

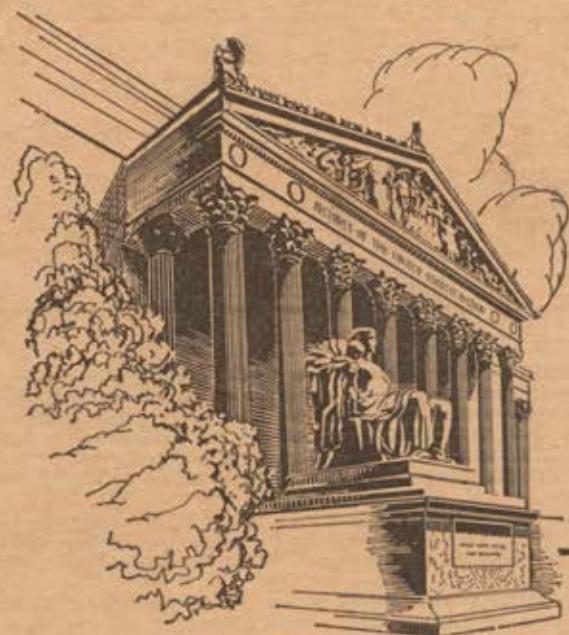
FEDERAL REGISTER

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Pages 2693-2763

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Conservation Service
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Coast Guard
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Education Office
Employees' Compensation Bureau
Federal Aviation Agency
Federal Power Commission
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SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Idaho Allotment Areas and Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Stabilization and Conservation Idaho State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Idaho. Copies of these bases and procedures are available for public inspection at the office of such committee at 5903 Franklin Road, Boise, Idaho, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Idaho. These bases and procedures incorporate the following:

§ 850.201 Idaho.

(a) *Allotment areas.* Idaho shall be divided into four allotment areas as served by beet sugar companies. These areas shall be designated as NASCO, TASCO, Utah-Idaho, and Franklin. Acreage allotments of 40,081.4, 62,326.5, 38,645.0, and 7,093.3 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from the State allocation as follows: 1,200.2 acres for new producers, 764.0 acres for appeals and 2,612.6 acres for adjustments in initial shares. The set-aside for new producers includes acreage for farms operated by students as educational test plots.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on Form SU-100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing as provided in § 850.172. If a preliminary request for a tentative farm share is filed, as provided in § 850.172, a fully completed Form SU-100 shall be filed by March 15, 1966. However, requests for shares may be accepted after

such dates and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such dates because of illness or other reasons beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms.* (1) *Farm bases.* The 1965-crop formula provided that, in the NASCO area, farm bases would be the result of adding (i) one half of the sum of 30 percent of the average accredited acreage for the farm for the 1962 and 1963 crop years and one half of the sum of 70 percent of the accredited acreage for the 1964-crop year and (ii) one half of the sum of 30 percent of the average personal acreage record within the area of the 1965-crop operator for the crop years 1962 and 1963 and one half of the sum of 70 percent of the personal acreage record of such operator for the 1964-crop year. In the TASCO, Franklin, and Utah-Idaho areas, the farm bases would be determined on the basis of a formula giving 30 percent weighting to the average accredited acreage for the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the farm for the crop year 1964. The resultant farm bases were adjusted pro rata to the area allotment less appropriate set asides to determine the initial shares. Such initial shares, subject to adjustment, became the established 1965-crop shares. For a 1966-crop farm constituted the same as in 1965 the 1966-crop farm base shall be the 1965-crop established share as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm or a farm operator with an accredited acreage record in the base period 1962 through 1964 but for which a 1965-crop share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For each area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, is less than the area allotment. Accordingly, initial proportionate shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms, in accordance with their respective bases, the area allotment less the total of the initial shares established in accordance with the preceding part of this subparagraph but not to exceed the acreage requested for each farm. The

proration factor for each area shall be 1,000.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage in excess of requested acreages, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers and any other acreage that the State Committee determines shall be used for that purpose, shares shall be established in an equitable manner for farms to be operated during the 1966-crop year by new producers and for farms operated by students as test plots. The State Committee has determined that a 20-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share in each area. Distribution of the acreage set aside for new producers will be made to entire allotment areas. In determining whether a farm for which a request is filed for a new-producer share may qualify for such share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State Committee, shall rate each farm as provided in § 850.180 by taking into consideration availability and suitability of land, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities. The State Committee shall establish new-producer farm shares as provided therein.

(f) *Adjustments under appeals.* Within the acreage set aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to May 15, 1966, and approved by the county committee pursuant to Part 895 of this chapter and

unused acreages from other sources may be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d)(3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after September 5, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised". For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU-103-B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Farms receiving commitments of acreage from the national reserve.* Proportionate shares for farms receiving commitments of acreage from the national sugarbeet acreage reserve shall be established in accordance with the provisions of §§ 850.168 to 850.187 and 851.1.

(k) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 through 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Idaho State Committee for determining farm proportionate shares in Idaho for the 1966 crop of sugarbeets. Idaho is divided into four allotment areas. The NASCO area consists of the entire counties of Ada, Canyon, Gem, Owyhee, Payette, and Washington. It also includes farms located in Elmore County which are included in such area as hereafter provided. The TASCO area consists of the entire counties of Gooding, Jerome, and Lincoln. It also includes farms located in Blaine, Cassia, Elmore, Minidoka, and Twin Falls Counties which are included in such area as hereafter provided. The Utah-Idaho area consists of the entire counties of Bingham, Bonneville, Fremont, Jefferson, Madison, Oneida, and Power. It also includes farms located in Bannock, Blaine, Cassia, Minidoka, and Twin Falls Counties which are included in such

area as hereafter provided. The Franklin Area consists of Carbon and Franklin and farms located in Bannock County which are included in such area as hereafter provided. For purposes of identifying allotment area acreage for establishing 1966-crop farm proportionate shares, an old-producer farm included in a county located in more than one allotment area shall be included in the allotment area served by the beet sugar company that contracted for the sugarbeet crops on the farm during the base period; and a new-producer farm located in such county shall be included in the allotment area served by the beet sugar company that contracts for the 1966-crop on such farm.

Informal relationships are maintained with grower and processor representatives. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured by average accredited acreages for the crop years 1962-64.

Farm shares for new producers are established as provided in § 850.180. Twenty-acre shares are determined to be minimum economic units for new-producer farms.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: January 13, 1967.

AUBREY M. PRATT,
Chairman, Agricultural Stabilization and Conservation Idaho State Committee.

Approved: February 3, 1967.

CHAS. M. COX,
Acting Deputy Administrator,
State and County Operations.

[F.R. Doc. 67-1545; Filed, Feb. 8, 1967;
8:46 a.m.]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1205—COTTON RESEARCH AND PROMOTION

Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Orders

The following new subpart establishes rules of practice governing proceedings on petitions to modify or be exempted from orders issued under the Cotton

Research and Promotion Act (7 U.S.C. 2101-2118).

Sec.

1205.50 Words in the singular form.

1205.51 Definitions.

1205.52 Institution of proceeding.

AUTHORITY: The provisions of this subpart issued under sec. 15 (80 Stat. 285; 7 U.S.C. 2114) of the Cotton Research and Promotion Act.

§ 1205.50 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1205.51 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition unless the context otherwise requires:

(a) The term "act" means the Cotton Research and Promotion Act (7 U.S.C. 2101-2118).

(b) The term "Department" means the U.S. Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(d) The term "examiner" means any hearing examiner in the Office of Hearing Examiners, U.S. Department of Agriculture;

(e) The term "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(f) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof;

(g) The term "order" means any order or any amendment thereto which may be issued pursuant to the act;

(h) The term "person" means any person who is subject to an order, or to whom an order is sought to be made applicable, or on whom an obligation has been imposed or is sought to be imposed under an order;

(i) The term "proceeding" means a proceeding before the Secretary arising under section 12(a) of the act;

(j) The term "hearing" means that part of the proceeding which involves the submission of evidence;

(k) The term "party" includes the Department;

(l) The term "hearing clerk" means the hearing clerk, U.S. Department of Agriculture, Washington, D.C.;

(m) The term "presiding officer" means the examiner conducting a proceeding under the act;

(n) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed (1) findings

of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order and (3) rulings on findings, conclusions and orders submitted by the parties;

(o) The term "petition" includes an amended petition.

§ 1205.52 Institution of proceeding.

(a) *Filing and service of petition.* Any person desiring to complain that any order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law, shall file with the hearing clerk, in quadruplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition, the hearing clerk shall transmit a true copy thereof to the Administrator and the General Counsel, respectively.

(b) *Further proceedings.* Further proceedings on petitions to modify or to be exempted from orders shall be governed by §§ 900.52 (excluding paragraph (a) of § 900.52) through 900.71 of this title (Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Marketing Orders), and as may hereafter be amended, and the same are incorporated herein and made a part hereof by reference.

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

Dated: February 3, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-1548; Filed, Feb. 8, 1967;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter 1—Federal Aviation Agency

[Airspace Docket No. 66-EA-72]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On October 27, 1966, a notice of proposed rule making was published in the *FEDERAL REGISTER* (31 F.R. 13802) stating that the Federal Aviation Agency was considering an amendment to expand the radius of Restricted Area R-5801 Chambersburg, Pa., from 3,000 feet to 5,000 feet to accommodate an increased amount of demolition activity being conducted there.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. March 30, 1967, as hereinafter set forth.

In § 73.58 (32 F.R. 2329) the boundary of R-5801 Chambersburg, Pa., is amended to read as follows:

Boundaries. The arc of a circle, having a 5,000-foot radius, centered at latitude 39°50'44" N., longitude 77°43'55" W. (Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 1, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-1518; Filed, Feb. 8, 1967;
8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter 1—Bureau of Employees' Compensation, Department of Labor

PART 1—CLAIMS FOR COMPENSATION AND ADMINISTRATIVE PROCEDURE

Miscellaneous Amendments

Pursuant to the authority contained in 5 U.S.C. 8145, 8149, Reorganization Plan No. 19 of 1950 (64 Stat. 1271, 15 F.R. 3178), and General Order No. 46 (Revised) (24 F.R. 8472), the following amendments are hereby made to Chapter 1, Title 20, Code of Federal Regulations for the purpose of reflecting changes made necessary by Section 7 of the Federal Employees' Compensation Act Amendments (80 Stat. 252).

These amendments shall be effective on publication in the *FEDERAL REGISTER*. The provisions of 5 U.S.C. 553, concerning notice of proposed rule making, public participation therein, and delayed effectiveness of substantive rules, do not apply because the amendments relate to public benefits.

1. In § 1.1, paragraph (e) is revised to read as follows:

§ 1.1 General provisions; definitions.

(e) All definitions appearing in the act, as amended, shall be applicable with respect to the regulations promulgated under this subchapter. The provisions of the act, as codified, are set forth in 80 Stat. 531-556. Section 7(a) of that act saves, though it does not codify, the provisions of 80 Stat. 252-257 which was approved July 4, 1966, presumably too late for inclusion in the comprehensive recodification.

2. Section 1.5 is revised to read as follows:

§ 1.5 Application for augmented compensation for disability.

(a) While the disabled employee has one or more dependents as defined in 5 U.S.C. 8110, his basic compensation for disability shall be augmented as provided in said section. The Bureau may require application for such augmented compensation to be made on Form

CA-4A in accordance with § 1.4. The Bureau may, however, pending the making of such application on such form, pay compensation under 5 U.S.C. 8110 upon other satisfactory proof.

(b) Augmented compensation payable while a disabled employee has an unmarried child as defined by 5 U.S.C. 8110, which would otherwise terminate because the child reaches the age of 18, may be continued while the child is a student regularly pursuing a full-time course of study or training as defined by § 1.14(c).

(c) The disabled employee claiming augmented compensation under this section shall furnish, when so required by the Bureau, proof of continuing entitlement to augmented compensation as set forth in paragraph (a) of this section.

(d) The disabled employee receiving augmented compensation under this section shall promptly notify the Bureau of the happening of any event which would no longer entitle him to augmented compensation under the provisions of 5 U.S.C. 8110. Any checks or payments received after the occurrence of such event shall be returned promptly to the office from which it was received.

3. Section 1.14 is revised to read as follows:

§ 1.14 Continuance of compensation on account of death.

(a) A beneficiary to whom an award of compensation has been made on account of an employee's death, pursuant to his original claim, shall submit to the Bureau additional claims for continuance of compensation to be filed once each year. Form CA-12 is provided by the Bureau for this purpose, and will be sent to the beneficiary when an additional claim is required. Failure to submit the form may result in suspension of compensation.

(b) A beneficiary to whom an award of compensation has been made for a child, brother or sister, or grandchild after he has reached the age of 18 because he continues to regularly pursue a full-time course of study or training shall furnish, when so required by the Bureau, proof of continuing entitlement to such compensation. Failure to submit the proof may result in suspension of compensation.

(c) Compensation payable on behalf of a child, brother or sister, or grandchild under 5 U.S.C. 8133, which would otherwise be terminated because such individual reached 18 years of age, shall be continued if he is a student at the time he reaches age 18 for so long a period as he continues as a student or until he marries. He shall be considered a student while he is regularly pursuing a full-time course of study or training at an institution which is—

(1) A school or college or university operated or directly supported by the United States, or by any State or local government, or political subdivision thereof, or

RULES AND REGULATIONS

(2) A school or college or university which has been accredited by a State or by a State-recognized or nationally recognized accrediting agency or body, or

(3) A school or college or university not so accredited but whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

(4) A technical, trade, vocational, business, or professional school accredited or licensed by the Federal, or a State government or any political subdivision thereof providing courses of not less than 3 months duration, that prepare the child for a livelihood in a trade, industry, vocation, or profession; but not after he reaches the age of 23 or has completed 4 years of education beyond the high school level, except that, where his 23d birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed to have ceased to be a student (1) during any interim between school years if the interim does not exceed 4 months and he shows to the satisfaction of the Bureau that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or (2) during periods of reasonable duration during which, in the judgment of the Bureau, he is prevented by factors beyond his control from pursuing his education.

4. Section 1.15 is revised to read as follows:

§ 1.15 Termination of right to compensation for death.

When a beneficiary who is receiving compensation on account of death ceases to be entitled to such compensation by reason of marrying, reaching the age of 18, ceasing to be dependent, or ceasing to be a student, or becoming capable of self-support, he or someone in his behalf shall immediately notify the Bureau of the fact. If such beneficiary receives a check which includes payment of compensation for any period after the date when he ceased to be entitled to it, for any of the above reasons, he shall promptly return it to the office from which it was received.

5. Section 1.16 is revised to read as follows:

§ 1.16 Change in status of beneficiaries affecting compensation for death.

When two or more beneficiaries are receiving compensation on account of the death of an employee and any event occurs which may require a reapportionment of the amount of compensation payable to one or more of them, such beneficiary, or someone on his behalf, shall promptly notify the Bureau giving the date of the event and all essential facts. Such reapportionment may be

come necessary when any such beneficiary dies or marries, when a child, grandchild, brother, or sister of the decedent becomes 18 years old or if over 18, becomes capable of self-support or ceases to be a student, or when a parent or grandparent of the decedent ceases to be dependent, or when a posthumous child of the decedent is born.

Signed at Washington, D.C., this 2d day of February 1967.

(Sec. 7, 80 Stat. 252)

THOMAS A. TINSLEY,
Director,
Bureau of Employees' Compensation.

[F.R. Doc. 67-1537; Filed, Feb. 8, 1967; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Swan Lake National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on date of publication in the *FEDERAL REGISTER*.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Swan Lake National Wildlife Refuge, Sumner, Mo. is permitted on all areas except for the prairie chicken habitat area in the east part of the refuge. This open area, comprising 10,500 acres, is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through September 10, 1967, inclusive.

(2) Fishing is allowed during daylight hours only.

(3) Boats, without motors, may be used only on Swan Lake, Silver Lake, and that portion of South Lake immediately below No. 5 levee.

(4) Vehicle travel is restricted primarily to surfaced roads and is not permitted on roads posted as closed.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50,

Part 33, and are effective through September 10, 1967.

ROBERT H. TIMMERMAN,
Refuge Manager, Swan Lake
National Wildlife Refuge,
Sumner, Mo.

FEBRUARY 2, 1967.

[F.R. Doc. 67-1525; Filed, Feb. 8, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Klamath Forest National Wildlife Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the *FEDERAL REGISTER*.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

KLAMATH FOREST NATIONAL WILDLIFE REFUGE

Sport fishing on the Klamath Forest National Wildlife Refuge, Oreg., is permitted only on the area designated by signs as open to fishing. This open area is delineated on maps available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special condition:

(1) The use of boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to January 1, 1968.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 31, 1967.

[F.R. Doc. 67-1526; Filed, Feb. 8, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Upper Klamath National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the *FEDERAL REGISTER*.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Klamath National Wildlife Refuge, Oreg., is per-

mitted only on the area designated by signs as open to fishing. This open area, comprising 1,000 acres, is delineated on maps available at refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special condition:

(1) Speed boats shall not exceed 10 miles per hour on that part of the refuge west of a line beginning at a point on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to opposite shore of lake; and in any stream, creek, or canal leading into said described portion of the lake.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to November 1, 1967.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 31, 1967.

[F.R. Doc. 67-1527; Filed, Feb. 8, 1967; 8:45 a.m.]

Use

12. As a release agent, binder, and lubricant in the manufacture of yeast. Not to exceed 0.15 percent of yeast.

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

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

(Sec. 400(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: February 2, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-1553; Filed, Feb. 8, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

WHITE MINERAL OIL

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6J2004) filed by Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of white mineral oil as a release agent, binder, and lubricant in the manufacture of yeast. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1146(c) is amended by adding a new item 12, as follows:

§ 121.1146 White mineral oil.

(c) *

Limitation (inclusive of all petroleum hydrocarbons that may be used in combination with white mineral oil):

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 34468]

PART 131—UNITED STATES SAFETY APPLIANCE STANDARDS (RAILROAD)

Box and Other House Cars

On August 29, 1964, a notice of proposed rule making to consider revisions of the U.S. Safety Appliance Standards by eliminating the requirement that roof running boards be installed on box and other house cars was published in 29 F.R. 12430.

A rule making proceeding was instituted. A hearing was held, and the Hearing Examiner issued a recommended report and order. Interested parties were given 30 days from the date of service of the recommended report and order to file exceptions thereto.

In the absence of a stay or postponement by the Interstate Commerce Commission or the timely filing of exceptions, the order of the Hearing Examiner amending 49 CFR Part 131 became effective by operation of law on April 1, 1966.

Through inadvertence, these amendments which are set out below were not previously published in the *FEDERAL REGISTER*.

Part 131 of Chapter I of Title 49 of the Code of Federal Regulations is amended as follows:

1. In § 131.1, an introductory note is added immediately before paragraph (a), reading as follows:

§ 131.1 Box and other house cars (does not include cars with roofs 16 feet 10 inches or more above top of rail).

NOTE: Cars of this type built on or before April 1, 1966, or under construction prior thereto and placed in service before October 1, 1966, shall be equipped as nearly as possible on or before April 1, 1974, with the same complement of safety appliances, depending upon type, as is specified in § 131.27 for box and other house cars without roof hatches, or in § 131.28 for box and other house cars with roof hatches, and cars built after April 1, 1966, or under construction prior thereto and placed in service after October 1, 1966, shall be equipped, depending upon type, as specified in § 131.27 for box and other house cars without roof hatches or in § 131.28 for box and other house cars with roof hatches.

2. Section 131.27 is added reading as follows:

§ 131.27 Box and other house cars without roof hatches (does not include cars with roofs 16 feet 10 inches or more above top of rail).

(a) **Handbrakes.** The handbrake may be of any efficient design, but must provide the same degree of safety as, or a greater degree of safety than, the following specifications:

(i) **Number.** (1) Each box or other house car without roof hatches shall be equipped with an efficient vertical wheel handbrake which shall operate in harmony with the power brake thereon.

(ii) The handbrake may be of any efficient design, but must provide a total braking force applied to brake shoes not less than the total force applied to the brake shoes by the brake cylinders at 50 pounds per square inch.

(iii) **Dimensions.** (1) The brake wheel may be deep or shallow, of malleable iron, wrought iron, steel, or other material of equivalent strength.

(iv) Overall diameter of brake wheel nominally twenty-two (22) inches.

(v) Depth of brake wheel hub shall be two and five-eighths (2 $\frac{5}{8}$) inches with square taper shaft fit, taper two (2) inches in twelve (12) inches with small end of taper fit seven-eighths (7 $\frac{1}{8}$) inches.

(vi) Brake wheel and drum shall be arranged so that both will revolve when applying and gradually releasing the handbrake. Handbrake shall be provided with means to prevent application of the brake by winding in a counter-clockwise direction.

(vii) Brake shaft shall be arranged with a square fit at its outer end to secure the handbrake wheel; said square fit shall be not less than seven-eighths (7 $\frac{1}{8}$) of an inch square. Square-fit taper: nominally two (2) in twelve (12) inches (see Plate A).

RULES AND REGULATIONS

(vi) All chains shall be not less than nine-sixteenths ($\frac{9}{16}$) inch BBB coil chain.

(vii) All handbrake rods shall be not less than three-fourths ($\frac{3}{4}$) inch diameter.

(3) *Location.* (i) The handbrake shall be so located that it can be safely operated from horizontal end platform while car is in motion.

(ii) The brake shaft shall be located on end of car, to the left of and not less than seventeen (17) nor more than twenty-two (22) inches from center and not less than twenty-six (26) nor more than thirty-six (36) inches above top of end platform tread.

(4) *Manner of application.* (i) Brake wheel shall be held in position on brake shaft by a nut on a threaded extended end of brake shaft; said thread portion shall be not less than three-fourths ($\frac{3}{4}$) of an inch in diameter; said nut shall be secured by riveting over or by the use of a locknut or suitable cotter.

(ii) Outside edge of brake wheel shall be not less than four (4) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler horn against the buffer block or end sill.

(iii) Handbrake housing shall be securely fastened to car.

(b) *End platforms*—(1) *Number.* Two (2).

(2) *Dimensions.* Width not less than eight (8) inches; length, not less than sixty (60) inches.

(3) *Location.* One (1) centered on each end of car not more than eight (8) inches above top of center sill.

(4) *Manner of application.* (i) Each end platform shall be securely supported by not less than three (3) metal braces having a minimum cross sectional area of three-eighths ($\frac{3}{8}$) by one and one-half (1 $\frac{1}{2}$) inches or equivalent, which shall be securely fastened to body of car with not less than one-half (1 $\frac{1}{2}$) inch bolts or rivets.

(ii) Where conventional draft gear or cushioning device having longitudinal travel less than six (6) inches is used the outside edge of each end platform shall be not less than twelve (12) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler horn against buffer block. Where cushioning device having longitudinal travel six (6) inches or more is used the outside edge of each end platform shall be not less than six (6) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with end sill and cushioning device at full buff. End platform shall be made of wood or of material which provides the same as or a greater degree of safety than wood of 1 $\frac{1}{2}$ inches thickness. When made of material other than wood the tread surface shall be of anti-skid design and constructed with sufficient open space to permit the elimination of snow and ice from the tread surface.

(c) *Sill Steps*—(1) *Number.* Four (4).

(2) *Dimensions.* Minimum cross-sectional area one-half (1 $\frac{1}{2}$) by one and one-half (1 $\frac{1}{2}$) inches, or equivalent, of wrought iron, steel, or other material of equivalent strength. Minimum length of tread, ten (10), preferably twelve (12) inches. Minimum clear depth, eight (8) inches.

(3) *Location.* (i) One (1) near each end of each side car, so that there shall be no more than eighteen (18) inches from end of car to center of tread of sill step.

(ii) Outside edge of tread of step shall be not more than four (4) inches inside of face of side of car, preferably flush with side of car.

(iii) Tread shall be not more than twenty-four (24), preferably not more than twenty-two (22) inches above the top of rail.

(4) *Manner of application.* (i) Sill steps exceeding twenty-one (21) inches in depth shall have an additional tread.

(ii) Sill steps shall be securely fastened with not less than one-half (1 $\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (1 $\frac{1}{2}$) inch rivets.

(d) *End ladder (appliances) clearance.* No part of car above end sills within thirty (30) inches from side of car, except buffer block, brake shaft, brake wheel, end platform, horizontal end handholds, or uncoupling lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle, when closed with the coupler horn against the buffer block or end sill and cushioning device (if used) at full buff, and no other part of end of car or fixtures on same above end sill, other than exceptions herein noted, shall extend beyond outer face of buffer block.

(e) *Side handholds*—(1) *Number.* Sixteen (16).

(2) *Dimensions.* Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron, steel, or other material of equivalent strength. Minimum clear length, sixteen (16) inches, preferably twenty-four (24) inches. Minimum clearance, two (2), preferably two and one-half (2 $\frac{1}{2}$) inches.

(3) *Location.* Horizontal; four (4) near each end and on each side of car spaced not more than nineteen (19) inches apart and with the bottom handhold located not more than twenty-one (21) inches from top tread of sill step, and top handhold shall coincide in height with top end handhold, a variation of two (2) inches being allowed. Spacing of side handholds shall be uniform within a limit of two (2) inches from top handhold to bottom handhold. Clearance of outer ends of handholds shall be not more than eight (8) inches from end of car.

(4) *Manner of application.* Side handholds shall be securely fastened with not less than one-half (1 $\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (1 $\frac{1}{2}$) inch rivets. Each bottom handhold shall have foot guard or upward projection not less than two (2) inches in height near inside end.

(f) *End handholds*—(1) *Number.* Sixteen (16).

(2) *Dimensions.* (i) Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron, steel, or other material of equivalent strength.

(ii) Minimum clear length, sixteen (16) inches, preferably twenty-four (24) inches.

(iii) Minimum clearance, two (2), preferably two and one-half (2 $\frac{1}{2}$) inches.

(3) *Location.* Horizontal: Four (4) near each side and on each end of car spaced not more than nineteen (19) inches apart and with the bottom handhold located not more than twenty-one (21) inches from top tread of sill step, and top handhold shall coincide in height with end platform handholds, a variation of two (2) inches being allowed. Clearance of outer ends of handholds shall be not more than eight (8) inches from side of car.

(4) *Manner of application.* End handholds shall be securely fastened with not less than one-half (1 $\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (1 $\frac{1}{2}$) inch rivets. Each bottom handhold shall have foot guard or upward projection not less than two (2) inches in height near inside end.

(g) *Horizontal end-platform handholds*—(1) *Number.* Two (2).

(2) *Dimensions.* (i) Minimum diameter, five-eighths ($\frac{5}{8}$) of an inch, wrought iron, steel, or other material of equivalent strength.

(ii) Minimum clearance, two (2), preferably two and one-half (2 $\frac{1}{2}$) inches.

(iii) Minimum clear length sixty (60) inches. When security of attachment requires, an extra supporting leg may be applied near center of clear length.

(3) *Location.* One (1) on each end of car above end platform. Outer legs shall be not more than six (6) inches from inner legs of top end handholds. Height above tread of end platform: Not less than forty-eight (48) nor more than sixty (60) inches.

(4) *Manner of application.* End-platform handholds shall be securely fastened with not less than one-half (1 $\frac{1}{2}$) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (1 $\frac{1}{2}$) inch rivets.

(h) *Uncoupling levers*—(1) *Number.* Two (2).

(2) *Dimensions.* (i) Handles of uncoupling levers, except those shown on Plate B or of similar designs, shall be not more than six (6) inches from side of car.

(ii) Uncoupling levers of design shown on Plate B and of similar designs shall conform to the following prescribed limits:

(a) Handles shall be not more than twelve (12), preferably nine (9) inches from sides of car. Center lift arms shall be not less than seven (7) inches long.

(b) Center of eye at end of center lift arm shall be not more than three and one-half (3 $\frac{1}{2}$) inches beyond center of eye of uncoupling pin of coupler when horn of coupler is against the buffer block or end sill (see Plate B).

(c) End of handles shall extend not less than four (4) inches below bottom of end sill or shall be so constructed as to give a minimum clearance of two (2) inches around handle. Minimum drop of handles shall be twelve (12) inches; maximum, fifteen (15) inches overall (see Plate B).

(iii) Handles of uncoupling levers of the "rocking" or "push-down" type shall be not less than eighteen (18) inches from top of rail when lockblock has released knuckle, and a suitable stop shall be provided to prevent inside arm from flying up in case of breakage.

(3) *Location.* One (1) on each end of car. When single lever is used, it shall be placed on left side of end of car.

(i) *Existing box and other house cars without roof hatches.* (1) Box and other house cars without roof hatches built on or before April 1, 1966, or under construction prior thereto and placed in service before October 1, 1966, shall be deemed equipped as nearly as possible within the intent of § 131.1 and of this section when: (1) The running board, roof handholds over side and end ladders at "A" end of car and ladder treads above the fourth tread from bottom of side and end ladder at "A" end are removed; (ii) one (1) horizontal end-platform handhold is applied on each end of car as specified in this section except the right hand end shall be not more than eight (8) inches from side of car, or where car end contour makes impractical the use of a single continuous end handhold, there is applied the equivalent consisting of two (2) handholds, the center handhold to be a minimum of thirty (30) inches in clear length and the handhold to the right to be a minimum of nineteen (19) inches in clear length and to extend to within eight (8) inches of the right side of the car, such handholds to be not more than twelve (12) inches apart; and (iii) with handbrake operated near roof of car: a brake step shall be provided as specified in § 131.1 and lettering one and one-half (1½) inches high shall be painted on a yellow background on side sill near "B" end of car with a three-fourths (¾) inch black border containing the words "Keep Off Roof—No Running Board," or with handbrake operated from approximate level of top of end sill: roof handholds and side and end ladder treads above the fourth tread from the bottom of ladders at "B" end of car shall be removed and a brake step as specified by § 131.1 shall be used with top of tread surface being level with or not more than four (4) inches below adjacent end handhold.

(2) Subdivision (ii) of subparagraph (1) of this paragraph shall not apply to cars equipped with end platforms and end platform handholds.

3. Section 131.28 is added reading as follows:

§ 131.28 Box and other house car with roof hatches.

The specifications of § 131.27 shall apply except as to the following:

(a) *Running boards.* Same as specified in § 131.1, except: the end of longitudinal running board shall be not less than six (6) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler horn against buffer block or end sill.

(b) *Ladders.*—(1) *Number.* Two (2). (2) *Dimensions.* (i) Minimum clear length of tread: Sixteen (16) inches.

(ii) Maximum spacing between treads nineteen (19) inches.

(3) *Location.* One (1) on each end of car not more than eight (8) inches from left-hand side.

(4) *Manner of application.* Same as specified in § 131.1.

(c) *Roof handholds.*—(1) *Number.* Two (2), one (1) over each ladder.

(2) *Dimensions.* Same as specified in § 131.1.

(3) *Location.* On roof of car. One (1) parallel to treads of each ladder, not less than eight (8) nor more than fifteen (15) inches from edge of roof, except on refrigerator cars where ice hatches prevent, when location may be nearer edge of roof.

(4) *Manner of application.* Same as specified in § 131.1.

(d) *End handholds.* (Treads of end ladders are end handholds.) Same as specified for § 131.27.

(e) *Existing box and other house cars with roof hatches.* Box and other house cars with roof hatches built on or before April 1, 1966, or under construction prior thereto and placed in service before October 1, 1966, shall be deemed equipped as nearly as possible within the intent of § 131.1 and of this section when: Equipped as specified in § 131.1, except (1) the side ladder treads above the fourth tread from bottom of side ladder near "A" end of car and roof handhold over the side ladder near "A" end shall be removed; (2) and (1) end platform handhold shall be provided on each end of car as specified in § 131.27(i); and when handbrake is operated near roof of car a brake step shall be provided as specified by § 131.1 or when handbrake is operated from approximate level of top of end sill the roof handhold over side ladder near "B" end and treads above the fourth tread from bottom of side ladder near "B" end shall be removed and a brake step as specified in § 131.1 shall be used with top of tread surface level with or not more than four (4) inches below adjacent end handhold.

