats, or the products thereof, for the purpose of developing and conducting on a National, State, or regional basis advertising and sales promotion programs for wool, mohair, sheep, goats, or the products thereof;

Whereas, such programs for sheep and wool and the products thereof have been conducted since 1955 in accordance with agreements between the Secretary and the American Sheep Producers Council whereby deductions were made from the Act from incentive payments on shorn wool and unshorn lambs;

Whereas, an agreement now in effect provides for continuation of the promotion programs for sheep and wool by deductions on marketings during the years 1966 through 1969 at a rate not to exceed 1½ cents a pound on shorn wool and at a comparable rate on unshorn lambs and yearlings, as determined by the Secretary;

Whereas, it is desirable that there also be an advertising and sales promotion program conducted on a national basis for mohair and the products thereof, to be financed by pro rata deductions from price support payments to mohair producers;

Now, therefore, the parties hereto agree as follows:

1. Whenever payments are made to producers under such Act, the Secretary will make a pro rata deduction from such payments and pay the amount so deducted to the Council to provide the funds necessary to defray the expenses of the Council incurred pursuant to this agreement. Deductions will be made only from payments, if any, which are made to producers for marketings during the years beginning January 1, 1966, and ending December 31, 1969. Deductions from payments for marketings during 1966 shall be at the rate of 1½ cents per pound of mohair marketed; thereafter, the deductions shall be at such rates as the Secretary and Council may agree upon, but in no event shall be in excess of the rate specified for 1966.

2. For each fiscal year, beginning July 1, 1967, until all activities are completed under this agreement, the Council shall develop and submit to the Secretary for approval proposed advertising and sales promotion programs and supporting budgets for mohair and the products thereof and such amendments thereto as may be needed. Each submission shall describe the annual plan of operation, the proposed media and methods which the Council intends to use in advertising and promoting, and the benefits to be derived by producers on a national basis. After the proposed programs and budgets,

including amendments thereto, have been approved by the Secretary, the Council will enter into such agreements with advertising and promotional agencies, radio and television stations, and others, and employ such personnel, and will take such other action as the Council deems appropriate or necessary to effectuate such programs.

3. The Council shall furnish the Secretary with an annual report of its activities and a copy of an audit, prepared by a Certified Public Accountant, of its operations during each fiscal year. The Council shall also furnish the Secretary with a statement of assets and liabilities as of June 30th of each year and with such other reports and information as he may from time to time request. The Council shall keep accurate records of all its transactions, and these records shall be subject to inspection and audit by representatives of the Secretary at all times during regular business hours after the date of this agreement until 3 years after the Council has completed performance of all contracts made and obligations incurred hereunder.

4. Either party may terminate this agreement with respect to the continuation of all programs hereunder by delivering, or mailing by registered mail, a written notice of such termination effective on the date to be specified therein, but not earlier than 30 days after giving of such notice. After any such termination, the activities of the Council hereunder shall be liquidated promptly and no deductions from payments to producers shall thereafter be made to defray expenses of the Council under this agreement except such deductions from payments made in connection with a prior marketing year as the Secretary determines necessary or desirable to effectuate such liquidation. If on or after January 1, 1968, the Secretary determines upon petition or referendum of the mohair producers or otherwise that this agreement is no longer favored by the requisite number of producers, he shall so declare. After such determination, no deductions from payments to producers shall be made to defray the expenses of the Council under this agreement except deductions from payments made in connection with a prior marketing year.

5. Upon termination of all programs under this agreement, if all the funds of the Council were derived from deductions from mohair payments (including interest earned thereon), all such funds remaining unobligated in the hands of the Council shall be returned to the Secretary of Agriculture, together with a statement explaining the various items which entered into the amount returned to the Secretary. If the Council also received funds for its advertising and sales promotion programs from sources other than the Secretary acting pursuant to this agreement, the Council shall return to the Secretary the same proportion of the unobligated funds as the funds contributed by the Secretary bore to all funds received by the Council for its advertising and sales promotion programs. A statement of the assets and liabilities of the Council shall be furnished to the Secretary within 60 days after such termination becomes effective. The provision with respect to the return of unobligated funds shall also apply in case of dissolution or liquidation of the affairs of the Council.

6. Any amendments or additions to the charter or bylaws of the Council shall be subject to the approval of the Secretary.

7. The authority reserved to the Secretary under the provisions of this agreement may be exercised by an official or officials of the Department of Agriculture designated by him for such purpose.

8. During the performance of this agreement, it is further agreed that:

(1) The Council will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Council will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Council agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The Council will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The Council will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the Council's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Council will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Council will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigations to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Council's noncompliance with the nondiscrimination clauses of this agreement or with any of such rules, regulations, or orders, this agreement may be canceled, terminated or suspended in whole or in part and the Council may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies involved as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Council will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Council will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however*, That in the event the Council becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Council may request the United States to enter into such litigation to protect the interests of the United States.

9. This agreement shall not become effective until and unless the Secretary has determined on the basis of a producer referendum that at least two-thirds of the total number of producers or two-thirds of the volume of production represented in such referendum approve his entering into the agreement.

3. *Agencies conducting referendum.* The Deputy Administrator shall be in charge of conducting this referendum. Each ASC State Committee shall be in charge of conducting the referendum in its State and each ASC county committee shall be in charge of conducting the referendum in its county.

4. *Period of referendum.* ASCS county offices will have ballot boxes available from February 6, 1967, to February 17, 1967, both dates inclusive. Any completed ballot received by an ASCS county office before February 6, 1967, will be placed in the ballot box. Ballots reaching an ASCS county office after close of business February 17, 1967, cannot be counted.

5. *Notice of referendum.* Full and accurate public notice of the time and place of balloting in the referendum and the rules governing the eligibility to vote will be provided by the ASCS State and county offices by means of newspapers, radio, or any other method they deem desirable, without incurring advertising expense.

6. *Voting.* (a) *Mailing of ballots to eligible voters.* Each ASCS county office will mail ballots to all producers, of whom the committee has knowledge, having ranch or farm headquarters located in its county. The mailing of a ballot is not a determination of eligibility to vote and if a producer has not received a ballot, he can obtain one in the ASCS State or county office upon request. The Farmer Programs Division, ASCS, will mail ballots to all cooperative associations which qualify to vote on behalf of their members and others in accordance with paragraph (c) of this section.

(b) *Place and manner of voting by individuals.* The ASCS county office serving the county in which the producer's farm or ranch headquarters is located shall be his polling place. A ballot may be cast on Form CCC–1163 either by personal delivery to, or by mailing the form so that it will reach, the polling place on or before the close of business February 17, 1967.

(c) *Place and manner of voting by cooperative associations.* A cooperative association may cast only one ballot. The ballot shall be cast for all eligible voters who on the date the ballot is cast are members of, stockholders in, or are under contract to sell their mohair through the association. A cooperative association must qualify for voting by filing with the Director of the Farmer Programs Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, not later than January 25, 1967, each of the following: (1) A certified copy of the Articles of Incorporation and bylaws of the association, and (2) a certified copy of the resolution adopted by the association's Board of Directors authorizing such vote. The Farmer Programs Division will send a ballot to each cooperative association which establishes eligibility to vote.

The cooperative association shall return the marked ballot to the Director of the Farmer Programs Division so that it will reach that office not later than February 10, 1967. Each ballot cast by a cooperative association shall be accompanied by the original and two copies of a listing showing the names and addresses of all producers, otherwise eligible to vote, who on the date the vote is cast are members of, stockholders in, or under contract to sell their mohair through the association. The producers' names shall be arranged alphabetically on a separate sheet for each county. The listing for each county shall be headed by the name and address of the cooperative association and show whether voting "Yes" or "No" in the referendum. In preparing the listings, the cooperative association shall show for each producer the number of Angora goats, 6 months of age or older, located in the United States, which the producer owned continuously during a single period of at least 30 days during 1966. After checking the ballots and lists received from cooperative associations for completeness, the lists of producers for whom cooperative associations have voted will be forwarded by the Farmer Programs Division to the ASCS State offices concerned for distribution to the respective ASCS county offices.

7. *Determining volume of production represented.* The volume of production represented by each producer voting or for whom a cooperative ballot is cast will be determined by the number of Angora goats, 6 months of age or older, which he owned continuously in the United States during a single period, selected by the producer, of at least 30 days during 1966.

8. *Challenge of ballots.* A ballot may be challenged on the basis of the knowledge of any ASC State, county, or community committeeman, employee of an ASCS State or county office, or any other person. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the ASC county committee in connection with such challenged ballot. The determination shall cover all questions as to the eligibility of the individual voter or any producer for whom a cooperative association has cast a ballot and the accuracy of the number of Angora goats represented. If two or more cooperative associations cast ballots for the same producer, and the ballots take the same position with reference to the agreement which is the subject of the referendum, the producer's vote will be counted only once. If they take different positions, his vote will not be counted.

9. *Canvass of ballots.* The ASC county committees will make a count of the eligible voting producers, determining (a) the number of eligible voting producers favoring the agreement and the number of Angora goats represented by them, (b) the number of eligible voting producers disapproving the agreement and the number of Angora goats represented by them, and (c) the number of voting producers found to be ineligible. All ballots shall be treated as confidential and the contents of the ballots shall not be divulged, except as provided in this notice or as the Secretary may direct.

10. *Reporting results of referendum.* Each ASCS county office will transmit a written summary of the results of the referendum in its county to its ASCS State office. Each ASCS State office will transmit a written summary of the referendum results received from the ASCS county offices within its State to the Director of the Farmer Programs Division, ASCS, Washington, D.C. 20250, and maintain one copy of the summary in the ASCS State office where it shall be available for public inspection for a period of 5 years following the end of the referendum period. The Director of the Farmer Programs Division, ASCS, shall prepare and submit to the Secretary a report as to the results of the referendum.

11. *Additional instructions and forms.* The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this notice to govern the procedure to be followed in the conduct of this referendum.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Signed at Washington, D.C. on January 3, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-209; Filed, Jan. 6, 1967; 8:49 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

January Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.s.t., on December 30, 1966, and, subject to amendment, continuing until superseded by the February Monthly Sales List. The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, linseed oil, and tung oil.

For January there is no change in commodities listed.

In line with the Department's announcement of December 23 (press release USDA 4072-66), the January minimum unrestricted use sales prices for wheat and oats and minimum corn, grain sorghum, and barley prices for sales against domestic payment-in-kind certificates issued under the feed grain program reflect 115 percent of loan rates plus carrying charges.

Effective today, any offerings of white wheat for export from west coast ports is being limited to sales at world prices with payment to be made in export commodity certificates under Announcement CR-261. This adds white wheat to the provisions now in effect for west coast sales of hard red spring, hard red winter, and durum wheats.

In addition, hard red winter, hard red spring, white, and durum wheats will not be offered for sale under the CCC Credit Program for west coast export.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities becomes available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3) for January 1967 are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months. CCC-owned commodities currently available for export sale under the CCC Export Credit Sales Program are: Wheat, grain sorghum, barley, oats, rye, rice, flaxseed, extra long staple cotton, plus tobacco from CCC loan stocks. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, dairy products, dry edible beans, and tallow.

Information on commodities available under Title IV, P.L. 480, private trade agreements, and current information on

interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. (In addition, free market stocks of corn, grain sorghum, wheat, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programing under barter contracts covering procurements for Federal agencies that will reimburse CCC except that hard red winter, hard red spring, and durum wheats, and flour produced from those wheats, may not be exported through west coast ports.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule sec. 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1966 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in-store).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.14	$0.10¾	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.10¾; $1.90¾. Portland—No. 1 SW ($1.46) 115 percent +$0.10¾; $1.78¾. Kansas City—No. 1 HRW ($1.43) 115 percent +$0.10¾; $1.75¾. Chicago—No. 1 RW ($1.49) 115 percent +$0.10¾; $1.82¾.

D. *Availability information.* Contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

All classes of wheat are available for export sale at all U.S. coasts including the Great Lakes and St. Lawrence ports, however, sales at east and west coast ports are subject to the exceptions for the various programs as follows:

A. Announcement GR-345 (Revision III, July 6, 1962, as amended), wheat export program. White wheat, Hard Red Winter, Hard Red Spring, and Durum wheat will not be sold at west coast ports. Hard Red Spring wheat will not be sold at east coast ports.

B. Announcement GR-346 (Revision I, June 23, 1960, as amended) for export as flour.

C. Announcement GR-261 (Revision II, Jan. 9, 1961, as amended and supplemented) for export as wheat as follows:

(1) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. CCC-owned wheat will not be sold for barter at west coast ports nor will evidence of export at west coast ports be acceptable under a sale for barter.

(2) All classes will be sold for application to approved CCC credit sales except that CCC owned wheat will not be sold at west coast ports.

(3) All classes of wheat will be sold at west coast ports for export commodity certificates to fill dollar market sales and buyer must show export from west coast to a destination west of the 170 meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America. Hard Red Spring wheat will be sold at east coast ports for export commodity certificates and buyer must show export from an east coast port.

D. Announcement GR-262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit transactions. However, sales for barter will not be made at west coast ports nor will evidence of export from west coast ports be acceptable under a sale for barter pursuant to this announcement.

E. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented

by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store received by—	Examples
Truck	
$0.08¾	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.01+$0.03) 115percent +$0.08¾; $1.28¾. Agricultural Act of 1949 stat. minimums: McLean County, Ill. ($1.01+$0.19 +$0.03); 105 percent +$0.08¾; $1.38¾.

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS Grain Offices shown at the end of this sales list.

Export.

Corn from CCC inventory is not available for export sale.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate[2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.16½	$0.10½	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.50) 115 percent +$0.16½; $1.89½. Kansas City, Mo. (ex-rail) ($1.78) 115 percent +$0.10½; $2.15¾. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.50+$0.34); 105 percent +$0.16½; $2.10½. Kansas City, Mo. (ex-rail) ($1.78+$0.34); 105 percent +$0.10½; $2.33¾.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate[2] (published loan rate plus 13 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.13¼	$0.10¾	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.76) 115 percent +$0.13¼; $1.01¼. Minneapolis, Minn. (ex-rail) ($0.99) 115 percent +$0.10¾; $1.24¾. Agricultural Act of 1949; statutory minimums: Cass County, N. Dak. ($0.76+$0.13); 105 percent +$0.13¼; $1.07¼. Minneapolis, Minn. (ex-rail) ($0.99 +$0.13); 105 percent +$0.10¾; $1.28¾.

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Kansas City, Evanston, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements.

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available.* Kansas City, Evanston, and Minneapolis ASCS grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support rate[2] for the class, grade, and quality of the oates plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store[1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.11¾	Redwood County, Minn. ($0.56+$0.03 quality differential); 115 percent +$0.11¾; $0.79¾.

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unre-

stricted use section for oats. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter contracts and to approved CCC credit sales.

C. *Available.* Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1966 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.14	$0.10½	Rolette County, N. Dak. ($0.89); 105 percent +$0.14; $1.08. Minneapolis, Minn. (ex-rail) ($1.23); 105 percent +$0.10½; $1.40½.

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available.* Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1966 loan rate plus 5 percent, plus 0.28 cents per hundredweight, basis in-store.

Export.

As milled or brown under Announcement GR-369 (Revision III, as amended) rice export program—and under GR-379 (Revision I) for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO-C-32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton.

Export.

CCC disposals for barter (1966–67 marketing year). Competitive offers under the terms and conditions of Announcements CN-EX-28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO-C-31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton), as amended.

Competitive offers under the terms and conditions of Announcements CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive offers under the terms and conditions of Announcements CN-EX-26 (Purchase of Extra Long Staple Cotton for Export Under the Export Credit Sales Program), or CN-EX-27 (Acquisition of Extra Long Staple Cotton for Export Under the Barter Program), and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

A. *Domestic crushing or export.*

1. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

2. U.S. Medium—Virginia type—for export.

3. Terms and conditions of sales as set forth in Peanut Announcement PR-1 effective July 1, 1966, Amendment 1, and the lot list.

B. When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids submitted each Wednesday to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

TUNG OIL

Domestic or export.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of invitation to bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss.

Terms and conditions of sale are as set forth in Announcement NTOM-PR-3, effective September 26, 1966, and the applicable invitation to bid.

Copies of the announcement or the invitation may be obtained from the Cooperative or Producer Associations Division, ASCS. Telephone Washington, D.C., area code 202, DU 8-3901 or DU 8-2967.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1966 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1]).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents $0.15½	*Cents* $0.11	Minneapolis	No. 1	$3.40½

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

Export.

A. Announcement PS-GR-4, Revision 1, as amended, dispositions of flaxseed, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. Such sales will be at the domestic market price as determined by CCC less the applicable export payment allowance. The flaxseed to be exported shall be No. 2 grade, or better.

C. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS-GR-4, Revision 1, as amended, dispositions of raw linseed oil, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 21.60 cents per pound.

Export.

Competitive bid, under MP-10, pursuant to invitation to bid to be issued by Minne-

apolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 70.5 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 69.75 cents per pound—Washington, Oregon, and California. All other States 69.50 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 49 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP–10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 105 percent or the price support loan rate by 115, as indicated, round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export), California (domestic only).

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415, Telephone: 334–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334–3200.

COTTON OFFICES (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556–6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on December 30, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67–138; Filed, Jan. 6, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

B. F. GOODRICH CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, has withdrawn its petition (FAP 7B2078), notice of which was published in the FEDERAL REGISTER of September 17, 1966 (31 F.R. 12415), proposing an amendment to paragraph (b)(2) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* by adding methyl acrylate and ethyl acrylate to the list of monomers that may be copolymerized with vinyl chloride for food-contact use.

The withdrawal of this petition is without prejudice to a future filing.

Dated: December 29, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67–194; Filed, Jan. 6, 1967; 8:49 a.m.]

WEST VIRGINIA PULP AND PAPER CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), West Virginia Pulp and Paper Co., 230 Park Avenue, New York, N.Y. 10017, has withdrawn its petition (FAP 7B2077), notice of which was published in the FEDERAL REGISTER of September 23, 1966 (31 F.R. 12577), proposing an amendment to paragraph (a)(2)(v) of § 121.2592 *Rosins and rosin derivatives* by deleting the specification "a minimum dehydroabietic acid content of 45 percent" for disproportionated rosin used in contact with food.

The withdrawal of this petition is without prejudice to a future filing.

Dated: December 29, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67–195; Filed, Jan. 6, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

Delegations of Authority With Respect to Rent Supplements for Disadvantaged Persons in Program of Housing for Elderly or Handicapped

The Assistant Secretary for Renewal and Housing Assistance and the Deputy Assistant Secretary for Renewal and Housing Assistance each is hereby authorized to exercise the following powers and authorities of the Secretary of Housing and Urban Development under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) in connection with housing assisted under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q):

1. To execute contracts with housing owners for rent supplement payments.
2. To execute amendments or modifications of such contracts.
3. To renegotiate or terminate such contracts.
4. To redelegate to Regional Administrators and to Deputy Regional Administrators any of the powers and authorities delegated herein.
5. To authorize further redelegations by Regional Administrators and by Deputy Regional Administrators of any of the powers and authorities redelegated to them by the Assistant Secretary for Renewal and Housing Assistance or by the Deputy Assistant Secretary for Renewal and Housing Assistance.

(Sec. 7(d) of Department of Housing and Urban Development Act, 5 U.S.C. 624d(d))

Effective date. These delegations of authority shall be effective December 27, 1966.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 67-178; Filed, Jan. 6, 1967; 8:47 a.m.]

REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

Redelegations of Authority With Respect to Rent Supplements for Disadvantaged Persons in Program of Housing for Elderly or Handicapped

SECTION A. *Authority redelegated.* Each Regional Administrator and each Deputy Regional Administrator of the Department of Housing and Urban Development is hereby authorized to exercise the following powers and authorities of the Secretary of Housing and Urban Development under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) in connection with housing assisted under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q):

1. To execute contracts with housing owners for rent supplement payments.
2. To execute amendments or modifications of such contracts.
3. To renegotiate or terminate such contracts.
4. To redelegate to the Assistant Regional Administrator for Housing Assistance and to the Deputy Assistant Regional Administrator for Housing Assistance any of the powers and authorities redelegated herein.

SEC. B. *Additional authority redelegated for Region VI.* The Regional Administrator and the Deputy Regional Administrator, Region VI (San Francisco), each is further authorized to redelegate to the Director for Northwest Operations at Seattle, Wash., any of the powers and authorities redelegated herein.

(Delegations of authority by Secretary of Housing and Urban Development effective Dec. 27, 1966 (32 F.R. 158, Jan. 7, 1967))

Effective date. These redelegations of authority shall be effective December 27, 1966.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 67-179; Filed, Jan. 6, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 16080 etc.; Order No. E-24591]

AMERICAN AIRLINES, INC.

Orders Dismissing Complaints and Carrier Request for Discussions on Containerization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of January, 1967.

By tariff revision posted December 7, 1966, and marked to become effective January 21, 1967, American Airlines, Inc. (American) proposes to amend its exception to the "mixed shipment" rule in the industry container tariff.[1] Under the initial industry rule, a shipment of differently rated general and specific commodities in a single package or container is rated at, and as if, the entire shipping unit contained the commodity taking the highest rate. American proposes to permit the shipper to declare the separate weights and respective descriptions of the differently rated general and specific commodities and to rate the shipment at the appropriate rate for each. The proposed rule, as originally filed, contained no provision for shipments which may consist partly of general commodity traffic and partly of specific commodity traffic.

American's initial filing was protested by The Flying Tiger Line, Inc. (Flying Tiger), but was dismissed by the Board (Order E-24526 dated Dec. 16, 1966). Flying Tiger subsequently filed a motion for reconsideration which was also denied by the Board (Order E-24576 dated Dec. 29, 1966). By this subsequent filing for effectiveness January 21, 1967, American has amended its rule to include containerized shipments which consist of such mixed general and specific commodity traffic. By this amendment, American also proposes to grant the industry-agreed density incentive discount to the general commodity shipment portion within the container whenever the weight of such portion exceeds the minimum density requirement based on the entire container.

Flying Tiger, TWA, and United have filed complaints, alleging that the filing violates the industry container agreements, that its application is a significant departure from the long established industry practice of rating mixed shipments, thus giving preference to some shippers and discriminating against others, and that the shippers' declaration of weights and articles cannot be policed. Suspension and investigation is requested. American has not filed an answer to the complaint. In addition to their request for suspension and investigation of American's proposed rule, the complainants also petition the Board for permission to meet with American to discuss the rule.

Upon consideration of the complaints and other relevant matters, the Board finds that the complaints do not set forth facts sufficient to warrant suspension or investigation of the proposed rule revision, and the complaints will be dismissed.

The proposed rating of containerized mixed shipments consisting partly of general commodity and partly of specific commodity traffic is virtually identical to the industry rule and practice on noncontainerized mixed shipments. The point raised by the complainants as to a departure from the standard industry practice would be true with respect to a single or particular package in a multipackage noncontainerized shipment, i.e., the shipper may not currently declare the higher-rated and lower-rated portions of separate commodities within such single package to obtain the respective rate benefits on each. Conversely, separately packaged, differently rated commodities may be separately declared by the shipper and the separate rates obtain. The inference drawn by the complainants is that a container is like a package and hence should be treated alike. Since, however, the average weight per single package or piece is believed to be about 35 or 40 pounds, as compared to the container minimum weight range of from about 430 pounds (Type D box) to about 3,500 pounds (Type A igloo), it is not valid to conclude that containers should be treated the same as an average noncontainerized single package or piece. Indeed, one of the basic purposes of the container program is to induce shippers to consolidate many of the smaller pieces of cargo now being handled into larger units more economical to handle, viz., containers. The application of a less favorable rule to containerized than to noncontainerized cargo will tend to diminish shippers' incentives to use these containers. With respect to the assertions of enforcement difficulties, we are not convinced that the possibility of administrative problems is a valid basis for a suspension or investigation of an otherwise reasonable provision. Moreover, it does not appear that the carriers have exhausted all feasible means of administering the proposed rule.

Contrary to the allegations made by the complainants that the proposal is inconsistent with the carrier agreements on containers, the minutes of the carriers' discussions on containerization and the resulting agreements do not focus on mixed shipment rating problems, nor on any limiting language which would

[1] Rule 8, Airline Tariff Publishers, Inc., Agent, CAB No. 95. By defensive filings on Dec. 22, 1966, also for effectiveness Jan. 21, 1967, Trans World Airlines, Inc. (TWA) and United Air Lines, Inc. (United) have matched American's tariff.

preclude revision of the program beyond the terms of the agreements.

The Board will dismiss the carriers' requests to discuss the rule at this time. It appears that the sole intent of such requests would be aimed at securing American's agreement to withdraw the rule. This rule is but one element in the whole container program which is just now being implemented. We believe some experience should be obtained before further inter-carrier discussions should be undertaken. We note that the carriers' container agreements contain a provision to the effect that a review of their program will be made within 6 months after the effectiveness of their tariff (Nov. 7, 1966), and the Board would permit such review to encompass the mixed shipment rule at that time if the parties so desire.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. The complaints of The Flying Tiger Line Inc., Trans World Airlines, Inc., and United Air Lines, Inc., in Dockets 18038, 18046, and 18050 are dismissed.

2. The requests of The Flying Tiger Line Inc., Trans World Airlines, Inc., and United Air Lines, Inc. in Dockets 18046, 18048, and 18050 for permission to meet and discuss a mixed shipment rule for containerized cargo are denied without prejudice.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 67-189; Filed, Jan. 6, 1967; 8:48 a.m.]

[Docket No. 17427; Order No. E-24592]

PAN AMERICAN-GRACE AIRWAYS, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Order Amending Agreements Approved Pursuant to Exemption Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of January 1967.

On November 2, 1966, Pan American World Airways, Inc. (Pan American), filed an application, Docket No. 17427; CAB Agreement No. 737, for amendment to the exemption authority under which Pan American and Pan American-Grace Airways, Inc. (Panagra), conduct nonstop operations between New York and Balboa, and New York and Lima. By letter dated November 22, 1966, Panagra advised that it joins in Pan American's application.

In Order E-2391, adopted July 12, 1966, the Board granted an exemption to Pan American and Panagra to conduct such nonstop operations and approved certain agreements[1] insofar as such agreements were not inconsistent with the exemption authority. By this application Pan American and Panagra seek to amend this authority by providing in a further supplementary agreement executed by Pan American and Panagra on October 26, 1966, that Pan American or Panagra pilots and flight engineers shall operate the aircraft engaged in such operations and shall be assigned on the basis of offset flying as may be agreed upon by the carriers and the affected labor groups. At present the agreements approved pursuant to the exemption authority provide that Panagra pilots shall operate the aircraft.

No answers to the application have been received.

The Board finds that the amendment sought is not adverse to the public interest.

Accordingly, it is ordered, That: Ordering paragraph 2 of Order E-23941 as extended by Orders E-24279, E-24505, and E-24542 is hereby amended to read:

Temporary Amendment No. 1 to supplements Nos. 26 and 29 of the Through Flight Agreement, as amended by the agreement between Pan American and Panagra dated October 26, 1966, is approved as not adverse to the public interest insofar as the amendments are not inconsistent with the exemption authority set forth in (1) above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 67-190; Filed, Jan. 6, 1967; 8:49 a.m.]

[1] Temporary Amdt. No. 1 to supplements Nos. 26 and 29 of the Through Flight Agreement.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17064; FCC 66M-1765]

TWIN COUNTY TRANS-VIDEO, INC.

Order Scheduling Hearing

In the matter of cease and desist order to be directed against Twin County Trans-Video, Inc., owner and operator of community antenna television systems in Bethlehem, Ormrod, Freemansburg, and Greenawalds, Pa.; Docket No. 17064.

It is ordered, This 28th day of December 1966, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on February 9, 1967, at 10 a.m.; and that a prehearing conference shall be held on January 18, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: January 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-197; Filed, Jan. 6, 1967; 8:49 a.m.]

[Docket No. 16922; FCC 67M-3]

AMERICAN HOME STATIONS, INC. (WVCF)

Order Continuing Hearing

In re application of American Home Stations, Inc. (WVCF), Windermere, Fla., Docket No. 16922, File No. BP-16643; for construction permit.

On the unopposed oral request of counsel for applicant: *It is ordered*, This 3d day of January 1967, that the hearing is further rescheduled from January 6, to January 18, 1967.

Released: January 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-198; Filed, Jan. 6, 1967; 8:49 a.m.]

[Docket Nos. 15461, etc.; FCC 67M-4]

CHAPMAN RADIO AND TELEVISION CO. ET AL.

Order Scheduling Further Hearing Conference

In re applications of William A. Chapman and George K. Chapman doing business as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3282; Alabama Television, Inc., Birmingham, Ala., Docket No. 16760, File No. BPCT-3706; Birmingham Broadcasting Co., Birmingham, Ala., Docket No. 16761, File No. BPCT-3707; for construction permit for new television broadcast station; Birmingham Television Corp. (WBMG), Birmingham, Ala., Docket No. 16758, File No. BPCT-3663; for modification of construction permit.