(Secs. 2, 3, 38 Stat. 298, sec. 25, 41 Stat. 498, as amended; 45 U.S.C. 11, 12; 49 U.S.C. 26. Interpret or apply secs. 4, 6, 27 Stat. 531, 532, sec. 1, 32 Stat. 943, sec. 4, 36 Stat. 299, as amended; 45 U.S.C. 4, 6; U.S.C. 8; 45 U.S.C. 13)

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-1558; Filed, Feb. 8, 1967;
8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 131—FIRST CLASS

PART 132—SECOND CLASS

PART 137—OFFICIAL MAIL

PART 144—PERMIT IMPRINTS

Miscellaneous Amendments

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

I. In § 131.2 the instructions and illustrations under paragraph (c) (4) are revised to clarify instructions for preparing business reply mail. As so revised, paragraph (c) (4) reads as follows:

§ 131.2 Classification.

* * * * *

(c) *Business reply mail.* * * *

(4) *Form of imprint address.* Any photographic, mechanical, or electronic process, or any combination of such processes, other than handwriting, typewriting, or handstamping, may be used to prepare the address side of business reply cards, envelopes, cartons, or labels. The address side must be prepared both as to style and content in one of the following forms without the addition of any matter other than a return address:

Style and content for domestic airmail. Use alternating red and blue parallelograms for the border.



Alternate style and content for domestic surface mail.



Alternate style and content for domestic surface mail.



NOTE: The corresponding Postal Manual section is 131.234.

II. In § 132.3, paragraph (c) (3) is revised to show that an additional entry will be authorized at a post office located in the same county in which the office of original entry is located. As so revised paragraph (c) (3) now reads:

§ 132.3 Application for second-class privileges.

(c) *Application for publications that have second-class privileges.*

(3) A publisher may apply for permission to mail at additional entry post offices any copies except those which are for delivery at the post office where the publication has been granted original second-class entry and mail privileges. A written application for an additional entry must be filed by the publisher at the post office where the publication has original second-class entry. A form is not provided for this kind of application. See paragraph (e) of this section for fees required. The application must include the following information:

- (i) Name of publication.
- (ii) Frequency of issue.
- (iii) Name of place where the publication is printed.

(iv) Name of the additional entry post office.

(v) Approximate number and weight of copies to be mailed at the additional entry office.

(vi) Specific geographical area to be served from the additional entry office (the geographical area served by the additional entry office must include the entire local delivery area of the additional entry office).

An additional entry will be authorized at a post office located in the same county in which the office of original entry is located only when the publication is entirely or partly produced or prepared for mailing at the additional entry office. (See subparagraph (4) of this paragraph for available exceptional dispatch privileges). An additional entry will be authorized only at a post office served by transportation facilities which will enable the mailings to be effectively and economically handled in the postal transportation patterns.

NOTE: The corresponding Postal Manual section is 132.33c.

§ 137.2 [Amended]

III. In § 137.2 *Executive and judicial officers*, make the following changes:

A. In paragraph (c) *Methods of preparing official mail*, make the following changes:

1. In the list of authorized departments and agencies in paragraph (1) (ii) delete "Virgin Island Corporation" and insert in proper alphabetical order "U.S. Tariff Commission".

NOTE: The corresponding Postal Manual section is 137.231b.

2. Paragraph (1) (iv) (a) is revised for clarification to read as follows:

(1) *Postage and fees paid.*

(a) Reply envelopes or labels furnished to contractors must bear the printed return address of one of the agencies listed in subdivision (ii) of this subparagraph over the words "Official Business." No return name and address of a private person or firm may be shown.

NOTE: The corresponding Postal Manual section is 137.231d(1).

3. Two new subdivisions (v) and (vi) are added under subparagraph (1) to show that designated State extension directors, and agricultural experiment stations are now authorized to use "Postage and Fees Paid" mailing privileges. As so added new subdivisions (v) and (vi) read:

(1) *Postage and Fees paid.*

(v) Official mail of designated State extension directors must bear in the upper left corner the name of the agricultural college and the name of the post office at which the mail is to be accepted without prepayment of postage, followed by the name and title of the designated officer and the words "Cooperative Agricultural Extension Work—Acts of May 8 and June 30, 1914." The words "Postage and Fees Paid, U.S. Department of Agriculture" must appear in the upper right corner of the address side.

(vi) Official mailings by agricultural experiment stations must bear in the upper left corner of the address side the name of the station, the name of the post office at which the matter is to be accepted, and the name and title of the officer in charge of the station, followed by the word "Publication." The title of the bulletin or report may be used. The words "Postage Paid, U.S. Department of Agriculture" must appear in the upper right corner of the address side.

NOTE: The corresponding Postal Manual sections are 137.231e and f.

4. The last sentence in subparagraph (2) *Penalty* is deleted and subparagraphs (2) (i) and (ii) are deleted as the material pertaining thereto is now contained in new subdivisions (e) and (f) of subparagraph (1).

IV. In Part 144 make the following changes:

A. Sections 144.2 through 144.4 are revised to clarify instructions for the preparation, content, and form of permit

imprints. Provision is made for the alternative preparation of an imprint without rectangular borderlines in order that the imprint may be more conveniently prepared. Provision is also made for adding the ZIP Code number in the imprint. As so revised §§ 144.2, 144.3, and 144.4 now read:

§ 144.1 Permit.

(a) *Application.* A permit to use permit imprints and pay postage in cash at the time of mailing may be obtained by submitting Form 3601, "Application To Mail Without Affixing Postage Stamps," with a fee of \$15, to the post office where mailings will be made. The postmaster will give the applicant a receipt for the fee on Form 3544. No other use of permit imprints has to be paid so long as the permit is active. However, the applicant must also pay an annual bulk mailing fee if he mails third-class matter at bulk rates. See § 134.4(b) (1) of this chapter.

(b) *Revocation.* The permit may be revoked if used in operating any unlawful scheme or enterprise, for nonuse during any consecutive 12 months, or for any noncompliance with the regulations governing the use of permit imprints. The method of revoking permit is described in § 143.2(b) of this chapter.

§ 144.2 Preparation of permit imprints.

Permit imprints may be made by printing press, handstamp, lithography, mimeograph, multigraph, addressograph, or similar device. They may not be typewritten or hand drawn. The imprint must be prepared both as to style and content in one of the forms shown in § 144.4. No other forms of imprints may be used. The imprint must be legible and must be of a color that contrasts sufficiently with the paper to make the imprint readable. The entire imprint must be placed in the upper right corner of the address side of each piece, parallel with the length of the piece.

§ 144.3 Content of permit imprints.

Permit imprints must show:

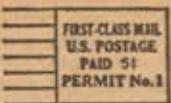
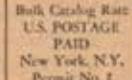
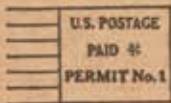
(a) *For first-class mail.* City and State; date (may be omitted); the words "First-Class Mail" and "Paid" with the amount of postage; and the permit number. The ZIP Code of the permit holder may be shown immediately following the name of the State or in a separate inscription reading "ZIP Code 00000" when it is possible to include the ZIP Code without creating uncertainty as to the permit holder's correct address or permit number.

(b) *For second-, third-, and fourth-class mail.* Same as first-class, except the date and the words "First-Class Mail" must be omitted. The amount of postage may be omitted on matter mailed at bulk third-class pound rates, but should be included when it is known the piece rates will apply.

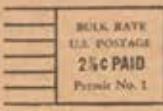
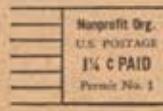
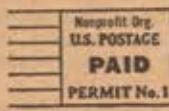
§ 144.4 Form of permit imprints.

Permit imprints must be prepared in one of the forms illustrated. The addition of extraneous matter is not permitted.

FIRST-CLASS MAIL

SECOND-, THIRD-, AND FOURTH-CLASS MAIL
(Date and First-Class Mail omitted)

BULK THIRD-CLASS MAIL

AUTHORIZED NONPROFIT ORGANIZATION MAILINGS ONLY
(See §134.4(b)(3) of this chapter)

The corresponding Postal Manual sections are 144.1, 144.2, 144.3, and 144.4, respectively.

As the foregoing changes to Parts 131, 132, 137, and 144 do not affect substantive rights, public rule making procedures and advance notice, as well as a delayed effective date, are unnecessary and would be contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501)

February 3, 1967.

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 67-1456; Filed, Feb. 8, 1967;
8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

PART 202—PROCEDURES RELATING TO REVIEW BY SECRETARY OF COMMERCE OF ACTIONS BY MAR- ITIME SUBSIDY BOARD

Part 202 of Title 46 of the Code of Federal Regulations is amended by changing "Under Secretary of Commerce for Transportation" to "Secretary of Commerce" and "Under Secretary" to "Secretary" wherever they appear. As amended, Part 202 reads as follows.

Sec.	
202.1	Purpose.
202.2	Time and place for filings.
202.3	Form of petitions, requests and replies.
202.4	Petitions and requests for review—content.
202.5	Replies and requests that review not be exercised—content.
202.6	Grant or denial of review.
202.6	Supplemental briefs.
202.8	Oral argument.
202.9	Decisions by the Secretary of Commerce.
202.10	Petitions for reconsideration.
202.11	Ex parte communications.

AUTHORITY: The provisions of this Part 202 issued under sec. 204, 49 Stat. 1987, as amended; sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)); Reorganization Plan No. 7 of 1961 (26 F.R. 7315).

§ 202.1 Purpose.

The rules of this part prescribe procedures relating to Secretarial review of any decision, report, order or action of the Maritime Subsidy Board (Board) pursuant to Department Order 117-A (31 F.R. 8087, 15331). Section 6 of Department Order 117-A is reprinted here for the convenience of the public.

Sec. 6. Review and finality of actions by Maritime Subsidy Board. (a) The Secretary of Commerce (hereinafter referred to as "Secretary") may, on his own motion or on the basis of a petition filed as hereinafter provided, review any decision, report and/or order of the Maritime Subsidy Board based on a hearing held pursuant to (a) statutory requirements or (b) Board order, by entering a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served on all parties of record (which phrase includes the Board). Petitions for review under this paragraph may be filed by parties of record, shall be in writing, and shall state the grounds upon which petitioner relies. Ten (10) copies of such petitions for review, together with proof of service thereof on all parties of record, shall be filed with the Secretary within fifteen (15) days after the date of the service of the Board's decision, report or order. Parties of record may file replies in writing thereto. Ten (10) copies of such replies, together with proof of service thereof on the petitioner and all other parties of record, shall be filed with the Secretary within ten (10) days after the date the petition for review is timely filed. Petitions for review and replies thereto shall be limited to the record before the Board. If a petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final fifteen (15) days after expiration of the time prescribed for filing a reply thereto unless the Secretary, prior to expiration of the fifteen (15) days, enters a written order granting the petition for review. If no petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final twenty (20) days after the date of service of the decision unless the Secretary, prior to expiration of the twenty (20) days, enters a written order stating

RULES AND REGULATIONS

that he elects to review the action of the Board. If upon any review the decision of the Secretary rests on official notice of a material fact not appearing in the evidence in the record, any party of record shall, if request is made within ten (10) days after the date of service of the Secretary's decision on said party, be afforded an opportunity to show the contrary. The said ten (10) days shall constitute the period for a "timely request" within the meaning of section 7(d) of the Administrative Procedure Act.

.02 The Secretary may on his own motion review all actions of the Maritime Subsidy Board other than those referred to in paragraph .01 of this section by entering a written order stating that he elects to review the action of the Board. Any person having an interest in any action of the Board under this paragraph shall have the privilege of submitting to the Secretary within ten (10) days after the date of such Board action, a request that the Secretary undertake such review. Such request shall be in writing and shall state the grounds upon which the person submitting the same relies and his interest in the action for which review is requested. Ten (10) copies of such requests shall be submitted to the Secretary. Any other person having an interest in such matter shall have the privilege of submitting within fifteen (15) days after the date of the Board's action, a written request that the Secretary not exercise such review. Copies of request that the Secretary undertake or not exercise review will be open for public inspection at the office of the Secretary of the Board. If either a request that the Secretary undertake review or a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final in ten (10) days after expiration of the time prescribed for submission of a request that review not be exercised unless the Secretary, prior to the expiration of the ten (10) days, enters a written order stating that he elects to review the action of the Board. If neither a request that the Secretary undertake review nor a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final in twenty (20) days after the date of such action unless the Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served upon the Board, and upon all persons filing requests as herein described.

.03 If a timely petition for reconsideration is filed under the rules prescribed by the Board, the time for filing a petition or request for review by the Secretary under paragraph .01 or .02 of this section, respectively, or the entry of an order by the Secretary on his own motion electing to review an action of the Board under paragraph .01 or .02 of this section, shall, in the case of actions under paragraph .01 of this section run from the date of service of the Board's action and, in the case of actions under paragraph .02 of this section, run from the date of the Board's action, finally disposing of the issues presented by the petition for reconsideration.

.04 In computing any period of time under this section, the time begins with the day following the act, event, or default, and includes the last day of the period unless it is Saturday, Sunday, or national legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or such holiday. The prescribed time for action by the Secretary in a proceeding in which additional days have been added pursuant to the provisions of this paragraph shall be extended by the total of such additional days.

.05 Petitions and requests for review by the Secretary shall not be filed:

a. Unless the petitioner shall have first exhausted his administrative remedies (other than a petition for reconsideration) before the Maritime Subsidy Board; nor

b. With respect to interlocutory decisions of the Maritime Subsidy Board in actions or proceedings referred to in paragraphs .01 and .02 of this section.

.06 The Secretary may, for good cause and/or in order to prevent undue hardship in any particular case, waive or modify any procedural provision of this section by written order.

§ 202.2 Time and place for filings.

All petitions, requests and replies relating to Secretarial review of Maritime Subsidy Board actions shall be filed with the Office of the Secretary of Commerce, Department of Commerce. Such papers shall be filed in accordance with the provisions of and within the time periods prescribed by Department Order 117-A.

§ 202.3 Form of petitions, requests and replies.

(a) All papers presented to the Secretary, other than records, shall bear on the cover the name and post office address of the party, and the name and address of the principal attorney or authorized representative (if any) for the party concerned. Certification shall be made that service of the paper has been made upon all parties of record (if any) and upon the Secretary of the Maritime Subsidy Board. One copy of every paper filed with the Secretary must in addition bear at its close the hand written signature of the party or attorney.

(b) All papers presented to the Secretary, other than records, shall, unless they are fewer than 10 pages in length, be preceded by a subject index of the matter contained therein, with page references, and a table of the cases (alphabetically arranged), textbooks, statutes and other material cited, with references to the pages where they are cited.

(c) Whenever a reference is made to a transcript, exhibit or other part of the record, such reference must be accompanied by a specific citation identifying the document and indicating the relevant page number of the document concerned.

(d) Papers filed with the Secretary should be logically arranged, with proper headings, concise, and free from irrelevant and unduly repetitious matter.

(e) It will not be necessary to reproduce the opinion of the Board.

§ 202.4 Petitions and requests for review—content.

Petitions and requests for review shall contain in the order here indicated—

(a) A reference to the decision, report, order or action of the Board;

(b) A concise statement of the interest of the party submitting the paper;

(c) A concise summary statement of the case containing that which is material to the consideration of the questions presented;

(d) A listing of each of the grounds upon which the party seeking review relies, expressed in the terms and circumstances of the case, each ground set forth in a separate, numbered paragraph;

(e) The argument, generally amplifying the material in paragraph (d) of this section and exhibiting clearly the points of law, policy and fact being presented, citing the authorities, statutes and other material relied upon. The argument should separately identify and treat each of the grounds upon which review is sought. In cases where reversible legal error is contended, a full legal argument on the points concerned should be presented. In cases where policy error is contended, it should be pointed out what policy of the Board is alleged to be wrong, what is wrong with it and what policy the submitting party advocates as the correct one. In cases where reversible factual error is contended, the findings of fact alleged to be erroneous should be pointed out along with citations to the record where appropriate. The party should further indicate precisely what it contends to be the correct findings of fact, with supporting references;

(f) A conclusion, specifying with particularity the action which the submitting party believes the Secretary should take.

§ 202.5 Replies and requests that review not be exercised—content.

Replies and requests that review not be exercised shall contain in the order here indicated—

(a) A reference to the decision, report, order, or action of the Board;

(b) A concise statement of the interests of the party submitting the paper;

(c) Where deemed necessary by the submitting party, a concise summary statement of the case explicitly pointing out any inaccuracy or omission in the statement of the other side, with references to the record where appropriate;

(d) A listing of the reasons why review should not be exercised, each reason set forth in a separate, numbered paragraph;

(e) The argument generally amplifying the material in paragraph (d) of this section and, in addition, specifically replying to the points of law, policy and fact presented by the other side (each stated separately) citing the authorities, statutes, and other material relied upon by the submitting party;

(f) A conclusion, specifying with particularity the action which the submitting party believes the Secretary should take.

§ 202.6 Grant or denial of review.

(a) A petition or request for review by the Secretary of any decision, report, order or action of the Board will not be granted unless significant and important questions of over-all policy requiring the Secretary's attention are involved or there appears to be significant legal, policy, or factual error in the Board's action.

(b) The parties and the Secretary of the Board will be notified, by Order, of the Secretary's decision to review a case on his own motion, and of his decision to review or to deny review of a case where a petition or request concerning review has been filed.

(c) Promptly upon notice of a decision by the Secretary to review a case subject to review under section 6.01 of Department Order 117-A, the Secretary of the Board shall certify to the Secretary the complete record of the proceeding before the Board and shall serve upon all parties a copy of such certification which shall adequately identify the matter so certified. The Secretary of the Board shall further serve upon all parties a copy of any further communication from the Board or Maritime Administration on such a case.

§ 202.7 Supplemental briefs.

If an order taking review is entered by the Secretary, further briefs supplementing the arguments set forth in the petitions and replies may be requested in cases where the Secretary deems such to be appropriate and desirable.

§ 202.8 Oral argument.

Generally, oral argument will not be necessary. However, the Secretary reserves the right to schedule such when he deems it desirable.

§ 202.9 Decisions by the Secretary of Commerce.

Decisions of the Secretary will be reached in accordance with applicable law and the evidence. Upon the determination of a case taken under review by the Secretary, a written decision and opinion which states the Secretary's conclusions and an explanation thereof will be issued.

§ 202.10 Petitions for reconsideration.

Petitions for reconsideration of decisions by the Secretary in any case taken under review will be considered, upon a showing of good cause, if filed within ten (10) days of service of the Secretary's decision.

§ 202.11 Ex parte communications.

Oral or written communications with the Department concerning a matter subject to Secretarial review under section 6.01 of Department Order 117-A, unless otherwise provided by law or by order, rule, or regulation of the Department, shall be deemed ex parte communications and shall not be part of the record and shall not be considered in making any recommendation, decision

or action; *Provided, however,* That this rule shall not apply to customary informal communications with Department counsel, including discussions directed toward the development of a stipulation or settlement between parties; communications of a nature deemed proper in proceedings in U.S. Federal courts; and communications with Department counsel which merely inquire as to procedures or the status of a proceeding without discussing issues or expressing points of view. Any written communication subject to the above stated rule received by the Department shall be placed in the correspondence file of the case, which is available for public inspection. If an oral communication subject to the above stated rule is received, a memorandum setting forth the substance of the conversation shall be made and placed in the correspondence file.

Dated: February 2, 1967.

A. B. TROWBRIDGE,
Acting Secretary of Commerce.
[F.R. Doc. 67-1458: Filed, Feb. 8, 1967;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 822]

CONTINENTAL UNITED STATES

Definition of Farm and Definition and Interpretation of Operator; 1967 and Subsequent Crops

Notice is hereby given that pursuant to the provisions of section 304(b) of the Sugar Act of 1948, as amended, the Secretary is preparing to issue regulations revising the definition of a farm in continental United States set forth in § 822.1, and to include a definition and interpretation of the term "operator."

All persons who desire to submit comments and views regarding the proposed revision of the definition of a farm in continental United States and the definition and interpretation of "operator" as set forth below, may submit the same in writing and in duplicate to the Director of the Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250 within 30 days after the date of publication of this notice in the *FEDERAL REGISTER*.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (1.27(b) of this title).

It is proposed to revise § 822.1 to read as follows:

§ 822.1 Definition of a farm in the continental United States, and definition and interpretation of the term, operator.

(a) Effective for the 1967 and subsequent crops of sugarbeets or sugarcane, a farm within the limits of continental United States for the purposes of the Sugar Act of 1948, as amended, shall be all land within a State farmed by the same operator with farming practices customarily followed in the locality, as determined by the county committee, and shall include, in addition, any land in an adjoining State or States so farmed by such operator, if any of the equipment or labor used in the sugarbeet or sugarcane production operation in the one State is also used in such operation of the land in the other State or States.

(b) In this section the term "person" means an individual, partnership, corporation, estate or trust or other business enterprise or other legal entity.

(c) The term "operator" used in paragraph (a) of this section means the person (or persons) who controls the sugarbeet or sugarcane operations on the land farmed by him with farming practices customarily followed in the locality,

has the authority, not subordinate to any other person, to make the final decisions with respect to growing, harvesting and marketing the sugarcane or sugarbeet crop, and has a risk of substantial financial loss or an opportunity for substantial financial gain resulting from such operations: *Provided, however, That the combination of persons in subparagraphs (1) through (9) of this paragraph shall be considered as one operator except as provided in subparagraph (10) of this paragraph:*

- (1) A corporation and its subsidiary corporations.
- (2) Husband and wife.
- (3) A partnership and its individual members.
- (4) A joint operation and the individual joint operators.
- (5) A corporation and any stockholder owning an important amount (generally 25 percent or more) of stock in the corporation.
- (6) All corporations in which one or more of the same persons own an important amount (generally 25 percent or more) of the stock in each corporation.
- (7) A minor child and a parent.
- (8) Individual members of a family who live in the same household.
- (9) Persons in any combination other than those set forth in subparagraphs (1) through (8) of this paragraph who are engaged in a combined operation of sugarbeet or sugarcane production and who individually are engaged also in other sugarbeet or sugarcane production operations.

(10) Any persons included in subparagraphs (1) through (9) of this paragraph will be considered to be a separate operator and will be excluded from the combination of persons constituting one operator described in such subparagraph, if he establishes to the satisfaction of the County committee subject to approval by the State Committee, that with respect to the sugarbeet or sugarcane operations on the land which it is claimed should be a separate farm, he:

(i) Exercises complete and exclusive control of such sugarbeet or sugarcane crop operation and has the authority to make the final decisions concerning the growing, harvesting, and marketing the sugarbeet or sugarcane crop, and does not possess such control of and such authority with respect to any other sugarbeet or sugarcane crop operation on other land in the State;

(ii) Has a risk of substantial financial loss or opportunity for substantial financial gain from such sugarbeet or sugarcane crop operation, and does not have such risk or opportunity with respect to any other sugarbeet or sugarcane crop operation on other land in the State; and

(iii) Maintains separately a written record of accounts covering the costs

and income from such sugarbeet or sugarcane crop operation.

Signed at Washington, D.C., on February 3, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-1547; Filed, Feb. 8, 1967; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of Labor-Management and Welfare-Pension Reports

[29 CFR Part 460]

EMPLOYEE WELFARE OR PENSION BENEFIT PLAN

Time for Filing Plan Description Amendment; Form D-1A

Sections 5 and 6 of the Welfare and Pension Plans Disclosure Act, as amended (72 Stat. 999, 76 Stat. 36; 29 U.S.C. 304, 305), require the filing by employee welfare and pension benefit plans covered under the Act, of descriptions of such plans. Section 6 provides that amendments to a plan reflecting changes in the data and information included in the original plan shall be included in the description on and after the effective date of such amendments, and that any change in the information required by section 6 shall be reported to the Secretary of Labor within 60 days after the change has been effectuated. Heretofore, amendments to welfare and pension benefit plans have been filed either by submitting a completely new plan description (Form D-1) or by identifying amendments without use of a particular form. It is herein proposed to prescribe a Form D-1A for use in setting out amendments to plan descriptions if a plan does not choose to use Form D-1.

Interested persons are offered 30 days from the date of publication of this notice in the *FEDERAL REGISTER* to offer comments concerning the proposed Form D-1A and accompanying amendments to 29 CFR Part 460. Comments should be addressed to: Labor-Management Services Administrator, U.S. Department of Labor, 14th and Constitution Avenue NW, Washington, D.C. 20210.

Copies of the proposed Form D-1A may be obtained upon request directed to: Director, Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, 8701 Georgia Avenue, Silver Spring, Md. 20910.

The promulgation of the new form will require a collateral amendment to 29 CFR 460.5. The proposed Form D-1A, and the proposed amendment to 29 CFR Part 460 are issued under the authority

of sections 5 and 6 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304, 305), Secretary's Order No. 24-63 (28 F.R. 9172), and Secretary's Order No. 25-63 (28 F.R. 9173).

It is proposed herewith to amend 29 CFR 460.5 to read as follows:

§ 460.5 Time for filing plan description amendments.

Copies of the descriptions of such plans shall be filed with and received by the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210, within 90 days after the establishment of such plan, or within 90 days after the time the plan becomes subject to the requirements of the Act. Whenever any such plan is amended to reflect a change in the information provided by the original Form D-1 required by § 460.3, other than information that is also required to be included in annual reports under section 7 of the Act, the amendment shall be reported to the Office of Labor-Management and Welfare-Pension Reports within sixty (60) days after it has been effectuated, by:

(a) Submitting one copy of the Department of Labor Form D-1A, entitled "Employee Welfare or Pension Benefit Plan Amendment Form," in accordance with the instruction contained therein; or

(b) Submitting one copy of a new plan description on Department of Labor Form D-1, incorporating all currently effective amendments to the plan, together with one copy of the amended or revised instrument or instruments under which the plan is currently being operated.

Signed at Washington, D.C., this 3d day of February 1967.

JAMES J. REYNOLDS,
Labor-Management
Services Administrator.

[F.R. Doc. 67-1538; Filed, Feb. 8, 1967;
8:46 a.m.]

[29 CFR Part 463]

REPORTING FORM D-3

Notice of Proposed Rule Making

Sections 5 and 7 of the Welfare and Pension Plans Disclosure Act (secs. 5, 7, 72 Stat. 999, 1000, 76 Stat. 36, 37; 29 U.S.C. 304, 306), require annual financial reports from covered employee welfare and pension benefit plans. Section 7 provides an exemption from the requirement of publishing an annual financial report for employee welfare or pension benefit plans covering fewer than 100 participants. Plans of this category, however, are required to file, on Form D-3, a report identifying the plan and indicating the number of participants. It is proposed herein to amend Form D-3 to require, in addition, entries reflecting any changes in identification or address of the plans, whether the plan has been amended during the reporting year, whether the plan is protected by bond as

required by the Act, and whether any losses have been incurred by the reporting plan during the year through the fraud or dishonesty of administrators, officers or employees of the plan. Amendment to Form D-3 will also necessitate certain parallel changes in 29 CFR Part 463 to change the title of the part, to delete a reference to material required in the old Form D-3, to indicate that one copy (rather than two) of the new form will be required, and to insert the word "revised" after a reference to the Form D-3.

Interested persons are offered thirty days from the date of publication of this notice in the *FEDERAL REGISTER* to offer comments concerning the proposed amended form, and Regulation. Comments should be addressed to: Labor-Management Services Administrator, United States Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210.

Copies of the proposed amended form may be obtained upon request addressed to: Director, Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, 8701 Georgia Avenue, Silver Spring, Md. 20910.

The proposed amendment to the Form D-3, and 29 CFR Part 463 are issued under the authority of sections 5 and 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999, 1000; 76 Stat. 36, 37; 29 U.S.C. 304, 306), Secretary's Order No. 24-63 (28 F.R. 9172), and Secretary's Order No. 25-63 (28 F.R. 9173).

Signed at Washington, D.C., this 3d day of February 1967.

JAMES J. REYNOLDS,
Labor-Management
Services Administrator.

[F.R. Doc. 67-1539; Filed, Feb. 8, 1967;
8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

RESIDUES OF INORGANIC BROMIDES RESULTING FROM SOIL TREATMENT WITH 1,2-DIBROMO-3-CHLOROPROPANE

Proposed Tolerance

Dr. C. C. Compton, Project Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, has submitted a petition (PP 7E0513) requesting establishment of a tolerance of 50 parts per million for residues in or on watermelons of inorganic bromides (calculated as Br) resulting from soil treatment with the nematocide 1,2-dibromo-3-chloropropane. Data in the petition and other available data support such a tolerance for all commodities in the melon group (as listed in § 120.1(h)), including watermelons; and the Commissioner of Food

and Drugs has concluded that such a tolerance will protect the public health.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated by him to the Commissioner (21 CFR 2.120), the Commissioner proposes that § 120.197 be amended by revising the paragraph "50 parts per million" to read as follows:

§ 120.197 Inorganic bromides resulting from soil treatment with 1,2-dibromo-3-chloropropane: tolerances for residues.

Fifty parts per million in or on broccoli, brussels sprouts, cabbage, cauliflower, eggplants, melons, peanuts, peppers, pineapples, tomatoes.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing 1,2-dibromo-3-chloropropane may request, within 30 days from the date of publication of this proposal in the *FEDERAL REGISTER*, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

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: February 2, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-1557; Filed, Feb. 8, 1967;
8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

Airspace Docket No. 67-SO-12]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Manning, S.C., transition area.

The Manning transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Clarendon County Airport (latitude 33°35'13" N., longitude 80°12'27" W.); within a 1.5-mile radius of the Goat Island Airport (latitude 33°30'26" N., longitude 80°18'41" W.); within a 1.5-mile radius of the Grayson (Pvt.) Airport (latitude 33°

PROPOSED RULE MAKING

36°48' N., longitude 80°20'17" W.); and within 2 miles each side of the Vance VOR 060° radial, extending from the 8-mile radius area to the VOR.

The proposed transition area is required for the protection of IFR operations at the Clarendon County Airport. A prescribed instrument approach procedure to this airport utilizing the Vance VOR is proposed in conjunction with the designation of this transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on January 30, 1967.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 67-1519; Filed, Feb. 8, 1967;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Hospital Business for Purpose of Business Loans

Notice is hereby given that the Small Business Administration proposes to amend the Small Business Size Standards Regulation (Rev. 6), as amended, by establishing a new definition of a small business concern primarily engaged in owning and operating a hospital, for the purpose of Small Business Administration business loans.

Under the present definition for such purpose, a concern is small business if, together with its affiliates, it is independently owned and operated and its capacity does not exceed 100 beds (excluding cribs and bassinets).

Because of the growth in the human population and an even greater growth in the demand for hospital services, the capacity of hospitals has increased to the point that an increase in the applicable definition of a small hospital seems appropriate.

Accordingly, the Small Business Administration proposes to increase the

hospital size standard for the purpose of Small Business Administration business loans from 100 beds (excluding cribs and bassinets) to 150 beds (excluding cribs and bassinets).

Interested persons may file with the Small Business Administration within 30 days after publication of this proposal in the *FEDERAL REGISTER*, written statements, opinions, or arguments concerning the proposed definition:

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 811 Vermont Avenue NW, Washington, D.C. 20416. Attention: Size Standards Staff.

It is proposed to amend the Small Business Size Standards Regulation (Rev. 6), as amended, as follows:

The Small Business Size Standards Regulation (Rev. 6) (31 F.R. 9721), as amended (31 F.R. 10114, 11651, 11973, 12479, 12572, 14311, 14351, 14516, 14544, 14737 as corrected, 15737, 15145, 18763), is hereby further amended by revising § 121.3-10(d) (5) to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

• • • (d) Services. • • •

(5) As small if it is primarily engaged in owning and operating a hospital and its capacity does not exceed 150 beds (excluding cribs and bassinets).

• • • BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-1543; Filed, Feb. 8, 1967;
8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 65]

PRINCIPAL U.S. DIPLOMATIC OFFICER IN CYPRUS

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Cyprus with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (AID) in the following delegations, subject to the limitations applicable to the exercise of such authority by AID Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid diplomatic officer, the authorities delegated to AID Mission Directors in existing AID manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda and other instructions.