In view of recent developments a further hearing conference in the above-entitled proceeding is considered necessary in order to ascertain what must be done before the Hearing Examiner may properly order a resumption of the hearing. All counsel are hereby directed to be prepared at the conference to state their positions for the record. It is also incumbent upon the Commission's Broadcast Bureau in the circumstances prevailing, and the Bureau is so directed, to set forth its views, clearly and unequivocally, and to make suitable recommendations and suggestions for the protection of the record.

Accordingly, it is ordered, This 4th day of January 1967, that a further hearing conference in the above-entitled proceeding is hereby scheduled and will convene at the Commission's offices, Washington, D.C., on Monday, January 9, 1967, at 2 p.m., at which the parties or their counsel are directed to attend.

Released: January 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-199; Filed, Jan. 6, 1967; 8:49 a.m.]

[Docket Nos. 17056, 17057; FCC 66-1161]

COSMOS CABLEVISION CORP. AND AIKEN CABLEVISION, INC.

Memorandum Opinion and Order Designating Hearing

In re petitions by Cosmos Cablevision Corp., North Augusta, S.C., Docket No. 17056, File No. CATV 100-1; Aiken Cablevision, Inc., Aiken, S.C., Docket No. 17057, File No. CATV 100-19; for authority pursuant to § 74.1107 to operate CATV systems in North Augusta and Aiken.

1. The following are before us for consideration: (a) Cosmos Cablevision proposes to operate a CATV system in North Augusta which is in the Augusta, Ga. market, ranked as the 96th television market. Cosmos proposes to carry, in addition to the two Augusta VHF stations, the distant signals of the three network affiliates in Columbia, S.C., and the new educational station on channel 35 in Columbia when it becomes operative; (b) Aiken Cablevision proposes to operate its CATV system in Aiken which is also in the Augusta market. Aiken proposes to carry the Augusta stations, the three network affiliates from Columbia, the three network stations from Charleston, S.C., and the two network stations from Savannah, Ga. The petitioners (Cosmos filed Mar. 11, 1966, Aiken on Apr. 29, 1966) would have the Commission waive the hearing requirements of section 74.1107 in order to permit them to implement their proposals. Oppositions were filed by the licensees of the two Augusta stations contending essentially that the communities involved are an important part of the stations' service area and that no showing has been made with respect to potential impact on the existing and potential Augusta stations of the proposed CATV operations.

2. The Augusta market has a total net weekly circulation of 191,600. The city, with a population of 70,626, has channels 6, 12, 26, and 54 assigned to it. Stations are operating on channels 6 and 12; applications are pending for channels 26 and 54. The Georgia State Board of Education operates noncommercially on channel 20 in Wrens, about 25 miles from Augusta. An authorization has been issued for a 100 watt translator in Aiken to rebroadcast the signal of the Columbia NBC affiliate. Aiken, a city of 11,243, is located about 12 miles from Augusta. North Augusta is adjacent to but across the State line from Augusta, and has a population of 10,348. Both North Augusta and Aiken are in Aiken County which has a population of 81,038. All of the county is located in the Augusta Standard Metropolitan Statistical Area which has a population of 216,639. North Augusta is in the Augusta Urbanized Area which has a population of 123,698.

3. In support of their requests, Cosmos and Aiken rely upon the circumstances that considerable sums of money were expended and substantial construction completed before February 15, 1966, that their proposals will for the first time bring to the Augusta market the full range of network services and will make available home-state television reception. The supplying of full network services and of South Carolina stations has attraction; but we believe that the long-range design of the top-100 market rule—the preservation of UHF potential—outweighs the immediate attraction of a grant of petitioner's proposals. This is especially so where, as here, there is active UHF interest and the CATV proposals would commence operation within the very area which new UHF stations will have to rely upon most heavily for economic support. And, such equities as may be urged from the substantial expenditures by petitioners cannot balance out the uncertainties their proposals hold for the public interest in a healthy broadcast structure.

4. Petitioners' other contentions and challenges—to our jurisdiction, to the merits of the rules, and to the propriety of the procedures—were taken into consideration in connection with the adoption of the second report and order in Dockets 14895 et al. and in the memorandum opinion and order denying stay in 3 FCC 2d 816 (1966), and require no further treatment here. *It is therefore ordered*, This 15th day of December 1966, pursuant to sections 4(i), 303, and 307(b) of the Communications Act and § 74.1107 of the Commission's rules, that the petitions for waiver are denied, and that a consolidated hearing is ordered on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Augusta market.

2. To determine the effects of current and proposed CATV service in the Augusta market upon existing, proposed, and potential television broadcast stations in the market.

3. To determine (1) the present policy and proposed future plans of respondents with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the market.

4. To determine whether the CATV proposals are consistent with the public interest.

Rust Craft Greeting Cards, Inc., Fuqua Industries Inc., Cosmos Cablevision Corp., and Aiken Cablevision, Inc., are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon the petitioners. A time and place for the hearing will be specified in another order.

Released: January 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-200; Filed, Jan. 6, 1967; 8:49 a.m.]

[1] Commissioner Bartley dissenting and issuing a statement filed as part of the original document and Commissioners Loevinger and Johnson abstaining from voting.

[Docket No. 16606; FCC 67M-2]

KANSAS STATE NETWORK, INC.

Order Continuing Hearing

In re application of Kansas State Network, Inc., Topeka, Kans., Docket No. 16606, File No. BPCT-3537; for construction permit for a new television broadcast station.

On the unopposed letter-request of counsel for applicant, dated December 27, 1966; *It is ordered*, This 3d day of January, 1967, that the hearing now scheduled for January 10, 1967, is indefinitely continued, pending action on a proposed petition for reconsideration and grant without hearing.

Released: January 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-201; Filed, Jan. 6, 1967; 8:49 a.m.]

[Docket Nos. 17070-17072; FCC 66-1193]

KLRA, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of KLRA, Inc., Little Rock, Ark., Docket No. 17070, File No. BPH-4707; Requests: 98.5 mc, No. 253; 100 kw; 177 ft.; KAAY, Inc., Little Rock, Ark., Docket No. 17071, File No. BPH-5250; Requests: 98.5 mc, No. 253; 100 kw; 306.7 ft.; The Valley Corporation, Little Rock, Ark., Docket No. 17072, File No. BPH-5403; Requests: 98.5 mc, No. 253; 100 kw(H); 100 kw(V); 337 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of December 1966;

1. The Commission has before it for consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would cause mutual destructive interference.

2. The Valley Corp. (Valley) indicates that it will require $177,864 to construct and operate the station for a period of 1 year without revenue. A manufacturers deferred payment plan will provide $59,148 of this amount. Valley indicates that it will rely on a new $125,000 issue of capital stock to provide the $118,716 balance required. Valley, however, has not demonstrated the availability of funds from this source. Under these circumstances, an issue will be specified to determine whether this additional $118,716 it indicates is required will be available (through a stock issue or otherwise) to construct and operate the station.

3. Consideration of the programing proposals is required because of the substantial and material difference between the proposals in the amount of time to be devoted to duplication of AM programing. KLRA, Inc. proposes to duplicate its companion AM station 49 hours

per week or 39.2 percent of the time while KAAY, Inc. would limit such duplication to a maximum of 21 hours per week or 12.9 percent of the time and The Valley Corp. proposes independent programing. Therefore, programing evidence will be admissible under the standard comparative issue.

4. According to the data submitted by the applicants, there would be a significant difference in the size of the areas and populations which would receive service from KLRA as compared to the other two applicants. Thus, on the one hand KLRA would serve 146,639 persons in an area of 2,016 square miles while The Valley Corp. and KAAY, Inc., would serve 344,375 persons in 3,210 square miles and 325,410 in 3,007 square miles, respectively. Therefore, for the purpose of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM services of at least 1 mv/m in such areas will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.

5. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications 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 whether The Valley Corp. has available to it, from a new issue of capital stock or otherwise, the additional $118,716 it indicates is necessary to construct and operate the station for a period of 1 year and thus establish that it is financially qualified.

2. To determine, if issue No. 1 is resolved in The Valley Corp.'s favor, which of the proposals would best serve the public interest.

3. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant, 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.

Released: January 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-202; Filed, Jan. 6, 1967; 8:49 a.m.]

[Docket Nos. 17070-17072; FCC 66M-1763]

KLRA, INC., ET AL.

Order Scheduling Hearing

In re applications of KLRA, Inc., Little Rock, Ark., Docket No. 17070, File No. BPH-4707; KAAY, Inc., Little Rock, Ark., Docket No. 17071, File No. BPH-5250; The Valley Corp., Little Rock, Ark., Docket No. 17072, File No. BPH-5403; for construction permits.

It is ordered, This 28th day of December 1966, that Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on February 14, 1967, at 10 a.m.; and that a prehearing conference shall be held on January 26, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: January 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-203; Filed, Jan. 6, 1967; 8:49 a.m.]

[Docket No. 17050; FCC 66-1147]

WESTERN NORTH CAROLINA BROADCASTERS, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Western North Carolina Broadcasters, Inc., Docket No. 17050, File No. BR-2977; for renewal of license of station WWIT, Canton, N.C.

1. The Commission has before it for consideration (a) the above-captioned application; (b) "Petition To Deny or Designate for Hearing Application for Renewal of Station WWIT License" filed on July 7, 1965, pursuant to section 309(d) of the Communications Act of 1934, as amended, by Vernon E. Pressley, licensee of Station WPTL, Canton, N.C.; (c) opposition to petition to deny filed by the applicant herein on August 2, 1965; and (d) Reply filed by Vernon E. Pressley on August 12, 1965.

2. On July 7, 1965, Vernon E. Pressley filed a "Petition To Deny or Designate for Hearing Application for Renewal of Station WWIT License." This request was predicated on the record in the Pressley proceeding and the decision released therein.[1] In the earlier proceeding, Pressley had petitioned to enlarge issues, alleging that the application filed by one B. E. Bryant was a strike application. Although the application was subsequently dismissed, there remained an issue to determine whether Pressley had submitted false information to the Commission in connection with the petition to enlarge issues. Paxton and Watts, principals of the applicant corporation, testified during the course of the proceeding.

3. The petition to deny incorporates the initial decision by reference. With respect to the role of Paxton and Watts in the promotion and preparation of the Bryant application for the purpose impeding or obstructing the Pressley application, the Hearing Examiner found that:

(a) Eugene Slatkin, then an employee of WWIT, told Joe B. Pressley that he had overheard telephone conversations wherein Paxton had called various persons urging them to file an application for 920 kc/s in some town near Canton.

(b) Paxton told Pressley that if he would give Paxton a letter expressing willingness on his part to withdraw his application, Pressley could name his own salary and come to work as commercial manager of Radio Station WWIT. When he refused, Paxton inquired as to "how much money 'under the table' it would take to get Pressley to withdraw his application."

(c) Paxton told Hal Edwards, an acquaintance of Pressley, Bryant and Paxton, that he wanted someone with radio background to apply for a radio station on 920 kc/s in Asheville. When informed that financial deterrents prevented such a step on his part, Paxton offered the possibility of ownership without financial outlay for Edwards if he were able to find someone willing to apply. The aim and purpose of such filing, Edwards understood, was to block or delay a pending application for Canton, N.C. The deadline for such filing was April 29, 1960. Pursuant to this discussion, Edwards introduced Paxton to Billy Eugene Bryant.

(d) The consulting engineer who prepared the Bryant application was first contacted by Paxton who introduced him to Bryant. Paxton traveled to Washington with Bryant to see the consulting engineer and was present during their conference.

(e) Edwards was invited to Bryant's home, where Paxton, Bryant, and Slatkin who were preparing an application for a radio station on 920 kc/s in Asheville, N.C. It was Edwards' understanding at this time that upon grant of authority to construct the station applied for, a corporation was to be formed under which ownership of the station

[1] Commissioner Bartley absent.

[1] Vernon E. Pressley, et al., 33 FCC 838, the Initial Decision became effective Nov. 28, 1962 pursuant to § 1.276(e) of the Commission's rules.

would be equally divided between Paxton, Bryant, and Edwards. It was also Edwards' understanding that Paxton paid $50 to Slatkin for his efforts in the matter and that $500 for engineering fees was paid by Paxton.

(f) A $500 check, dated April 27, 1960, was given to Bryant. It was drawn on the station and was indorsed by Paxton. According to Paxton, the check was payment for an interest in an oil lease which he had purchased from Bryant. Paxton had no other oil properties and this was his first and only transaction in oil. Paxton's explanation for use of station's check was that station owed him money and he used the station's check for the transaction to save writing another check.

(g) Bryant's application 920 kc, 1 kw, Asheville, N.C., mutually exclusive with Pressley's application for Canton, was filed on April 29, 1960.

(h) Watts told Joe Pressley that they did not want another station in town and had inquired how much money "under the table" it would take to effect dismissal of Pressley's application.

4. The Hearing Examiner also made findings concerning the purchase price to be paid by the group headed by Paxton and Watts for Radio Station WWIT. These findings (pars. 33–39 of the initial decision) indicate that the transfer of control application filed with the Commission in 1958 showed a total purchase price of $40,000; that there existed between the present stockholders of the applicant, including Paxton and Watts and two of the former stockholders, Middleton and Edney, a consulting contract[2] made in 1958 which called for payments totaling $72,000 over a period of 5 years; that Paxton denied that this consulting contract was part of the purchase price paid for WWIT; and that Watts admitted that he knew that it was part of the purchase price.

5. On August 2, 1965, the applicant herein filed an opposition to the petition to deny, alleging, in substance, that Paxton and Watts were not parties to the Pressley hearing; that they were denied the privilege of having their counsel participate; that any remarks of the Examiner concerning the testimony of these WWIT principals should not form the basis of Commission action on the applicant's renewal application; that under the Commission's statement of policy with respect to "finalization of Initial Decisions"[3] the Examiner's decision which had been allowed to become final should not now be employed as a basis for designating WWIT's renewal for hearing.

6. In a reply filed by Pressley on August 12, 1965, Pressley pointed out that Paxton and Watts, principal officers of WWIT, never requested that they be made parties to the proceeding; that if WWIT had made a request to intervene, there is precedent which such intervention could have been granted; that Paxton and Watts had every opportunity to explain fully the facts and circumstances leading to the filing of the Bryant application; and that the majority of witnesses called were either employees, former employees, professional consultants or associates of the Messrs. Paxton and Watts.

7. Applicant's argument that because the Commission did not review the initial decision it cannot serve as a basis for designating WWIT's renewal application for hearing is erroneous. Clearly the Commission may designate an application for hearing where serious unresolved character questions are presented concerning an existing licensee even though presented in an adjudicatory proceeding to which the licensee was not a party. The Commisison's policy statement, reflecting that an initial decision which becomes effective by lapse of time does not establish a precedent which would be binding on the Commission in some future case, is not inconsistent with this view.

8. The Commission finds that there exists as a result of the record in the Pressley proceeding, cited supra, substantial questions which go to the qualifications of the applicant herein to be a licensee of the Commission. These questions can only be resolved in an evidentiary hearing.

9. Applicant urges that the burden of proceeding with the introduction of evidence and the burden of proof should be placed on the petitioner since the charges were raised by him. The petitioner will proceed with the initial presentation of evidence with respect to Issues (1) through (4). Then the applicant will present its evidence. D and E Broadcasting Co., FCC 65–620, 5 RR 2d 475 (1965); Elyria-Lorain Broadcasting Co., FCC 65–857, 6 RR 2d 191 (1965); Washington Broadcasting Co., FCC 66–450, 7 RR 2d 601 (1966). See also Lamar Life Insurance Co., FCC 66–815, released September 27, 1966. Applicant, however, will have the ultimate burden of establishing that it possesses the requisite character qualifications to be a licensee of the Commission and that a grant of its application for renewal of license would serve the public interest, convenience, and necessity.

In light of the above: *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the petition to deny is granted to the extent provided for below and is denied in all other respects; and that the above-captioned application is designated for an evidentiary hearing, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether Dalton R. Paxton, Sidney A. Watts, or other WWIT principals and agents promoted, supported, or otherwise participated in the preparation and filing of the application of B. E. Bryant for a new radio station at Asheville, N.C., on 920 kc, 1 kw–DA, daytime only (File No. BP–14104, Docket No. 14009) for the purpose of impeding or obstructing grant of the application of Vernon E. Pressley for a new radio station at Canton, N.C., on 920 kc, 500 w, daytime only (BP–12872, Docket No. 14007).

2. To determine whether Dalton R. Paxton, Sidney A. Watts, or other WWIT principals made misrepresentations to the Commission or concealed facts from the Commission concerning the total consideration between the parties to the application for transfer of control of the majority stock interest in the corporate licensee of Radio Station WWIT (BTC–2951, approved Nov. 28, 1958).

3. To determine whether the principals of the applicant failed to file with the Commission prior to November 12, 1962, the consulting agreement entered into in December 1958, between the applicant and Beverly M. Middleton and Kermit Edney, as required by § 1.613 of the Commission's rules (and the instructions to FCC Form 315).

4. To determine whether Dalton R. Paxton or any other principal of the applicant licensee made misrepresentations to the Commission or concealed facts from the Commission in the proceeding involving the application of Vernon E. Pressley (Docket No. 14007).

5. To determine whether, in light of the evidence adduced under the foregoing issues, the applicant possesses the requisite character qualifications to be a licensee of the Commission.

6. To determine whether, in light of the evidence adduced under the foregoing issues, grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That the burden of proceeding with the introduction of the evidence shall be upon the petitioner under Issues 1, 2, 3, and 4 and that the burden of proof shall be upon the applicant under Issues 5 and 6.

It is further ordered, That the petitioner, Vernon E. Pressley, the licensee of Station WPTL, is hereby made a party to the proceeding herein.

It is further ordered, That, to avail themselves of the opportunity to be heard, the parties herein, pursuant to § 1.221 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 applicant 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 within the time and in the manner prescribed in said Rule and shall advise the Commission thereof as re-

[2] The records of the Commission reflect that this contract was not filed with the Commission until Nov. 21, 1962.

[3] Finalization of initial decisions, FCC 61–25; 20 RR 1141, (1961).

quired by § 1.594 of the Commission's rules.

Adopted: December 15, 1966.

Released: January 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-204; Filed, Jan. 6, 1967; 8:49 a.m.]

[Docket No. 17050; FCC 66M-1762]

WESTERN NORTH CAROLINA BROADCASTERS, INC.

Order Scheduling Hearing

In re application of Western North Carolina Broadcasters, Inc., Docket No. 17050, File No. BR-2977; for renewal of license of Station WWIT; Canton, N.C.

It is ordered, This 21st day of December 1966, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 31, 1967, at 10 a.m.; and that a prehearing conference shall be held on January 18, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: January 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-205; Filed, Jan. 6, 1967; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN REPUBLIC OF CHINA

Levels of Restraint

JANUARY 4, 1967.

On December 19, 1966, at the request of the Government of the Republic of China, the U.S. Government, in furtherance of the bilateral cotton textile agreement between the Governments of the Republic of China and the United States of October 19, 1963, as amended on April 22, 1966, and in view of special problems arising in the administration of the agreement, agreed to increase the adjusted level of restraint for cotton textiles in Category 6, produced or manufactured in the Republic of China and exported from the Republic of China to the United States prior to June 1, 1966, to 142,775 square yards. The adjusted level of restraint for such goods in Category 6 was established in a directive of August 26, 1966, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs (31 F.R. 11993, Sept. 13, 1966).

There is published below a letter of December 29, 1966, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending the adjusted level of restraint for Category 6 in the directive of August 26, 1966, by increasing that level to 142,775 square yards.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
December 29, 1966.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive amends the directive of August 26, 1966, concerning certain cotton textiles and cotton textile products produced or manufactured in the Republic of China and exported from the Republic of China to the United States prior to June 1, 1966.

Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textile done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, the adjusted level of restraint provided in the directive of August 26, 1966, for cotton textile in Category 6, produced or manufactured in the Republic of China and exported from the Republic of China to the United States prior to June 1, 1966, is hereby amended to read "142,775", to be effective as soon as possible.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China has been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ALAN S. BOYD,
Acting Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-183; Filed, Jan. 6, 1967; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

JANUARY 4, 1967.

On January 26, 1965, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral agreement with the Government of the Republic of Korea concerning exports of cotton textiles from Korea to the United States over a 3-year period. Under this agreement the Republic of Korea has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. The third year of the agreement begins on January 1, 1967, and extends through December 31, 1967. The categories subject to specific limitation under the agreement are as follows: 9, 18/19, 22, part of 26 (duck only), parts of 26 (other than duck), part of 31 (wiping cloth only), 34, 45, 46, 49, 50, 51, 52, 54, 60, parts of 64 (tablecloths and napkins only), and part of 64 (zipper tapes only).

There is published below a letter December 29, 1966, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in the above categories produced or manufactured in the Republic of Korea which may be entered, or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 1, 1967 be limited to certain designated levels. These amounts are separate from those provided for in the directive of December 6, 1966 in accordance with the exchange of notes and letters dated November 22, 1966 amending the bilateral agreement of January 26, 1965. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement as amended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
December 29, 1966.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DEAR MR. COMMISSIONER: This directive establishes the levels of restraint for 1967 applicable to certain cotton textiles and cotton textile products produced or manufactured in the Republic of Korea, and amends the directive of December 6, 1966.

Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and subject to the directive of December 6, 1966, concerning cotton textiles and cotton textile products produced or manufactured in the Republic of Korea from the Chairman of the

[4] Commissioner Bartley concurring in the result but voting to put the burden of proof on the applicant and Commissioner Cox concurring in the result and issuing a statement filed as part of the original document.

President's Cabinet Textile Advisory Committee, you are directed to prohibit effective January 1, 1967 and for the 12-month period extending through December 31, 1967, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 18/19, 22, 26, 31 (T.S.U.S.A. No. 366.2740 only), 34, 45, 46, 49, 50, 51, 52, 54, 60, 64 (T.S.U.S.A. Nos. 366.4500, 366.4600, 366.4700, and 347.3340 only), produced or manufactured in the Republic of Korea, in excess of the following 12-month levels of restraint:

Category		Twelve-month level of restraint
9	square yards	2,205,000
18/19	do	1,653,750
22	do	578,813
26 (duck only)[1]	do	10,749,375
26 (other than duck)	do	826,875
31 (only T.S.U.S.A. No. 366.2740)	pieces	950,465
34	do	88,911
45	dozen	29,216
46	do	23,153
49	do	16,538
50	do	41,895
51	do	56,228
52	do	27,563
54	do	33,075
60	do	22,050
64 (only T.S.U.S.A. Nos.: 366.4500, 366.4600, and 366.4700)	pounds	402,413
64 (only T.S.U.S.A. No. 347.3340)	do	55,125

[1] T.S.U.S.A. Nos.:
320—01 through 04, 06, 08
321—01 through 04, 06, 08
322—01 through 04, 06, 08
326—01 through 04, 06, 08
327—01 through 04, 06, 08
328—01 through 04, 06, 08

In carrying out this directive, and the directive of December 6, 1966, entries of cotton textiles and cotton textile products in Categories 9, 18/19, 22, 26, 31 (only T.S.U.S.A. No. 366.2740), 34, 45, 46, 49, 50, 51, 52, 54, 60, 64 (only T.S.U.S.A. Nos. 366.4500, 366.4600, 366.4700, and 347.3340) produced or manufactured in the Republic of Korea, which have been exported to the United States from the Republic of Korea during the period specified shall be charged against the levels and amounts applicable to such goods in the following order. Goods exported during the period January 1, 1966, through December 31, 1966, shall be charged first, against the levels of restraint provided for the 12-month period beginning January 1, 1966, second, in those of the above categories where applicable under the directive of December 6, 1966, against the additional amounts authorized to be entered by that directive, and third, against the levels of restraint set forth in this directive. Goods exported during the period January 1, 1967, through March 31, 1967, shall be charged first against the additional amounts authorized to be entered by the directive of December 6, 1966, and second against the levels of restraint set forth in this directive. Charges made on and after the effective date of the directive of December 6, 1966, shall be adjusted accordingly.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea has been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ALAN S. BOYD,
Acting Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-184; Filed, Jan. 6, 1967; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Entry or Withdrawal From Warehouse for Consumption

JANUARY 4, 1967.

On December 19, 1966, the Governments of the United States and Portugal, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, extended the bilateral agreement between them of March 12, 1964 concerning exports of cotton textiles from Portugal to the United States for a period of 3 months, pending finalization of a new bilateral agreement.

Under the agreement of December 19, 1966, extending the agreement of March 12, 1964, the Government of Portugal has undertaken to limit its exports to the United States of cotton textiles and cotton textile products for the 3-month period to 30 percent of the levels provided for 1966 under the agreement of March 12, 1964. Among the provisions of the agreement as extended are those applying specific export limitations to Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26, 28, 41, 42, 43, 45, 46, 47, 50, 51, 52, 53, 55, 60, parts of 62, parts of 63, and parts of 64.

There is published below a letter of December 29, 1966, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in all the aforementioned categories except for certain parts of Categories 62 and 63, produced or manufactured in Portugal which may be entered, or withdrawn from warehouse for consumption in the United States from January 1, 1967, through March 31, 1967, be limited to certain designated levels. The actions taken are not intended to implement all of the provisions of the extended agreement but are intended only to implement some of those provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
December 29, 1966.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1967 and for the 3-month period extending through March 31, 1967, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26, 28, 41, 42, 43, 45, 46, 47, 50, 51, 52, 53, 55, 60, parts of 62, and parts of 64, produced or manufactured in Portugal, in excess of the following levels of restraint:

Category		Three-month level of restraint
1	pounds	3,098,498
2	do	243,338
3	do	713,790
4	do	48,668
5/6	square yards	2,433,375
6	do[1]	1,362,690
9	do	2,108,925
19	do	259,560
24/25	do	1,427,580
25	do[1]	519,120
26	do	648,900
28	pieces	97,335
41/42/43	dozen	22,712
45	do	6,489
46	do	9,734
47	do	9,734
50	do	6,489
51	do	6,489
52	do	9,734
53/Parts of 62 (T.S.U.S.A. Nos. 382.0306, 382.0307, 382.0635, and 382.0640)	do	9,734
55	do	6,489
60	do	4,867
Parts of 62 (T.S.U.S.A. Nos. 380.0309, 380.0645, 382.0312, and 382.0665)	pounds	16,223
Part of 64 (only T.S.U.S.A. No. 363.6025)	do	32,445

[1] This level is a sublevel within the combined level provided for the two categories immediately preceding.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26, 28, 41, 42, 43, 45, 46, 47, 50, 51, 52, 53, parts of 62 (T.S.U.S.A. Nos. 382.0306; 382.0307; 382.0635; and 382.0640), 55, 60, parts of 62 (T.S.U.S.A. Nos. 380.0309; 380.0645; 382.0312; and 382.0665), and parts of 64 (T.S.U.S.A. No. 363.6025), produced or manufactured in Portugal, which have been exported to the United States from Portugal prior to January 1, 1967, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods during the period January 1, 1966 through December 31, 1966, including the levels for categories 1–4 exported from Portugal to the United States during the period July 1, 1966 through December 31, 1966 in accordance with the directive of September 9, 1966 as amended by the directive of December 6, 1966. In the event that the above levels of restraint have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

In carrying out this directive, entries of two or three piece ladies suits produced or manufactured in Portugal from woven or knit cotton fabrics should not be charged against any of the levels of restraint designated herein, including the level of restraint for blouses in Category 52.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ALAN S. BOYD,
Acting Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-185; Filed, Jan. 6, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 4, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40854—*Commodity rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 59), for itself and interested carriers. Rates on bags, sand, burlap, or cotton, in trailer loads, from Buffalo, N.Y., Augusta, and Valdosta, Ga., to Herlong, Calif.

Grounds for relief—All-rail competition.

Tariff—16th revised page 267 to Sea-Land Service, Inc., tariff ICC 30.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-206; Filed, Jan. 6, 1967; 8:49 a.m.]

[Notice 315]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 4, 1967.

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 the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six 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 6078 (Sub-No. 60 TA) (Correction), filed December 27, 1966, published in FEDERAL REGISTER, issue of January 5, 1967, and republished as corrected, this issue. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Post Office Box 2288, Allentown, Pa. 18001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel trusses*, 90' long, 9'6" wide, each weighing approximately 6,000 pounds, from Eddystone, Pa., to Jobsite, Bristol, Conn., for 120 days. Supporting shipper: The Belmont Iron Works, Industrial Highway, Eddystone, Pa. Send protests to: Safety Inspector James G. Swope, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Philadelphia, Pa. 19106. NOTE: The purpose of this republication is to show the point of Bristol as being located in Connecticut, erroneously shown as Pennsylvania in the prior publication.

No. MC 112113 (Sub-No. 8 TA), filed December 30, 1966. Applicant: GYPSUM HAULAGE, INC., 2301 South Newkirk Street, Baltimore, Md. 21224. Applicant's representative: George W. Hankey (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Building materials, gypsum rock, and lime, other than liquid commodities in bulk, in tank vehicles*, from the site of National Gypsum Co. plant in Baltimore, Md., to points in Alleghany, Bath, Bedford, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Highland, Lee, Montgomery, Patrick, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, Va., for 180 days. Supporting shipper: National Gypsum Co., Gold Bond Buildings, Buffalo, N.Y. 14202. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 312 Appraisers' Stores Building, Baltimore, Md. 21202.