The authority delegated herein may be redelegated to the officer at the post principally responsible for AID activities.

This delegation of authority will become effective immediately.

Dated: January 27, 1967.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 67-1544; Filed, Feb. 8, 1967;
8:46 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 66-58]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of

types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from May 24, 1966 to October 5, 1966 (List Nos. 18-66, 19-66, 20-66, 21-66, 22-66, 23-66, 24-66, 25-66, 26-66, 28-66, and 31-66). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegations of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p and 1333 in Title 46, U.S. Code, section 198 in Title 50, U.S. Code while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegations of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals are set forth in section 632 of Title 14, U.S. Code, Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and other Treasury Department Orders issued since that date with respect to performance of functions under various laws dealing with specific subjects. These delegations are also listed with the implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

3. In Part I of this document are listed the approvals which shall be in effect for a period of 5 years from the dates issued, unless sooner canceled or suspended by proper authority.

4. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items as listed in Part II, such equipment may be used so long as it is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/36/0. 30-Inch cork ring life buoy, dwg. No. 5-1-51, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 26, 1966. (It is an extension of Approval No. 160.009/36/0 dated June 26, 1961.)

Approval No. 160.009/43/0. 20-inch cork ring life buoy, U.S.C.G. Specifica-

tion Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, for Nautical Products, Inc., 86-88 Congress Street, Brooklyn, N.Y. 11201, effective August 15, 1966. (It is an extension of Approval No. 160.009/43/0 dated Sept. 14, 1961.)

Approval No. 160.009/44/0. 24-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, for Nautical Products, Inc., 86-88 Congress Street, Brooklyn, N.Y. 11201, effective August 15, 1966. (It is an extension of Approval No. 160.009/44/0 dated Sept. 14, 1961.)

Approval No. 160.009/45/0. 30-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, for Nautical Products, Inc., 86-88 Congress Street, Brooklyn, N.Y. 11201, effective August 15, 1966. (It is an extension of Approval No. 160.009/45/0 dated Sept. 14, 1961.)

BUOYANT APPARATUS

Approval No. 160.010/61/0, 5.0' x 2.5' (7 1/2" x 9" body section), solid balsa wood fiber glass covered buoyant apparatus, 5-person capacity, dwg. No. 32761, Rev. A dated June 6, 1961, and Specification, Rev. II, dated June 6, 1961, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 26, 1966. (It is an extension of Approval No. 160.010/61/0 dated June 19, 1961.)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/9/1, Davis Type BLS fresh air hose mask assembly with positive pressure blower, Davit Unit Nos. 4402, 4403, 4408, or 4409 with maximum length of hose not exceeding 150 feet, Bureau of Mines Approval No. BM-1904 when assembled with BM-1902 facepiece and BM-1902 or 1902A harness and hose, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark, N.J. 07104, effective May 26, 1966. (It is an extension of Approval No. 160.011/9/1 dated June 26, 1961.)

Approval No. 160.011/39/0, Scott Air-Pak II, Model 900014, self-contained one-half hour compressed air breathing apparatus, at least one extra fully charged cylinder of breathing air to be included as part of the complete unit, Bureau of Mines Approval No. BM-1308, only for use with BM-1308 facepiece and BM-1308 pressure regulator and assembly, Scott assembly dwg. No. 900014, Rev. C dated May 3, 1966, manufactured by Scott Aviation Corp., Lancaster, N.Y., effective July 8, 1966.

HATCHETS (LIFEBOAT AND LIFERAFT)

Approval No. 160.013/2/2, No. 0 size hatchet, True American, dwg. dated January 19, 1966; hatchet blade stamped "U.S.C.G. Approval No. 160.013/2/2"; manufactured by Mann Edge Tool Co., Lewistown, Pa., effective July 22, 1966. (It supersedes Approval No. 160.013/2/1 dated Sept. 14, 1962.)

MIRRORS, EMERGENCY SIGNALING

Approval No. 160.020/2/1, 4" x 5" metal, emergency signaling mirror, Type SMC, identified by Specification No. 2 revised December 1, 1964, and dwg. No. 2 dated July 23, 1962, manufactured by Safety Mirror Co., 603-607 West 29th Street, New York, N.Y. 10001, effective July 8, 1966. (It supersedes Approval No. 160.020/2/1 dated Dec. 2, 1964, to show change of address.)

Approval No. 160.020/5/1, Model CG-2, emergency signaling mirror, 4" x 5" reflex type, identified by mirror and packing dwg. No. CG-2 dated August 15, 1966, manufactured by Revere Glass Co., 583 Beach Street, Revere, Mass. 02151, effective August 15, 1966. (It supersedes Approval No. 160.020/5/0 dated Aug. 4, 1961, to show change in packing.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Approval No. 160.026/28/1, container for emergency drinking water, dwg. dated June 27, 1966, packed by Farm Fresh Packing Corp., Summit Street, Post Office Box 337, Hightstown, N.J. 08520, for MacDonald-Bernier Co., Inc., 305 Main Street, Charlestown, Mass. 02129, effective August 5, 1966. (It supersedes Approval No. 160.026/28/0 dated August 3, 1962.)

DAVITS

Approval No. 160.032/170/0, mechanical davit, straight boom sheath screw, Type CB-6500; approved for a maximum working load of 7,000 pounds per set (3,500 pounds per arm), using single, 2-part, or 6-part falls, identified by general arrangement dwg. DA-9084, Rev. A dated December 18, 1965, manufactured by Carroll Engineering Co., 313 State Street, Box 711, Perth Amboy, N.J. 08862, effective July 26, 1966.

LIFEBOATS

Approval No. 160.035/197/3, 18.0' x 5.75' x 2.42' steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement dwg. No. 18-2 Rev. F dated June 9, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective June 9, 1966. (It supersedes Approval No. 160.035/197/2, dated June 8, 1961.)

Approval No. 160.035/204/3, 20.0' x 6.0' x 2.5' steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement dwg. No. 20-1 Rev. F dated June 23, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective July 12, 1966. (If mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular life-

boat shall be approved by the Commandant.) (It supersedes Approval No. 160.035/204/2, dated July 17, 1961.)

Approval No. 160.035/208/4, 12.0' x 4.42' x 1.92' steel, oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement dwg. No. 12-1, Rev. I dated June 24, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective August 10, 1966. (Approved for use on vessels in Great Lakes; bays, sounds, and lakes; and river service, as well as for use on certain coastwise tank barges. If mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant.) (It supersedes Approval No. 160.035/208/3, dated July 17, 1961.)

Approval No. 160.035/211/3, 22.0' x 7.5' x 3.17' steel, oar-propelled lifeboat, 31-person capacity, identified by general arrangement dwg. No. 22-2 Rev. B dated June 3, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective August 15, 1966. (It is an extension of Approval No. 160.047/318/0 dated Sept. 26, 1961.)

Approval No. 160.035/211/2 dated July 17, 1961.)

Approval No. 160.035/216/3, 14.0' x 5.0' x 2.17' steel, oar-propelled lifeboat, 9-person capacity, identified by construction and arrangement dwg. No. 14-1, Rev. H dated June 8, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective June 8, 1966. (Approved for use on vessels in Great Lakes; bays, sounds and lakes, and river service, as well as for use on seagoing barges and certain coastwise tank barges. If mechanical disengaging apparatus is fitted, it shall be an approved type and the installation in this particular lifeboat shall be approved by the Commandant.) (It supersedes Approval No. 160.035/216/2 dated June 8, 1961.)

Approval No. 160.035/270/2, 16.0' x 5.0' x 2.08' steel, oar-propelled lifeboat, 10-person capacity, identified by construction and arrangement dwg. No. 16-2, Rev. G dated June 16, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective July 1, 1966. (Approved for service on vessels other than ocean and coastwise. If mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant.) (It supersedes Approval No. 160.035/270/1 dated June 8, 1961.)

Approval No. 160.035/334/0, 26.0' x 9.0' x 3.83' steel, motor-propelled lifeboat without radio cabin or searchlight (Class 1) 48-person capacity, identified by general arrangement dwg. No. 26-16, Rev. B dated May 19, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective June 8, 1966.

Approval No. 160.035/371/0, 26.0' x 9.0' x 3.83' steel, hand-propelled lifeboat, 53-person capacity, identified by general arrangement dwg. No. 26-17,

Rev. A dated July 14, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective July 15, 1966.

Approval No. 160.035/404/0, 22.0' x 7.5' x 3.17' aluminum, oar-propelled lifeboat, 31-person capacity, identified by general arrangement and construction dwg. No. 22-001-01 dated August 12, 1959 and revised June 26, 1966, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective June 30, 1966.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/318/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., ZEBCO Division, Eminence, Ky. 40019, effective August 15, 1966. (It is an extension of Approval No. 160.047/318/0 dated Sept. 26, 1961.)

Approval No. 160.047/319/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., ZEBCO Division, Eminence, Ky. 40019, effective August 15, 1966. (It is an extension of Approval No. 160.047/319/0 dated Sept. 26, 1961.)

Approval No. 160.047/320/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., ZEBCO Division, Eminence, Ky. 40019, effective August 15, 1966. (It is an extension of Approval No. 160.047/320/0 dated Sept. 26, 1961.)

Approval No. 160.047/505/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., ZEBCO Division, Eminence, Ky. 40019, for DRYBAK, Eminence, Ky. 40019, effective August 15, 1966. (It is an extension of Approval No. 160.047/505/0 dated Sept. 19, 1961.)

Approval No. 160.047/506/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., ZEBCO Division, Eminence, Ky. 40019, for DRYBAK, Eminence, Ky. 40019, effective August 15, 1966. (It is an extension of Approval No. 160.047/506/0 dated Sept. 19, 1961.)

Approval No. 160.047/507/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., ZEBCO Division, Eminence, Ky. 40019, for DRYBAK, Eminence, Ky. 40019, effective August 15, 1966. (It is an extension of Approval No. 160.047/507/0 dated Sept. 19, 1961.)

Approval No. 160.047/514/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio 45214, for Lifo Products, 930 York Street, Cincinnati, Ohio 45214, effective July 25, 1966. (It is an extension of Approval No. 160.047/514/0 dated Aug. 21, 1961.)

Approval No. 160.047/515/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio 45214, for Lifo Products Co., 930 York Street, Cincinnati, Ohio 45214, effective July 25, 1966. (It is an extension of Approval No. 160.047/515/0 dated Aug. 21, 1961.)

Approval No. 160.047/516/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio 45214, for Lifo Products Co., 930 York Street, Cincinnati, Ohio 45214, effective July 25, 1966. (It is an extension of Approval No. 160.047/516/0 dated Aug. 21, 1961.)

Approval No. 160.047/526/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Mo. 63068, for H. Wenzel Tent & Duck Co., 2200 South Hanley Road, St. Louis, Mo. 63144, effective September 9, 1966. (It is an extension of Approval No. 160.047/526/0 dated Dec. 15, 1961.)

Approval No. 160.047/527/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Mo. 63068, for H. Wenzel Tent & Duck Co., 2200 South Hanley Road, St. Louis, Mo. 63144, effective September 9, 1966. (It is an extension of Approval No. 160.047/527/0 dated Dec. 15, 1961.)

Approval No. 160.047/528/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Mo. 63068, for H. Wenzel Tent & Duck Co., 2200 South Hanley Road, St. Louis, Mo. 63144, effective September 9, 1966. (It is an extension of Approval No. 160.047/528/0 dated Dec. 15, 1961.)

Approval No. 160.047/529/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Mo. 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60624, effective September 9, 1966. (It is an extension of Approval No. 160.047/529/0 dated Dec. 12, 1961.)

Approval No. 160.047/530/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Mo. 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60624, effective September 9, 1966. (It is an extension of Approval No. 160.047/530/0 dated Dec. 15, 1961.)

Approval No. 160.047/531/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Mo. 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60624, effective September 9, 1966. (It is an extension of Approval No. 160.047/531/0 dated Dec. 15, 1961.)

Approval No. 160.047/571/0, Type I, Model AK-1, adult kapok buoyant vest,

U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019, effective August 4, 1966. (It supersedes Approval No. 160.047/571/0 dated Apr. 28, 1966, to show correction of name of company under remarks.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

Note: Approved for use on motor boats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/26/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Brunswick Corp., ZEBCO Division, Eminence, Ky. 40019, effective August 15, 1966. (It is an extension of Approval No. 160.048/26/0 dated Sept. 19, 1961.)

Approval No. 160.048/72/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by the Comfort Cushion Co., 5062-84 Loraine, Detroit, Mich. 48208, effective May 27, 1966. (It is an extension of Approval No. 160.048/72/1 dated July 17, 1961.)

Approval No. 160.048/78/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn., for Herter's, Inc., Waseca, Minn., effective July 15, 1966. (It is an extension of Approval No. 160.048/78/0 dated July 17, 1961.)

Approval No. 160.048/79/0, special approval for 13" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, Stearns Manufacturing Co., dwg. No. 6, dated December 5, 1955, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn., for Herter's, Inc., Waseca, Minn., July 15, 1966. (It is an extension of Approval No. 160.048/79/0 dated July 17, 1961.)

Approval No. 160.048/82/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Robey Manufacturing Co., Newaygo, Mich. 49337, effective September 9, 1966. (It is an extension of Approval No. 160.048/82/0 dated Jan. 30, 1962.)

Approval No. 160.048/203/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Brunswick Corp., ZEBCO Division,

Eminence, Ky. 40019, for DRYBAK, Eminence, Ky. 40019, effective August 15, 1966. (It is an extension of Approval No. 160.048/203/0 dated Sept. 19, 1961.)

Approval No. 160.048/207/0, special approval for 13" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok dwg. No. 81562, dated August 15, 1961, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective July 25, 1966. (It is an extension of Approval No. 160.048/207/0 dated Aug. 22, 1961.)

Approval No. 160.048/208/0, special approval for 13" x 18" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, Atlantic-Pacific Manufacturing Corp.'s dwg. No. 81562, dated August 15, 1961, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, for Herter's, Inc., Waseca, Minn., effective July 25, 1966. (It is an extension of Approval No. 160.048/208/0 dated Aug. 22, 1961.)

Approval No. 160.048/223/1, special approval for 14" x 17" x 2", rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, dwg. Nos. 1 and 2, Rev. 2 dated July 7, 1966, manufactured by Style-Crafters, Inc., Box 8277, Station A, Greenville, S.C. 29604, effective July 7, 1966. (It reinstates and supersedes Approval No. 160.048/223/0 terminated Jan. 27, 1966.)

Approval No. 160.048/236/0, special approval for 17" diameter x 2" thick, round kapok buoyant cushion, 20-oz. kapok, dwgs. C-20 and A-103 dated June 15, 1959, manufactured by the American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, for Seaway, Post Office Box 49, Fairfield, Calif. 94534, effective July 21, 1966. (It supersedes Approval No. 160.048/236/0 dated Nov. 5, 1964, to show change in address of manufacturer.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

Note: Approved for use on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

Approval No. 160.049/2/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c)(1), manufactured by The American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, effective July 15, 1966. (It supersedes Approval No. 160.049/2/0 dated July 25, 1963, to show change in address of manufacturer.)

Approval No. 160.049/64/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c)(1), manufactured by The American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, for Seaway, Post Office Box 49, Fairfield, Calif. 94534, effective July 21, 1966. (It supersedes Approval No. 160.049/64/0 dated Nov. 5, 1964, to show change in address of manufacturer.)

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Approval No. 160.049/68/0, special approval for 23" x 13" x 2 1/8" rectangular vinyl-dipped, unicellular plastic foam buoyant cushion, dwg. No. 5335-X, Rev. 1 dated August 14, 1964, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa. 16501, for White Bear Water Ski Co., 5717 Portland Avenue, White Bear Lake, Minn. 55110, effective June 3, 1966.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/33/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich dwg. 12874, dated March 6, 1959, revised July 15, 1959, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, for Nautical Products, Inc., 86-88 Congress Street, Brooklyn, N.Y. 11201, effective August 15, 1966. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn.) (It is an extension of Approval No. 160.050/33/0 dated Sept. 14, 1961.)

Approval No. 160.050/34/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich Co. dwg. 12874, dated March 6, 1959, revised July 15, 1959, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, for Nautical Products, Inc., 86-88 Congress Street, Brooklyn, N.Y. 11201, effective August 15, 1966. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn.) (It is an extension of Approval No. 160.050/34/0 dated Sept. 14, 1961.)

Approval No. 160.050/35/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and B. F. Goodrich Co. dwg. 12874, dated March 6, 1959, revised July 15, 1959, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, for Nautical Products, Inc., 86-88 Congress Street, Brooklyn, N.Y. 11201, effective August 15, 1966. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn.) (It is an extension of Approval No. 160.050/35/0 dated Sept. 14, 1961.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/110/1, Type II, Model BP, adult unicellular plastic foam buoyant vest, dwg. 160.052-2 (sheets 1 and 4) dated December 2, 1960, and Bill of Materials dated June 7, 1966, manufactured by Burlington Mills, Inc., Burlington, Wis. 53105 and Cadiz, Ky., effective July 28, 1966. (It supersedes Approval No. 160.052/110/0 dated Oct. 18, 1965, to show change in construction and address.)

Approval No. 160.052/111/1, Type II, Model BPM, child medium unicellular plastic foam buoyant vest, dwg. No. 160.052-2 (sheets 2 and 4) dated December 2, 1960, and Bill of Materials dated June 7, 1966, manufactured by Burling-

ton Mills, Inc., Burlington, Wis. 53105 and Cadiz, Ky., effective July 28, 1966. (It supersedes Approval No. 160.052/111/0 dated Oct. 18, 1965, to show change in construction and address.)

Approval No. 160.052/112/1, Type II, Model BPS, child small unicellular plastic foam buoyant vest, dwg. No. 160.052-2 (sheets 3 and 4) dated December 2, 1960, and Bill of Materials dated June 7, 1966, manufactured by Burlington Mills, Inc., Burlington, Wis. 53105 and Cadiz, Ky., effective July 28, 1966. (It supersedes Approval No. 160.052/112/0 dated Oct. 18, 1965, to show changes in construction and address.)

Approval No. 160.052/180/1, Type II, Model 242, adult, unicellular plastic foam buoyant vest, Jones & Yandell, dwg. JV-L No. 3 dated October 1, 1962, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss., for the American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, effective July 19, 1966. (It supersedes Approval No. 160.052/180/1 dated Apr. 26, 1963, to show change of address of manufacturer.)

Approval No. 160.052/181/1, Type II, Model 244, child medium, unicellular plastic foam buoyant vest, Jones & Yandell, dwg. JV-M No. 3 dated September 29, 1962, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss., for the American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, effective July 19, 1966. (It supersedes Approval No. 160.052/181/1 dated Apr. 26, 1963, to show change in address of manufacturer.)

Approval No. 160.052/182/1, Type II, Model 244, child small, unicellular plastic foam buoyant vest, Jones & Yandell, dwg. JV-S No. 3 dated September 29, 1962, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss., for the American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, effective July 19, 1966. (It supersedes Approval No. 160.052/182/1 dated Apr. 26, 1963, to show change in address of manufacturer.)

Approval No. 160.052/289/0, Type II, Model 245, adult cloth-covered unicellular plastic foam buoyant vest, dwg. Nos. B-280-1 dated October 13, 1964; B-280-2 dated October 8, 1964; and B-280-3 dated October 9, 1964, manufactured by the American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, effective July 18, 1966. (It supersedes Approval No. 160.052/289/0 dated Apr. 12, 1965, to show change in address of manufacturer.)

Approval No. 160.052/290/0, Type II, Model 246-M, child medium cloth-covered unicellular plastic foam buoyant vest, dwg. Nos. B-281-1 and B-281-2 dated October 14, 1964; and B-281-3 dated October 15, 1964, manufactured by the American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, effective July 18, 1966. (It supersedes Approval No. 160.052/290/0 dated Apr. 12, 1965, to show change in address of manufacturer.)

Approval No. 160.052/291/0, Type II, Model 246-S, child small cloth-covered

unicellular plastic foam buoyant vest, dwg. Nos. B-281-1 and B-281-2 dated October 14, 1964; and B-281-4 dated October 15, 1964, manufactured by the American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, effective July 18, 1966. (It supersedes Approval No. 160.052/291/0 dated Apr. 12, 1965, to show change in address of manufacturer.)

Approval No. 160.052/328/0, Type II, Model AF, adult molded unicellular plastic foam buoyant vest, with vinyl dip coating, dwg. No. 65-200A, Rev. B dated June 10, 1966, manufactured by Mermatec, Inc., 3332 Industrial Court, San Diego, Calif. 92121, effective July 13, 1966.

Approval No. 160.052/329/0, Type II, Model CFM, child medium molded unicellular plastic foam buoyant vest, with vinyl dip coating, dwg. No. 65-300A, Rev. B dated June 10, 1966, manufactured by Mermatec, Inc., 3332 Industrial Court, San Diego, Calif. 92121, effective July 13, 1966.

Approval No. 160.052/330/0, Type II, Model CPS, child small molded unicellular plastic foam buoyant vest, with vinyl dip coating, dwg. No. 65-400A, Rev. B dated June 10, 1966, manufactured by Mermatec, Inc., 3332 Industrial Court, San Diego, Calif. 92121, effective July 13, 1966.

Approval No. 160.052/331/0, Type II, Model LV-A, adult molded vinyl-dipped unicellular plastic foam buoyant vest, Goodenow Dwg. No. 5581-E, Rev. 1 dated December 22, 1964, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa. 16502, for White Bear Water Ski Co., 5717 Portland Avenue, White Bear Lake, Minn. 55110, effective July 18, 1966.

Approval No. 160.052/332/0, Type II, Model LV-M, child medium molded vinyl-dipped unicellular plastic foam buoyant vest, Goodenow Dwg. No. 5622-C, Rev. 1 dated December 22, 1964, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa. 16502, for White Bear Water Ski Co., 5717 Portland Avenue, White Bear Lake, Minn. 55110, effective July 18, 1966.

Approval No. 160.052/333/0, Type II, Model LV-S, child small molded vinyl-dipped unicellular plastic foam buoyant vest, Goodenow Dwg. No. 5623-C, Rev. 1 dated December 22, 1964, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa. 16502, for White Bear Water Ski Co., 5717 Portland Avenue, White Bear Lake, Minn. 55110, effective July 18, 1966.

Approval No. 160.052/334/0, Type II, Model LV-A, adult molded vinyl-dipped unicellular plastic foam buoyant vest, Goodenow Dwg. No. 5581-E, Rev. 1 dated December 22, 1964, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa. 16502, for Miltco Products Corp., 139 Emerson Place, Brooklyn, N.Y. 11205, effective July 15, 1966.

Approval No. 160.052/335/0, Type II, Model LV-M, child medium molded vinyl-dipped unicellular plastic foam buoyant vest, Goodenow Dwg. No. 5622-C, Rev. 1 dated December 22, 1964,

manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa. 16502, for Miltco Products Corp., 139 Emerson Place, Brooklyn, N.Y. 11205, effective July 15, 1966.

Approval No. 160.052/236/0, Type II, Model LV-S, child small molded vinyl-dipped unicellular plastic foam buoyant vest, Goodenow Dwg. No. 5623-C, Rev. 1 dated December 22, 1964, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa. 16502, for Miltco Products Corp., 139 Emerson Place, Brooklyn, N.Y. 11205, effective July 15, 1966.

Approval No. 160.052/337/0, Type II, Model BP, adult unicellular plastic foam buoyant vest, dwg. 160.052-2 (sheets 1 and 4) dated December 2, 1960, and Bill of Materials dated June 7, 1966, manufactured by Burlington Mills, Inc., Burlington, Wis. 53105 and Cadiz, Ky., for Trigg Manufacturing Corp., Post Office Box 360, Cadiz, Ky., effective July 28, 1966.

Approval No. 160.052/338/0, Type II, Model BPM, child medium unicellular plastic foam buoyant vest, dwg. No. 160-052-2 (sheets 2 and 4) dated December 2, 1960, and Bill of Materials dated June 7, 1966, manufactured by Burlington Mills, Inc., Burlington, Wis. 53105, and Cadiz, Ky., for Trigg Manufacturing Corp., Post Office Box 360, Cadiz, Ky., effective July 28, 1966.

Approval No. 160.052/339/0, Type II, Model BPS, child small unicellular plastic foam buoyant vest, dwg. No. 160.052-2 (sheets 3 and 4) dated December 2, 1960, and Bill of Materials dated June 7, 1966, manufactured by Burlington Mills, Inc., Burlington, Wis. 53105, and Cadiz, Ky., for Trigg Manufacturing Corp., Post Office Box 360, Cadiz, Ky., effective July 28, 1966.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/1/0, unicellular plastic foam work vest as per Military Specification MIL-L-17653A or Military Specification MIL-L-17653B and U.S.C.G. Specification Subpart 160.053, manufactured by Burlington Mills, Inc., Burlington, Wis. 53105, and Cadiz, Ky., effective July 28, 1966. (It supersedes Approval No. 160.053/1/0 dated May 12, 1965, to show change of address.)

Approval No. 160.053/2/4, Model WV-2, unicellular plastic foam work vest, Vogt Dwg. No. WV-2, Rev. 1 dated November 18, 1965, manufactured by Canandaigua Plastics, Division of Vogt Manufacturing Corp., 203 North Street, Canandaigua, N.Y. 14424, for Protection Equipment, Sales Division of Vogt Manufacturing Corp., 100 Fernwood Avenue, Rochester, N.Y. 14621, effective July 6, 1966. (It supersedes Approval No. 160.053/2/3 dated Dec. 14, 1965, to show change in name and address of manufacturer.)

Approval No. 160.053/21/0, Model WV-2, unicellular plastic foam work vest, Vogt Dwg. No. WV-2, Rev. 1 dated November 18, 1965, manufactured by Canandaigua Plastics, Division of Vogt Manufacturing Corp., 203 North Street, Canandaigua, N.Y. 14424, effective July 6, 1966.

Approval No. 160.053/22/0, unicellular plastic foam work vest as per Military Specification MIL-L-17653A or Military Specification MIL-L-17653B and U.S.C.G. Specification Subpart 160.053, manufactured by Burlington Mills, Inc., Burlington, Wis. 53105, and Cadiz, Ky., for Trigg Manufacturing Corp., Post Office Box 360, Cadiz, Ky., effective July 28, 1966.

BOUYANT VESTS, UNICELLULAR POLYETHYLENE FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.060/10/0, Type II, Model 247, adult cloth-covered polyethylene foam buoyant vest, dwg. Nos. B-280-1 dated October 13, 1964; B-280-3 dated October 9, 1964; and B-280-4 dated February 1, 1965, manufactured by the American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, effective July 15, 1966. (It supersedes Approval No. 160.060/10/0 dated Apr. 20, 1965, to show change in address of manufacturer.)

Approval No. 160.060/11/0, Type II, Model 248-M, child medium cloth-covered polyethylene foam buoyant vest, dwg. Nos. B-281-1 dated October 14, 1964; B-281-3 dated October 15, 1964; and B-281-5 dated February 1, 1965, manufactured by the American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, effective July 15, 1966. (It supersedes Approval No. 160.060/11/0 dated Apr. 20, 1965, to show change in address of manufacturer.)

Approval No. 160.060/12/0, Type II, Model 248-S, child small cloth-covered polyethylene foam buoyant vest, dwg. Nos. B-281-1 dated October 14, 1964; and B-281-4 dated October 15, 1964; and B-281-5 dated February 1, 1965, manufactured by the American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, effective July 15, 1966. (It supersedes Approval No. 160.060/12/0 dated Apr. 20, 1965, to show change in address of manufacturer.)

PROTECTING COVERS FOR LIFEBOATS

Approval No. 160.065/5/0, "Gentex Catenary Lifeboat Cover," Type I, Mark 2, protecting cover for the occupants of all types of aluminum, steel and fibrous glass reinforced plastic (FRP) lifeboats, for all lengths of 16' through 37' lifeboats, identified by general arrangement dwg. No. 66H1654, dated June 7, 1966 manufactured by Gentex Corp., Carbon-dwg. No. 66H1654, dated June 7, 1966. (Modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins and antenna masts.)

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/5/2, lights (water): electric, floating, automatic (with bracket for mounting), dwg. E-951, alt. 1, rev. D, dated November 21, 1961, manufactured by Galbraith-Pilot Marine Corp., 600 Fourth Avenue, Brooklyn, N.Y. 11215, effective September 12, 1966.

(It is an extension of Approval No. 161.001/5/2 dated Dec. 1, 1961.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/3/3, sound powered telephone station assembly, selective ringing, common talking, 8 and 17 stations maximum, waterproof, dwg. No. 70-526, Alt. 5, dated May 22, 1959, manufactured by Henschel Corp., Amesbury, Mass. 01913, effective September 12, 1966. (It is an extension of Approval No. 161.005/3/3 dated Dec. 12, 1961.)

Approval No. 161.005/41/0, sound-powered telephone station relay control, for operation with hand generator, manual release, splashproof, dwg. No. 19, Alt. 1, dated June 1950, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and 3d Avenue, Brooklyn, N.Y. 11201, effective May 24, 1966. (For connecting in parallel with hand generator bell on sound-powered telephone stations to operate separately powered audible signal and indicate which of two or more stations called. For use in locations not exposed to the weather.) (It is an extension of Approval No. 161.005/41/0 dated June 26, 1961.)

Approval No. 161.005/64/0, sound-powered telephone station, selective ringing, common talking, 19-station maximum, internal heater, bulkhead mounting, waterproof, external separately mounted bell, dwg. No. 91-01, Alt. 0, Model SWT-H, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and 3d Avenue, Brooklyn, N.Y. 11201, effective July 27, 1966. (It supersedes Approval No. 161.005/64/0 dated Apr. 26, 1961, to show correction of approval date.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/224/0, Style HN-MS-35-6, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 650° F., dwg. No. HV-34-MS, issued September 21, 1961; approved for sizes 1 1/2", 2", 2 1/2", 3", and 4", manufactured by Crosby Ashton, Wrentham, Mass. 02093, effective September 12, 1966. (It is an extension of Approval No. 162.001/224/0 dated Dec. 1, 1961.)

Approval No. 162.001/225/0, Style HN-MS-36-6, carbon steel body pop safety valve, exposed spring, maximum pressure 850 p.s.i., maximum temperature 750° F., dwg. No. HV-34-MS, issued September 21, 1961; approved for sizes 1 1/2", 2", 2 1/2", 3", and 4", manufactured by Crosby-Ashton, Wrentham, Mass. 02093, effective September 12, 1966. (It is an extension of Approval No. 162.001/225/0 dated Dec. 1, 1961.)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/63/0, Morrison Fig. 153B pressure-vacuum relief valve, atmospheric pattern, weight-loaded pressure and vacuum poppets, all brass construction, dwg. No. B4584, dated February 27, 1951, and revised March 12, 1951, and dwg. No. B4585, dated March 6, 1951, approved for size 2 1/2", manufactured by Morrison Bros. Co., Dubuque, Iowa 52003, effective August 4, 1966. (It

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is an extension of Approval No. 162-017/63/0 dated August 24, 1956 (Pub. F.R. Dec. 4, 1956).

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/142/0, Series No. J-38H range for liquefied petroleum gas service approved by the American Gas Association, Inc., under Certificate No. 11-53-1-201 dated January 1, 1966, manufactured by Welbilt Corp., Garland Division, Welbilt Square, Maspeth, N.Y., effective June 3, 1966. (It is an extension of Approval No. 162.020/142/0 dated July 25, 1961.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS, FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/93/0, Alpha-Jet carburetor backfire flame arrester assembly, Model MB1056-5, Alpha Jet Industries, dwg. No. MB1056 Rev. D dated July 29, 1966; approved for use with carburetors having a maximum throat diameter of $\frac{3}{4}$ ", manufactured by Alpha Jet Industries, Inc., 1400 North Baxter, Anaheim, Calif. 92805, effective August 4, 1966.