No. MC 115654 (Sub-No. 9 TA), filed December 30, 1966. Applicant: TENNESSEE CARTAGE CO., INC., 815 Ewing Avenue, Post Office Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, Nashville Bank and Trust Building, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment) (1) from Nashville, Tenn. over U.S. Highway 41 to Springfield, Tenn., thence over U.S. Highway 431 to Drakesboro, Ky., thence over Kentucky Highway 176 to Greenville, Ky., thence over U.S. Highway 62 to junction with U.S. Highway 41, thence over U.S. Highway 41 to Madisonville, Ky., thence over U.S. Highway 41A to Providence, Ky., thence over Kentucky Highway 120 to Marion, Ky., thence over Kentucky Highway 91 to Hopkinsville, Ky., thence over U.S. Highway 41A to Nashville, Tenn., and return over same route. (2) Between Springfield, Tenn., and Hopkinsville, Ky., over U.S. Highway 41, serving no points on said route, but to be used for joinder only. (3) Between Princeton, Ky., and Hopkinsville, Ky., over U.S. Highway 62 from Princeton to its junction with U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville. (4) Between Dawson Springs, Ky., and Providence, Ky., over Kentucky Highway 109. NOTE: By this particular application the applicant seeks authority only between Nashville, Tenn., on the one hand, and, on the other, Marion, Dawson Springs, and Providence, Ky. The routes involved duplicate the routes set out in applicant's Sub 8 TA and Sub 6 TA so that applicant can utilize all of the routes involved to serve all of the points involved under temporary authority, for 180 days. Supporting shippers: Grant & Co., Dawson Springs, Ky.; J. E. Hayes Department Store, Dawson Springs, Ky.; Moore Business Forms, Inc., Marion, Ky.; Hamilton Furniture Co., Providence, Ky.; Family Stores, Inc., Dawson Springs, Ky.; The Dawson Springs Progress, Dawson Springs, Ky.; Dawson Springs Chamber of Commerce, Dawson Springs, Ky.; West Hopkins Industries, Inc., Dawson Springs, Ky.; Mid-South Plastics, Inc., Dawson Springs, Ky.; City of Dawson Springs, Dawson Springs, Ky.; Hayes Hardware Store, Dawson Springs, Ky.; Terry Bros. Lumber Co., Dawson Springs, Ky.; Clark, Beshear & Clark, Dawson Springs, Ky.; Beshear Funeral Home, Dawson Springs, Ky. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 115955 (Sub-No. 12 TA), filed December 30, 1966. Applicant: SCARI'S DELIVERY SERVICE, INC., 4115 New Castle Avenue, Post Office Box 2627, Wilmington, Del. 19720. Applicant's representative: Harry J. Scari (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *General commodities*, restricted to shipments having immediately prior or immediately subsequent movement by aircraft, from Philadelphia, Pa., to Baltimore, Md., New York, N.Y., and Washington, D.C., for 180 days. Supporting shipper: Pan American World Airways, Inc., Philadelphia International Airport, Philadelphia, Pa. 19026, Richard C. De Koker, Airport Cargo Manager. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md. 21801.

No. MC 118075 (Sub-No. 4 TA) (Amendment), filed December 1, 1966, published FEDERAL REGISTER, issue of December 8, 1966 and republished as amended this issue. Applicant: C. E. CROSSMAN, doing business as CROSSMAN TRUCKING COMPANY, 1917 West Grant Street, Phoenix, Ariz. 85009. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: (1) *Bananas* from points in the Los Angeles Harbor Commercial Zone, Calif., to Phoenix and Tucson, Ariz., and (2) *fresh fruits and vegetables*, when being transported in the same vehicle, at the same time, with bananas from points in Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, Calif., to Phoenix and Tucson, Ariz., for 180 days. Supporting shippers: A. J. Bayless Markets, Inc., Post Office Box 1152, Phoenix, Ariz. 85001; Asssociated Grocers, Post Office Box 511, 624 South 25th Avenue, Phoenix, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025. NOTE: The purpose of this republication is to show that the application has been amended to add (2) above.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-207; Filed, Jan. 6, 1967; 8:49 a.m.]

[Notice 1460]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 4, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69258. By order of December 21, 1966, the Transfer Board approved the transfer to Alco Truck Lines, Inc., Rockford, Ill., of the operating rights in certificate No. MC-59188 and the certificate of registration in No. MC-59188 (Sub-No. 4), issued June 5, 1962, and March 20, 1964, respectively, to Joseph T. Ryan Cartage, Inc., Chicago, Ill., the certificate authorizing transportation, in interstate or foreign commerce, over regular routes, of automobile parts and supplies, between North Chicago, Ill., and Decatur, Ill., serving the intermediate point of Chicago, Ill., restricted against serving points in Indiana within the Chicago, Ill., commercial zone; and the certificate of registration evidencing a right to engage in transportation in interstate or foreign commerce solely in the State of Illinois, corresponding to certificate of convenience and necessity No. 8116MC, dated March 7, 1961, issued by the Illinois Commerce Commission. Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602, attorney for transferor. David L. Martenson, 401 West State Street, Rockford, Ill. 61101, attorney for transferee.

No. MC-FC-69273. By order of December 21, 1966, the Transfer Board approved the transfer to Modern Foods, Inc., Winter Haven, Fla., of permit No. MC-126455, issued May 13, 1965, to Mountain Cove Farms, Inc., Kensington, Ga., and authorizing the transportation of poultry and livestock feeds, over irregular routes, from Chattanooga, Tenn., to points in Georgia and Alabama, under contract with the Quaker Oats Co. of Chattanooga. Jack Straughn, Post Office Box 812, Winter Haven, Fla. 33880, attorney for applicants.

No. MC-FC-69289. By order of December 21, 1966, the Transfer Board approved the transfer to Anthony Schiavo, doing business as A. Schiavo Pigeon Pullman, Mount Vernon, N.Y., the operating rights in certificate No. MC-113586 issued June 4, 1963, to Bernard Piliaskas, doing business as Pigeon Carriers, Bronx, N.Y., authorizing the transportation of: Homing pigeons, in crates, and equipment relative thereto, between points in New York, Maryland, Virginia, North Carolina, New Jersey, Delaware, and Washington, D.C. Martin Werner, 2 West 45th Street, New York, N.Y. 10036, attorney for transferor. Nicholas S. Maltese, 111 Broadway, New York, N.Y. 10006, attorney for transferee.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-208; Filed, Jan. 6, 1967; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 5, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 15670, filed November 30, 1966. Applicant: HAVASU WAREHOUSE AND STORAGE, INC., Post Office Box 26, Lake Havasu City, Ariz. Applicant's representative: H. Eldon Hanson, 920 Del Webb Building, 3800 North Central Avenue, Phoenix, Ariz. 85012. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, excluding bulk cement, liquids in bulk, in tank vehicles, and machinery or construction materials in excess of 2,000 pounds per shipment, within a 25-mile radius of base of operations at Site Six, Ariz. Authorized shipments originating within a 25-mile radius of Site Six may be transported to Kingman, Ariz., via Highway 66 serving Yucca also. Authorized shipments originating in Kingman or Yucca destined to Site Six may also be transported. No service between any points on Highway 66 or within 5 miles of either side thereof. Both Intrastate and interstate authority sought.

HEARING: Wednesday, January 11, 1967, Arizona Corporation Commission, Capitol Annex, Phoenix, Ariz. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Arizona Corporation Commission, State Capitol Annex, Phoenix, Ariz., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-258; Filed, Jan. 6, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF NEW YORK AND UNITED STATES LINES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has 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 at the Washington office of the Federal Maritime Commission, 1321 H Street, NW., Room 609; or may inspect agreements at the Offices 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 20 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. Charles G. Leedham, Deputy Commissioner, Battery Maritime Building, New York, N.Y. 10004.

Agreement No. T-757-2 between the City of New York Department of Marine and Aviation (City) and United States Lines (Carrier) modifies the basic agreement which provides for the lease of certain piers on the North River, New York City, N.Y. The modification amends the basic agreement by revising certain construction and improvement obligations of the Carrier as contained in the basic lease. The amendment also makes an adjustment on the charge for administrative, clerical and engineering services to be performed by City.

Dated: January 4, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-187; Filed, Jan. 6, 1967; 8:49 a.m.]

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has 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 at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the Offices 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. T. P. McCutchan, Manager, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2005 between the Port of Seattle (Port) and Sea-Land Service, Inc. (Sea-Land) covers the lease of property at the Port of Seattle, Wash., now occupied and being used by Sea-Land under the terms of approved lease Agreement No. T-1847, and provides for the enlargement of the leased premises together with the addition of certain improvements, structures, and facilities thereon. The lease will supersede Agreement No. T-1847. Rental payments for land, pier structures, and other improvements exclusive of new construction will be $23,318.53 per month with the first payment due on February 1, 1967. The initial payment will include an additional lump sum rental of $4,970.36. For new construction and improvements Sea-Land will pay $14,586.85 monthly with the first payment due on or before April 1, 1967. Sea-Land agrees that it will file such concurrence instruments as may be appropriate to insure that its terminal operations, for which it publishes separate terminal charges, are subject to all the provisions of Seattle terminal tariffs, but not including the service and facilities charges. The parties have agreed that if they modify or add to structures and improvements on the leased premises an exhibit identified as Exhibit D, D-1, etc., will be executed listing the improvements and providing for a rental adjustment and submitted to the Federal Maritime Commission for attachment to the agreement. They have also agreed that if Sea-Land exercises an option to lease certain additional property from the Port that an Exhibit K will be prepared showing the additional premises and additional rental and filed with the Commission for attachment to the agreement. Port reserves the right to use the premises including the right to sublease the crane when such use will not unreasonably interfere with Sea-Land's operations. If Port subleases the crane, it will pay Sea-Land an amount equal to the Port's regular tariff charges for its use.

Dated: January 4, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-188; Filed, Jan. 6, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-10615 etc.[1]]

BRITISH-AMERICAN OIL PRODUCING CO.

Order Approving Rate Settlement Proposal, Severing and Terminating Proceedings, and Prescribing Refunds

DECEMBER 28, 1966.

There is before us for consideration a Motion for Approval of Settlement Proposal, Termination of Rate Proceedings and for Shortened Procedure Certification filed on June 30, 1966, as amended by letter filed on September 19, 1966, by The British-American Oil Producing Co. (British-American) encompassing the rates for 27 of its currently effective FPC Gas Rate Schedules. Protests, objections, and comments were filed by some of the parties to these proceedings, but were withdrawn subsequent to the amendatory letter filed by British-American on September 19, 1966. In summary, the settlement proposal, as amended, filed by British-American provides:

(1) Settlement rates, including tax reimbursement, equal to or less than the Commission's applicable area rate ceilings;

(2) British-American waives the right to file for contractually authorized increased rates to be effective prior to July 1, 1969, for all of the rate schedules involved in the settlement. However, British-American reserves the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels established by any order or rule of the Commission, or to file for any contractually authorized increase in tax reimbursement;

(3) British-American will delete any favored nation, price redetermination and periodic pricing provisions which may be in its FPC Gas Rate Schedule Nos. 7, 9, 11, 15, and 32 in accordance with the Second and Seventh Amendments to the Commission's Statement of General Policy No. 61-1, 18 CFR 2.56;

(4) In accordance with its letter amendment, British-American will make refunds, with interest at the applicable rate until June 30, 1966[2] under each rate schedule where collection was made subject to refund of the difference between the revenues actually collected and those collectible at the settlement rate, in each instance, commencing with January 1, 1964, to the date of issuance of this order for all of British-American's rate schedules excepting two sales in the San Juan Basin in the State of New Mexico where the proceedings pertain to the New Mexico Emergency School Tax Reimbursement which were excluded from the settlement;

(5) Exclusion from the settlement proposal of all Permian Basin sales.

[1] The additional dockets involved herein are set forth in Appendices A, B, C, and D attached hereto.

[2] However, British-American has acquiesced in payment of interest through Sept. 30, 1966, as hereinafter ordered.

In support of its proposal, as amended, British-American states that the settlement rates, refunds, the moratorium period, and other provisions thereof not specifically noted herein, are in the public interest in that they are reasonable and will provide price stability for a long period of time for natural gas moving in interstate commerce.

With respect to refunds, the parties to the settlement conferences utilized cost-of-service studies and revenues based on contract rates to determine British-American's revenue-cost relationship. These studies indicate that it is appropriate that we require that refunds should be computed for sales where monies were collected subject to refund on and after January 1, 1964, as hereinafter ordered. Such refunds will approximate $625,000, plus applicable interest computed through September 30, 1966, which approximates 50 percent of the monies collected subject to refund above the settlement rates. For all the reasons stated in our order in Humble Oil & Refining Co., Docket Nos. G-9287, et al., 32 FPC 49, we shall order British-American to retain the amounts of refund ordered herein until further action by the Commission directing their disposition.

British-American's presently effective rates will be reduced under the settlement proposal so as to effectuate an annual reduction of approximately $260,000 in its jurisdictional revenues. Thus, approval of British-American's proposal will result in disallowance of approximately 50 percent of the increased rates currently being collected in section 4(e) proceedings.

The settlement proposal includes rates for which issuance of related permanent certificates is pending, some of which are for deliveries presently being made under temporary authority.[1] We propose to set such applications for abridged statutory hearing in accordance with section 7 of the Natural Gas Act, indicating that the settlement rates, as provided for herein, shall be the initial price.

Our action herein should not be construed as constituting approval of future rate increases, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or orders of the Commission in pending or future proceedings, including area rate or similar proceedings, involving British-American's rates and rate schedules.

The Commission finds: The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposal, as amended, filed by British-American on June 30, 1966, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act, that it be approved and made effective as hereinafter ordered, and good cause exists for approving the settlement rates, for severing and terminating certain proceedings and providing for refunds.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal, filed by British-American on June 30, 1966, as amended by its filing of September 19, 1966, is approved.

(B) The applicable settlement rates set out in Appendix A below are approved, and such rates shall be effective as of the date of issuance of this order.

(C) The approved settlement rates shall be applicable during the moratorium period herein provided for all sales of natural gas from all acreage dedicated as of the date of issuance of this order under each of the rate schedules currently on file with the Commission whether such sales are made by British-American, its successors or assignees.