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/89/0, "Fiberglas Insulation PF-CG," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10230-29: FR3661 dated January 20, 1966, approved in a 6 pounds per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43602, effective July 29, 1966.

Approval No. 164.009/95/0, "J-M 301 CEMENT," incombustible material identified by U.S.C.G. letter July 26, 1966, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective July 27, 1966. (Plant: Waukegan, Ill.)

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFEFLOATS

The Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., no longer manufactures a particular lifefloat and therefore Approval No. 160.027/27/0 was terminated, effective August 26, 1966.

LIFEBOATS

The Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., no longer manufactures certain hand-propelled lifeboats and Approval Nos. 160.035/199/1, 160-035/345/0, and 160.035/416/0 were therefore terminated, effective August 31, 1966.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., Approval Nos. 160.047/315/0, 160.047/316/0, and 160.047/317/0 approvals for certain kapok buoyant vests were terminated, effective August 26, 1966.

The Spiegel, Inc., 1601 West 35th Street, Chicago 9, Ill., Approval Nos. 160.047/321/0, 160.047/322/0, and 160.047/323/0 approvals for certain kapok buoyant vests were terminated, effective August 26, 1966.

The Firestone Tire and Rubber Co., Akron 17, Ohio, Approval Nos. 160.047/457/0, 160.047/458/0, and 160.047/459/0, approvals for certain kapok buoyant vests have expired and are therefore terminated, effective October 5, 1966.

The Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn., Approval Nos. 160.047/481/0, 160.047/482/0, and 160.047/483/0, approvals for certain kapok buoyant vests were terminated, because the manufacturer is no longer in business, effective August 26, 1966.

The Imperial Sports, 205 Belleville Avenue, Bloomfield, N.J., Approval Nos. 160.047/508/0, 160.047/509/0, and 160.047/510/0, approvals for certain kapok buoyant vests have expired and are therefore terminated, effective July 26, 1966.

The Herter's, Inc., Waseca, Minn., Approval Nos. 160.047/511/0, 160.047/512/0, and 160.047/513/0, approvals for certain kapok buoyant vests have expired and are therefore terminated, effective August 21, 1966.

The Bob Erath Co., 603 East Washington Street, South Bend 22, Ind., Approval Nos. 160.047/517/0, 160.047/518/0, and 160.047/519/0, approvals for certain kapok buoyant vests were terminated, because the manufacturer is no longer in business, effective July 29, 1966.

The Liberty Distributors, 2570 Devon Avenue, Des Plaines, Ill. 60016, no longer manufactures certain kapok buoyant vests and therefore Approval Nos. 160.047/541/0, 160.047/542/0, and 160.047/543/0 are terminated, effective August 26, 1966.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., no longer distributes certain kapok buoyant cushions and therefore Approval Nos. 160.048/19/0 and 160.048/20/0 are terminated, effective July 15, 1966.

The Spiegel, Inc., 1601 West 35th Street, Chicago 9, Ill., no longer distributes a particular kapok buoyant cushion and therefore Approval No. 160.048/21/0 is terminated, effective July 15, 1966.

The Firestone Tire & Rubber Co., Akron 17, Ohio, no longer distributes a particular kapok buoyant cushion and therefore Approval No. 160.048/34/0 is terminated, effective July 15, 1966.

The Montgomery Ward & Co., 619 West Chicago Avenue, Chicago 7, Ill., no longer distributes certain kapok buoyant cushions and therefore Approval Nos. 160.048/37/0 and 160.048/38/0 are terminated, effective July 15, 1966, and August 26, 1966.

The Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn., no longer distributes certain kapok buoyant cushions and therefore Approval Nos.

160.048/47/0 and 160.048/48/0 are terminated, effective July 15, 1966.

The G. C. Murphy Co., 531 Fifth Avenue, McKeesport, Pa., no longer manufactures a particular kapok buoyant cushion and therefore Approval No. 160.048/99/0 is terminated, effective August 26, 1966.

The Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., no longer distributes a particular kapok buoyant cushion and therefore Approval No. 160.048/161/0 is terminated, effective July 15, 1966.

The Canvas Specialty Manufacturing Co., 7344 East Bandini Boulevard, Los Angeles 22, Calif., no longer manufactures a particular kapok buoyant cushion and therefore Approval No. 160.048/171/0 is terminated, effective August 26, 1966.

The Firestone Tire & Rubber Co., Akron 17, Ohio, no longer distributes a particular kapok buoyant cushion and therefore Approval No. 160.048/190/0 has expired and is terminated, effective September 26, 1966.

The Herter's Inc., Waseca, Minn., no longer distributes a particular kapok buoyant cushion and therefore Approval No. 160.048/206/0 has expired and is terminated, effective August 22, 1966.

The Bob Erath Co., 603 East Washington Street, South Bend 22, Ind., no longer distributes a particular kapok buoyant cushion and therefore Approval No. 160.048/209/0 has terminated, effective July 29, 1966.

BUOYANT VESTS, UNICELLULAR PLASTIC FORM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The American Pad & Textile Co., 6230 Bienville Street, New Orleans, La., no longer manufactures certain plastic foam buoyant vests and therefore Approval Nos. 160.052/19/0, 160.052/20/0, and 160.052/21/0 have terminated, effective July 15, 1966.

BOILERS (HEATING)

The Harvey-Whipple, Inc., Springfield, Mass., Approval No. 162.003/115/0 for a particular hot water heating boiler has expired and terminated, effective June 1, 1966.

FLAME ARRESTERS FOR TANK VESSELS

The Shand & Jurs Co., Carlton and Eighth Streets, Berkeley 10, Calif., Approval No. 162.016/3/1 for a particular flame arrester has expired and terminated, effective June 1, 1966.

GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

The Metal Goods Manufacturing Co., 110 South Park Avenue, Bartlesville, Okla., Approval No. 162.019/10/1 for a particular liquid level gauge for liquefied compressed gas service has expired and terminated, effective July 26, 1966.

SEMITORPORABLE FIRE EXTINGUISHING SYSTEMS

The Fire Guard Corporation, 1685 Shermer Road, Northbrook, Ill., ap-

provals for Fire Guard Models 50A-WM-4370, 50A-WM2-4373, and 50A-WM-4376, 50-lb. hose reel semiportable fire extinguishing systems and Models 75A-WM-13767, 75A-WM2-13768, and 75A-WM4-13769, 75-lb. hose reel semiportable fire extinguishing systems (162.022/Fire Guard) are terminated because the manufacturer is no longer in business, effective July 29, 1966.

PORTABLE FOAM FIRE EXTINGUISHING SYSTEM

The American La France, division of Sterling Precision Corp., Elmira, N.Y., approvals for Model 300 Foamite Air-foam Nozzle and Model 600 Foamite Air-foam Nozzle portable foam fire extinguishing systems (JJ/162.023/American La France) have expired and are therefore terminated, effective August 2, 1966.

STRUCTURAL INSULATIONS

The Eagle-Picher Sales Co., 420 Lexington Avenue, New York 17, N.Y., no longer conforms to U.S. Coast Guard specification for a particular mineral wool type structural insulation and therefore Approval No. 164.007/3/0 is terminated, effective July 29, 1966.

The Owens-Corning Fiberglas Corp., Toledo 1, Ohio, no longer conforms to U.S. Coast Guard specification for a particular glass wool type structural insulation and therefore Approval No. 164.007/26/0 is terminated, effective July 29, 1966.

BULKHEAD PANELS

The A. L. Jackson, 1146 Ogden Avenue, New York 52, N.Y., Approval No. 164.008/30/0 for a particular hollow steel insulation board lined bulkhead panel has expired and is terminated, effective June 26, 1966.

INCOMBUSTIBLE MATERIALS

The Turners Asbestos Cement Co., Ltd., Trafford Park, Manchester 17, England, no longer manufactures a particular asbestos cement board type incombustible material and therefore Approval No. 164.009/73/0 is terminated, effective July 29, 1966.

Dated: January 26, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67-1546; Filed, Feb. 8, 1967;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

Order Providing for Opening of Public Lands; Correction

JANUARY 30, 1967.

In F.R. Doc. 66-13454, appearing on pages 15816-15817 of the issue for Thursday, December 15, 1966, the description

under Oregon 05842 for T. 33 S., R. 30 E., Sec. 17 should read Sec. 7.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 67-1528; Filed, Feb. 8, 1967;
8:45 a.m.]

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of the land described below will be officially filed in the Fairbanks District and Land Office, Fairbanks, Alaska, effective at 10 a.m., March 10, 1967.

FAIRBANKS MERIDIAN

T. 1 N., R. 2 W. (Group 49).
Sec. 18, All;
Sec. 19-21, All;
Sec. 28-30, All;
Sec. 31-33, All.

The areas described above aggregate 5,503.80 acres.

2. The area surveyed is situated on the easterly slope of Ester Dome, about 10 miles WNW. of Fairbanks, Alaska. The ground is mostly hilly and irregular. The elevation ranges from 660 to 2,250 feet above sea level; the highest part in the SW 1/4 of sec. 30. Some nearly level land is located around the base of Ester Dome in secs. 18, 20, 21, 28, and 33. The soil is clay loam and alluvial silt. Birch, aspen, spruce, and cottonwood are found in all portions of the survey. Numerous mining claims, mines, and abandoned mines are scattered throughout the survey.

3. The entire area of the lands affected by this notice has been selected by the State of Alaska in accordance with and subject to the limitations and requirements of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) and the regulations in 43 CFR 2222.9-1(a) and 43 CFR 1840.

4. Inquiries concerning the lands should be addressed to the Manager, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska 99701.

ROBERT C. KRUMM,
Manager, Fairbanks District
and Land Office.

[F.R. Doc. 67-1529; Filed, Feb. 8, 1967;
8:45 a.m.]

[Wyoming 2942]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 2, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Wyoming 2942, for the withdrawal of lands described below, from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to assure tenure of the described lands to allow for the

full development and use of the Wind and Ice Caves for recreation purposes and insure the preservation of the natural geologic attractions.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.

The Department's regulations 43 CFR 2311.1-3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the *FEDERAL REGISTER*. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

TARGHEE NATIONAL FOREST

Wind and Ice Caves

T. 43 N., R. 117 W. (unsurveyed).

When surveyed will probably be in:
Sec. 30, Lots 3 and 4, according to approved Protraction Diagram No. 7, Wyoming.

T. 43 N., R. 118 W. (unsurveyed).

When surveyed will probably be in:
Sec. 24, S 1/2;
Sec. 25;
Sec. 26, E 1/2 NE 1/4;
Sec. 36, N 1/2, according to approved Protraction Diagram No. 7, Wyoming.

Described by metes and bounds as follows:

Beginning at corner No. 1, a treated post, 4 inches square, 3 feet above the ground, at the junction of South Fork Darby Creek and the unnamed Creek draining from the Wind Cave, in approximate latitude 43° 39' N. and longitude 110° 56' W.

From corner No. 1, by metes and bounds:
S. 47° W. approximately 3,700 feet to corner No. 2 (a large limber pine):

S. 19° E. approximately 6,440 feet to corner No. 3 (the point of a ledge on the divide between South Fork Darby Creek, Fox Creek, and Terrace Creek drainages);

NOTICES

N. 42° E. approximately 5,780 feet to corner No. 4 (a fork in the South Fork of Darby Creek);

N. 38° W. approximately 5,280 feet to corner No. 1, the place of beginning (following the South Fork of Darby Creek).

The area described aggregates approximately 580 acres.

ED PIERSON,
State Director.

[F.R. Doc. 67-1530; Filed, Feb. 8, 1967;
8:45 a.m.]

[Fairbanks 035254]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 2, 1967.

Notice of an application, Serial No. Fairbanks 035254, for withdrawal and reservation of lands was published as F.R. Doc. 66-6008 on page 7842 of the issue for June 2, 1966. The applicant agency has canceled its application. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, the land will at 10 a.m., on February 27, 1967, be relieved of the segregative effect of the above application.

The lands involved in this notice of termination are:

TATALINA AIR FORCE STATION

Commencing at a point on the west boundary of an area withdrawn by Public Land Order 731, which is also the northeast corner of an area withdrawn by PLO 815, at approximate latitude 62°55'44" N., longitude 166°01'12" W.; thence West 600 feet, to a point which is the southwest corner of an area withdrawn by PLO 1740, said point being the true point of beginning for this description; thence West, 4,680 feet, to a point which is the northwest corner of an area withdrawn by PLO 815; thence North, 3,960 feet to a point; thence East 5,280 feet, to a point which is the northwest corner of an area withdrawn by PLO 731; thence South, 3,421.9 feet to a point which is the northeast corner of an area withdrawn by PLO 1740; thence West 600 feet, to a point which is the northwest corner of said area; thence South 538.1 feet to the point of beginning. Containing 472.59 acres, more or less.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 67-1531; Filed, Feb. 8, 1967;
8:45 a.m.]

[Sacramento 067444]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 27, 1967.

Notice of a Bureau of Reclamation, U.S. Department of the Interior application, Sacramento 067444, for withdrawal and reservation of lands for the Shasta Dam and Reservoir of the Central Valley Project, Calif., was published in the *FEDERAL REGISTER*, Vol. 26, No. 147 on pages 6943 and 6944 of the issue for August 2, 1961. The applicant agency has canceled its application involving the lands de-

scribed in the *FEDERAL REGISTER* publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m., on March 7, 1967, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief,
Lands Adjudication Section.

[F.R. Doc. 67-1532; Filed, Feb. 8, 1967;
8:45 a.m.]

AREA MANAGERS, BATTLE MOUNTAIN DISTRICT, NEVADA

Delegation of Authority in General

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, and subject to the limitations in Part III of that order, the Area Managers administering the Shoshone, Eureka, and Tonopah Resource Areas of the Battle Mountain District, Nevada are authorized to act on the following matters within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Battle Mountain District Manager:

DELEGATIONS OF AUTHORITY IN SPECIFIC MATTERS

SEC. 3.3 Fiscal Affairs.

(d) *Trespass.* Determine liability and issue notice of grazing trespass; recommend as to acceptance of settlement offer made.

SEC. 3.7 Range Management. (a) Within grazing districts, the issuance of licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvement.

(4) Expenditure of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase, or maintenance of range improvements.

(d) Soil and moisture conservation; control of halogenet glomeratus.

SEC. 3.8 Forest management. (a) Disposition of forest products including sales of timber not exceeding \$100 in value.

SEC. 3.9 Land use.

(g) Disposition of materials other than forest products, not exceeding \$100 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective upon date of publication in the *FEDERAL REGISTER*.

Dated: January 17, 1967.

HARRY R. FINLAYSON,
District Manager.

Approved:

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 67-1533; Filed, Feb. 8, 1967;
8:45 a.m.]

AREA MANAGERS, ELKO DISTRICT, NEVADA

Delegation of Authority in General

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, and subject to the limitations in Part III of that order, the Area Managers administering the Tuscarora, Humboldt, Contact, and Currie Resource Areas of the Elko District, Nevada are authorized to act on the following matters within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Elko District Manager:

DELEGATIONS OF AUTHORITY IN SPECIFIC MATTERS

SEC. 3.3 Fiscal Affairs.

(d) *Trespass.* Determine liability and issue notice of grazing trespass; recommend as to acceptance of settlement offer made.

SEC. 3.7 Range Management. (a) Within grazing districts, the issuance of licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(4) Expenditure of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase, or maintenance of range improvements.

(d) Soil and moisture conservation including control of Halogenet glomeratus.

SEC. 3.8 Forest Management. (a) Disposition of forest products including sales of timber not exceeding \$100 in value.

SEC. 3.9 Land Use.

(g) Disposition of materials other than forest products, not exceeding \$100 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective upon date of publication in the *FEDERAL REGISTER*.

Dated: January 31, 1967.

J. KENT GILES,
District Manager.

Approved:

NOLAN F. KEIL,
State Director, Nevada.

F.R. Doc. 67-1534; Filed, Feb. 8, 1967;
8:45 a.m.]

**AREA MANAGERS, ELY DISTRICT,
NEVADA**

Delegation of Authority in General

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, and subject to the limitations in Part III of that order, the Area Managers administering the Moriah, Cherry Creek, Currant, and Pony Springs Resource Areas of the Ely District, Nevada are authorized to act on the following matters within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Ely District Manager:

DELEGATIONS OF AUTHORITY IN SPECIFIC MATTERS

SEC. 3.3 Fiscal Affairs.

(d) *Trespass.* Determine liability and issue notice of grazing trespass; recommend as to acceptance of settlement offer made.

SEC. 3.7 Range Management. (a) Within grazing districts, the issuance of licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(4) Expenditure of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase or maintenance of range improvements.

(d) Soil and moisture conservation; control of halogeton glomeratus.

SEC. 3.8 Forest Management. (a) Disposition of forest products including sales of timber not exceeding \$100 in value.

SEC. 3.9 Land Use.

(g) Disposition of materials other than forest products, not exceeding \$100 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective upon date of publication in the **FEDERAL REGISTER**.

Dated: February 1, 1967.

Roy W. BEAN,
District Manager.

Approved:

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 67-1535; Filed, Feb. 8, 1967;
8:45 a.m.]

AREA MANAGERS, LAS VEGAS DISTRICT, NEVADA

Delegation of Authority in General

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, and subject to the limitations in Part III of that order, the Area Managers administering the State Line, Caliente-Virgin Valley and Esmeralda Resource Areas of the Las Vegas District, Nevada are authorized to act on the following matters within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Las Vegas District Manager:

DELEGATIONS OF AUTHORITY IN SPECIFIC MATTERS

SEC. 3.3 Fiscal Affairs.

(d) *Trespass.* Determine liability and issue notice of grazing trespass; recommend as to acceptance of settlement offer made.

SEC. 3.7 Range Management.

(a) Within grazing districts, the issuance of licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(4) Expenditure of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase or maintenance of range improvements.

(d) Soil and moisture conservation; control of halogeton glomeratus.

SEC. 3.8 Forest Management. (a) Disposition of forest products including sales of timber not exceeding \$100 in value.

SEC. 3.9 Land Use.

(g) Disposition of materials other than forest products, not exceeding \$100 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective upon date of publication in the **FEDERAL REGISTER**.

Dated: February 3, 1967.

DENNIS E. HESS,
District Manager.

Approved:

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 67-1536; Filed, Feb. 8, 1967;
8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-272 etc.]

MOBIL OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

JANUARY 31, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A 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.

(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 March 15, 1967.

By the Commission,

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

¹ Does not consolidate for hearing or dispose of the several matters herein.

NOTICES

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R167-272	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001. Attn: H. H. Besson, Esquire.	43	15	Texas Eastern Transmission Corp. (East Provident City Field, Lavaca County, Tex.) (R.R. District No. 2).	\$412	12-30-66	12-1-67	7-1-67	14.6	15.6	
	do.	51	13	Texas Eastern Transmission Corp. (Henze Field, De Witt County, Tex.) (R.R. District No. 2).	273	12-30-66	12-1-67	7-1-67	14.1	14.3733	
	do.	72	14	Texas Eastern Transmission Corp. (Karan Field, Live Oak County, Tex.) (R.R. District No. 2).	239	12-30-66	12-1-67	7-1-67	14.1	14.3733	
	do.	123	11	Texas Eastern Transmission Corp. (San Manuel Field, Hidalgo County, Tex.) (R.R. District No. 4).	37,515	13-30-66	12-1-67	7-1-67	14.4	16.2	
	do.	62	7	Natural Gas Pipeline Co. of America (Old Ocean Field, Brazoria County, Tex.) (R.R. District No. 3).	411,424	12-30-66	12-1-67	7-1-67	14.0	16.37588	R167-150.
	do.	320	16	Natural Gas Pipeline Co. of America (LaGloria Field, Jim Wells and Brooks Counties, Tex.) (R.R. District No. 4).	163,668	12-30-66	12-1-67	7-1-67	14.0	15.5133	R167-150.
	do.	321	10	United Gas Pipe Line Co. (Burnell Field, Karnes, Bee, and Goliad Counties, Tex.) (R.R. District No. 2).	44,652	12-30-66	12-1-67	7-1-67	14.0	15.4850	
	do.	328	3	Lone Star Gathering Co. (Speary, Kawitt, and Yorktown Fields, Karnes and De Witt Counties, Tex.) (R.R. District No. 2).	4,000	12-30-66	12-1-67	7-1-67	16.0	18.0	
	do.	319	8	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Seeligson Field, Jim Wells County, Tex.) (R.R. District No. 4).	1,836	12-30-66	12-1-67	7-1-67	14.6	15.6	
	do.	47	18	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (San Salvador Field, Hidalgo County, Tex.) (R.R. District No. 4).	13,713	12-30-66	12-1-67	7-1-67	14.6	15.6	
	do.	53	8	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (San Ramon Field, Hidalgo County, Tex.) (R.R. District No. 4).	613	12-30-66	12-1-67	7-1-67	14.6	15.6	
	do.	87	5	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Sun Field, Starr County, Tex.) (R.R. District No. 4).	3,716	12-30-66	12-1-67	7-1-67	14.6	15.6	
	do.	96	9	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Heyser Field, Victoria and Calhoun Counties, Tex.) (R.R. District No. 2).	1,230	12-30-66	12-1-67	7-1-67	14.6	15.6	
	do.	2	15	United Fuel Gas Co. (Chalkley Field, Cameron Parish, La.) (Southern Louisiana).	35,610	12-30-66	12-1-67	7-1-67	17.5	18.0	
	do.	37	13	Trunkline Gas Co. (Bearhead Creek Field, Beauregard Parish, La.) (Southern Louisiana).	8,661	12-30-66	12-1-67	7-1-67	15.5	18.3	
	do.	41	18	Trunkline Gas Co. (Clear Creek Field, Beauregard Parish, La.) (Southern Louisiana).	3,004	12-30-66	12-1-67	7-1-67	17.7	19.7	
	do.	106	8	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	594	12-30-66	12-1-67	7-1-67	13.0	14.0605	
	do.	11	9	Panhandle Eastern Pipe Line Co. (North Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	3,003	12-30-66	12-1-67	7-1-67	16.0	18.0	
	do.	15	9	Kansas-Nebraska Natural Gas Co., Inc. (Hugoton Field, Finney County, Kans.).	464	12-30-66	12-1-67	7-1-67	11.0	11.42915	
	do.	22	15	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.) (Panhandle Area).	195	12-30-66	12-1-67	7-1-67	15.0	16.0	
	do.	34	5	Cities Service Gas Co. (South Oklahoma City Field, Oklahoma County, Okla.) (Oklahoma "Other" Area).	9,198	12-30-66	12-1-67	7-1-67	11.0	16.0	
	do.	42	15	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.) (R.R. District No. 6).	288	12-30-66	12-1-67	7-1-67	14.6	15.6	
	do.	156	4	Northern Natural Gas Co. (McKinney Field, Clark County, Kans.).	752	12-30-66	12-1-67	7-1-67	14.0	16.0	
	do.	54	13	Panhandle Eastern Pipe Line Co. (Panhandle Field, Moore County, Tex.) (R.R. District No. 10).	95,942	12-30-66	12-1-67	7-1-67	11.0	12.6737	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-272—Con.	do	93	11	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	220	12-30-66	2-1-67	7-1-67	12 15.0	14 17.0	
	do	94	13	Colorado Interstate Gas Co. (Sparks Field, Morton County, Kans.).	1,947	12-30-66	2-1-67	7-1-67	12 15.330	14 17.374	
	do	100	5	Cities Service Gas Co. (South Glenwood Field, Beaver County, Okla.) (Panhandle Area).	183	12-30-66	2-1-67	7-1-67	12 12.0	13 14.0	
	do	105	4	Northern Natural Gas Co. (Southwest Camp Creek Field, Beaver County, Okla.) (Panhandle Area).	2,384	12-30-66	2-1-67	7-1-67	12 16.440	14 18.032	
	do	128	3	Northern Natural Gas Co. (Northeast Gate Lake Field, Harper County, Okla.) (Panhandle Area).	182	12-30-66	2-1-67	7-1-67	12 16.89	14 18.016	
	do	129	5	Colorado Interstate Gas Co. (Moecane Field, Beaver County, Okla.) (Panhandle Area).	1,181	12-30-66	2-1-67	7-1-67	12 16.905	14 18.032	
	do	158	5	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	86	12-30-66	2-1-67	7-1-67	12 12.0	13 17.0	
	do	179	4	do	515	12-30-66	2-1-67	7-1-67	12 12.0	13 14.0	
	do	180	5	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	185	12-30-66	2-1-67	7-1-67	12 16.0	14 17.0	
	do	222	3	Cities Service Gas Co. (Northeast Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	529	12-30-66	2-1-67	7-1-67	12 13.0	14 14.0	
	do	233	4	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.).	1,090	12-30-66	2-1-67	7-1-67	12 11.0	13 13.5	
	do	234	2	Northern Natural Gas Co. (Camrick Field, Beaver County, Okla.) (Panhandle Area).	591	12-30-66	2-1-67	7-1-67	12 16.5	14 17.5	
	do	248	5	Panhandle Eastern Pipe Line Co. (Hugoton Field, Morton and Stevens Counties, Kans.).	1,113	12-30-66	2-1-67	7-1-67	11 11.0	12 12.0	
	do	267	2	Cities Service Gas Co. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	500	12-30-66	2-1-67	7-1-67	11 11.0	12 12.0	
	do	289	5	Cities Service Gas Co. (Yellowstone Field, Woods County, Okla.) (Oklahoma "Other" Area).	102	12-30-66	2-1-67	7-1-67	12 12.0	13 14.0	
	do	305	3	Cities Service Gas Co. (Comanche Field, Comanche County, Okla.) (Oklahoma "Other" Area).	953	12-30-66	2-1-67	7-1-67	12 15.0	14 16.0	
	do	326	3	Panhandle Eastern Pipe Line Co. (Selling Field, Major County, Okla.) (Oklahoma "Other" Area).	383	12-30-66	2-1-67	7-1-67	12 15.735	13 17.533	
	do	4	6	Cities Service Gas Co. (Astna and Rhodes Fields, Barber County, Kans.).	3,219	12-30-66	2-1-67	7-1-67	22 12.0	23 14.0	
	do	6	7	Cities Service Gas Co. (North Rhodes Field, Barber County, Kans.).	8,505	12-30-66	2-1-67	7-1-67	12 12.0	13 14.0	
	do	122	6	Cities Service Gas Co. (Northwest Sharon Field, Barber County, Kans.).	4,190	12-30-66	2-1-67	7-1-67	12 12.0	13 14.0	
	do	183	5	Cities Service Gas Co. (North Medicine Lodge Field, Barber County, Kans.).	416	12-30-66	2-1-67	7-1-67	12 12.0	13 14.0	
	do	137	12	Northern Natural Gas Co. (Parnell and Northrup Fields, Ochiltree County, Tex.) (R.R. District No. 10).	18,068	12-30-66	2-1-67	7-1-67	16 16.0	18 17.0	
	do	326	6	Northern Natural Gas Co. (Hugoton Field, Haskell County, Kans.).	566	12-30-66	2-1-67	7-1-67	11 11.0	13 15.3021	
	do	188	4	El Paso Natural Gas Co. (South Erick Field, Beckham County, Okla.) (Oklahoma "Other" Area).	270	12-30-66	2-1-67	7-1-67	12 12.0	13 13.0	
	do	304	5	Cities Service Gas Co. (Guymon-Hugoton (Deep) Field, Texas County, Okla.) (Panhandle Area).	54,063	12-30-66	2-1-67	7-1-67	22 12.0	23 13.0	
	Mobil Oil Corp. (Operator) et al.	275	6	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (North Louise Field, Wharton County, Tex.) (R.R. District No. 3).	3,584	12-30-66	2-1-67	7-1-67	14.6	15.6	
	do	21	7	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Piedre-Lumbre Field, Duval County, Tex.) (R.R. District No. 4).	33,788	12-30-66	2-1-67	7-1-67	14.6	15.6	
	do	27	12	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Edinburg County, Hidalgo County, Tex.) (R.R. District No. 4).	21,247	12-30-66	2-1-67	7-1-67	14.6	15.6	

See footnotes at end of table.

NOTICES

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI67-273—Con.	do	28	6	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Frank Field, Colorado County, Tex.) (R.R. District No. 3).	3,891	12-30-66	2-1-67	7-1-67	14.6	14.6	
	do	45	15	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (North Government Wells Field, Duval County, Tex.) (R.R. District No. 4).	964	12-30-66	2-1-67	7-1-67	14.6	14.6	
	do	49	22	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Chesterville and Lissie Fields, Colo., Fort Bend and Wharton Counties, Tex.) (R.R. District No. 3).	13,195	12-30-66	2-1-67	7-1-67	14.6	14.6	
	do	57	17	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Hagist Ranch and North Government Wells Fields, Duval County, Tex.) (R.R. District No. 4).	7,077	12-30-66	2-1-67	7-1-67	14.6	14.6	
	do	83	9	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (La Reforma Field, Starr and Hidalgo Counties, Tex.) (R.R. District No. 4).	1,347	12-30-66	2-1-67	7-1-67	14.6	14.6	
	do	178	4	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Seeligson Field, Jim Wells County, Tex.) (R.R. District No. 4).	26,353	12-30-66	2-1-67	7-1-67	14.6	14.6	
	do	243	5	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Pasciello Field, Victoria County, Tex.) (R.R. District No. 2).	3,526	12-30-66	3-1-67	7-1-67	14.0	14.0	
	do	38	12	El Paso Natural Gas Co. (Carcilla Area and Regina Area, Rio Arriba County, N. Mex.).	37,454	12-30-66	2-1-67	7-1-67	13.0	13.0	
	do	32	6	Northern Natural Gas Co. (Hugoton Field, Haskell and Seward Counties, Kans.).	6,214	12-30-66	2-1-67	7-1-67	11.0	11.0	
	do	125	4	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (R.R. District No. 10).	672	12-30-66	2-1-67	7-1-67	15.5	15.5	
	do	168	4	Natural Gas Pipeline Co. of America (South Rainey Field, Washita County, Okla.) (Oklahoma "Other" Area).	13,765	12-30-66	2-1-67	7-1-67	15.08	15.08	
	do	323	3	Natural Gas Pipeline Co. of America (Chitwood (Deep) Field, Grady County, Okla.) (Oklahoma "Other" Area).	41,522	12-30-66	2-1-67	7-1-67	15.0	15.0	
	do	303	3	Panhandle Eastern Pipe Line Co. (Guymen-Hugoton Field, Texas County, Okla.) (Panhandle Area).	124	12-30-66	2-1-67	7-1-67	11.0	11.0	
	do	5	13	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	14,775	12-30-66	2-1-67	7-1-67	12.0	12.0	
RI67-274—	Mobil Oil Corp. (Operator).	3	34	Cities Service Gas Co. (Hugoton Field, Grant County, Kans.).	486,985	12-30-66	2-1-67	7-1-67	13.0	13.0	
RI67-275—	Mobil Oil Corp., et al.	140	4	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.) (Panhandle Area).	121	12-30-66	2-1-67	7-1-67	15.0	15.0	
	do	281	7	Northern Natural Gas Co. (Hugoton Field, Stevens and Morton Counties, Kans.).	2,727,000	12-30-66	2-1-67	7-1-67	11.0	11.0	
	do	282	9	Northern Natural Gas Co. (Hugoton Field, Stevens County, Kans.).	655,355	12-30-66	2-1-67	7-1-67	11.0	11.0	
	do	284	12	Northern Natural Gas Co. (Guymen-Hugoton Field, Texas County, Okla.) (Panhandle Area) and Hugoton Field, Morton County, Kans.).	318	12-30-66	2-1-67	7-1-67	11.0	11.0	
	do	299	5	Panhandle Eastern Pipe Line Co. (Hugoton Field, Morton County, Kans.).	365	12-30-66	2-1-67	7-1-67	11.0	11.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supple- ment 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 to refund in docket Nos.
H167-275— Con.	do.	283	14	Cities Service Gas Co. (Guy- mon-Hugoton (Shallow) Field, Texas County, Okla.) (Panhandle Area).	423,889	12-30-66	2-1-67	7-1-67	12 1/2 + 13.0	12 1/2 + 15.0

¹ The stated effective date is 30 days after Jan. 1, 1967, the date of expiration of filing moratorium pursuant to terms of settlement in Docket Nos. G-12193 et al.