(D) British-American shall compute the difference between the rates collected subject to refund and the related settlement rates or rate not subject to refund, whichever rate is the greater, for the period from January 1, 1964, to the date of this order, together with interest as specified in each docket through September 30, 1966. British-American shall within 45 days from the date of this order submit a report to the Commission, and serve a copy on each of the purchasers involved, setting out by purchasers the amount of refunds related to each rate schedule (showing separately the principal and applicable interest), the bases used for such determination and the periods covered.

(E) British-American shall retain the amounts shown in the report required under paragraph (D) above, subject to further action of the Commission directing the disposition of those amounts.

(F) If British-American elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 6 percent per annum on all funds thus available from December 15, 1966, to the date on which they are paid over to the person ultimately determined to be entitled thereto by final action of the Commission.

(G) If British-American elects to deposit the retained refunds in a special escrow account, British-American shall tender for filing on or before December 15, 1966, an executed Escrow Agreement, conditioned as set out below accompanied by certificate showing service of a copy thereof upon each of its jurisdictional customers. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreement shall be entered into between British-American and any bank or trust company used as a depository for funds of the U.S. Government and the Agreement shall be conditioned as follows:

(1) British-American, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon, deposited in a special escrow account, subject to such Agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest such deposits in any short-term indebtedness of the United States or any agency thereof, or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in Paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable, and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the trust account for the quarterly period.

(H) The pending certificate proceedings set out in Appendix B below shall not be determined on the basis of the approval of the settlement proposal, but shall be determined after hearing in accordance with section 7 of the Natural Gas Act.

(I) Within 90 days from the date of this order, British-American shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal.

(J) Upon full compliance by British-American with all the terms and provisions of this order, the section 4(e) proceedings listed in Appendix A below, and the section 5(a) proceeding in Docket No. G-10615 shall terminate.

(K) Upon termination of the section 4(e) proceedings listed in Appendix C below, in accordance with Paragraph (J) above, said proceedings shall be severed from the consolidated proceedings in Docket Nos. AR61-2, AR64-1, and AR64-2, respectively.

(L) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by British-American, the Commission staff, or any affected party hereto, in any proceedings now pending, including area rate or similar proceedings, or hereafter instituted by or against British-American or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] See Appendix B attached hereto.

APPENDIX A—THE BRITISH-AMERICAN OIL PRODUCING COMPANY DOCKET NOS. G-10615, ET AL.

FPC G.R.S. No.	FPC rate area and pressure base field	Purchaser	Docket No.		Rates—Cents per Mcf at area pressure base (inclusive of tax reimbursement)		
			Certificate	Rate	Not subject to refund	In effect subject to refund	Proposed settlement rate
	Texas R.R. Comm. Dist. No. 5 at 14.65 p.s.i.a.						
8	Sheridan	Iroquois Gas Corp.	G-6203	G-13471 RI62-184	16.6584	18.6776	16.0
16	West Rock Island	Tennessee Gas Transmission Corp.	G-9814	G-17286	13.2782	15.9502	14.0
	Texas R.R. Comm. Dist. No. 6 at 14.65 p.s.i.a.						
7	Waskom	Mississippi River Fuel Corp. (now Mississippi River Transmission Corp.).	G-6207	G-18472 RI62-328 RI65-530	13.6296	15.144	[1] 15.0
3	Carthage	United Gas Pipe Line Co.	G-6202		10.8876		10.8876
	Texas R.R. Comm. Dist. No. 10 at 14.65 p.s.i.a.						
56	Panhandle	Cities Service Gas Co.	CI63-918		10.0		10.0
64	Panhandle	Transwestern Pipeline Co.	G-16091		17.0		17.0
	Oklahoma Panhandle at 14.65 p.s.i.a.						
15	Greenough	Panhandle Eastern Pipe Line Co.	G-8764	RI62-184	12.2828	13.176	[2] 12.0
	Oklahoma Other at 14.65 p.s.i.a.						
11	Northeast Elmore	Lone Star Gas Co.	G-6199	RI60-214	11.0	12.35	[3] [4] 10.25
12	West Edmond	Cities Service Gas Co.	G-6201		6.6997	10.5	10.5
33	North Wakita	do	G-17789	RI60-159 RI65-412	12.0	14.0	12.0
50	South Marlow	Arkansas Louisiana Gas Co.	CI62-307		15.0		15.0
51	Doyle	Lone Star Gas Co.	CI62-984		15.0		15.0
58	Woodward Area	Michigan Wisconsin Pipe Line Co.	CI63-1470		15.0		15.0
	Oklahoma-Carter-Knox at 14.65 p.s.i.a.						
34	Knox	Lone Star Gas Co.	G-17965		16.8		16.8
	New Mexico at 15.025 p.s.i.a.						
45	Bisti-Gallup	El Paso Natural Gas Co.	G-19108	RI64-32 RI64-522	13.0	[3] 13.21755	13.0
48	W. Kutz Canyon	do	CI61-607	RI64-32 RI64-522	13.0	[3] 14.2175	13.0
	Colorado at 15.025 p.s.i.a.						
9	Logan County	Kansas-Nebraska Natural Gas Co.	G-6195	G-19024 [5]	12.8262 5.497	13.7424	[3] [4] 13.7424 5.497
32	do	do	G-15894	RI62-215	12.8262	13.74238	[3] 13.74238
36	do	do	G-20329		6.4131		6.4131
41	Greenwood	Colorado Interstate Gas Co.	G-18823	G-18950	15.384	16.4096	15.0
53	Logan County	Kansas-Nebraska Natural Gas Co.	CI62-1433		12.8262		12.8262
55	Horsetail	do	G-6195		6.4131		6.4131
62	Riverside	do	CI64-1088		13.0		13.0
63	Divide Creek	Garfield Gas Gathering Co.	CI64-1400		15.0		15.0
	Wyoming at 15.025 p.s.i.a.						
66	Wind River Basin	Montana-Dakota Utilities Co.	CI65-1224		15.384		15.384
	Mississippi at 15.025 p.s.i.a.						
30	Gwinville	Southern Natural Gas Co.	G-6198	G-14630	7.3286	20.0	15.0258
	North Louisiana at 15.025 p.s.i.a.						
28	Cadeville	United Gas Pipe Line Co.	G-12751		13.5		13.5
54	Chenlere Brake	Arkansas Louisiana Gas Co.	CI63-253		18.33		18.33
	South Louisiana at 15.025 p.s.i.a.						
17	Cameron	Michigan-Wisconsin Pipe Line Co.	G-6813	RI61-540	19.75	23.0	19.75
29	West Bay	Southern Natural Gas Co.	G-13636	RI61-174	22.0	23.5	20.0
31	Ramos	Texas Gas Transmission Corp.	G-14515	RI62-274	20.75	21.75	19.9
47	Valentine	United Fuel Gas, Co.	CI61-600	RI63-184	19.9	20.3	19.9
57	Sec. 28 Dome	Southern Natural Gas Co.	CI63-1156		20.25		20.0
61	Deep Lake	United Gas Fuel Co.	CI64-573	RI64-662 RI65-194	18.3	21.5	18.3
67	Block 71	Transcontinental Gas Pipe Line Corp.	CI66-72		18.5	19.0	18.5

[1] British-American to tender necessary filing in accordance with the provisions of the Second Amendment to Statement of General Policy No. 61-1, issued Nov. 27, 1963 (18 CFR 2.56).
[2] British-American to tender necessary filing in accordance with the provisions of the Seventh Amendment to Statement of General Policy No. 61-1, issued Nov. 27, 1963 (18 CFR 2.56).
[3] Docket Nos. RI64-32 and RI64-522 reflect an increase in tax reimbursement resulting from an increase in the New Mexico emergency school tax; the latter docket covers also a fixed-price escalation.
[4] Proposed settlement rate was 12.0, however Lone Star and British-American agree that the proper rate should be 10.25.
[5] Volumes adjusted and sold may be adjusted by an agreed upon supercompressibility factor by the buyer and seller.
[6] Rex Monahan made co-respondent by order issued Sept. 17, 1963, under Monahan's FPC Gas Rate Schedule No. 5.

APPENDIX B—PENDING CERTIFICATE APPLICATIONS AND RELATED SECTION 4(e) INCREASES THE BRITISH-AMERICAN OIL PRODUCING COMPANY DOCKET NOS. G—10615, ET AL.

FPC G.R.S. No.	FPC rate area and pressure base field	Purchaser	Docket No.		Rates—Cents per Mcf at area pressure base (inclusive of tax reimbursement)		
			Certificate	Rate	Not subject to refund	In effect subject to refund	Proposed settlement rate
	South Louisiana at 15.025 p.s.i.a.						
57	Sec. 28 Dome	South Natural Gas Co	CI63-1156		20.25		20.0
64	Deep Lake	United Fuel Gas Co	CI64-573	RI64-662 RI65-194	18.3	21.5	18.3
67	Block 71	Transcontinental Gas Pipe Line Corp	CI66-72		18.5	19.0	18.5

APPENDIX C—THE BRITISH-AMERICAN OIL PRODUCING COMPANY DOCKET NOS. G–10615, ET AL.

LIST OF SECTION 4(e) DOCKETS INCORPORATED IN CONSOLIDATED AREA RATE PROCEEDINGS DOCKET NOS. AR61–2, AR64–1, AND AR64–2

AR61–2	*AR64–1*	*AR64–2*
RI61–174	G–18950 [1]	G–13471
RI61–540	RI60–159	G–17286
RI62–184	RI62–184	RI62–184
RI62–274		

[1] Although this docket relates to Rate Schedule No. 41, covering a sale by British-American to Colorado Interstate Gas Co. from the Greenwood Field in Boca County, Colo., it was consolidated with Docket Nos. AR64–1, et al., by the Commission's order issued on Nov. 27, 1963, 30 FPC 1354.

APPENDIX D—THE BRITISH-AMERICAN OIL PRODUCING COMPANY, DOCKET NOS. G–10615, ET AL.

SECTION 4(e) DOCKETS TO REMAIN OPEN PENDING RESOLUTION OF NEW MEXICO TAX CONTROVERSY

RI64–32 RI64–522

[F.R. Doc. 67–98; Filed, Jan. 6, 1967; 8:45 a.m.]

[Docket Nos. RI67–227 etc.]

KERR-McGEE CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 28, 1966.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 15, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-227	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	9	6	Phillips Petroleum Company [2] (W. Panhandle Field, Sherman and Moore Counties, Texas) (R.R. District No. 10).	$1,341 14,680	11-25-66 11-25-66	[3] 1-1-67 [3] 1-1-67	[4] 1-2-67 [4] 1-2-67	[7] [9] 8.19 [8] [10] 7.75	[6] [7] [9] 8.41 [6] [8] [10] 7.97	
RI67-228	J. M. Hawley (Operator) et al., 1100 Oil and Gas Bldg., Wichita Falls, Tex. 76307.	1	[14] 12	Phillips Petroleum Company [11] (W. Panhandle Field, Gray County, Texas) (R.R. District No. 10).	9,600	11-28-66	[3] 1-1-67	[4] 1-2-67	[12] 8.0	[6] [11] [12] 12.0	
RI67-229	Jane Clayton Oakes (Operator) et al., 1100 Oil and Gas Bldg., Wichita Falls, Tex. 76307.	1	[14] 6	do [11]	569	11-28-66	[3] 1-1-67	[4] 1-2-67	[12] 8.0	[6] [11] [12] 12.0	
RI67-230	do	2	[14] 9	do [11]	1,616	11-28-66	[3] 1-1-67	[4] 1-2-67	[12] 8.0	[6] [11] [12] 12.0	
RI67-231	Earl Clayton (Operator) et al., 1100 Oil and Gas Bldg., Wichita Falls, Tex. 76307.	1	[14] 11	do [11]	50,000	11-28-66	[3] 1-1-67	[4] 1-2-67	[12] 8.0	[6] [11] [12] 12.0	
RI67-232	Helen J. Clayton (Operator) et al., 1100 Oil and Gas Bldg., Wichita Falls, Tex. 76307.	1	[14] 8	do [11]	56,000	11-28-66	[3] 1-1-67	[4] 1-2-67	[12] 8.0	[6] [11] [12] 12.0	
RI67-233	W. H. Taylor, Estate (Operator) et al., 1100 Oil and Gas Bldg., Wichita Falls, Tex. 76307.	1	[14] 14	do [11]	178,000	11-28-66	[3] 1-1-67	[4] 1-2-67	[12] 8.0	[6] [11] [12] 12.0	

[2] Phillips resells the gas under its FPC Gas Rate Schedule No. 32 from its Dumas Plant to El Paso Natural Gas Co., at a rate of 19.76 cents per Mcf which is effective subject to refund in Docket No. G-20403.
[3] The stated effective date is the effective date proposed by Respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Sweet gas.
[8] Rate consists of base rate of 4.47 cents at 14.65 p.s.i.a. (less .4466 cent deduction for sour gas) corrected for supercompressibility using a factor of 1.013 plus 4.0 cents at 14.65 p.s.i.a. as per Supplement No. 4.
[9] Rate consists of base rate of 4.24 cents at 14.65 p.s.i.a. (less .4466 cent deduction for sour gas) corrected for supercompressibility using a factor of 1.013 plus 4.0 cents at 14.65 p.s.i.a. as per Supplement No. 4.
[10] Sour gas.
[11] Phillips resells the gas under its FPC Gas Rate Schedule No. 202 to Northern Natural Gas Co., at a rate of 18.93 cents which is effective subject to refund in Docket No. RI60-226.
[12] Renegotiated rate increase.
[13] Sweet gas rate subject to a deduction of 0.4466 cent for sour gas. Rates also subject to a downward B.t.u. adjustment.
[14] Includes letter providing for increased rate of 12.0 cents from Jan. 1, 1967, to July 1, 1969.

The producers herein propose rate increases for wellhead sales of gas to Phillips Petroleum Co. (Phillips), which gathers and processes the gas and resells the residue gas after processing to interstate pipeline companies. Phillips' resale rates are in effect subject to refund. The producers' proposed increases are not related to a corresponding increase in rate by Phillips. Although Kerr-McGee Corp.'s proposed rate increases do not exceed the area increased rate ceiling of 11.0 cents per Mcf for Texas Railroad District No. 10, the sales related thereto are considered to be for nonpipeline quality gas. We consider the increased rate ceiling to be applicable in these cases at the outlet of the processing plant which is the point of delivery to the pipeline company. The rate increases filed by all of the other producers listed herein exceed the applicable area price level of 11.0 cents per Mcf for Texas Railroad District No. 10 as announced in the Commission's Statement of General Policy No. 61-1, as amended, and should be suspended. Under the circumstances, we believe that it would be in the public interest to limit to 1 day the suspension periods for all of the aforementioned producers' rate filings.