² Periodic rate increase.

³ Pressure base is 14.65 p.s.i.a.

⁴ Settlement rate pursuant to Mobil's company-wide settlement approved by Commission order issued May 5, 1964, in Docket Nos. G-12193 et al.

⁵ Increase to contractually provided rate.

⁶ Equivalent to 14.5733 cents when a standard differential of 0.5 cent maintained by Texas Eastern for delivery of dehydrated gas at a central point is taken into consideration.

⁷ Increase from "fractured" rate previously suspended to contractually provided for redetermined rate plus proportional increase in tax reimbursement.

⁸ Rate, although equal to area increased ceiling, was suspended due to Mobil's refusal to waive its right to file for the additional increment to which it was contractually entitled.

⁹ Includes Agreement dated Aug. 20, 1965, providing for the rate change reported herein. (Agreement filed Jan. 10, 1966.) Rate to apply for the 3-year period beginning Oct. 1, 1965.

¹⁰ Redetermined rate increase.

¹¹ Increase to contractually provided initial rate.

¹² Basic contract acreage.

¹³ Increase to contractually provided periodic rate.

¹⁴ Rate for gas sold pursuant to acreage added under Supplement No. 14 only.

¹⁵ "Fractured" rate increase. Contract provides for 21.1 cents (19.6-cent base rate plus 1.5 cents tax reimbursement) from Nov. 1, 1964, to Nov. 1, 1969.

¹⁶ Pressure base is 15,025 p.s.i.a.

¹⁷ Inclusive of tax reimbursement.

¹⁸ Redetermined rate increase based on Amendatory Agreement accepted for filing in Supplement No. 2. Provides for 16.8-cent rate applicable for the 5-year period commencing Jan. 1, 1967.

Mobil Oil Corp., Mobil Oil Corp. (Operator) et al., Mobil Oil Corp. (Operator), and Mobil Oil Corp. et al. (all referred to herein as Mobil) request waiver of the statutory notice to permit their rate increases to become effective as of January 1, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mobil's rate filings and such requests are denied.

The proposed rate increases were filed under rate schedules included under Mobil's company-wide settlement approved by Commission order issued May 5, 1964, in Docket Nos. G-12193 et al. The moratorium provided for filing increases, as provided by the settlement order, expired January 1, 1967. Mobil's rate filings were submitted on December 30, 1966, 2 days prior to the expiration of the moratorium period. Therefore, the expiration of the 30-day statutory notice requirement should commence on February 1, 1967, consistent with the settlement order.

Supplement Nos. 13 and 14 to Mobil's FPC Gas Rate Schedule Nos. 51 and 72, respectively, provide for sales of gas to Texas Eastern Transmission Corp. (Texas Eastern) from Menze Field, DeWitt County, and Karon Field, Live Oak County, Tex. (Texas RR. District No. 2). The gas purchased by Texas Eastern in this area (Wilcox Trend) is transported by Texas Eastern to the Goliad Plant, operated by Mobil, where it is then processed for the extraction of liquid components, dehydrated and redelivered to Texas Eastern at the outlet of such plant. Texas Eastern maintains a standard contract differential of 0.5 cent for dehydrated gas delivered at a central point in the Wilcox Area. The actual cost incurred by Texas Eastern for dehydration and central point delivery of the subject gas is not ascertainable at this time but the Commission has applied the standard 0.5 cent differential for these costs in determining whether the proposed rate exceeds the applicable area increased rate ceiling. The addition of this 0.5 cent differential to the proposed rates contained in Mobil's aforemen-

tioned Supplement Nos. 13 and 14, since Texas Eastern must gather and dehydrate the subject gas, would cause such rate to exceed the area increased ceiling level of 14.6 cents under the second amendment for pipeline quality gas. Pipeline quality gas in this area is understood to apply to sales of dehydrated gas delivered at a central point in the field. Under the circumstances, Mobil's proposed increased rates contained in Supplement Nos. 13 and 14 are suspended as hereinbefore ordered because the sales related thereto are considered to be for nonpipeline quality gas within the meaning of the Commission's statement of general policy No. 61-1, as amended, because of the cost incurred by the buyer for dehydrating and gathering.

[F.R. Doc. 67-1430; Filed, Feb. 8, 1967; 8:45 a.m.]

[Docket No. CP64-182]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

FEBRUARY 1, 1967.

Take notice that on January 25, 1967, Colorado Interstate Gas Co. (Petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP64-182 a petition to amend the order issued in said docket on June 2, 1964, and as amended by the orders issued on April 14 and December 28, 1965, by authorizing the extension of the period for the exchange of natural gas between Petitioner and Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in the instant proceeding on June 2, 1964, Petitioner was authorized to deliver up to 10,000 Mcf of interruptible gas per day to Natural

in return for like volumes which Natural agreed to deliver to Cabot Corp. for Petitioner's account, such deliveries were limited to the calendar year 1964. By the amending orders issued April 14 and December 28, 1965, such exchanges were authorized to continue to April 1, 1967.

By the instant petition Petitioner now requests that the order of June 2, 1964, granting the certificate of public convenience and necessity be amended by authorizing the above described exchange to be continued to April 1, 1968, on the same interruptible basis.

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 March 1, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1520; Filed, Feb. 8, 1967; 8:45 a.m.]

[Docket No. CP67-209]

COLORADO INTERSTATE GAS CO.

Notice of Application

FEBRUARY 1, 1967.

Take notice that on January 25, 1967, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP67-209 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1967 of miscellaneous gas

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gathering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to construct and operate routine gas supply facilities, including pipeline, metering and compression facilities, which will enable Applicant to take into its certificated main transmission system relatively small additional supplies of natural gas as they become available from independent producers or other similar suppliers in the general area of Applicant's existing transmission system.

The total estimated cost of the proposed facilities is \$600,000 with no single project exceeding \$150,000. The construction will be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 1, 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.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1521; Filed, Feb. 8, 1967;
8:45 a.m.]

[Docket No. CP67-212]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

FEBRUARY 1, 1967.

Take notice that on January 26, 1967, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP67-212 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 transmission facilities, all as more fully described in the application which is on file with the Commission and open for public inspection.

Specifically, Applicant proposes the construction and operation of the following facilities:

(1) Approximately 10.7 miles of 20-inch pipeline No. 554, looping existing

lines Nos. 14 and 24, extending in a northerly direction from Craig's Connection to the Caladonia Connection, all in Livingston County, N.Y.

(2) Approximately 10 miles of 30-inch pipeline No. 550, looping existing line No. 30, extending in a northeasterly direction from the DeRuyter Connection toward the Morrisville Connection, all in Madison County, N.Y.

(3) Approximately 11.3 miles of 20-inch pipeline No. 550, looping existing line No. 30, extending in an easterly direction from the Herkimer Connection to the Cramer Gate, all in Herkimer County, N.Y.

The increased transmission capacities will be used to meet normal growth in Consolidated Gas' market requirements. No new sales or service is proposed in this application.

The total estimated cost of the proposed facilities is \$3,781,113. The facilities are to be financed by funds on hand and funds to be obtained from Applicant's parent corporation, Consolidated Natural Gas Co.

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 March 1, 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.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1522; Filed, Feb. 8, 1967;
8:45 a.m.]

[Docket No. CP67-208]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

FEBRUARY 1, 1967.

Take notice that on January 24, 1967, Panhandle Eastern Pipe Line Co. (Applicant), 3444 Broadway, Kansas City, Mo. 64111, filed in Docket No. CP67-208 an application pursuant to sections 7 (b) and (c) of the Natural Gas Act for permission and approval to sell certain facilities and to abandon in place certain other facilities and for a certificate of

public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale 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 requests that pursuant to section 7(b) of the Act that the Commission grant permission and approval to allow the sale and transfer to Greenfield Gas Co., Inc. (Greenfield Gas), that portion of Applicant's lateral extending north from the existing Greenfield, Ind., town border station and consisting of approximately 1,813 feet of the Greenfield 4-inch lateral and approximately 1,607 feet of the Greenfield 6-inch lateral, together with all appurtenant facilities, plus the measuring and regulating station presently located on the lateral. Applicant will remove and retain certain equipment presently located at the measuring and regulating station.

Also pursuant to section 7(b) of the Act Applicant seeks to abandon in place a portion of the aforementioned Greenfield 4-inch lateral consisting of approximately 30 feet of pipe extending north from the terminus of the portion sold Greenfield Gas to the point of interconnection with the new measuring and regulating station.

Pursuant to section 7(c) of the Act Applicant requests authorization to construct and operate a measuring and regulating station on the Greenfield lateral, at Applicant's own expense, on a site now under lease at the terminus of that portion of the Greenfield lateral which Applicant will continue to own following the sale and transfer of facilities to Greenfield Gas. Applicant also seeks to construct and operate a 4-inch pipeline extending east approximately 240 feet from the new measuring and regulating facilities to Greenfield 4-inch lateral.

The total estimated cost of the proposed construction is \$35,700, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 1, 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 and permission-and-approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 67-1523; Filed, Feb. 8, 1967;
8:45 a.m.]

[Docket No. CP67-214]

UNITED NATURAL GAS CO.

Notice of Application

FEBRUARY 1, 1967.

Take notice that on January 27, 1967, United Natural Gas Co. (Applicant), 308 Seneca Street, Oil City, Pa. 16301, filed in Docket No. CP67-214 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Prospect Oil and Gas Co. (Prospect), Chicora, Pa., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has acquired all of the gas distribution plant of Prospect and the former Prospect retail customers are now being served directly by Applicant. This acquisition has eliminated the need for the sale of natural gas to Prospect for resale to consumers and Applicant proposes to eliminate this sale and remove its measurement facilities associated therewith. Applicant was authorized to make the subject sale in Docket No. G-2230.

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 March 2, 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 permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 67-1524; Filed, Feb. 8, 1967;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Mississippi natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Calhoun. Madison.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 3d day of February 1967.

ORVILLE L. FREEMAN,
Secretary.

[P.R. Doc. 67-1540; Filed, Feb. 8, 1967;
8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration AIR REDUCTION CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2142) has been filed by Air Reduction Co., Inc., 150 East 42d Street, New York, N.Y. 10017, proposing an amendment to § 121.2521 *Vinyl chloride-propylene copolymers* to provide for additional safe use of vinyl chloride-propylene copolymers as components of articles intended for use in contact with all types of foods including foods that are fats or which contain free fat or oil.

Dated: February 2, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[P.R. Doc. 67-1554; Filed, Feb. 8, 1967;
8:46 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Triphenyltin Hydroxide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 6F0496) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Mo. 66110, proposing the establishment of a tolerance of 0.05 part per million for residues of the fungicide triphenyltin hydroxide in or on the raw agricultural commodity potatoes.

The analytical method proposed in the petition for determining residues of the fungicide is that of polarography, in which tin is coprecipitated with aluminum hydroxide. The precipitate is dissolved in electrolyte solution and then determined polarographically.

Dated: February 2, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[P.R. Doc. 67-1555; Filed, Feb. 8, 1967;
8:46 a.m.]

UPJOHN CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0558) has been filed by the Upjohn Co., Kalamazoo, Mich. 49001, proposing the establishment of tolerances for residues of the fungicide 2,6-chloro-4-nitroaniline in or on raw agricultural commodities, as follows: 0.5 part per million in or on almond husks; and 0.05 part per million in or on almond meats.

The analytical methods proposed in the petition for determining residues of the fungicide are a colorimetric procedure based upon the measurement of the color at 464 millimicrons developed by the reaction of the fungicide with potassium hydroxide and a gas-liquid chromatographic procedure using a microcoulometric detector.

Dated: February 2, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[P.R. Doc. 67-1556; Filed, Feb. 8, 1967;
8:46 a.m.]

[Docket No. FDC-D-101; NDA No. 14-713]

UBIOTICA CORP.

"U" Series Drugs; Notice of Opportunity for Hearing

Notice is hereby given to Ubiotica Corp., 8000 West Seven Mile Road, Detroit, Mich. 48221, that the Commissioner

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of Food and Drugs proposes to issue an order refusing approval of new-drug application No. 14-712, dated June 17, 1966 (original submission dated May 29, 1963, and withdrawn from consideration at request of applicant on November 26, 1963), submitted by Ublotica Corp. for the drugs "U" Series Drugs, the applicant having made written request to file the new-drug application over protest, on the grounds that the new-drug application is incomplete and inadequate to show that said drugs are safe and effective for use as prescribed, recommended, or suggested in the labeling, in that:

1. The reports of investigations included with the application do not include adequate tests by all methods deemed reasonably applicable to show whether or not the drugs are safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling.

a. The investigative reports do not contain sufficiently detailed clinical cases on a sufficient number of individuals to be adequate to establish whether or not the drugs are safe for their proposed use.

b. Adequate tests to describe the toxicological and pharmacological properties of the drug formulations have not been submitted.

2. The results of the tests included with the application do not show that the drug formulations are safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling.

a. The drug formulations used in the animal trials reported do not correspond to the various formulations represented to be those of the various "U" Series Drugs.

b. The results of clinical tests reported contain no evidence of control, laboratory monitoring, or objective observation being made.

3. The methods used in and the facilities and controls used for the manufacture, processing, and packaging of the drug are inadequate to preserve its identity, strength, quality, and purity.

a. There is a lack of full information concerning the components of the drugs and their composition, and there are inconsistencies in the information provided.

b. The controls do not contain specifications for acceptance for each lot of all components going into the manufacture of the finished product or a full description of the laboratory procedures that will be employed to check the specifications for all components.

c. Data have not been submitted to establish the stability of the product which would show that the methods, facilities, and controls used in the production and packaging of the drugs are adequate to preserve their identity, strength, quality, and purity.

d. A full description of the methods used in, and the facilities and controls used for the manufacture, processing, and packaging of the drugs has not been submitted.

4. On the basis of available information, there is insufficient information to determine whether or not the drugs are safe for use under conditions prescribed,

recommended, or suggested in the proposed labeling. The information is insufficient to make such a determination in the absence of adequate clinical tests on an adequate number of patients and animal studies showing the toxicological and pharmacological properties of the formulations making up the "U" Series Drugs.

5. Evaluated on the basis of the information submitted as part of the new-drug application, there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof. The information submitted as part of the new-drug application does not include reports of well-controlled clinical investigations by experts qualified by scientific training and experience to evaluate the effectiveness of the drugs from which it could fairly and responsibly be concluded that the drugs will have the effect in the treatment of mongolism that they are represented and purported to have.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in Part 130, Title 21, Code of Federal Regulations, the Commissioner will give the applicant named above an opportunity for a hearing at which time the applicant may produce evidence and arguments on the question of whether the application is approvable.

Within 30 days from the date of publication of this notice in the *FEDERAL REGISTER*, the applicant is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail itself of the opportunity for a hearing; or

2. Not to avail itself of the opportunity for a hearing.

If the applicant elects not to avail itself of the opportunity for a hearing, the Commissioner without further notice will enter a final order refusing to approve the application, with prejudice to future referral to the application by the applicant. Failure of the applicant to file such a written appearance of election within 30 days following the date of publication of this notice in the *FEDERAL REGISTER* will be construed as an election by the applicant not to avail itself of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If the applicant elects to avail itself of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355), and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120).

Dated: February 6, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-1581: Filed, Feb. 8, 1967;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2048]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND HENRY W. HOAGLAND

Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

FEBRUARY 3, 1967.

Notice is hereby given that American Research and Development Corp. ("Research"), a Massachusetts corporation and a registered closed-end nondiversified, management investment company, and Henry W. Hoagland, a vice president of Research, have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"). The applicants request an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale by Hoagland of 1,000 shares of common stock of Ionics, Inc. ("Ionics"), to Research at \$4.50 a share, or a total of \$4,500 plus payment by Research of the proposed sellers out-of-pocket expenses estimated at not more than \$150. All interested persons are referred to the application which is on file with the Commission for a statement of applicants' representations, which are summarized below.

Hoagland, who as noted above, is a vice president of Research, has been an officer of applicant since 1953. Under section 2(a)(3) of the Act, therefore, Hoagland is an affiliated person of Research. Accordingly, section 17 of the Act, as here pertinent, makes it unlawful for Hoagland to sell the Ionics stock to Research unless the Commission grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned and that it is consistent with the general purposes of the Act.

The instant proposal arises out of certain earlier transactions relating to Ionics, Hoagland, and Research. Between 1948 and 1955 Research acquired capital stock of Ionics, and it now owns

216,929 shares of Ionics stock, or approximately 39 percent of the 568,589 shares of such stock presently outstanding. On May 11, 1956, while Hoagland was an officer of Research and while Ionics (through ownership by Research of Ionics stock) was under control of Research within the meaning of the term "control" as defined in section 2(a)(9) of the Act, Ionics granted to Hoagland an option to purchase from Ionics 3,000 shares of Ionics stock at \$4.50 a share. During 1959 and 1960, Hoagland who was still an officer of Research exercised such option to the extent of purchasing 2,000 shares of Ionics stock. On May 10, 1966, the day prior to the expiration of the option, Hoagland exercised the option to purchase the balance of 1,000 Ionics shares remaining subject to the option at the option price of \$4.50 a share. The average of the bid and asked prices for Ionics stock in the over-the-counter market on May 10, 1966, was approximately \$15.25 a share. Under the terms of the option which Hoagland has exercised, Ionics had the right of first refusal for a period of 6 months after the date of exercise with respect to the 1,000 shares of Ionics stock.

Following expiration of the 6 months period, Hoagland offered to sell the 1,000 shares of Ionics to Research at his cost of \$4.50 a share plus his out-of-pocket expenses with respect to the exercise of the option. On December 1, 1966, applicant decided to purchase the shares from Hoagland. The average of the bid and asked prices for Ionics stock in the over-the-counter market on December 1, 1966, was about \$11.885 a share.

The applicants state that the terms of the proposed transaction are reasonable and fair because it affords Research the opportunity to purchase for about \$4.500 plus negligible expenses stock with a quoted market value of about \$11,875. They also state that consummation of the proposal will render moot any uncertainty stemming from continuing ownership by Hoagland of these shares of Ionics stock; that it is consistent with the policy of Research; and that it is in the interest of investors.

Notice is further given that any interested person may, not later than February 23, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should 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 the applicants 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. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F.R. Doc. 67-1540; Filed, Feb. 8, 1967;
8:46 a.m.]

[70-4451]

ARKANSAS POWER & LIGHT CO. AND MIDDLE SOUTH UTILITIES, INC.

Proposed Issue and Sale of Bonds and Stock

FEBRUARY 3, 1967.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Arkansas Power & Light Co., ("Arkansas"), 280 Park Avenue, New York, N.Y. 10017, a public-utility subsidiary company of Middle South, have filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 9, and 12 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, \$30 million principal amount of its first mortgage bonds, ____ percent series due March 1, 1997. The interest rate on 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 Arkansas (which will be not less than 100 percent nor more than 102 $\frac{1}{4}$ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Arkansas' mortgage and deed of trust, dated as of October 1, 1944, to Morgan Guaranty Trust Co. of New York, as Trustee, as heretofore supplemented and as to be further supplemented by a 15th supplemental indenture to be dated as of March 1, 1967. The net proceeds from the sale of the new bonds are to be used by Arkansas for its current construction program (estimated for 1967 at \$57,400,000) and for other corporate purposes, including the repayment of short-term bank loans.

As of November 30, 1966, the earned surplus of Arkansas amounted to \$22,768,659. Arkansas proposes to transfer \$3 million of its earned surplus and credit

such amount to its common stock capital account. Concurrently with such transfer, Arkansas proposes to issue to Middle South (the holder of all of the issued and outstanding shares of Arkansas' common stock, \$12.50 par value), and Middle South proposes to acquire, 240,000 additional shares of Arkansas' authorized but unissued common stock aggregating \$3 million in par value. It is stated that the issuance of such common stock will permit Arkansas to convert into capital a portion of its earned surplus which has been permanently invested in betterments and improvements of its physical properties.

Fees and expenses incident to the proposed issuance and sale of the new bonds are estimated at \$82,500, including auditors' fees of \$3,000, and counsel fees of \$23,000. Fees of counsel for the underwriters in the amount of \$9,000, together with out-of-pocket expenses, are to be paid by the successful bidders. The filing states that in connection with the issuance of the common stock no special or separable expenses of any kind are anticipated by either Arkansas or Middle South.

The proposed transactions have been expressly authorized by the Arkansas Public Service Commission, the State commission of the State in which Arkansas is organized and doing business. The filing states that the Tennessee Public Service Commission, the commission of a State in which Arkansas also does business, asserts jurisdiction over the proposed transactions and that the order of said commission is to be filed herein by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 2, 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 application-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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective 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. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in

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this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-1541; Filed, Feb. 8, 1967;
8:46 a.m.]

[File No. 1-2326]

NAUTEC CORP.

**Notice of Application To Withdraw
From Listing and Registration**

FEBRUARY 3, 1967.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Detroit Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following: The reasons advanced by the Board of Directors for the application are as stated in the company's proxy statement dated October 7, 1966, which is on file with the Commission and has been disseminated to stockholders. The delisting of the common stock of the company was approved by stockholders on November 2, 1966, in accordance with the rules of the exchange.

Any interested person may, on or before February 20, 1967, submit by letter to the Secretary of the Securities and Exchange Commission, Washington 25, D.C., facts bearing upon whether the application has been made in accordance with the rules of the exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-1542; Filed, Feb. 8, 1967;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18154]

**BRITISH OVERSEAS AIRWAYS
CORP.**

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on February 28, 1967, at 10 a.m., e.s.t., in Room 211, Universal Building, 1825 Connecti-

cut Avenue NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., February 3, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-1551; Filed, Feb. 8, 1967;
8:46 a.m.]

**PACIFIC AIR LINES, INC. SERVICE TO
MEDFORD, OREG.**

[Docket No. 18093]

**Notice of Postponement of Prehearing
Conference**

Notice is hereby given that the prehearing conference to be held in the above-entitled matter on February 14, 1967, is postponed to March 7, 1967, at 10 a.m., e.s.t., in Room 211, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., February 2, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-1552; Filed, Feb. 8, 1967;
8:46 a.m.]

**INTERSTATE COMMERCE
COMMISSION**

[Notice 1027]

**MOTOR CARRIER, BROKER, WATER
CARRIER AND FREIGHT FOR-
WARDER APPLICATIONS**

FEBRUARY 3, 1967.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the *FEDERAL REGISTER* issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the *FEDERAL REGISTER* issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 217), filed January 20, 1967. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 1111 Scarritt Building, Kansas City, Mo. 64106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products and meat byproducts and articles distributed by meat packing-houses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., located at or near Downs, Kans., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, West Virginia, and the District of

¹ Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Columbia, restricted to traffic originating at the above-named origin points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 1470 (Sub-No. 8), filed January 25, 1967. Applicant: COLUMBUS AND CHICAGO MOTOR FREIGHT, INCORPORATED, 1053 East Fifth Avenue, Columbus, Ohio 43215. Applicant's representative: Robert T. Fitzsimons, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, class A and B explosives, alcoholic liquors, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) (1) from Sidney, Ohio, over Ohio Highway 29 to St. Marys, Ohio, thence over U.S. Highway 33 to Fort Wayne, Ind., (2) from Kenton, Ohio, over U.S. Highway 68 to Williamstown, Ohio, thence over U.S. Highway 30N to Delphos, Ohio, and (3) from Marysville, Ohio, over U.S. Highway 33 to Bellefontaine, Ohio, thence over U.S. Highway 33 to St. Marys, Ohio, and return over the same routes, for operating convenience only in (1), (2), and (3) above. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 2202 (Sub-No. 307), filed January 23, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW, Washington, D.C. 20036, and Douglas W. Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Rockwell Manufacturing Co. located at or near Jackson, Tenn., as an off-route point in connection with applicant's presently held authorized regular route authority between Cleveland, Ohio, and Memphis, Tenn. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 2202 (Sub-No. 308), filed January 23, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW, Washington, D.C. 20036, and Douglas W. Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Augusta and Macon, Ga.: From Augusta over U.S. Highway 278 to junc-

tion Georgia Highway 16, thence over Georgia Highway 16 to junction Georgia Highway 22, thence over Georgia Highway 22 to junction Georgia Highway 49, thence over Georgia Highway 49 to Macon and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and (2) between Augusta and Savannah, Ga.: from Augusta over U.S. Highway 25 to junction Georgia Highway 24, thence over Georgia Highway 24 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Georgia Highway 21, thence over Georgia Highway 21 to Savannah and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. **NOTE:** Applicant states the purpose of the proposed routes is to enable it to combine Macon and Savannah traffic with Augusta traffic in truck load lots thereby loading direct rather than through an expensive break bulk operation. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 2202 (Sub-No. 310), filed January 24, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW, Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Richmond, Va., and Charleston, W. Va., from Richmond over U.S. Highway 250 to junction U.S. Highway 340, thence over U.S. Highway 340 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 60, thence over U.S. Highway 60 to Charleston and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. **NOTE:** Applicant states that it presently has the authority sought by this application as set forth in its Sub-No. 235. The route is restricted "against the transportation of traffic moving from, to, or through Indianapolis or Seymour, Ind." The purpose of this republication is to remove the restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 2202 (Sub-No. 311), filed January 24, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW, Washington, D.C., and Douglas W. Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Com-

mission, commodities in bulk, and those requiring special equipment), (1) between Dallas and Greenville, Tex., over Interstate Highway 30 (also over U.S. Highway 67), serving no intermediate points, as an alternate route for operating convenience only, (2) between Greenville, Tex., and junction U.S. Highway 75 and Texas Highway 24 north of McKinney, Tex., over Texas Highway 24, serving no intermediate points, as an alternate route for operating convenience only, (3) between junction U.S. Highway 75 and Texas Highway 24 and Denton, Tex., over Texas Highway 24, serving no intermediate points, as an alternate route for operating convenience only, and (4) between Greenville and Paris, Tex., over U.S. Highway 271, serving no intermediate points, as an alternate route for operating convenience only. **NOTE:** Applicant states the purpose of this application is to enable it to consolidate traffic moving to or from Greenville, McKinney, Denton, and Paris, Tex., in one vehicle. This will reduce both the number of vehicles required to service these points and the mileage, although not resulting in a new service. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 8989 (Sub-No. 210), filed January 24, 1967. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Post Office Box 1288, Lansing, Mich. 48904. Applicant's representative: Albert F. Beasley, 1019 Investment Building, 1511 K Street, NW, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and chassis, component parts of and accessories for the same and mockup and cutaway models thereof*, for special events, display, experiment, or testing, and display equipment used in connection therewith, between points in the United States (except Alaska and Hawaii); restricted to the handling of such commodities manufactured or assembled by or for Oldsmobile Division of General Motors Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held in Washington, D.C., Lansing or Detroit, Mich.

No. MC 17002 (Sub-No. 39) (Amendment), filed August 15, 1966, published in the *FEDERAL REGISTER* issue of September 1, 1966, amended and republished as amended this issue. Applicant: CASE DRIVEAWAY, INC., 8001 U.S. Route 60 East, Huntington, W. Va. 25705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Chicago, Ill., and its commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee,

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Texas, and Wisconsin; and, (2) *iron and steel and iron and steel articles*, between Portage, Ind., on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Virginia, and West Virginia. **NOTE:** The purpose of this republication is to broaden the authority sought by adding Item 2, above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Pittsburgh, Pa., or Washington, D.C.

No. MC 35320 (Sub-No. 92) (Amendment), filed December 27, 1966, published in the *FEDERAL REGISTER* issue of January 19, 1967, amended January 24, 1967, and republished this issue. Applicant: **T.I.M.E. FREIGHT, INC.**, 2598 74th Street, Post Office Box 1120, Lubbock, Tex. 79408. Applicant's representatives: W. D. Benson, Jr., Ninth Floor, Citizens Tower, Lubbock, Tex. 79401, and Frank M. Garrison, Post Office Box 1120, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Los Angeles, Calif., and St. Louis, Mo., (1) from Los Angeles over U.S. Highway 99 (Interstate Highway 10) to Indio, Calif.; thence over U.S. Highway 60 (U.S. Highway 70) to junction Arizona Highway 71; thence over Arizona Highway 71 to junction Alternate U.S. Highway 89 (also U.S. Highway Alternate 89) to Flagstaff, Ariz.; thence over U.S. Highway 66 (Interstate Highway 40) to U.S. Highway 54 (near Tucumcari, N. Mex.); thence over U.S. Highway 54 to junction Kansas Highway 61; thence over Kansas Highway 61 to junction U.S. Highway 50; thence over U.S. Highway 50 to Kansas City, Mo.; thence over U.S. Highway 40 or Interstate Highway 70 to St. Louis, Mo.; (2) from Los Angeles, Calif., over the route specified in (1) above to junction U.S. Highway 54 (Tucumcari, N. Mex.); thence over U.S. Highway 54 to junction Interstate Highway 35; thence over Interstate Highway 35 to Kansas City, Mo.; thence over U.S. Highway 40 or Interstate Highway 70 to St. Louis, Mo.; and (3) from Los Angeles over route specified in (1) above to junction U.S. Highway 54 (near Tucumcari, N. Mex.); thence over U.S. Highway 54 to junction Interstate Highway 35; thence over Interstate Highway 35 and Kansas Turnpike to junction Interstate Highway 70; thence over U.S. Highway 40 or Interstate Highway 70 to St. Louis, Mo., and return over the same routes, serving no intermediate point, but serving Tucumcari, N. Mex., and Kansas City, Mo., for purposes of joinder only, as alternate routes for operating convenience only, in connection with carrier's otherwise authorized routes. No duplicate authority is sought. **NOTE:** The purpose of this republication is to change the description of Interstate Highway 40 to read U.S. Highway 40, to St. Louis, Mo. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 38383 (Sub-No. 21) (Amendment), filed August 16, 1966, published *FEDERAL REGISTER* issue of September 9, 1966, amended January 27, 1967, and republished as amended, this issue. Applicant: **THE GLENN CARTAGE COMPANY**, a corporation, 1115 South State Street, Girard, Ohio 44420. Applicant's representative: H. M. Reinerth, 660 Terminal Tower, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, North Dakota, Ohio, Missouri, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. **NOTE:** The purpose of this republication is to add Portage, Ind., as a point in the base territory thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 42487 (Sub-No. 665), filed January 19, 1967. Applicant: **CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE**, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, 7101 South Cicero Avenue, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Rochester and East Bloomfield, N.Y.; from Rochester over New York Highway 15A to Lima, N.Y., thence over U.S. Highway 20 to East Bloomfield (also from Rochester over New York Highway 96 to Victor, N.Y., thence over unnumbered highway (commonly known as Victor-Holcomb Road), to East Bloomfield), and return over the same route, serving no intermediate points, and (2) serving East Bloomfield, N.Y., as an intermediate point in connection with applicant's presently held authorized regular route authority over U.S. Highway 20. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 52657 (Sub-No. 652), filed January 23, 1967. Applicant: **ARCO AUTO CARRIERS, INC.**, 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bodies, cabs hoists* (including power gates and lift gates), *machine shop lubrication*

units, and containers, (2) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial truckaway service, and (3) *materials, supplies, and parts* used in the manufacture, assembly, and servicing of the commodities described above, when moving in mixed loads with any of such commodities, from Forest Park, Ga., to Lima and Galion, Ohio. **NOTE:** Applicant states it is authorized to transport commodities described in (1), (2), and (3) above, from Lima and Galion, Ohio, to Forest Park, Ga., and needs the requested authority in order to render the shipper a complete service and for better utilization of applicant's equipment. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 52709 (Sub-No. 294), filed January 19, 1967. Applicant: **RINGSBY TRUCK LINES, INC.**, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 420, Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from Downs, Kans., to points in the States of Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at the plantsites and storage facilities of Griffith Provision Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 56082 (Sub-No. 60), filed January 26, 1967. Applicant: **DAVIS & RANDALL, INC.**, 154 Chautauqua Street, Fredonia, N.Y. 14063. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, from South Bend, Ind., to points in Pennsylvania, New Jersey, New York, Connecticut, and Wilmington, Del. **NOTE:** Common control may be involved. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Buffalo or New York, N.Y.