[F.R. Doc. 67-99; Filed, Jan. 6, 1967; 8:45 a.m.]

[Docket No. RI67-146]

MARATHON OIL CO.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates, To Permit Substitute Rate Filing, and Making Rate Effective Subject to Refund

DECEMBER 29, 1966.

On October 27, 1966, Marathon Oil Co. (Marathon) filed with the Commission a proposed change in rate from 10.81979 cents to 15.51331 cents per Mcf, designated as Supplement No. 8 to Marathon's FPC Gas Rate Schedule No. 13, which pertains to its jurisdictional sales of natural gas from the LaGloria Field, Jim Wells and Brooks Counties, Tex. (R.R. District No. 4), to Natural Gas Pipeline Company of America. The Commission by order issued November 18, 1966, suspended for 5 months Marathon's aforementioned rate filing until May 2, 1967, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Marathon's suspended rate increase has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On December 2, 1966, Marathon submitted an amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 8 to Marathon's FPC Gas Rate Schedule No. 13, amending Supplement No. 8 to its aforementioned rate schedule, to provide for a rate increase to 14.0 cents instead of 15.51331 cents per Mcf, and requested that the proceeding suspending Supplement No. 8 in Docket No. RI67-146 be terminated, or in the alternative, that the suspension period provided in said docket be shortened to 1 day. Marathon also proposes an effective date of December 2, 1966, the date the original increase was contractually due, for the amended rate increase.

The amended increase to 14.0 cents per Mcf, amounts to $86,359 annually, but reflects a decrease of $41,094 annually from the suspended rate contained in Supplement No. 8. Although the proposed 14.0 cents rate, considered a "fractured" rate since Marathon is contractually entitled to a higher rate as evi-

denced by its original filing, does not exceed the area's 14.0 cents ceiling for increased rates, it is suspended for 1 day from January 2, 1967, the date of expiration of the statutory notice, since Marathon did not submit with the amended increased rate filing a waiver of its right to file for the remaining increment of its contractually due rate.

The Commission finds: Good cause exists for amending the Commission's order issued on November 18, 1966, in Docket No. RI67–146, to the extent hereinafter provided.

The Commission orders:

(A) The suspension order issued November 18, 1966, in Docket No. RI67–146, is amended only so far as to permit the 14.0 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 8 to Marathon's FPC Gas Rate Schedule No. 13 to be filed to supersede the 15.51331 cents per Mcf rate provided by Supplement No. 8 to Marathon's FPC Gas Rate Schedule No. 13, subject to the suspension proceeding in Docket No. RI67–146. The suspension period for such substitute rate filing shall terminate on January 3, 1967.

(B) Supplement No. 1 to Supplement No. 8 to Marathon's FPC Gas Rate Schedule No. 13 shall become effective subject to refund on January 3, 1967, if within 20 days from the date of the issuance of this order, Marathon shall execute and file in Docket No. RI67–146 its agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, Natural Gas Pipeline Company of America. Unless Marathon is advised to the contrary within 15 days after the filing of its agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Good cause has not been shown for permitting an effective date of December 2, 1966, for Supplement No. 1 to Supplement No. 8 to Marathon's FPC Gas Rate Schedule No. 13, and Marathon's request for such effective date is denied.

(D) In all other respects, the order issued by the Commission on November 18, 1966, in Docket No. RI67–146, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–143; Filed, Jan. 6, 1967; 8:45 a.m.]

[Docket No. CP67–175]

SOUTHERN NATURAL GAS CO.

Notice of Application

DECEMBER 29, 1966.

Take notice that on December 19, 1966, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67–175 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 for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to enable it to receive and transport to and through its existing South Louisiana Supply System natural gas produced in West Delta Block 105 and 133 Fields, Offshore Louisiana. Applicant proposes to purchase gas produced in said fields from Shell Oil Co. (Shell) pursuant to a contract between Applicant and Shell dated October 3, 1966.

Specifically, in order to effectuate the above-mentioned program Applicant requests authorization for the following construction:

(1) Approximately 31.9 miles of 18-inch pipeline extending south from Bay Huertes gate on Applicant's existing West Block 30 Line to Block 104 in West Delta Block 105 Field;

(2) Approximately 9.9 miles of 12¾-inch pipeline extending southwest from Block 104 to Block 122 in West Delta Block 133 Field;

(3) Approximately 11.5 miles of 26-inch loop pipelines between Lake Washington Field and the Mississippi River and Applicant's Lake Washington Line;

(4) A multiple line crossing of the Mississippi River; and

(5) Inlet and outlet side valves, block valves and other related facilities, to be located on Applicant's existing West Delta Block 30 Line near Lake Washington Field, to enable Applicant to deliver gas to Shell for processing for the extraction of liquifiable hydrocarbons and to accept the delivery of gas after such processing.

Applicant also seeks authorization to transport gas for plant use, fuel, loss, and shrinkage from West Delta Block 105 and 133 Fields to Shell's proposed processing plant.

The estimated cost of the proposed facilities is $10,967,870, which cost is to be financed initially by bank loans which will be repaid from cash from current operations or from permanent financing.

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 January 20, 1967.

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.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 67–144; Filed, Jan. 6, 1967; 8:45 a.m.]

[Docket No. CP67–174]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

DECEMBER 29, 1966.

Take notice that on December 19, 1966, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP67–174 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 for the sale and delivery of natural gas in interstate commerce, 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 construct and operate one side valve and an orifice meter in Trimble County, Ky., which facility will establish a new delivery point for Louisville Gas and Electric Co. for resale in the City of Bedford, Trimble County, Ky. (Bedford), and environs.

The estimated annual and peak day deliveries associated with the service to Bedford are estimated to be 25,570 and 278 Mcf.

The total estimated cost of the proposed facility is $7,300, which cost will be financed from cash 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 January 20, 1967.

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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-145; Filed, Jan. 6, 1967; 8:45 a.m.]

[Docket No. CP67-177]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

DECEMBER 29, 1966.

Take notice that on December 20, 1966, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67-177 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 of the transportation of natural gas in interstate commerce, 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 to install and operate a 4,000-horsepower compressor unit at Applicant's Compressor Station No. 155, located in Davidson County, N.C.

The total estimated cost of the proposed facility is $1,737, which is to be financed initially by cash on hand, or by short term bank loans.

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 January 20, 1967.

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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-146; Filed, Jan. 6, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

GENERAL BANCSHARES CORP.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of General Bancshares Corp., St. Louis, Mo., for approval of the acquisition of voting shares of First National Bank in St. Louis, St. Louis, Mo.

There have come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a), as amended by Public Law 89-485), and § 222.4(a) of the Federal Reserve Regulation Y (12 CFR 222.4(a)), applications by General Bancshares Corp., St. Louis, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of each of First National Bank in St. Louis, St. Louis, Mo., and St. Louis Union Trust Co., St. Louis, Mo. Subsequent to the filing of the applications, an amendment to the Bank Holding Company Act changed the definition of "bank" so as to exclude therefrom St. Louis Union Trust Co. Consequently, the application by General Bancshares Corp. to acquire St. Louis Union Trust Co. is not appropriate for action by the Board under section 3(a) of the Act.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 17, 1966 (31 F.R. 8508), which provided an opportunity for submission of comments and views regarding the proposed transaction. Time for filing such views and comments has expired and all those filed with the Board have been considered by it.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application by General Bancshares Corp. to acquire stock of First National Bank in St. Louis be and hereby is denied.

Dated at Washington, D.C., this 30th day of December 1966.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-147; Filed, Jan. 6, 1967; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of St. Louis.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Daane, Maisel, and Brimmer.

WHITNEY HOLDING CORP.

Order Granting Motion To Withdraw Application

In the matter of the application of Whitney Holding Corp. for approval of its becoming a bank holding company by acquiring the stock of Crescent City National Bank, New Orleans, La., and Whitney National Bank in Jefferson Parish, Jefferson Parish, La.

By Order dated January 24, 1966, the Board of Governors continued the proceeding herein, pending a final decision in the case of Whitney National Bank in Jefferson Parish, et al. v. A. Clayton James, State Bank Commissioner of the State of Louisiana, No. 6745 in the Court of Appeal, First Circuit, State of Louisiana (Whitney v. James). On or about June 13, 1966, the Louisiana Court of Appeal concluded that the provisions of the Louisiana antibank holding company statute, particularly section 3(5) of Louisiana Act 275 of 1962, La. R.S. 6:1003(5), were not unconstitutional and were applicable to the Whitney proposal. On November 7, 1966, the Supreme Court of the State of Louisiana denied a petition to review the decision of the Louisiana Court of Appeal in Whitney v. James.

Following the aforesaid decision of the Supreme Court of Louisiana, the attorneys for Bank of New Orleans and Trust Co., New Orleans, La., Guaranty Bank and Trust Co., Lafayette, La., and Bank of Louisiana in New Orleans, New Orleans, La., participating in this proceeding in opposition to the Whitney proposal, requested the Board to deny the Whitney application pending before the Board. Attorneys for Whitney Holding Corp. filed a motion, dated December 3, 1966, to withdraw the application for approval of its becoming a bank holding company, for the stated reasons that Whitney National Bank in Jefferson Parish has not yet been opened for business and would not be opened in the foreseeable future. The Whitney motion suggests that the Board of Governors vacate its order of May 3, 1962, which had granted Board approval to the Whitney proposal. That order is now before the Board on reconsideration, after remand from the United States Court of Appeals for the Fifth Circuit. No opposition to the Whitney motion to withdraw has been received by the Board.

After due consideration of the motion on behalf of Whitney, and of the interests of all participants in this proceeding, the Board has concluded that the Whitney motion should be granted and the Board's aforementioned order of May 3, 1962, should be vacated. Accordingly:

It is hereby ordered, That:

1. The motion of December 3, 1966, of Whitney Holding Corp. to withdraw its application for approval to become a bank holding company is granted.

2. The Board's order of May 3, 1962, in the matter of the application of Whitney Holding Corp. to become a bank holding company is vacated.

3. The proceeding before the Board, on remand (by order dated Mar. 1, 1965) from the United States Court of Appeals for the Fifth Circuit, is concluded and the record closed.

Dated at Washington, D.C., this 30th day of December 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-148; Filed, Jan. 6, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 30, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp. and the 6 percent convertible subordinated debentures due September 1, 1976, 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 securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 3, 1967, through January 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-157; Filed, Jan. 6, 1967; 8:46 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

DECEMBER 30, 1966.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, 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 Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 3, 1967, through January 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-158; Filed, Jan. 6, 1967; 8:46 a.m.]

[70-4439]

LOUISIANA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Bonds and Stock

JANUARY 3, 1967.

Notice is hereby given that Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La. 70114, a registered holding company and an electric utility subsidiary company of Middle South Utilities, Inc., also a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $16 million principal amount of First Mortgage Bonds, _____ percent Series due 1997 ("new bonds"). The interest rate of the new bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Louisiana (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by competitive bidding. The new bonds will be issued under Louisiana's Mortgage and Deed of Trust dated as of April 1, 1944, to The Chase Manhattan Bank (National Association), successor to The Chase National Bank of the City of New York and Milton J. Redlich, successor to Carl E. Buckley, as Trustees, as heretofore supplemented by various indentures and as to be further supplemented by a Ninth Supplemental Indenture to be dated February 1, 1967.

Louisiana also proposes to amend its charter so as to authorize 80,000 shares of a new series of cumulative preferred stock, $100 par value ("new preferred stock"), and to issue and sell such shares subject to the competitive bidding requirements of Rule 50 under the Act. The dividend rate of the new preferred stock (which will be a multiple of one twenty-fifth of 1 percent) and the price to be paid to Louisiana (which will be not less than $100 nor more than $102.75 per share) will be determined by competitive bidding.

Louisiana will apply the net proceeds derived from the issue and sale of the new bonds and new preferred stock to the payment of short-term bank loans outstanding prior to the issue and sale of such bond and preferred stock and to the 1967 construction program of Louisiana and its subsidiary company. Louisiana expects such bank loan indebtedness to aggregate approximately $15,500,000 and such construction expenditures to be about $62 million. Louisiana expects to provide for the balance needed for such 1967 construction by using funds on hand and to be generated internally or through financing by means of issuing and selling short-term promissory notes to banks or other securities in amounts and of a type presently undetermined.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred by Louisiana in connection with the new bonds are estimated at $65,000, including legal fees of $19,000 and auditor's fees of $2,500. Fees and expenses in connection with the new preferred stock are estimated at $30,000, including legal fees of $15,000 and auditor's fees of $1,000. The fees of counsel for the underwriters are estimated at $6,000 in connection with the new bonds at $5,000 in connection with the new preferred stock.

Notice is further given that any interested person may, not later than January 27, 1967, 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 said declaration 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant 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 declaration, 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. 67-159; Filed, Jan. 6, 1967; 8:46 a.m.]

[812-2054]

OWENS-ILLINOIS OVERSEAS CAPITAL CORP.

Notice of Filing of Application for Order Exempting Company

JANUARY 3, 1967.

Notice is hereby given that Owens-Illinois Overseas Capital Corp. ("applicant"), 405 Madison Avenue, Toledo, Ohio 43604, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. 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 was organized by Owens-Illinois, Inc. ("Owens-Illinois") under the laws of the State of Delaware on December 27, 1966. All of the outstanding securities of Applicant consisting of 10,000 shares of common stock with a par value of $1 a share are owned by Owens-Illinois, which purchased such stock for $100,000. On or before May 1, 1967, Owens-Illinois will acquire from Applicant additional common stock or make such contributions in cash, securities or other property in order that the equity capital of Applicant will not be less than $5 million. Any additional securities which Applicant may issue, other than debt securities, will be issued only to Owens-Illinois. Owens-Illinois will continue to retain its present holdings of Applicant's stock and any additional securities of Applicant which Owens-Illinois may acquire, and Owens-Illinois will not dispose of any of Applicant's securities except to Applicant or to a fully owned subsidiary of Owens-Illinois (which term as used herein means a corporation all of the outstanding securities of which are owned, directly or indirectly, by Owens-Illinois); and Owens-Illinois will cause each fully owned subsidiary not to dispose of Applicant's securities except to Owens-Illinois, the Applicant or another fully owned subsidiary of Owens-Illinois.

Owens-Illinois is engaged, directly and through its subsidiaries, in the production and sale of glass, plastic and fiber containers, glass tableware, glass and plastic tubing and products made therefrom, glass components for television tubes, fiber shipping containers and other products.