No. MC 56082 (Sub-No. 61), filed January 27, 1967. Applicant: **DAVIS & RANDALL, INC.**, 154 Chautauqua Street, Fredonia, N.Y. 14063. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, from Belleville, Ill., to points in Wisconsin, Iowa, and Missouri, and *empty malt beverage containers*, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo or New York, N.Y.

No. MC 58813 (Sub-No. 88), filed January 18, 1967. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. 10001. Applicant's representative: Solomon Granett, 1350 Avenue of the Americas, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, (1) between Atlanta, Ga., and Jacksonville, Fla., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Tennessee, Georgia, and Florida, and, (2) between Atlanta, Ga., and Jacksonville, Fla., on the one hand, and, on the other, Spartanburg, S.C. Restricted to interline with other carriers at Spartanburg, S.C., on movements consigned to or originating in points in Virginia, North Carolina, South Carolina, Tennessee, Georgia, and Florida. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 51396 (Sub-No. 174), filed January 20, 1967. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68110, Mail Post Office Box 189, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Ashgrove Lime & Portland Cement Co., Louisville, Nebr., to points in Missouri. Note: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Omaha, Nebr., or St. Louis, Mo.

No. MC 61403 (Sub-No. 165) (Correction), filed December 30, 1966, published in *FEDERAL REGISTER* issue of January 19, 1967, corrected January 20, 1967, and re-published as corrected, this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, petroleum and petroleum products*, in bulk, from the plantsite of Monsanto Co. at or near Luling, La., to points in the United States (except Alaska and Hawaii) restricted to traffic originating at the plantsite of Monsanto Co., Luling, La., and destined to points in the States named. Note: The purpose of this re-publication is to show the correct address as 140 Cedar Street, in lieu of 40 Cedar Street, as previously published. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 68539 (Sub-No. 24), filed January 19, 1967. Applicant: ROMANS MOTOR FREIGHT, INC., Ord, Nebr. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined

by the Commission, commodities in bulk, and those requiring special equipment), (1) between Grand Island and Ansley, Nebr., over Nebraska Highway 2, serving the intermediate points of Hazard, Litchfield, and Mason City, Nebr., and the off-route points of Pleasanton, Riverdale, Amherst, Miller, Sumner, and Eddyville, Nebr., and points within 5 miles of Nebraska Highway 2, (2) between Dunning and Antioch, Nebr., over Nebraska Highway 2, serving all intermediate points, and the off-route point of Purdum, Nebr., and points within 5 miles of Nebraska Highway 2, and (3) between Stapleton and Thedford, Nebr., over U.S. Highway 83, serving no intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 72444 (Sub-No. 29), filed January 26, 1967. Applicant: AKRON-CHICAGO, INC., 1016 Trippett Boulevard, Akron, Ohio 44306. Applicant's representative: Walter M. F. Neugebauer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), to serve the plantsite of Art Metal, Inc., located in Busti, Chautauqua County, N.Y., as an off-route point in connection with its regular route operations from and to Jamestown, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., Erie, Pa., Cleveland, Ohio or Pittsburgh, Pa.

No. MC 73688 (Sub-No. 16), filed January 20, 1967. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Road, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc anodes, zinc spelter, zinc alloys, zinc ingots, and zinc pigs, and slabs*, (1) from Blackwell, Henryetta, Bartlesville, Miami, and Tulsa, Okla., and Amarillo and Machovec, Tex., to points in Alabama, and (2) from Henryetta and Blackwell, Okla., and Amarillo, Tex. to St. Louis, Mo. Note: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 74857 (Sub-No. 24), filed January 18, 1967. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt* in dump vehicles, from points in Hamilton County, Ohio, to points in Blackford, Boone, Delaware, Grant, Hamilton, Hendricks, Howard, Jay, Madison, Randolph, and Tipton Counties, Ind., under contract with Cargill, Inc., and Diamond Crystal Salt Co. Note: If a hearing is deemed necessary,

applicant requests it be held at Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 77482 (Sub-No. 21), filed January 27, 1967. Applicant: THE PETER H. MORTENSEN-VINCI COMPANY, a corporation, Newfield Street, Middletown, Conn. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid bituminous materials and asphalt*, in bulk, in tank vehicles, from Providence, R.I., Everett, Mass., New York, N.Y., Philadelphia, Pa., and Perth Amboy, Bayonne, and Edgewater, N.J., to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and New York and (2) *asphalt*, from Fall River, Mass., to the above specified destinations. Note: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 85557 (Sub-No. 3), filed January 9, 1967. Applicant: PAUL MUSSLEWHITE, Post Office Box 847, Levelland, Tex. 79336. Applicant's representative: Alvin R. Allison, 719 Houston Street, Levelland, Tex. 79336. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, which require the use of special equipment; *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico and (2) *iron or steel articles*, requiring the use of special equipment; *sheets, beams, plates, and coils* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio to points in Texas. Note: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 87861 (Sub-No. 9), filed January 20, 1967. Applicant: BELL DIAMOND EXPRESS, INC., 6901 North Michigan Road, Indianapolis, Ind. 46268. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, including reinforcing material used therein, and material and supplies used in the erection and assembly thereof, from Indianapolis, Ind., to points in Kentucky, Tennessee, Michigan, Missouri, Iowa, Wisconsin, Illinois, Ohio, West Virginia, and Minnesota. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 93529 (Sub-No. 6), filed January 26, 1967. Applicant: IVAN I. PRATT, doing business as PRATT MOTOR FREIGHT, 218 Fifth Avenue, Post Office Box 429, Milbank, S. Dak. 57252. Appli-

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cant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer compounds*, in bulk, from Pine Bend, Minn., to points in Brown, Codington, Day, Deuel, Grant, Roberts, and Marshall Counties, S. Dak., and (2) *dry fertilizer compounds*, in bags and in bulk, from Valley Park, Minn., to points in Brown, Codington, Day, Deuel, Grant, Roberts, and Marshall Counties, S. Dak. Note: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 93682 (Sub-No. 16), filed January 23, 1967. Applicant: COLE'S EXPRESS, a corporation, 76 Dutton Street, Bangor, Maine. Applicant's representative: Francis E. Barrett, 25 Bryant Avenue, East Milton, Mass. 02186. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). Regular route: (1) Between Bangor and Princeton, Maine; from Bangor over Alternate U.S. Highway 1 to junction U.S. Highway 1 at Ellsworth, Maine, thence over U.S. Highway 1 to Milbridge, Maine, thence over U.S. Highway 1 to Harrington, Maine (also from Milbridge over Alternate U.S. Highway 1 to Harrington, Maine), thence over U.S. Highway 1 to Jonesboro, Maine, thence over U.S. Highway 1 to Machias, Maine (also from Jonesboro over Alternate U.S. Highway 1 to Machias), thence over U.S. Highway 1 to Princeton, and return over the same route, serving the intermediate points of Machias, East Machias, Whiting, Dennysville, Perry, North Perry, Robbins, Red Beach, Calais, Baring, and Baileyville (Woodland), Maine, and the off-route points of West Lubec, Lubec, Quoddy, and Eastport, Maine. (2) between Bangor, Maine, and junction Maine Highway 9 and U.S. Highway 1 at or near Baring, Maine, over Maine Highway 9, serving no intermediate points, and serving junction Maine Highway 9 and U.S. Highway 1 for purposes of joinder only, (3) between junction U.S. Highway 1 and Maine Highway 182 at or near Ellsworth, Maine, and Cherryfield, Maine, over Maine Highway 182, serving no intermediate points, and serving junction U.S. Highway 1 and Maine Highway 182 and Cherryfield for the purpose of joinder only, (4) between East Machias and Baring, Maine, over Maine Highway 191, serving no intermediate points, and (5) between Bangor and Millinocket, Maine; from Bangor over U.S. Highway 2 to Mattawamkeag, thence over Maine Highway 157 to Medway, thence over Maine Highway 157 (also over Maine Highway 11) to Millinocket, and return over the same route, serving the intermediate point of East Millinocket, Maine. Irregular route: Between Bangor, Maine, on the one hand, and, on the other, points in Washington County, Maine (except

points on the described regular routes in (1), (2), (3), and (4) above. Note: Applicant states it intends to tack at Bangor, Maine, with presently held authorized regular route authority, to serve points in Washington County, Maine. If a hearing is deemed necessary, applicant requests it be held at Bangor or Portland, Maine.

No. MC 94876 (Sub-No. 4), filed January 23, 1967. Applicant: RICHARD ACERRA, INC., 43-09 Vernon Boulevard, Long Island City, N.Y. 11101. Applicant's representative: J. Aiden Connors, Suite 454, 527 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, in containers, from New York, N.Y., to points in Connecticut on and east of U.S. Highway 5, and (2) *bakery product containers* and *stale bakery products* in containers, on return, under contract with Drake Bakeries, division of the Borden Co., New York, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 105269 (Sub-No. 42), filed January 23, 1967. Applicant: G R A F F TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich. 49005. Applicant's representative: John M. Veale, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and paper-mill products*, from Watervliet, Mich., to points in Wisconsin. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107162 (Sub-No. 19), filed January 18, 1967. Applicant: NOBLE GRAHAM, Brimley, Mich. Applicant's representative: John T. Porter, 708 First National Bank Building, 1 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, including built-up wood*, on flat-bed trailers, (1) from points in the Upper Peninsula of Michigan to points in Iowa, Kentucky, and Missouri; and, (2) from points in Wisconsin to points in Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, and Ohio. Note: Applicant states it intends to tack the above proposed authority with its present authority in MC 107162, Subs 11 and 17, to and from the Canadian boundary at Sault Ste. Marie, Mich., to operate in foreign commerce. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 107295 (Sub-No. 100), filed January 26, 1967. Applicant: PREFAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies,

and fixtures, and when shipped with such buildings, accessories, used in the erection, construction and completion thereof, from Houston, Tex., to points in Alabama, Florida, Georgia, Kansas, Louisiana, Minnesota, Mississippi, Missouri, New Mexico, Nebraska, Oklahoma, and South Carolina. Note: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107403 (Sub-No. 703), filed January 20, 1967. Applicant: MATEACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, from Toledo, Ohio, to points in Alabama, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 563), filed January 27, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of Holloway House, Inc., at Lafayette, Ind., to points in Kentucky, Missouri, Arkansas, Oklahoma, and Texas. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 109435 (Sub-No. 45), filed January 19, 1967. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 116 North Allied Road, Post Office Drawer J, Stroud, Okla. 74079. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Oklahoma to points in Arkansas, Kansas, Texas, Louisiana, and Missouri. Note: If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 110525 (Sub-No. 814), filed January 24, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW, Washington, D.C. 20005, and Edwin H. van Deusen (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Dupue, Ill., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Michigan. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111611 (Sub-No. 20), filed January 20, 1967. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, Pa. 17044. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17044. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: *Fibrous glass reinforced tanks*, from the plantsite of Owens-Corning Fiberglas Corp. at or near Huntingdon, Pa., to points in Maine, Vermont, Rhode Island, New York, Delaware, Pennsylvania, Illinois, Michigan, North Carolina, New Hampshire, Massachusetts, Connecticut, New Jersey, Maryland, Ohio, Indiana, Virginia, West Virginia, and South Carolina. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111401 (Sub-No. 213), filed December 29, 1966. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, liquefied and/or gaseous, in bulk, from the Alamo Chemical Co. and Gardner Cryogenic Corp. helium plant commonly referred to as Greenwood Facility located in Morton County, Kans., approximately 25 miles northwest of Elkhart, Kans., to points in the United States, except Huntsville, Ala., Boron, Downey, Goldstone, San Diego, and Torrance Calif., Boulder, Colo., the Kennedy Space Center near Cape Kennedy, Fla., the Michoud Assembly Facility near New Orleans, La., the Goddard Space Flight Center in Greenbelt, Md., points in the Mississippi Test Facility in Hancock County, Miss., the White Sands Test Facility in New Mexico, Bethpage, N.Y., and the Manned Spacecraft Center near Houston, Tex., and Alaska and Hawaii. Note: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 112006 (Sub-No. 3), filed January 23, 1967. Applicant: BENJAMIN S. NEWHALL, Madison Street, North Berwick, Maine. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel and materials, supplies, and equipment* used or useful in the installation and erection thereof, between North Berwick, Maine, and points in New Hampshire and Vermont, and (2) *bleachers and grandstands*, knocked down, and *materials, supplies, and equipment* used in the erection thereof, between North Berwick, Maine, and ports of entry on the international boundary line between the United States and Canada located in Maine, restricted to foreign traffic, under contract with Hussey Manufacturing Co., Inc., or North Berwick, Maine. Note: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 112304 (Sub-No. 20), filed January 23, 1967. Applicant: ACE

DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zoological animals and birds*, between points in the United States (except Hawaii and Alaska). Note: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 112750 (Sub-No. 237), filed January 19, 1967. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments*, including originals and copies of checks, drafts, notes, money orders, travelers' checks, and canceled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips, and debit and credit records (except coin, currency, bullion, and negotiable securities), (1) between points in Marinette County, Wis., on the one hand, and, on the other, Chicago, Ill., (2) between Columbus, Ohio, on the one hand, and, on the other, points in Woods County, W. Va., and (3) from points in Berks, Bucks, Cumberland, Dauphin, Lancaster, Montgomery, Schuylkill, and York Counties, Pa., to New York, N.Y., under contract with banks and banking institutions. Note: Applicant has pending under MC 111729 Sub 151 and other subs, applications for common carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 114274 (Sub-No. 10), filed January 23, 1967. Applicant: ELMER VITALIS, doing business as VITALIS TRUCK LINES, 1656 East Grand Avenue, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Oscar Mayer & Co., Inc., at Perry, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin, restricted to the transportation of traffic originating at such plantsite. Note: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114364 (Sub-No. 132), filed January 20, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box

1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Arkansas, Colorado, Idaho, New Mexico, Oklahoma, Oregon, Texas, Washington, and Wyoming, restricted to the transportation of traffic originating at the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans. Note: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 115669 (Sub-No. 67), filed January 24, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry (except in pneumatic tank vehicles), from the plantsite of Cominco American, Inc., located 5 miles northwest of Beatrice, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, and South Dakota. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 115821 (Sub-No. 11), filed January 23, 1967. Applicant: FRANK BEELMAN, JR., St. Libory, Ill. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum dross*, from St. Louis, Mo., and points in St. Charles County, Mo., to points in Iowa, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, Michigan, Missouri, Oklahoma, Kansas, Nebraska, Arkansas, Tennessee, West Virginia, and Texas. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115826 (Sub-No. 172), filed January 24, 1967. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: John F. DeCook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, rugs, floor covering, textiles, and textile products*, (1) from points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia, to points in Iowa, Minnesota, Missouri, Oklahoma, New Mexico, South Dakota, North Dakota, Texas, Wisconsin, Washington, Oregon, and Illinois; (2) from points in Alabama, to points in Colorado, Idaho,

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Utah, Wyoming, Arizona, California, Kansas, Montana, Nebraska, and Nevada; and (3) from points in Oklahoma and Texas to points in Colorado, Arizona, Wyoming, Montana, Utah, Idaho, Nevada, California, Washington, Oregon, North Carolina, South Carolina, Virginia, Tennessee, Georgia, Alabama, Illinois, Iowa, Minnesota, Missouri, South Dakota, North Dakota, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Denver, Colo., and Atlanta, Ga.

No. MC 117119 (Sub-No. 396), filed January 23, 1967. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Quincy, Ill., to points in Ohio, New York, Pennsylvania, New Jersey, Connecticut, Indiana, Massachusetts, West Virginia, Maryland, Delaware, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 11899 (Sub-No. 18), filed January 19, 1966. Applicant: STEVENS TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. 14580. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than in bulk in tank vehicles, from Holley, N.Y., to points in Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119384 (Sub-No. 12), filed January 23, 1967. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa 50220. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Oscar Mayer & Co., Inc., at Perry, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin, restricted to the transportation of traffic originating at such plantsite. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 123393 (Sub-No. 174), filed January 19, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 123393 (Sub-No. 175), filed January 27, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Fredonia and Blasdell, N.Y., and North East, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 123819 (Sub-No. 6), filed January 23, 1967. Applicant: ACE FREIGHT LINE, INC., 261 Webster Avenue, Memphis, Tenn. Applicant's representative: Paul M. Daniell and Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, petroleum and petroleum products*, in bulk, from Luling, La., to points in the States of Alabama, Arkansas, Louisiana, Mississippi, and Tennessee. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 124679 (Sub-No. 6) (Amendment), filed January 12, 1967, published in the *FEDERAL REGISTER* issue of February 2, 1967, amended and republished as amended this issue. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, 847 Warner Building, 501 13th Street NW, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and advertising, promotional, and display material and containers* when moving at the same time and in the same

vehicle with frozen foods, from Pottstown and Morgantown, Pa., to points in Washington, Idaho, Montana, Oregon, Wyoming, Nevada, Utah, Colorado, California, Arizona, and New Mexico. **NOTE:** The purpose of this republication is to broaden the authority sought by adding advertising, promotional, display material, and containers when moving at the same time and in the same vehicle as frozen foods, to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124796 (Sub-No. 24) (Correction), filed December 14, 1966, published in the *FEDERAL REGISTER* issue of January 6, 1967, and republished as corrected, this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson Avenue, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal castings*, from Albert Lea, Minn., to Lake Mills, Iowa, and Holly Springs, Miss., and (2) *oil filters, air filters and component parts for oil filters and air filters*, from West Salem, Ill., to Lake Mills and Mason City, Iowa, and Holly Springs, Miss., under contract with Walker Manufacturing Corp., Deluxe Products Division of Racine, Wis. **NOTE:** The purpose of this republication is to restrict the operations under contract with one shipper in lieu of the several shippers shown in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 125708 (Sub-No. 68), filed January 23, 1967. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and articles used in the manufacture of iron and steel articles, and pipe*, between the St. Louis, Mo., and East St. Louis, Ill., commercial zones, and Alton, Ill., on the one hand, and, on the other, points in Arkansas, Illinois, Michigan, Ohio, Wisconsin, Pennsylvania, Indiana, Iowa, Oklahoma, and Texas. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 126266 (Sub-No. 3), filed January 20, 1967. Applicant: MAX L. DUDLEY, doing business as DUDLEY BOAT & TRAILER TRANSPORT, 34622 West Valley Hiway, Auburn, Wash. 98002. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, (1) from points in California to Portland, Oreg., and points in Washington; (2) from points in Washington to points in Arizona, Idaho, Oregon, and Washington; (3) from ports of entry on the international boundary line between the

United States and Canada, located at Blaine and Sumas, Wash., to points in California, Idaho, Oregon, and Washington. Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127134 (Sub-No. 1), filed January 20, 1967. Applicant: KENNETH MOSER, doing business as MOSER MACHINERY MOVERS, 3014 Shasta Circle South, Los Angeles, Calif. 90065. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing, typesetting, and binding machinery, graphic arts equipment and supplies*, between points in the Los Angeles, Calif., basin area which includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately 2 miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway 99; northwesterly along U.S. Highway 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60; southwesterly along U.S. Highways 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway 74; westerly along State Highway 74 to the corporate boundary of the city of Hemet; southerly, westerly and northerly along said corporate boundary to the right-of-way of the Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right-of-way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to

Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway 395; southeasterly along U.S. Highway 395 to the Riverdale County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning; and points in Clark County, Nev., and those in Mariposa, Plima, and Yuma Counties, Ariz. Note: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 127749 (Sub-No. 2), filed January 6, 1967. Applicant: METRO MOTOR FREIGHT, INC., 3821 Northwest 58th Terrace, Oklahoma City, Okla. 73112. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Amarillo, Tex., and Guymon, Okla., from Amarillo over U.S. Highway 287 to junction U.S. Highway 54, thence over U.S. Highway 54 to Guymon, and return over the same route, serving the intermediate points of Texoma, and Goodwell, Okla., and (2) between Amarillo, Tex., and Clinton, Okla., from Amarillo over U.S. Highway 66 (also Interstate Highway 40) to Clinton, serving the intermediate points of Texola, Erick, Sayre, Elk City, Canute and Foss, Okla., and the off-route point of Carter, Okla. Note: Applicant states it intends to join the above proposed authority with its pending authority under MC 127749 (Sub-No. 1) filed April 28, 1966, and published *FEDERAL REGISTER* issue of May 19, 1966. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., and Amarillo, Tex.

No. MC 128383 (Sub-No. 2), filed January 23, 1967. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Avenue, Philadelphia, Pa. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Terminal Building, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between the site of the Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in New Castle County, Del.; Atlantic, Burlington, Camden, Cumberland, Gloucester, and Salem Counties, N.J.; Berks, Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 128727, filed November 23, 1966. Applicant: ROBERT F. VAN HOUTEN, doing business as RELIABLE MOVING & STORAGE CO., 412 Flanders Road, Riverhead, N.Y. 11901. Applicant's

representative: Solomon Raffe, 747 East Main Street, Riverhead, N.Y. 11901. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: (1) *Potato chips*, (a) between Riverhead, N.Y., and Metuchen, N.J., from Riverhead over New York Highway 51 to junction New York Highway 27, thence over New York Highway 27 to junction Interstate Highway 278, thence over Interstate Highway 278 to junction U.S. Highway 1, thence over U.S. Highway 1 to Metuchen; (b) between Riverhead, N.Y., and Paterson, N.J., from Riverhead over New York Highway 51, to junction New York Highway 27, thence over New York Highway 27 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction New Jersey Highway 4, and thence over New Jersey Highway 4 to Paterson; (c) between Riverhead, N.Y., and Washington, D.C., from Riverhead over the route described in (b) above to junction Interstate Highway 278, thence over Interstate Highway 278 to junction New Jersey Turnpike, thence over New Jersey Turnpike to junction Interstate Highway 95 and U.S. Highway 1, thence over Interstate Highway 95 (also U.S. Highway 1) to Washington; (d) between Riverhead, N.Y., and Wilmington, Del., from Riverhead over the route described in (c) above to junction New Jersey Turnpike, thence over New Jersey Turnpike (also U.S. Highway 1) to Wilmington.

(2) *Plastic garden hose*, (a) between Riverhead, N.Y., and Henderson, N.C., from Riverhead over the route described in (1)(c) above to Washington, D.C., thence over Interstate Highway 95 to junction U.S. Highway 1 at Petersburg, Va., thence over U.S. Highway 1 to junction Interstate Highway 85, thence over Interstate Highway 85 to Henderson; (b) between Smithtown, N.Y., and Wilmington, Del., from Smithtown over New York Highway 111 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 278, thence over Interstate Highway 278 to junction New Jersey Turnpike, thence over New Jersey Turnpike (also U.S. Highway 1) to Wilmington; (c) between Smithtown, N.Y., and Henderson, N.C., from Smithtown over the routes described in (2)(a) above to Wilmington, thence over Interstate Highway 95 to junction U.S. Highway 1 at Petersburg, Va., thence over U.S. Highway 1 to junction Interstate Highway 85, and thence over Interstate Highway 85 to Henderson; and return over the same routes in (1) and (2) above, serving no intermediate points, under contract with East Coast Food Corp., Riverhead, N.Y., and Rosenberg Bros. Co., Smithtown, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128375 (Sub-No. 4), filed January 19, 1967. Applicant: CRETÉ CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. Applicant's representative: Duane W. Acklie, 605 South

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14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal, poultry, and fish feed*, from Oxnard, Calif., to points in Washington, Oregon, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Nebraska, Kansas, Oklahoma, Texas, New Mexico, and Arizona; and (2) *animal, poultry, and fish feed ingredients, and supplies and materials used in the manufacture of animal, poultry, and fish feed*, from points in Washington, Oregon, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Arizona, Iowa, Wisconsin, and Illinois, to Oxnard, Calif., under contract with Allen Products Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., Philadelphia, Pa., or Omaha, Nebr.

No. MC 128782 (Amendment), filed December 23, 1966, published in the *FEDERAL REGISTER* issue of January 19, 1967, amended January 25, 1967, and republished as amended, this issue. Applicant: DEALERS DRIVEAWAY AGENCY, INC., 7754 South Cicero Avenue, Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, tractors, and trailers*, in driveway and truckaway service in secondary movements, (1) from Chicago, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin, (2) from Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota, (3) from Grand Rapids, Mich., to points in Illinois, Indiana, Iowa, and Wisconsin, and (4) from Dyer, Ind., to points in Illinois, Iowa, and Michigan. Note: The purpose of this republishing is to broaden the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128830, filed January 19, 1967. Applicant: DOE WELDON TRUCKING, INC., 904 South Commercial Street, Mingo Junction, Ohio 43938. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump vehicles, (1) from Mingo Junction, Ohio, to points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va., and Greene, Washington, Allegheny, and Beaver Counties, Pa., and (2) from Weirton, W. Va., to points in Columbiana, Carroll, Jefferson, Harrison, Belmont, Guernsey, Tuscarawas, Mahoning, and Trumball Counties, Ohio, and Greene, Washington, Allegheny, and Beaver Counties, Pa., under contract with the Standard Slag Co., Youngstown, Ohio. Note: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128831, filed January 20, 1967. Applicant: DIXON RAPID

TRANSFER, INC., East River Road, Dixon, Ill. 61021. Applicant's representative: Robert R. Canfield, 1100 Rockford Trust Building, Rockford, Ill. 61101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garage doors, and accessories*, no tank vehicles are involved, from Dixon, Ill., to East St. Louis and thence across the Missouri line to Maplewood, Mo., in St. Louis County, Mo. Note: Records of the Commission indicate that applicant's president George H. Loescher presently holds common carrier authority as an individual under MC 119409. If a hearing is deemed necessary, applicant requests it be held in Illinois (location not specified).

No. MC 128832, filed January 19, 1967. Applicant: FARRIER TRUCKING COMPANY, INC., 1912 Maple Avenue, Mattoon, Ill. 61938. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt, and crushed stone*, in dump vehicles, from points in Vigo, Putnam, and Vermillion Counties, Ind., to points in Coles, Effingham, Clark, Edgar, and Cumberland Counties, Ill., under contract with Standard Materials Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Springfield, Ill.

No. MC 128833, filed January 20, 1967. Applicant: NABORS TRUCKING SERVICE, INC., 942 Murphy Avenue SW, Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages in cans*, flavored or phosphated, from points in Fulton County, Ga., to points in Tennessee and Kentucky. Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 128834, filed January 23, 1967. Applicant: BUNCH'S TRUCKING, INC., Murfreesboro, N.C. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bags and in bulk, except in pneumatic or tank trailers, from Chesapeake, Va., to points in Hertford, Northampton, Bertie, Gates, and Halifax Counties, N.C., under contract with the Borden Chemical Co., Smith Douglass Division. Note: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Norfolk, Va.

No. MC 128836, filed January 16, 1967. Applicant: BULK COMMODITIES, INC., 1324 South St. Aubin, Sioux City, Iowa 51106. Applicant's representative: Donald E. Leonard, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Sioux City, Iowa, to

points in Nebraska, South Dakota, North Dakota, Minnesota, and Iowa under continuing contract with Morton Salt Co., a division of Morton International, Inc., of Chicago. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

MOTOR CARRIERS OF PASSENGERS

No. MC 94742 (Sub-No. 33), filed January 23, 1967. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. 01970. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round trip and sightseeing tours, beginning and ending at points in Essex County, Mass. (excluding Beverly, Salem, Lynn, and Gloucester, Mass.) and extending to points in the United States (excluding Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Haverhill or Boston, Mass.

No. MC 128684 (Sub-No. 1), filed January 24, 1967. Applicant: CENTRAL BUSLINE, INC., 914 South Holyoke Avenue, Wichita, Kans. 67218. Applicant's representative: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage of passengers, express, and newspapers* in the same vehicle, between Wichita, Kans., and Enid, Okla., over U.S. Highway 81, serving all intermediate points, except no northbound service for traffic originating at South Haven, or Wellington, Kans. Note: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Oklahoma City, Okla.

No. MC 128781, filed December 19, 1966. Applicant: CAPITAL SERVICE LINES, INC., 1608 Behlen, Columbus, Nebr. Applicant's representative: James E. Ryan and Jerry L. Snyder, 214 Sharp Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, newspapers and express* in the same vehicle with passengers, (1) between Stromsburg and Omaha, Nebr., from Stromsburg over U.S. Highway 81 to junction U.S. Highway 30A, thence over U.S. Highway 30A to Omaha, and return over the same route serving all intermediate points, and (2) between junction Nebraska Highway 15 and U.S. Highway 30A and David City, Nebr., over Nebraska Highway 15, serving all intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128835, filed January 23, 1967. Applicant: COMPAGNIE DE TRANSPORT DES LAURENTIDES LIMITEE, a corporation, 10100 Bruxelles Street, Montreal North, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Michigan, New York, Vermont, New Hampshire, and Maine, and extending to points in the United States (except those in Alaska and Hawaii). **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Albany or Plattsburgh, N.Y.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130026, filed January 18, 1967. Applicant: SANDOW TOURS, INC., 28 Heathcote Road, Elmont, Long Island, N.Y. Applicant's representative: J. Arthur Robbins, 26 Court Street, Brooklyn, N.Y. 11201. For a license (BMC 5) to engage in operations as a *broker* at Elmont, Long Island, N.Y., in arranging for the transportation in interstate or foreign commerce of passengers and their baggage, in groups in special tours, between points in the United States. **NOTE:** Applicant states it intends to provide special summer tours of scenic and historical value for children, using a bus-camper type vehicle for dining and sleeping facilities. Applicant has also filed an application to conduct operations as a motor common carrier, assigned No. MC 128818, to provide summer tours in special operations, for children in bus-camping vehicles whereby both sleeping and camping-out facilities are provided to points of historical and/or national sightseeing interest.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 3018 (Sub-No. 17), filed January 24, 1967. Applicant: McKEOWN TRANSPORTATION COMPANY, a corporation, 10448 South Western Avenue, Chicago, Ill. 60643. Applicant's representative: Gregory J. Scheurich, 111 West Washington, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen gas*, in tube trailers, from Barberton, Ohio, to East Chicago, Ind., under contract with Linde Co., a division of Union Carbide Corp. **NOTE:** Common control may be involved.

No. MC 110420 (Sub-No. 538) (Amendment), filed December 14, 1966, published in the *FEDERAL REGISTER* of January 12, 1967, amended January 18, 1967, and republished this issue. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Thorst, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coating compounds*, edible, in bulk, in tank vehicles, from Cincinnati, Ohio, to Grand Rapids, Mich., and Chicago, Ill. **NOTE:** The purpose of this republishing is to add "edible" to the commodity description, and to

change the point of destination from Denver, Colo., to Chicago, Ill.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.
[F.R. Doc. 67-1505; Filed, Feb. 8, 1967;
8:45 a.m.]

[Notice 334]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 6, 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 531 (Sub-No. 225 TA), filed February 2, 1967. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Petrochemicals*, (indelible fatty alcohol of petroleum or ethoxylated fatty alcohol), from Westlake, La., to points in Illinois, Missouri, Indiana, and Wisconsin, for 150 days. Supporting shipper: Continental Oil Co., Transportation Department (Wm. M. Clark, Transportation Analyst—Petrochemical), Ponca City, Okla. Send protests to: District Supervisor John C. Redus, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 3255 (Sub-No. 5 TA), filed February 1, 1967. Applicant: PEP TRUCKING CO., INC., 74 Montgomery Street, Jersey City, N.J. 07306. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Flour*, in

pneumatic slide air trailers, from Englewood, N.J., to Baltimore, Md., for 150 days. Supporting shipper: Joe Lowe Co., 110 Route 4, Post Office Box 200, Englewood, N.J. 07631. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Room 363, Newark, N.J. 17102.

No. 35320 (Sub-No. 93 TA), filed February 1, 1967. Applicant: T.I.M.E. FREIGHT, INC., Post Office Box 1120, 2598 74th Street, Lubbock, Tex. 79408. Applicant's representatives: W. D. Benson, Jr., Ninth Floor Citizens Tower, Lubbock, Tex., and Frank M. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Brown's Ferry (site of TVA installation) approximately 10 miles northwest of Decatur, Ala., as an off-route point in connection with applicant's regular-route authority between Chattanooga, Tenn., and Tuscumbia, Ala., and between Huntsville, Ala., and Decatur, Ala., as found in MC-35320 Sub. No. 78 restricted to prohibit the transportation of traffic between points on its regular routes in Alabama, on the one hand, and, on the other, Nashville and points beyond. Applicant seeks no duplicate authority, for 150 days. Supporting shipper: Tennessee Valley Authority, Chattanooga, Tenn. 37401. Send protests to: District Supervisor Harold M. Gregory, Bureau of Operations and Compliance, Interstate Commerce Commission, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 50307 (Sub-No. 37 TA), filed February 2, 1967. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35 Street, New York, N.Y. 10001. Applicant's representative: Zelby and Burstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Wearing apparel and materials and supplies* used in the manufacture thereof, between points in New York, N.Y., commercial zone, on the one hand, and, on the other, points in Front Royal, Va., for 150 days. Supporting shipper: Lillian's Sportswear, 17 West Sixth Street, Front Royal, Va. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 99427 (Sub-No. 5 TA), filed February 2, 1967. Applicant: ARIZONA TANK LINES, INC., Post Office Box 6430, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1824 R Street NW, Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Sulphuric acid*, in bulk, in tank vehicles, from Climax

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Chemical plantsite, Monument, N. Mex., to Miami, Ariz., for 180 days. Supporting shipper: Ranchers Exploration and Development Corp., 4204 Coal Avenue SE, Albuquerque, N. Mex. 87108. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 107002 (Sub-No. 331 TA), filed February 2, 1967. Applicant: HEARING-MILLER TRANSPORTERS, INC., Post Office Box 1123, W. S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: D. D. Kennedy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Nitric acid*, in bulk, in tank vehicles, from El Dorado, Ark., to Skellytown, and Pampa, Tex., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 312A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 107002 (Sub-No. 332 TA), filed February 2, 1967. Applicant: HEARING-MILLER TRANSPORTERS, INC., Post Office Box 1123, W. S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: D. D. Kennedy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Sulphuric acid*, in bulk, in tank vehicles, from Bossier City, La., to Natchez, Miss., for 180 days. Supporting shipper: Olin Mathieson Chemical Corp., 745 Fifth Avenue, New York, N.Y. 10022. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 312A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 111401 (Sub-No. 216 TA), filed February 2, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Max E. Barton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Anhydrous Ammonia* and *Fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co. located at or near Hoag, Nebr., to points in Iowa, for 180 days. Supporting shipper: Phillips Petroleum Co., A. J. DeFreees, Rate Manager-Materials & Chemical Prod., Bartlesville, Okla. 74003. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, Oklahoma City, Okla. 73102.

No. MC 115669 (Sub-No. 68 TA), filed February 1, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Fertilizer and fertilizer materials*, dry (except pneumatic tank vehicles), from the plantsite of Cominco American, Inc., located 5 miles northwest of Beatrice, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, and South Dakota, for 180 days. Supporting shipper: Cominco American, Inc., Route 1, Beatrice, Nebr. 68310. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 116045 (Sub-No. 28 TA), filed February 1, 1967. Applicant: NEUMAN TRANSIT CO., INC., Post Office Box 38, Rawlins, Wyo. 82301. Applicant's representative: Leslie R. Kehl, Suite 420, Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Liquified sulphur*, in bulk, in tank vehicle, from the Montana Sulphur and Chemical Co. located near Billings, Mont., to the plantsite of Western Nuclear, Inc., located just off Wyoming Highway 789, approximately 5 miles southwest of Riverton, Wyo., for 150 days. Supporting shipper: Western Nuclear, Inc., Suite 1900, 1700 Broadway, Denver, Colo. 80202. Send protests to: Paul A. Naughton, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, D & S Building, 255 North Center Street, Casper, Wyo. 82601.

No. MC 118288 (Sub-No. 15 TA), filed February 2, 1967. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Meat, meat products, meat byproducts, and articles distributed by meat packing houses*, as described in section A and C of appendix I to the Report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in California to points in Montana and that part of Wyoming consisting of Niobrara, Park, Big Horn, Washakie, Hot Springs, Fremont, Natrona, Converse, Campbell, Johnson, Weston, and Crook Counties, Wyo., for 180 days. Supporting shipper: Pierce Packing Co., Post Office Box 1677, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 123393 (Sub-No. 176 TA), filed February 1, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, Box 965 Commercial Station, Springfield, Mo. 65803. Applicant's representative: David D. Brunson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Drugs, medicines, dental, and hospital supplies, solutions and distilled water*, when moving in vehicles equipped with mechanical refrigeration and/or heating units, from Milledgeville, Ga., to Little Rock, Ark.; Tulsa and Oklahoma City, Okla.; Kansas City, Mo.; Wichita and Topeka, Kans.; Omaha and Lincoln, Nebr.; Dallas, Tex.; San Francisco, San Diego, Lyoth, Tracy, and Los Angeles, Calif., for 120 days. Supporting shipper: McGaw Laboratories, Inc., Milledgeville, Ga. 31061. Send protests to: John C. Barry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123744 (Sub-No. 2 TA), filed February 1, 1967. Applicant: BUTLER TRUCKING COMPANY, Post Office Box 44, Drifting, Pa. 16834. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Brick*, from the plantsite of Harbison-Walker Refractories, Clearfield, Pa., to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island, for 150 days. Supporting shipper: Harbison-Walker Refractories Co., 2 Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 128849 TA, filed February 2, 1967. Applicant: N. E. SMITH, Oneida, Tenn. 37841. Applicant's representative: Clifton Sexton, Oneida, Tenn. 37841. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Malt beverages*, in containers, from Louisville, Ky., to Elgin, Tenn., for 180 days. Supporting shipper: Bruce R. Stewart, Elgin, Tenn. 37732. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

By the Commission,

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-1559; Filed, Feb. 8, 1967;
8:47 a.m.]

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FEDERAL REGISTER

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PART II

Department of Health, Education,
and Welfare

Office of Education



Regulations Pursuant to Titles I, II,
and III of the Elementary and Sec-
ondary Education Act of 1965



Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 116—FINANCIAL ASSISTANCE TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

Federal financial assistance made pursuant to the regulations set forth below is subject to the regulation in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare and approved by the President to effectuate the provisions of section 601 (42 U.S.C. 2000d) of the Civil Rights Act of 1964 (Public Law 88-352).

Part 116 of Title 45 of the Code of Federal Regulations is revised, primarily to reflect the amendments to Titles II and III of Public Law 874, 81st Congress, that were made by Public Law 89-750, so as to read as follows:

Subpart A—Definitions

Sec.

116.1 Definitions.

Subpart B—Eligibility for and Amount of Grants and Payments

- 116.2 Eligibility of local educational agencies.
- 116.3 Determination of maximum grants and payments.
- 116.4 Allocation of county aggregate maximum grants by State educational agencies.
- 116.5 Local educational agencies in more than one county.
- 116.6 Local educational agencies with overlapping jurisdictions or serving children from another school district.
- 116.7 Changes in local educational agencies.
- 116.8 Limitation on grants for fiscal year 1967.
- 116.9 Ratable reductions and reallotments.
- 116.10-116.15 [Reserved]

Subpart C—Project Applications

- 116.16 Project applications.
- 116.17 Project covered by an application.
- 116.18 Size, scope, and quality of projects.
- 116.19 Participation by children enrolled in private schools.
- 116.20 Title to property and control over funds.
- 116.21 Requirements with respect to construction.
- 116.22 Provision for measurement of educational achievement and evaluation of programs.
- 116.23 Reports by local educational agencies.
- 116.24 Relation to other programs.
- 116.25 Dissemination and utilization of results of educational research and demonstrations.
- 116.26-116.30 [Reserved]

Subpart D—Duties and Functions of State Education Agencies

- 116.31 Participation by States.
- 116.32 Certificate of State attorney general.
- 116.33 Allocation to local educational agencies.
- 116.34 Approval of applications from local educational agencies.
- 116.35-116.40 [Reserved]

Subpart E—Payments

- Sec.
- 116.41 Payments to States.
- 116.42 Obligation of Federal appropriations.
- 116.43 Distributions to State or local educational agencies.
- 116.44 Limitation on payments to a State.
- 116.45 Limitations on payments to a local educational agency.
- 116.46 Use of Federal funds and liquidation of obligations by State or local educational agencies.
- 116.47 Expenditures by State and local educational agencies.
- 116.48 State fiscal control and audit.
- 116.49-116.50 [Reserved]

Subpart F—General Provisions

- 116.51 Approval of State application.
- 116.52 Withholding by the Commissioner.
- 116.53 Allowable expenditures.
- 116.54 Retention of records.
- 116.55 Inventories of equipment.
- 116.56 Financial interest of officials.
- 116.57 Copyrights and patents.

AUTHORITY: The provisions of this Part 116 issued under sec. 7, 64 Stat. 1107, as renumbered sec. 301, 79 Stat. 35; 20 U.S.C. 242. Interpret or apply secs. 201-212, 301-303, as added or renumbered by 79 Stat. 27-36, and 111(f), 80 Stat. 1196, 20 U.S.C. 241a-2411, 242-244 and 283(c).

Subpart A—Definitions

§ 116.1 Definitions.

As used in this part—

- (a) "Act" means the Elementary and Secondary Education Act of 1965 (Public Law 89-10). Title II of Public Law 874, 81st Congress, which was added by Title I of said Elementary and Secondary Education Act of 1965, is hereinafter in this part referred to as Title I of the Act.
- (b) "Attendance area" means, in relation to a particular public school, the geographical area in which the children who are normally served by that school reside. An attendance area for an elementary school may not necessarily be coterminous with an attendance area for a secondary school.

- (c) "Average daily attendance" means (1) average daily attendance in elementary and secondary schools, not beyond grade 12, as determined in accordance with State law and (2) in the case of schools for handicapped children operated or supported by a State agency, the average number of children under 21 years of age participating per day for the length of a normal school year in an organized program in such schools of instruction which is recognized under State law as furnishing elementary or secondary education, but not beyond grade 12. Daily attendance shall be measured by the number of daily hours of participation in such instruction as the State agency determines to be appropriate for children with the particular handicap involved, except that any such instruction for more than 1 hour, but less than 3 hours, a day shall be deemed to constitute a maximum of one-half day of attendance. Time spent primarily in custodial care or in medical treatment or therapy cannot be counted in determining school attendance.

- (d) "Average per pupil expenditure" in a State or in the United States means

the aggregate of current expenditures (as defined in paragraph (h) of this section but otherwise without regard to the sources of funds from which such expenditures are made) of all those local educational agencies in the State, or in the United States, as the case may be, which are boards of education or other legally constituted local school authorities having administrative control and direction of free public education in a county, township, independent or other school district, including those State agencies which operate and maintain facilities for the providing of free public education in a county, township, or other school district, plus any such current expenditures made directly by the State for operation of those local educational agencies, and the sum thereof divided by the aggregate number of children in average daily attendance to whom those local educational agencies provided free public education. As used in this paragraph, "the United States" means the States of the Union and the District of Columbia.

(e) "Commissioner" means the U.S. Commissioner of Education.

(f) "Construction" means the erecting, building, acquiring, altering, remodeling, improving, or extending of school facilities, and includes the preparation of drawings and specifications for school facilities and the inspection and supervision of the construction of school facilities.

(g) "County" means a division of a State of the Union which is treated as a county by the Secretary of Commerce in compiling and reporting data regarding counties.

(h) "Current expenditures" means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plants, and fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay and debt service, or any expenditures made from funds granted under Titles I, II, or III of the Act.

(i) "Educationally deprived children" means those children who have need for special educational assistance in order that their level of educational attainment may be raised to that appropriate for children of their age. The term includes children who are handicapped or whose needs for such special educational assistance result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large.

(j) "Elementary school" means a day or residential school which provides elementary education, as determined under State law.

(k) "Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for provid-

ing educational services, including such items as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials. Equipment does not include supplies which are consumed in use or which may not reasonably be expected to last longer than 1 year.

(l) "Federal percentage" means 50 percent of the average per pupil expenditure in a State, or, where applicable, in the United States, for a prior fiscal year, which is used as a factor in computing maximum grants under Title I of the Act.

(m) "Fiscal year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

(n) "Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary education, not above grade 12 in a State. Elementary education may, if so determined under State law, include education below grade 1 meeting the above criteria.

(o) "Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education.

(p) "An institution for delinquent children" means a public or private non-profit residential facility which is operated primarily for the care of, for an indefinite period of time or for a definite period of time other than one of short duration, children who have been adjudicated to be delinquent children.

(q) "An institution for neglected children" means a public or private nonprofit residential facility (other than a foster home) which is operated primarily for the care of, for an indefinite period of time, at least ten children who have been committed to the institution, or voluntarily placed in the institution, and for whom the institution has assumed or been granted custodial responsibility pursuant to applicable State law, because of the abandonment or neglect by, or death of, parents or persons acting in the place of parents.

(r) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term includes any State agency which is directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children. It also includes any other public institution or agency having administrative control

and direction of a public elementary or secondary school.

(s) "Low-income factor" means the limit of family annual income which is used in determining families with low annual incomes for the purposes of Title I of the Act. For fiscal year 1967, the low-income factor is \$2,000 and, for fiscal year 1968, the low-income factor is \$3,000.

(t) "Program" means an overall plan with respect to funds made available under Title I of the Act during a fiscal year which is intended to be put into effect by a State or local educational agency or the Department of the Interior through one or more projects.

(u) "Project" means an activity, or a set of activities, proposed by a State or local educational agency or the Department of the Interior and designed to meet certain of the special educational needs of certain educationally deprived children.

(v) "Project area" means the attendance area, or combination of attendance areas, having a high concentration of children from low-income families which, without regard to the location of the project itself, is designated as the area whose children are to be served by the project. The term does not apply to a project to be carried out by a State agency at a school operated or supported by that agency for handicapped children or for children in institutions for neglected or delinquent children.

(w) "School facilities" means classrooms and related facilities (including initial equipment) for free public education and interests in land (including site grading and improvements) on which such facilities are constructed, but does not mean gymnasiums or similar facilities intended primarily for use for exhibitions for which admission is to be charged to the general public.

(x) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, but not beyond grade 12.

(y) "Service function" means an educational service which is performed by a legal entity, such as an intermediate agency, whose jurisdiction does not extend to the whole of the State and which is authorized to provide consultative, advisory, or educational program services to public elementary or secondary schools, or which has regulatory functions over agencies having administrative control or direction of public elementary or secondary schools, rather than a service which is performed by a cultural or educational resource.

(z) "State" means a State of the Union, the District of Columbia, Wake Island, Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(aa) "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(bb) "Works of art" means those items, which may be in the nature of fixtures, that are incorporated in school facilities primarily because of their esthetic value. The cost of a work of art

that is in the nature of a fixture shall be the estimated additional cost of incorporating those special esthetic features which exceed the general requirement of excellence of architecture and design.

Subpart B—Eligibility for and Amount of Grants and Payments

§ 116.2 Eligibility of local educational agencies.

(a) A local educational agency is eligible for a grant under Title I of the Act for a fiscal year if the Commissioner determines on the basis of satisfactory data available to him that the number of children aged 5 to 17, inclusive, in families residing in the school district of that local educational agency and having an annual income of less than the low-income factor, in families residing in that school district and receiving an annual income in excess of the low-income factor from payments under a State plan approved under Title IV of the Social Security Act, living in that school district in institutions for neglected or delinquent children (other than children for whom a State agency is directly responsible for providing free public education), and living in foster homes in that school district and being supported with public funds, amounts to at least 10.

(b) If the Commissioner does not have available satisfactory data on a school district basis, a local educational agency is eligible for such a grant if the school district served by it is located in whole or in part in a county in which the Commissioner determines that there are 10 or more of such children.

(c) The foregoing provisions of this section are not applicable to a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children.

§ 116.3 Determination of maximum grants and payments.

(a) The maximum grant for which a local educational agency (other than a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) is eligible to receive under Title I of the Act will be determined by the Commissioner. If satisfactory data are available for that purpose, by multiplying the sum of (1) the number of children aged 5 to 17, inclusive, in families residing in the school district of the local educational agency and having an annual income of less than the low-income factor prescribed in § 116.1(s), (2) the number of children of those ages in families residing in the school district and receiving, from payments under the program of aid to families with dependent children under a State plan approved under Title IV of the Social Security Act, an annual income in excess of the low-income factor prescribed in § 116.1(s), (3) the number of children of those ages living in the school district in institutions for neglected or delinquent children (other than children for whom a State agency is directly responsible for

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providing free public education) and (4) the number of children of these ages living in foster homes in the school district and being supported with public funds, by the Federal percentage prescribed in § 116.1(l) of the average per pupil expenditure in that State or, beginning with fiscal year 1968, the average per pupil expenditure in the United States, if higher.

(b) Unless the Commissioner determines that satisfactory data are available to enable him to determine the maximum grant for which a local educational agency is eligible, he shall determine the aggregate of the maximum grants for which all local educational agencies (other than State agencies directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) in each county of each State of the Union are eligible. Such an aggregate is herein-after in this part referred to as a county aggregate maximum grant. Such county aggregate maximum grants will be allocated by State educational agencies among the several local educational agencies in each county in accordance with the provisions of §§ 116.4, 116.5, and 116.6.

(c) A county aggregate maximum grant will be determined in the same manner as a maximum grant is computed under paragraph (a) of this section except that the numbers of such children residing in the county, instead of the numbers of such children residing in an individual school district, are to be used in the computation.

(d) The amount of the grants to Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, and the amount of the payments to the Department of the Interior to meet the special educational needs of educationally deprived children on reservations serviced by elementary and secondary schools operated for Indian children by that Department, are the amounts allotted to them by the Commissioner according to their respective needs from the sums appropriated for the purposes of Title I of the Act.

(e) The maximum grant for which a State agency directly responsible for providing free public education for handicapped children, or for children in institutions for neglected or delinquent children, is eligible will be determined by multiplying the number of children in average daily attendance, and receiving free public education, at schools for such children which are operated or supported by that State agency by the Federal percentage prescribed in § 116.1(l) of the average per pupil expenditure in that State or, beginning with fiscal year 1968 in the case of handicapped children, in the United States, if higher. The provisions of this paragraph (e) do not apply to Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(f) The maximum grant for which a State educational agency is eligible for establishing or improving programs for migratory children of migratory agri-

cultural workers is the sum of the estimated number of such migratory children aged 5 to 17, inclusive, who reside in the State full time and the full-time equivalent of the estimated number of such migratory children aged 5 to 17, inclusive, who reside in the State part time, multiplied by the Federal percentage of the average per pupil expenditure in the States of the Union and the District of Columbia. The estimate of the number of such migratory children will be derived by the Commissioner from the best data available to him of the number of intrastate migratory workers, and of the average number of interstate migratory workers, in the several States.

§ 116.4 Allocation of county aggregate maximum grants by State educational agencies.

(a) To the extent that a county aggregate maximum grant is based on children aged 5 to 17, inclusive, living in institutions for neglected or delinquent children, the county aggregate maximum grant shall be allocated among those local educational agencies in whose districts those institutions are located on the basis of the number of such children living in those institutions.

(b) The remainder of the county aggregate maximum grant shall be allocated by the State educational agency among the several local educational agencies whose school districts lie within the county as provided in paragraphs (c) and (d) on the basis of those available data which it deems best to reflect the current distribution in the county of children aged 5 to 17, inclusive, from low-income families, including families receiving payments under the program of aid to families with dependent children under a State plan approved under Title IV of the Social Security Act, without regard to the amount of such payments, and children in foster homes.

(c) If the State educational agency has available data showing the distribution among the several school districts in the county of the children aged 5 to 17, inclusive, from families receiving any aid for dependent children and if it deems that such data reflect the current distribution in the county of all children aged 5 to 17, inclusive, from low-income families and in foster homes, then the allocation among local educational agencies of such remainder of the county aggregate maximum grant shall be made solely on the basis of such data.

(d) If the available data referred to in paragraph (c) of this section are not deemed to reflect the current distribution in a county of all children aged 5 to 17, inclusive, from low-income families and in foster homes, then the State educational agency may combine those data with other available data on such weighted basis as it deems appropriate and best to reflect the current distribution in the county of such children or use such other method as it deems appropriate for that purpose.

(e) If the total allocation to a local educational agency as otherwise computed pursuant to this section would be less than an entitlement to a grant com-

puted on the basis of 10 children, that local educational agency may be disregarded in the allocation of a county aggregate maximum grant among the local educational agencies in that county.

(f) If the allocation of entitlement to a maximum grant to a local educational agency as otherwise computed pursuant to this section would, without regard to any pro rata reduction, reduce the entitlement of that agency to an amount which is less than its maximum grant for the previous year, the State educational agency may modify that allocation of entitlement to a maximum grant to the extent necessary to make an orderly adjustment in the program of the local educational agency.

§ 116.5 Local educational agencies in more than one county.

The allocation to a local educational agency pursuant to § 116.4 shall be made separately for each county in which a part of the school district served by that local educational agency is located. The maximum grant for such a local educational agency shall be the sum of its allocations from county aggregate maximum grants.

§ 116.6 Local educational agencies with overlapping jurisdictions or serving children from another school district.

In any case in which two or more local educational agencies (other than State agencies directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) have responsibility for different groups of children in a district, or serve school districts which overlap, or in any case in which a local educational agency provides free public education for a substantial number of children residing in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants among such local educational agencies in such manner as it determines will best carry out the purposes for which the grants under Title I of the Act are respectively made available.

§ 116.7 Changes in local educational agencies.

(a) In any case in which there is a merger or consolidation of local educational agencies during the school year, the maximum grant which each was eligible to receive shall become available to the surviving or consolidated agency. The surviving or consolidated agency shall be responsible for projects previously approved for each of the agencies participating in the merger or consolidation.

(b) In any case in which the geographical area of a school district served by a local educational agency is diminished, or divided with another local educational agency, during the school year, the State educational agency shall redetermine the maximum grants by using the same method used in making the original determination. However, nothing herein shall preclude the completion,

where appropriate, of previously approved projects by the agency originally submitting the projects by itself or through a cooperative undertaking.

§ 116.8 Limitation on grants for fiscal year 1967.

(a) The total amount approved for grants to any local educational agency (other than a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) for fiscal year 1967 shall be limited to 50 percent of the sum budgeted by that agency for current expenditures (see paragraph (h) of § 116.1) for that year.

(b) The determination of the budgeted sum shall be made on the basis of the budget as finally approved by the public authority responsible for such an approval. Until such time as the budget for that fiscal year shall have been finally approved, the grant to the local educational agency shall be tentatively limited to 40 percent of current expenditures for fiscal year 1966, subject to such upward adjustment as may be occasioned by the final approval of the budget for fiscal year 1967. The limitation on the grant to a local educational agency will be determined by the State educational agency at the time of the initial application of the educational agency except that where necessary the final determination of that limitation shall be deferred until the time of the first such application after final budget approval.

§ 116.9 Ratable reductions and reallocations.

(a) If the sums appropriated for any fiscal year are not sufficient to pay in full the amounts which all local and State educational agencies and the Department of the Interior are eligible to receive under Title I of the Act for that year, the amounts available to State and local educational agencies (other than those in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) will, subject to such limitations as may be applied by statute to funds appropriated under Title I of the Act, be ratably reduced, except that the amounts made available to State educational agencies for administration and technical assistance with respect to the measurement of educational achievement and evaluation of projects will not be reduced below \$75,000. Inasmuch as the amounts available for allotment among Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Department of the Interior for grants and payments are, in the first instance, based on the sums appropriated, such amounts are not subject to pro rata reduction under this paragraph.

(b) The Commissioner may set dates by which State educational agencies (other than those in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) must certify to him the amounts for which applications of State and local

educational agencies (including State agencies directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) have been or will, during that fiscal year, be approved by such agencies and by which such State educational agencies must file applications with the Commissioner for establishing or improving programs for migratory children of migratory agricultural workers. Subject to such limitations as may be applied by statute to funds appropriated under Title I of the Act, the excess of the amounts made available to such State and local educational agencies in accordance with paragraph (a) of this section over the amounts necessary to fund such approved or approvable applications (including amounts necessary to fund such special arrangements as may be made by the Commissioner for education of migratory children of migratory agricultural workers) shall be made available, first by State educational agencies in the particular State and then by the Commissioner for educational agencies in other such States to offset ratably reductions made pursuant to paragraph (a) of this section but not to make available to an agency more than the maximum grant to which that agency is entitled. The amounts so made available under this paragraph shall be distributed among the State and local educational agencies applying for additional funds in amounts as nearly proportionate to the amounts of the ratable reductions applied to those agencies as is practicable for approvable new projects or enlargements or extensions of existing projects.

(c) The Commissioner may set dates by which State educational agencies in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands must certify to him the amounts for which applications have been or will, during that fiscal year, be approved by such agencies, and by which the Department of the Interior will report to the Commissioner the amount needed by that Department for Title I projects. The excess of the amounts made available to any of such agencies or the Department of the Interior over the amounts which the Commissioner determines are needed by them will be redistributed among other such agencies and the Department of the Interior according to their respective needs for such amounts as redetermined by the Commissioner at that time.

(d) In the event that additional funds are made available for making payments under Title I of the Act for that year, such additional funds will be applied to increase ratably the amounts available under paragraphs (a) and (b) of this section to State and local educational agencies in States other than Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands and, to the extent called for by the Act appropriating such additional funds, the amounts available for allotment for grants and payments

among the Department of the Interior and, together with appropriate additional amounts for administration and technical assistance, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. The amounts available to State educational agencies for administration and technical assistance will be ratably increased pursuant to this paragraph only to the extent that the amounts made available for grants, in the case of Puerto Rico, Wake Island, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, are increased above \$2,500,000 or, in the case of any other State, above \$7,500,000. In no event, however, will the total amount made available to an agency exceed the maximum grant to which that agency is entitled.

§§ 116.10-116.15 [Reserved]

Subpart C—Project Applications

§ 116.16 Project applications.

(a) Grants under Title I of the Act to a local educational agency (including a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) will be made on the basis of applications therefor which are submitted to the State educational agency and approved by it in an aggregate amount not in excess of the amount of the funds made available for that local educational agency.

(b) Grants under Title I of the Act to a State educational agency for establishing or improving programs for migratory children of migratory agricultural workers will be made on the basis of applications therefor which are submitted to the Commissioner and approved by him. Such a grant will not exceed the amount of the funds made available by the Commissioner for that State educational agency after setting aside such amounts as are necessary for carrying out special arrangements with other public or nonprofit private agencies for conducting educational programs for migratory children of migratory agricultural workers when the Commissioner determines that a State is unable or unwilling to conduct such educational programs or that such special arrangements will result in more efficient and economic administration of educational programs for such children or that they will add to the welfare or educational achievement of such children.

(c) Payments under Title I of the Act to the Department of the Interior for a program to meet the special educational needs of educationally deprived children on reservations serviced by elementary and secondary schools operated for Indian children by that Department will be made on the basis of an application submitted by that Department to the Commissioner and approved by him.

(d) Subject to the reallocation authority in § 116.9, no State or local educational agency may assign any part of its eligibility to another agency. This does not, however, prevent a State edu-

cational agency from exercising its authority under § 116.6 nor prevent two or more applicants in one or more States from conducting a joint program or project (including a planning project) through a combined use of funds made available to them.

§ 116.17 Project covered by an application.

(a) An application for a grant under Title I of the Act by a local educational agency (other than a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) shall set forth a project for educationally deprived children residing in a project area composed of school attendance areas having high concentrations of children from low-income families or a project for serving children living in institutions for neglected or delinquent children, which project shall have been designed specifically to meet special educational needs of those educationally deprived children. The project itself shall be carried out at locations where the needs of the educationally deprived children can best be served. It may involve the participation of educationally deprived children residing outside the project area if such a participation will not dilute the effectiveness of the project with respect to children residing in the project area.

(b) A State or local educational agency (including a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) may apply for a grant in an amount not exceeding one percent of the maximum grant it is eligible to receive or \$2,000, whichever is greater, for planning during the current fiscal year which was, or will be, directly related to programs or projects to be carried out under Title I of the Act and has resulted, or is reasonably likely to result, in a program which will be carried out, if funds are necessary for that purpose because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary for adequate planning.

(c) Each application for a grant under Title I of the Act by such a local educational agency, other than an application for a grant for planning, shall designate the project area or the institution or special school for which the project is designed. A project area may include one or more attendance areas having high concentrations of children from low-income families, but the project area must be sufficiently restricted in size in relation to the nature of the project as to avoid jeopardizing its effectiveness in meeting the aims and objectives of the project. Each such application shall describe the special educational needs identified with educationally deprived children residing in the project area at which the project is directed. Each local educational agency shall design its projects in such a manner, and apply them to such school attendance areas having high concentrations of children from

low-income families, as will best meet the special educational needs of the educationally deprived children.

(d) A school attendance area for either a public elementary or a public secondary school may be designated as a project area if the estimated percentage of children from low-income families residing in that attendance area is as high as the percentage of such children residing in the whole of the school district, or if the estimated number of children from low-income families residing in that attendance area is as large as the average number of such children residing in the several school attendance areas in the school district. In certain cases, the whole of a school district may be regarded as an area having a high concentration of such children and be approved as a project area, but only if there are no wide variances in the concentrations of such children among the several school attendance areas in the school district.

(e) In the case of such a project undertaken jointly by two or more such local educational agencies, the project area with respect to each school district must be one that qualifies as a project area under paragraph (d) of this section. However, the whole of the project area must be considered in determining whether it is sufficiently restricted in size in relation to the nature of the project as to maintain its effectiveness in meeting the aims and objectives of the project.

(f) The project for which an application for a grant is made by a local educational agency should be designed to meet the special educational needs of those educationally deprived children who have the greatest need for assistance. However, none of the educationally deprived children who are in need of the special educational services to be provided shall be denied the opportunity to participate in the project on the ground that they are not children from low-income families or on the ground that they are not attending school at the time.

(g) Each such project must be tailored to contribute particularly toward meeting one or more of the special educational needs of educationally deprived children and should not be designed merely to meet the needs of schools or of the student body at large in a school or in a specified grade in a school.

(h) Each application for a grant under Title I of the Act for educationally deprived children residing in a project area shall contain an assurance that the use of the grant funds will not result in a decrease in the use for educationally deprived children residing in that project area of State or local funds which, in the absence of funds under Title I of the Act, would be made available for that project area, and that neither the project area nor the educationally deprived children residing therein will otherwise be penalized in the application of State and local funds because of such a use of funds under Title I of the Act. No project under Title I of the Act

will be deemed to have been designed to meet the special educational needs of educationally deprived children unless the funds made available for that project are to be used to supplement, and not to supplant, State or local funds.

(i) No application for a project grant under Title I of the Act may cover the construction of school facilities unless such construction is demonstrated as being essential in order to assure the success of a program or project under Title I of the Act. If the construction of school facilities is so demonstrated as being essential for a program or project, the application must nevertheless comply with other requirements of Title I of the Act and the regulations in this part, such as the requirements in § 116.21 in regard to labor standards and overall State construction planning and, in relation to the overall program, the requirements in § 116.19 in regard to participation by children enrolled in private schools.

(j) A project by a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children may include the acquisition of equipment and, in the case of schools owned by that State or a public agency of that State, the construction of school facilities. Each project of such a State agency shall be designed to meet the special educational needs of children attending schools operated or supported by that State agency.