A principal purpose for the organization of Applicant was to raise funds abroad for financing the expansion and development of Owens-Illinois' foreign operations while at the same time providing assistance in improving the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell $25 million of its Guaranteed Debentures due 1977 ("Debentures"). Owens-Illinois will guarantee the principal, interest payments, and premium, if any, on the Debentures. The Debentures will be convertible on and after July 15, 1967, into Common Shares of Owens-Illinois. Any additional debt securities of the Applicant which may be issued to or held by the public will be guaranteed by Owens-Illinois in a manner substantially similar to the guarantee of the Debentures.

It is intended that upon completion of the long-term investment of the applicant's assets, substantially all of the assets of the Applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies which are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding or trading in securities and which are, or upon the making of such investment will be (1) majority-owned subsidiaries of Owens-Illinois within the meaning of section 2(a)(23) of the Act, (2) companies under Owens-Illinois' control within the meaning of section 2(a)(9) of the Act, or (3) companies which are engaged in a business related to the business of Owens-Illinois, in which Owens-Illinois or the Applicant owns an equity interest of 10 percent or more. Applicant will proceed as expeditiously as practicable with the long-term investment of its assets in the manner described above. Pending such investment, Applicant will invest temporarily in debt obligations (including time deposits) of foreign governments, foreign financial institutions, and other foreign persons, payable in U.S. dollars or other currencies and in each case maturing in 1 year or less from the date of acquisition. Applicant will not acquire the securities representing its investments or loans for the purpose of resale and will not trade in such securities.

The Debentures are to be sold through a group of underwriters, and payment will be received by Applicant, outside the United States. The Debentures are to be offered and sold under conditions which are intended to assure that the Debentures will not be offered or sold in the United States, its territories or possessions, or to nationals or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the Debentures will not be purchased by nationals or residents of the United States, its territories or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Counsel has advised the Applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the Debentures, except where a specific statutory exemption is available. The Applicant has applied to the Internal Revenue Service for a ruling to this effect prior to the sale of the Debentures. Thus, by financing its foreign operations through the Applicant rather than through the sale of its own debt obligations, Owens-Illinois will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant will use its best efforts to have the Debentures listed on the New York Stock Exchange and registered under the Securities Exchange Act of 1934.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of the Applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Owens-Illinois may obtain funds in foreign countries for its foreign operations; (2) the Debentures will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions, or to any United States national or resident in connection with such offering; (3) the burden of the interest equalization tax will tend to discourage purchase of the Debentures by any U.S. person; (4) the Applicant will not deal or trade in securities; (5) none of the securities other than debt securities of the Applicant will be held by any person other than Owens-Illinois or a fully owned subsidiary of Owens-Illinois; and (6) the public policy underlying the Act is not applicable to the Applicant and the security holders of the Applicant do not require the protection of the Act, because the payment of the Debentures, which is guaranteed by Owens-Illinois does not depend solely on the operations or investment policy of the Applicant, for the Debenture holders may ultimately look to the business enterprise of Owens-Illinois rather than solely to that of the Applicant.

Notice is further given that any interested person may, not later than January 13, 1967, 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 (air mail 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. 67-160; Filed, Jan. 6, 1967; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

DECEMBER 30, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ 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 January 3, 1967, through January 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-161; Filed, Jan. 6, 1967; 8:46 a.m.]

[File No. 1-4407]

SPORTS ARENAS, INC.

Order Suspending Trading

DECEMBER 30, 1966.

The common stock, 1 cent par value, of Sports Arenas, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent convertible debentures of Sports Arenas, Inc., 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 January 3, 1967, through January 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-162; Filed, Jan. 6, 1967; 8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

DECEMBER 30, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., 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 securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 3, 1967, through January 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-163; Filed, Jan. 6, 1967; 8:46 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

DECEMBER 30, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., 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 securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 3, 1967, through January 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-164; Filed, Jan. 6, 1967; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

DECEMBER 30, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., 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 January 3, 1967, through January 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-165; Filed, Jan. 6, 1967; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 1, Rev. 2]

DEPUTY ADMINISTRATOR

Delegation of Authority

Delegation of Authority No. 1 (29 F.R. 627) as revised (30 F.R. 12140) is hereby revised to read as follows:

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; authority is hereby delegated to the Deputy Administrator to perform any and all acts which I, as Administrator, am authorized to perform, including but not limited to authority to issue, modify, or revoke delegations of authority and regulations and to serve as alter ego to the Administrator and to continue to so serve in the event of the absence, resignation or incapacity of the Administrator with respect to the activities of the Small Business Administration, except exercising authority under sections 7(a)(6), 9(d), and 11 of the Small Business Act, as amended.

This delegation is not in derogation of any authority residing in the Associate Administrators relating to the operations of their respective programs.

Effective date: September 1, 1966.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-166; Filed, Jan. 6, 1967; 8:46 a.m.]

[Delegation of Authority No. 1-A, Rev. 1]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority

Delegation of Authority No. 1-A (31 F.R. 10622) is hereby revised to read as follows:

Pursuant to the authority vested in me as Administrator of the Small Business Administration by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Eco-

nomic Opportunity Act of 1964, 78 Stat. 526, as amended; authority is hereby delegated to the Assistant Administrator for Administration to perform, in the event of the absence of both the Administrator and the Deputy Administrator, any and all acts which I, as Administrator, am authorized to perform, including but not limited to authority to issue, modify, or revoke delegations of authority and regulations, except exercising authority under sections 7(a)(6), 9(d), and 11 of the Small Business Act, as amended.

This delegation is not in derogation of any authority residing in the Associate Administrators relating to the operations of their respective programs, nor does it affect the validity of any other delegations currently in force and effect.

This delegation does not include authority to declare a disaster area and disaster.

Effective date: September 1, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-167; Filed, Jan. 6, 1967; 8:46 a.m.]

[Delegation of Authority No. 1-B, Rev. 1]

ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation of Authority

Delegation of Authority No. 1-B (31 F.R. 12692) is hereby revised to read as follows:

Pursuant to the authority vested in me as Administrator of the Small Business Administration by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; authority is hereby delegated to the Associate Administrator for Financial Assistance to perform, in the event of the absence of the Administrator, Deputy Administrator and the Assistant Administrator for Administration, any and all acts which I, as Administrator, am authorized to perform, including but not limited to authority to issue, modify, or revoke delegations of authority and regulations, except exercising authority under sections 7(a)(6), 9(d), and 11 of the Small Business Act, as amended.

This delegation is not in derogation of any authority residing in the Associate Administrators relating to the operations of their respective programs, nor does it affect the validity of any other delegations currently in force and effect.

Effective date: September 1, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-168; Filed, Jan. 6, 1967; 8:46 a.m.]

[Delegation of Authority No. 4, Rev. 1]

ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation of Authority Regarding Financial Assistance

Delegation of Authority No. 4 (29 F.R. 5489) is hereby revised to read as follows:

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; there is hereby delegated to the Associate Administrator for Financial Assistance the following authority:

A. To approve or decline business, disaster, development company, and economic opportunity loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

B. To approve amendments of loan authorizations in loans that: (a) Have or (b) have not been fully disbursed.

C. To determine eligibility of loan applicants.

D. To authorize acceptance of disaster loan applications after expiration of the original disaster period.

E. To extend the original disaster period resulting from a disaster declaration.

F. To declare a disaster area and period in the absence of both the Administrator and the Deputy Administrator.

G. To take all necessary actions in connection with the servicing, administration, collection, and liquidation of partially or fully disbursed loans, and other obligations and acquired property and to accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon but is not authorized:

1. To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

2. To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

II. The authority delegated here may be redelegated with the exception of that contained in Item I.F.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Associate Administrator for Financial Assistance.

IV. All authority previously delegated by the Administrator to the Deputy Administrator for Financial Assistance is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to date hereof.

Effective date: September 1, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-169; Filed, Jan. 6, 1967; 8:46 a.m.]

[Delegation of Authority No. 5, Rev. 1]

ASSOCIATE ADMINISTRATOR FOR PROCUREMENT AND MANAGEMENT ASSISTANCE

Delegation of Authority Regarding Procurement Assistance

Delegation of Authority No. 5 (29 F.R. 4113) is hereby revised to read as follows:

I. Pursuant to the authority vested in the Administrator of the Small Business Administration by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended, there is hereby delegated to the Associate Administrator for Procurement and Management Assistance, the following authority:

A. *Procurement assistance.* 1. To (a) enter into, (b) negotiate, and (c) recommend approval of joint agreements and memoranda of understanding with other Government contracting, procurement, or disposal agencies.

2. To take any and all actions necessary to carry out the provisions of Joint agreements and memoranda of understanding with other Government contracting, procurement, or disposal agencies.

3. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of total Government procurements, including research and development procurements, be made from small business.

4. To take any and all actions necessary to carry out SBA's authority to encourage the letting of subcontracts by prime contractors to small business concerns.

5. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total sales of Government property be made to small business concerns.

6. To appeal determinations made under joint agreements or memoranda of understanding by Government contracting, procurement or disposal agencies to the heads of such agencies.

7. To take any and all actions relating to SBA prime contracting authority.

8. To take any and all actions necessary to carry out the certificate of competency provisions of the Small Business Act, including the issuance or denial of such certificates.

9. To take any and all actions necessary to carry out SBA's authority to make an inventory of productive facilities of small business concerns.

10. To take any and all actions necessary to carry out SBA's authority to utilize effectively the productive facilities of small business concerns.

11. To take any and all actions necessary to carry out SBA's authority to enable small business to obtain materials from its normal sources.

12. To take any and all actions necessary to carry out SBA's authority for procurement assistance in surplus labor areas and area redevelopment areas in the implementation of procurement assistance programs in such areas.

13. To take any and all actions necessary to determine small business size status of war claim applicants under § 121.3-13 of the Small Business Size Standards Regulations (Revision 6), as amended.

II. The specific authority delegated in subsections I.A.1(a), I.A.6, and I.A.13 may not be redelegated.

III. All authorities delegated herein may be exercised by any employee of SBA designated as Acting Associate Administrator for Procurement Assistance.

IV. All authority previously delegated by the Administrator to the Deputy Administrator for Procurement Assistance is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date: September 1, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-170; Filed, Jan. 6, 1967; 8:46 a.m.]

[Delegation of Authority No. 7, Rev. 1]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority Regarding Administrative Activities

Delegation of Authority No. 7 (28 F.R. 13858) is hereby revised to read as follows:

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; there is hereby delegated to the Assistant Administrator for Administration the following authority:

A. *Financial management.* To assign, endorse, transfer, deliver, or release (but in all cases without representation, recourse or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

B. *Administrative services.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017 from the Administrator to the Small Business Administration).

3. To enter into contracts for supplies and services required to effectuate the Delegation of Authority from the Secretary of Commerce to the Small Business Administration (26 F.R. 7974, as amended by 28 F.R. 190).

4. To give final approval on actions resulting from any claims subject to the provisions of 28 U.S.C. 2672.

II. The authority delegated herein may be redelegated with the exception of Item I.B.4.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Assistant Administrator for Administration.

IV. All authority previously delegated by the Administrator to the Assistant Administrator for Administration is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 1, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-171; Filed, Jan. 6, 1967; 8:46 a.m.]

[Delegation of Authority No. 30, Rev. 12]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended, the following authority is hereby delegated:

I. *Area Administrators*—A. *Financial assistance program.* 1. To approve business loans not exceeding $350,000 (SBA share), economic opportunity loans not exceeding $25,000 (SBA share) and disaster loans not exceeding $1 million (SBA share).

2. To decline business, economic opportunity and disaster loans in any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator.
By ----------
(Name)
Area Administrator

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankrupty or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

12. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired.

B. *Economic development program.* 1. To approve or decline section 501 State Development Company loans without dollar limitation and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse section 501 and 502 loans.

3. To extend the disbursement period on section 501 and 502 loan authorizations or undisbursed portions of section 501 and 502 loans.

4. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to

property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy, or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. Procurement and management assistance program. 1. To approve applications for Certificates of Competency, regardless of the total contract value, received from small business concerns which are located within the geographical jurisdiction of his area office, with the exception of re-referred cases. * * *

2. To deny an application for a Certificate of Competency when the area administrator agrees with an adverse survey report as to production of credit, unless application for an SBA loan is being filed, which, if approved, might change the credit aspects of the case.* * *

D. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

F. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Liquidation and disposal program.* To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations and assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

1. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

2. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy, or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

3. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

4. To take final action on an offer of compromise of any claim provided such action is in concurrence with the majority recommendation of the appropriate Area Claims Review Committee on claims not in excess of $5,000 (including CPC advances but excluding interest) or the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

5. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

6. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation of guaranty agreement.

II. The specific authority in the subsections (except subsections I.C.1 and I.C.2) may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as acting area administrator.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: September 1, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-172; Filed, Jan. 6, 1967; 8:46 a.m.]

[Delegation of Authority No. 30-6; New Orleans Disaster Field Office, New Orleans, La.; Disaster No. 7]

CHIEF, LOAN ADMINISTRATION SECTION, NEW ORLEANS DISASTER FIELD OFFICE

Rescission of Delegation of Authority To Conduct Program Activities

Notice is hereby given that Delegation of Authority No. 30-6, Disaster No. 7, 31 F.R. 10552, dated August 5, 1966, is hereby rescinded in its entirety.

Effective date: November 28, 1966.

J. B. ALEXANDER,
Assistant Regional Director, New Orleans Disaster Field Office, Southwestern Area, Small Business Administration.

[F.R. Doc. 67-173; Filed, Jan. 6, 1967; 8:46 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January.

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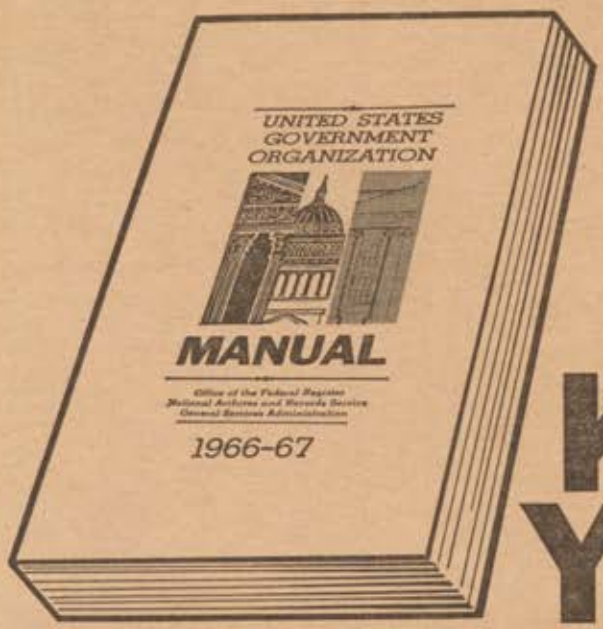

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