(k) An application by a State educational agency to the Commissioner for a grant under Title I of the Act for the education of migratory children of migratory agricultural workers shall describe a program designed to meet the special educational needs of such migratory children. The application shall describe the individual projects that are contemplated and identify the local educational agencies, if any, through which the projects will be carried out, which application shall be in sufficient detail to enable the Commissioner to determine whether he will exercise his authority to make special arrangements pursuant to section 205(a)(2) in Title I of the Act. Within the total of the grants made available for the program, the program covered by an approved application may, without altering the essential nature of the program, be modified from time to time to reflect changing conditions. The State educational agency shall notify the Commissioner of any such modifications.

(l) An application by the Department of the Interior to the Commissioner for payments to meet the special educational needs of educationally deprived children on reservations serviced by elementary and secondary schools operated for Indian children by that Department shall describe a program or individual projects designed to meet the special educational needs of educationally deprived children who attend such schools or who are eligible to attend such schools or to participate in preschool programs of that Department. The program shall include a provision for grants

to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with the Department of the Interior, which grants shall not exceed, for each such child one-half the average per pupil expenditure in the State in which the agency is located. The application shall describe the overall program under Title I of the Act of the Department of the Interior which will administer the program to Indian children on the basis of its determination of their special educational needs. An application by the Department of the Interior will be approved by the Commissioner upon his determination that the program in that application complies with the applicable requirements of Title I of the Act and the regulations in this part. Individual projects to carry out the approved program of the Department of the Interior will be implemented by that Department in a manner consistent with such requirements. The Department of the Interior will advise the Commissioner as to the manner the Department's program is being implemented, including a description of each individual project.

§ 116.18 Size, scope, and quality of projects.

(a) Each application by a State or local educational agency for a grant (other than one for a planning project) must propose projects of sufficient size, scope and quality as to give reasonable promise of substantial progress toward meeting the needs of educationally deprived children for whom the projects are intended. The program of a local educational agency must involve the expenditure of at least \$2,500 or such lesser amount as may be set by the State educational agency upon its determination that it would be impossible, for such reasons such as distance or difficulty of travel, for the applicant to join effectively with other local educational agencies for the purpose of meeting that dollar requirement. The budget for a project shall avoid imprudent, extravagant or wasteful expenditures which would tend to defeat the intent of the Act to meet the special educational needs of educationally deprived children. The project application must justify any proposed expenditures above the level of expenditures by the applicant for other comparable activities.

(b) Each application for a grant (other than one for a planning project) or for payments to the Department of the Interior shall provide an assessment of the special educational needs of the educationally deprived children who would be eligible to receive benefits under Title I of the Act or incorporate by reference the assessment contained in a prior application. Each such application for a grant shall describe the objectives of the project in relation to those special educational needs. It must demonstrate that the project has been sufficiently well planned to meet those objectives and that the project makes adequate provision for its implementation in an effective manner.

(c) A joint application may be made by two or more eligible educational agencies for grants to each for a single project (including a planning project) to be carried out jointly or through other arrangements between or among such educational agencies.

(d) The program of a local educational agency entitled to funds under Title I of the Act on the basis of children living in institutions for neglected or delinquent children shall provide for the special educational needs of such children.

(e) Applications for grants (other than those for planning projects) or payments are to be concentrated on a limited number of projects and applied to a limited number of educationally deprived children so as to give reasonable promise of promoting to a marked degree improvement in the educational attainment, motivation, behavior or attitudes of children.

§ 116.19 Participation by children enrolled in private schools.

(a) Each local education agency shall provide special educational services designed to meet the special educational needs of educationally deprived children residing in its district who are enrolled in private schools. Such educationally deprived children shall be provided genuine opportunities to participate therein consistent with the number of such educationally deprived children and the nature and extent of their educational deprivation. The special educational services shall be provided through such arrangements as dual enrollment, educational radio and television, and mobile educational services and equipment. Such opportunities shall be made available to those educationally deprived children who reside in the public school attendance area designated as the project area or in a geographical area reasonably coterminous with the project area. If it is not practicable to apply a project to children enrolled in private schools because they are enrolled in a private school located in another school district, the applicant may make arrangements for such children with the local educational agency serving such other school district, including where appropriate the making of a joint project application.

(b) The needs of educationally deprived children enrolled in private schools, the number of such children who will participate in the program and the types of special educational services to be provided for them, shall be determined, after consultation with persons knowledgeable of the needs of these private school children, on a basis comparable to that used in providing for the participation in the program by educationally deprived children enrolled in public schools.

(c) The opportunities for participation by educationally deprived children in private schools in the program of a local educational agency under Title I of the Act shall be provided through projects of the local educational agency which furnish special educational services that meet the special educational

needs of such educationally deprived children rather than the needs of the student body at large or of children in a specified grade. The application for each project shall show the number of educationally deprived children enrolled in private schools who are expected to participate therein and the degree and manner of their expected participation.

(d) Any project to be carried out in public facilities and involving a joint participation of children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid classes which are separated by school enrollment or religious affiliation of the children.

(e) Public school personnel may be made available on other than public school facilities only to the extent necessary to provide special services (such as therapeutic, remedial, or welfare services, broadened health services, school breakfasts for poor children, and guidance and counseling services) for those educationally deprived children for whose needs such special services were designed and only when such services are not normally provided by the private school. The application for a project including such special services shall provide assurance that the applicant will maintain administrative direction and control over those services. Subject to the provisions of § 116.20, mobile or portable equipment may be used on private school premises for such period of time within the life of the current project for which the equipment is intended to be used as is necessary for the successful participation in that project by educationally deprived children enrolled in private schools. Provisions for special educational services for educationally deprived children enrolled in private schools shall not include the paying of salaries for teachers or other employees of private schools, except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the using of equipment other than mobile or portable equipment, on private school premises or the constructing of private school facilities.

(f) In the event that the special educational needs of the educationally deprived Indian children attending private schools on a reservation cannot be met by the appropriate local educational agency because of the remote location of those schools, the Department of the Interior shall design its program to meet the special educational needs of such educationally deprived Indian children through appropriate arrangements that provide genuine opportunities for participation by such educationally deprived Indian children which are consistent with the number of such children and the nature and extent of their educational deprivation.

(g) The foregoing provisions of this section, other than those relating to the construction of private school facilities, do not apply to the use of funds granted to a State agency because of its direct responsibility for providing free public

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education for handicapped children or for children in institutions for neglected or delinquent children.

§ 116.20 Title to property and control over funds.

(a) Control over the use of funds provided under Title I of the Act, and title to and administrative control over property acquired with such funds, shall be in a public agency, which will exercise such control. Such funds and property shall be used for the purposes provided in Title I of the Act, but such a use shall not inure to the benefit of any private school. The incidental use of such property for other purposes is permitted only for related educational purposes on public premises and only so long as such a use does not interfere with the carrying out of a Title I project.

(b) Equipment acquired with funds provided under Title I of the Act may, in certain cases, be placed on private school premises for a limited period of time, but the title to and administrative control over such equipment must be retained and exercised by a public agency. In exercising that administrative control, the public agency shall not only keep records of, and account for, the equipment but shall also assure itself that the equipment is being used solely for the purposes of the project, and remove the equipment from the private school premises when necessary to avoid its being used for other purposes or when it is no longer needed for the purposes of the project.

(c) The application by a local educational agency must contain a satisfactory assurance that the funds provided under Title I of the Act, and property derived therefrom, will at all times be under the control of, and be administered by, a public agency in accordance with the provisions of the Act and the regulations in this part.

§ 116.21 Requirements with respect to construction.

(a) In a case of a project involving the construction of school facilities, the application for a grant shall provide assurances that all laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages at rates not less than those determined by the Secretary of Labor to be prevailing on similar construction in the locality in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5); that such contractors and subcontractors will comply with the regulations in 29 CFR Part 3 (see 29 F.R. 97), and include all clauses required by 29 CFR 5.5 (a) and (c) (see 29 F.R. 100, 101, 13463, and 29 CFR Part 3, Subpart B—Interpretation of the fringe benefits provisions of the Davis-Bacon Act—published at 29 F.R. 13465); and that the nondiscrimination clause prescribed by Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), will be incorporated in any contract for construction work, or modification thereof, as defined in said Executive Order.

(b) In developing plans for the construction of school facilities, the appli-

cant agency shall give due consideration to excellence of architecture and design and to the inclusion of works of art, for which funds under Title I of the Act will be available in an amount not in excess of 1 percent of the cost of such construction including the providing of works of art. In any event, the construction must be functional, must be undertaken in an economical manner, and must not be elaborate in design or extravagant in the use of materials.

(c) The State educational agency shall not approve a project involving the construction of school facilities unless it determines that the construction is consistent with overall State plans for construction. It shall not approve such a project involving construction, other than minor remodeling, altering or improving of school facilities, unless the approval is conditioned upon approval of the construction plans and specifications by the State educational agency, and further conditioned upon the award of a construction contract on or before a date specified in the project application as providing a reasonable period of time taking into consideration the nature of the program or project to be served by the construction of the school facilities and the magnitude of the construction to be undertaken, which date shall in no event be later than June 30 of the following fiscal year. Such plans and specifications shall be approved only after due consideration has been given, to the extent appropriate in view of the uses to be made of the facilities, of the accessibility of the facilities to, and the usability of them by, handicapped persons, and of their compliance with the minimum standards contained in "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped" approved by the American Standard Association, Inc., with appropriate usable segments of "Building Standards of the University of Illinois Rehabilitation Center" and "Occupancy Guide—Department of Veterans Benefits, Regional Offices, Veterans Administration," and with such other standards in that regard as the Secretary of Health, Education, and Welfare may prescribe or approve.

(d) In the planning of the construction of school facilities involving the use of funds under Title I of the Act, each State and local educational agency shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 F.R. 10663), and such rules and regulations as may be issued by the Department of Health, Education, and Welfare to carry out those provisions, evaluate flood hazards in connection with such school facilities, and as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

(e) All contracts for construction (as defined in § 116.1(f)) shall be awarded to the lowest qualified bidder on the basis of open competitive bidding except that, if one or more items of construction are covered by an established alternative

procedure, consistent with State and local laws and regulations, which is approved by the State agency as designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure may be followed.

§ 116.22 Provision for measurement of educational achievement and evaluation of programs.

(a) Each application by a State or local educational agency or by the Department of the Interior shall describe the procedures and techniques to be utilized in making at least annually an evaluation of the effectiveness of its program under Title I of the Act in meeting the special educational needs of educationally deprived children, including appropriate objective measurements of educational achievement.

(b) The measurement of educational achievement under such a program shall include the measuring or estimating of educational deprivation of those children who will participate in the program and the comparing, at least annually, of the educational achievement of participating children with some objective standard or norm. The type of measurement used by a local educational agency should give particular regard to the requirement that the State educational agency report to the Commissioner on the effectiveness of the programs in that State in improving the educational achievement of educationally deprived children.

(c) The evaluation of programs and projects should, consistent with the nature and extent of participation by children enrolled in private schools, be extended to such participation.

§ 116.23 Reports by local educational agencies.

Each application by a local educational agency (including a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) shall provide assurance that it will render to the State educational agency an annual report and such other reports, in such form, and containing such information, as may be reasonably necessary to enable the State educational agency to perform its duties under Title I of the Act, including the measurements of educational achievement and program effectiveness required by § 116.22. The local educational agency shall keep such program and fiscal records, and afford such access thereto, as the State educational agency may find necessary to assure the correctness and verification of such reports and the expenditure of funds granted under Title I of the Act.

§ 116.24 Relation to other programs.

(a) Each application for a grant under Title I of the Act shall demonstrate that, in the development of the program or project, the applicant has taken into consideration those benefits that are or may be made available for the affected children through various agencies of the

Federal Government, as well as through State and local agencies and private nonprofit organizations, and has coordinated the program or project with programs available through such agencies or organizations, including community action programs under Title II (42 U.S.C. 2781-2831) of the Economic Opportunity Act of 1964 and shall further demonstrate that there will be similar coordination in the operation of the program or project. The purpose of the foregoing is to avoid a duplication of benefits and to assure the most effective use of funds under Title I of the Act toward meeting the special educational needs of educationally deprived children.

(b) Each application by a State educational agency for a grant to establish or improve programs of education for migratory children of migratory agricultural workers shall demonstrate that in planning the program and the projects comprising that program there has been, and in carrying out such program and projects there will be, appropriate coordination with programs administered under Part B of Title III (42 U.S.C. 2861) of the Economic Opportunity Act of 1964. Each such application shall also describe the manner in which the program and projects are coordinated with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such migratory children.

(c) In the coordination with other programs the commingling of funds under Title I of the Act with funds under such other programs is not authorized, but the simultaneous use of funds under each of those programs to finance identifiable portions of a single project is permitted.

(d) The application by the Department of the Interior for payment to meet the special educational needs of educationally deprived children on reservations serviced by elementary and secondary schools operated for Indian children shall contain an assurance that the program and projects have been developed in cooperation with appropriate Indian representatives and community action agencies and that the program and projects will be coordinated with appropriate Federal, State, and local authorities and private nonprofit organizations.

§ 116.25 Dissemination and utilization of results of educational research and demonstrations.

(a) Each application by a State or local educational agency for a grant, or by the Department of the Interior for a payment, shall describe the methods to be used by the applicant for reviewing, selecting, and disseminating to teachers and educational administrators significant information on the latest developments and most recent experiments in education so that such information will be available for use in program planning and operation. The provisions in that regard may include, among other things, in-service education, the use of professional librarians on library informational systems, professional workshops

and seminar consultations and visitations, and reports on the organization, operation and outcome of projects under Title I of the Act.

(b) Promising educational practices developed through projects of the applicant, or through information disseminated to it by other applicants, shall be considered for, and to the extent deemed appropriate and not in violation of the assurance called for by paragraph (h) of § 116.17, may be adopted in, all of the schools of the applicant through the use of available funds other than those under Title I of the Act.

§§ 116.26-116.30 [Reserved]

Subpart D—Duties and Functions of State Educational Agencies

§ 116.31 Participation by States.

(a) Any State desiring to participate in the grant programs under Title I of the Act shall, through its State educational agency, submit to the Commissioner an application for such a participation. Each State educational agency seeking a grant for establishing or improving programs of education for migratory children of migratory agricultural workers shall submit a separate application for such a grant to the Commissioner pursuant to § 116.17(k).

(b) Each application by a State educational agency shall provide the official name of the agency responsible for carrying out the functions of a State educational agency under Title I of the Act.

(c) The application for participation by the State in the grant program shall contain an assurance of the State educational agency that each application by a local educational agency (including a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) approved by the State educational agency will comply with the requirements of Title I of the Act and the regulations in subpart C of this part, that the State educational agency will require each such local educational agency to carry out all assurances given by it in, and to perform all obligations imposed on it in connection with, its approved applications for grants, and that the State educational agency will in all other respects comply with the requirements imposed on it by Title I of the Act and the regulations in this part.

(d) The application for participation by the State in the grant program shall contain an assurance that fiscal control and fund accounting procedures will be adopted to assure the proper disbursement of, and accounting for, Title I funds paid to the State, including such sums as may be paid to State and local educational agencies with respect to approved projects.

(e) The State educational agency shall designate the officer who will receive and have custody of funds granted to the State under Title I of the Act, who will pay to State and local educational agencies the amounts distributed to them, who will receive the repayments by State and local educational agencies of

such portion of the funds paid to them as remain unexpended at the close of the period for which they were made available for expenditure, and who will pay out the amounts expended by the State educational agency for the performance of those duties which are imposed on it pursuant to Title I of the Act and the regulations in this part.

(f) Each application by a State educational agency shall contain an assurance that it will make periodic reports to the Commissioner evaluating the effectiveness of the programs and projects of State and local educational agencies, and the use by such educational agencies of grants under Title I of the Act, in improving the educational attainment of educationally deprived children. Such reports shall include the results of objective measurements of educational achievement under the programs of the several participating educational agencies with particular reference to progress made toward meeting the special educational needs of educationally deprived children.

(g) Each application by a State educational agency shall contain an assurance that it will make such other reports to the Commissioner as he may reasonably require from time to time to enable him to perform his duties under Title I of the Act. Such reports shall include a disclosure of any allegations of substance which may be made by local educational agencies or private individuals or organizations of actions by State or local educational agencies contrary to the provisions of Title I of the Act or the regulations in this part, a summary of the result of any investigations made or hearings held with respect to those allegations, and a statement of the disposition by the State educational agency of those allegations. It is recognized that the responsibility with respect to the resolution of such matters rests, in the first instance, in the State educational agency.

(h) Each application by a State educational agency shall contain an assurance that it will keep such records, and afford the Commissioner such access thereto, as he may find necessary to assure the correctness of the reports required to be made and the adequacy of the fiscal control over and the accounting for Title I funds paid to the States.

§ 116.32 Certificate of State attorney general.

The application for participation by a State in the grant program under Title I of the Act, and each application for a grant to establish or improve programs of education for migratory children of migratory agricultural workers, shall include a certificate by the State attorney general or other appropriate State legal officer to the effect that the agency submitting the application has the authority under State law to perform the duties and functions of a State educational agency under Title I of the Act and the regulations in this part, including those arising from the assurances given in the application.

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§ 116.33 Allocation to local educational agencies.

(a) In those instances in which the determination of the Commissioner with respect to the maximum amount of grants relates only to county aggregate maximum grants, the State educational agency shall allocate such county aggregate maximum grants among the local educational agencies within the counties on the basis of such criteria as the State educational agency may apply in accordance with § 116.4 and § 116.6.

(b) The State educational agency shall promptly advise the Commissioner of its allocations of county aggregate maximum grants among the several local educational agencies in each county and the criteria on which such allocations were based.

(c) The State educational agency shall advise the Commissioner of the amounts needed to fund those applications by local educational agencies for grants which are approved by the State educational agency, together with appropriate information concerning each of the projects covered by such applications, and of the additional amount not in excess of (1) one percent of the maximum grants to State and local educational agencies of the State as adjusted pursuant to § 116.9 or (2) \$75,000 (or \$25,000 in the case of Puerto Rico, Wake Island, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands), whichever is greater, which is required by the State educational agency for administration and for technical assistance to local educational agencies with respect to the measurement of educational achievement and evaluation of programs called for by § 116.22.

§ 116.34 Approval of applications from local educational agencies.

(a) The State educational agency shall review all applications by local educational agencies (including State agencies directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) in the State for grants under Title I of the Act to determine whether such applications meet the requirements of the Act and the regulations in subpart C of this part. The State educational agency shall not approve such an application unless it determines that the application does effectively meet the requirements of the Act and the regulations in subpart C of this part and that the State educational agency is able to give the Commissioner the assurances with respect to that application which are required by the regulations in this subpart. The State educational agency shall not approve an application by a local educational agency which, together with other approved applications by that agency, exceeds the amount available for grants to that agency.

(b) The State educational agency may approve an application in part or for less funds than is called for by the ap-

plication only if such an approval does not have the effect of altering the project to such an extent that it no longer provides reasonable promise of substantial progress toward meeting the special educational needs of educationally deprived children.

(c) The State educational agency shall not finally disapprove any application in whole or in part without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing with respect to such action.

(d) The terms and provisions of each approved project shall be made available, by the State educational agency, and by the affected local educational agency or agencies, for public inspection.

§§ 116.35–116.40 [Reserved]**Subpart E—Payments****§ 116.41 Payments to States.**

(a) The maximum amount of all payments which may be made to a State for grants under Title I of the Act is the aggregate of the maximum eligibilities of all State and local educational agencies of the State for grants and the maximum eligibility of the State educational agency for administration and technical assistance with respect to the measurement of educational achievement and evaluation of projects, as that aggregate is adjusted pursuant to § 116.9.

(b) The Commissioner will, during the fiscal year, pay to each State an amount which is equal to the aggregate amount for which projects of State and local educational agencies are approved by the State educational agency or by the Commissioner, plus such amount as the State educational agency is entitled to and expends for such administration and technical assistance. The Commissioner may make advances to each State submitting an application for participation in the program under Title I of the Act and requesting such an advance.

(c) Until such time as the Commissioner has finally determined the maximum eligibilities for grants of all State and local educational agencies in all the States, he will make a tentative ratable reduction in the amounts payable to States and will further limit such amounts in order for him to be in a position to make such final ratable reductions as may be necessitated by the amount of the available appropriations.

(d) Each local educational agency receiving a distribution of grants for approved programs and projects shall, at the end of the period for which expenditures of such grants are authorized, release to the State educational agency any unexpended balances of such grants. The State educational agency shall report to the Commissioner the amount of such unexpended balances as well as the unexpended balances of grants to the State educational agency for such administration and technical assistance, and all such unexpended balances shall be taken into account by the Commissioner in making payments to the State thereafter.

§ 116.42 Obligation of Federal appropriations.

(a) The notification to the Commissioner of the approval by State educational agencies of projects under Title I of the Act by local educational agencies for specified amounts within the limits of the amounts available for that purpose will be regarded as obligating the Government of the United States in such specified amounts. Federal appropriations so obligated will remain available for use by such local educational agencies as prescribed in § 116.46.

(b) Amounts made available for expenditure by State educational agencies for administration and technical assistance with respect to the measurement of educational achievement and evaluation of programs in accordance with the provisions of section 207(b) in Title I of the Act will be regarded as obligations of the Government of the United States. Federal appropriations so obligated will remain available for use by such local educational agencies as prescribed in § 116.46.

(c) The approval by the Commissioner of applications by State educational agencies for establishing or improving programs of education for children of migratory agricultural workers will be regarded as obligating the Government of the United States for the amounts approved for such projects. Federal appropriations so obligated will remain available for use by such State educational agencies as prescribed in § 116.46.

§ 116.43 Distributions to State or local educational agencies.

(a) Subject to the provisions of § 116.45, the State educational agency in each State participating in the program under Title I of the Act shall distribute to eligible State and local educational agencies the sums made available to the State educational agency by the Commissioner for the programs or projects of such State and local educational agencies approved by the State educational agency or the Commissioner during the fiscal year for which the Federal appropriations are made available.

(b) Federal funds so made available to a State educational agency shall be drawn down by the State educational agency or transferred to local educational agencies in installments substantially coinciding with the need for such funds based upon the estimated rates of expenditure by such State or local educational agencies.

§ 116.44 Limitation on payments to a State.

No payments by the Commissioner under Title I of the Act will be made to a State for any fiscal year in which the State has taken such payments into consideration in determining the eligibility of a local educational agency for State aid, or in determining the amount of that aid, with respect to the free public education of children in such a way as to penalize the local educational agency in relation to the availability of State or local funds.

§ 116.45 Limitations on payments to a local educational agency.

(a) No payments to a State under Title I of the Act for any fiscal year may be paid by the State educational agency to a local educational agency unless the State educational agency finds that the combined fiscal effort of that local educational agency and the State with respect to the provision of free public education by that local educational agency for the preceding fiscal year was not less than such a combined fiscal effort for that purpose for the second preceding fiscal year.

(b) For purposes of this section, fiscal effort by a local educational agency shall be measured by the amount of the current expenditures per pupil by the local educational agency other than expenditures from funds derived from Federal sources for which the local educational agency is required to account to the Federal Government directly or through the State educational agency, such as funds under Titles I, II, and III of the Act, Titles III and V of the National Defense Education Act of 1958, and the Economic Opportunity Act of 1964. Expenditures by a State with respect to a local educational agency rather than by such a local educational agency itself shall be deemed to have been maintained at the same level in the preceding fiscal year as in the second preceding fiscal year unless the basis for making such expenditures has been altered or if such expenditures are assumed by such a local educational agency. In such an event, the actual expenditures of that nature shall be taken into account in both years in determining combined fiscal effort. A combined fiscal effort in the preceding fiscal year shall not be deemed to be a reduction from that in the second preceding fiscal year unless the per pupil expenditure in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent. Any such reduction in fiscal effort by a local educational agency for any fiscal year by more than 5 percent will disqualify a local educational agency unless the local educational agency is able to demonstrate to the satisfaction of the State educational agency that such a reduction was occasioned by an unusual event, such as the removal of a large segment of property from the tax rolls, that could not have been fully anticipated or reasonably compensated for by the local educational agency and that fiscal effort of the local educational agency does not otherwise indicate a diminished fiscal effort.

§ 116.46 Use of Federal funds and liquidation of obligations by State or local educational agencies.

(a) Federal funds granted under Title I of the Act to State and local educational agencies shall remain available until August 31 following the fiscal year in which such amounts were made available for use by such State and local educational agencies for projects approved during that fiscal year. Grants for construction of school facilities shall remain available for use for that purpose for a

reasonable period of time as determined pursuant to § 116.21(c).

(b) Federal funds made available under Title I of the Act to State educational agencies for administration and technical assistance will remain available for such use until the close of the current fiscal year.

(c) For the purposes of this section a use of funds under Title I of the Act by a State or local educational agency will be determined on the basis of documentary evidence of binding commitments for the acquisition of goods or property, for the construction of school facilities, or for the performance of work, or on the basis of a reservation of funds for administrative activities in connection with the completion of project activities such as evaluation and auditing activities, except that the use of funds for personal services other than those for administrative activities for which such a reservation of funds has been made, for services performed by public utilities, for travel, and for rental of equipment and facilities shall be determined respectively on the basis of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used.

(d) Federal funds under Title I of the Act shall not be available for use with respect to binding commitments (other than those relating to personal services, utility services, travel, or the rental of equipment or facilities) entered into, or with respect to personal services, utility services, travel or the rental of equipment or facilities rendered or performed by or for a State educational agency with respect to administration or technical assistance prior to the effective date of the approval by the Commissioner of the State application for participation, which in no event will be earlier than the date on which it was received by the Commissioner in substantially approvable form and appropriations are made for that purpose.

(e) Federal funds granted to State educational agencies for establishing or improving programs of education under Title I of the Act for migratory children of migratory agricultural workers, and Federal funds distributed to local educational agencies (including State agencies directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) for programs under Title I of the Act, shall not be available with respect to binding commitments (other than those relating to personal services, utility services, travel, or the rental of equipment or facilities) entered into prior to, or with respect to personal services, utility services, travel, or the rental of equipment or facilities rendered or performed prior to, the effective date of the approval by the Commissioner of the State application for participation or (except for commitments or services related to planning projects) prior to the date on which the applicant was notified that the application of the State or local educational agency for a grant with respect to that project was submitted for approval to

the State educational agency or the Commissioner in substantially approvable form. Federal funds from two separate fiscal year appropriations are not available for payment with respect to a single such commitment.

(f) Obligations entered into by State and local educational agencies and payable out of funds under Title I of the Act shall be liquidated during the fiscal year following the fiscal year in which such funds are made available for use by such agencies unless prior to the end of that following fiscal year the State educational agency reports to the Commissioner the reasons why such obligations cannot be timely liquidated and, on the basis thereof, the Commissioner extends the time for so liquidating obligations.

§ 116.47 Expenditures by State and local educational agencies.

(a) Amounts granted or distributed to State or local educational agencies for approved projects may be expended by such agencies for such projects in the amounts for which they were approved by the Commissioner or the State educational agency. Amounts for approved projects may, within the limit of the amounts made available to the State or local educational agency for programs or projects, be varied upward or downward by 10 percent of such respective amounts upon the determination by the State or local educational agency that such projects and the program of that agency will continue to meet the requirements of Title I of the Act and the regulations in this part. A variation in excess of 10 percent may be made only with the approval of the Commissioner or the State educational agency which approved the original project.

(b) All proceeds from the sale of property being inventoried pursuant to the provisions of § 116.55 but not less than the fair market value of such property, and the net proceeds from the rental of such property, shall be credited to the Federal Government.

§ 116.48 State fiscal control and audit.

(a) The State educational agency shall, for that agency and local educational agencies, provide for such fiscal control and fund accounting procedures as may be necessary for the proper disbursement of funds paid to the State and to local educational agencies under Title I of the Act.

(b) All expenditures by local educational agencies or by State educational agencies of Federal funds granted under Title I of the Act shall be audited either by State auditors or by other appropriate auditors. The State educational agencies shall, with due regard for Federal auditing requirements, provide for appropriate audit standards for that purpose. The results of such audits shall be used to substantiate State agency records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to substantiate the results of such audits.

§§ 116.49-116.50 [Reserved]

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Subpart F—General Provisions**§ 116.51 Approval of State application.**

The Commissioner will approve each application by a State, through its State educational agency, to participate in the grant program under Title I of the Act if he determines that the application meets the requirements of section 206(a) in Title I of the Act and the regulations in Subpart D of this part. He will not finally disapprove any State application, or any application by a State educational agency for migratory children of migratory agricultural workers, except after reasonable notice and opportunity for a hearing to the State educational agency with respect to the disapproval of that application.

§ 116.52 Withholding by the Commissioner.

(a) Whenever the Commissioner, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in the application of that State, or in the application of that State educational agency, approved by the Commissioner, for a grant to establish or improve programs of education for migratory children of migratory agricultural workers, he will notify the agency that further payments will not be made to the State under Title I of the Act (or, in his discretion, that the State educational agency will not make further payments under Title I of the Act to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until the Commissioner is so satisfied, further payments under Title I of the Act will not be made to that State or payments by the State educational agency will be limited to payments to local educational agencies not affected by the failure, as the case may be.

(b) Prior to initiating a hearing under this section, the Commissioner will attempt to resolve any apparent differences between him and the State educational agency regarding the interpretation or application of the provisions of Title I of the Act and the regulations in this part, including any apparent differences with respect to the disposition of matters reported by the State educational agency pursuant to § 116.31(g). Nothing herein shall be deemed to prevent any State educational agency from seeking the advice of the Commissioner prior to disposing of such matters.

§ 116.53 Allowable expenditures.

(a) Federal funds made available to State and local educational agencies may be used by those agencies for such expenditures as are reasonably necessary for carrying out approved projects.

(b) Federal funds granted to State educational agencies for administration and for technical assistance to local educational agencies with respect to the measurements of educational achievement and evaluation of the effectiveness of projects in meeting the special educational needs of educationally deprived children may be used by those agencies

for such expenditures as are reasonably necessary for carrying out those activities.

(c) Federal funds made available under Title I of the Act to local educational agencies and to State educational agencies may be used only for those expenses which are incurred as a result of the grant program under that title. They include expenses such as those for:

(1) Salaries, wages, and other personal service costs of permanent and temporary staff employees and consultants for the performance of services reasonably necessary for the grant program under Title I of the Act, including the costs of regular contributions of employers to retirement, workmen's compensation, and welfare funds, and payments for leave earned with respect to such services;

- (2) Communications;
- (3) Utilities;

(4) The purchase of consumable supplies, including stationery;

(5) Printing and acquisition of printed and published materials;

(6) Travel and transportation expenses;

(7) Acquisition (by purchase or lease) and maintenance and repair of necessary equipment;

(8) Minor alterations in previously completed building space for use in the program under Title I of the Act;

(9) The rental of office space in privately and publicly owned buildings for use in the administration of the program under Title I of the Act, subject to the following provisions:

(i) The expenditures for the space are necessary for and properly related to the efficient administration of the program;

(ii) The State will receive the benefits of the expenditures during the period of occupancy commensurate with such expenditures;

(iii) The amounts paid are not in excess of comparable rental in the particular locality;

(iv) In the case of a publicly owned building, like charges are made to other State or local agencies occupying similar space for similar purposes;

(10) The acquisition of leasehold and other interests in land necessary for educational agencies to carry out approved projects successfully; and

(11) In exceptional cases, the construction of buildings, and the structural alteration of existing buildings.

(d) The expenditure of funds under Title I of the Act shall not be included in the determination of average per pupil expenditure pursuant to § 116.1(d) or in the determination of fiscal effort pursuant to § 116.45.

(e) None of the funds under Title I of the Act may be used for religious workshop or instruction.

§ 116.54 Retention of records.

(a) Each State educational agency and local educational agency receiving a grant under Title I of the Act shall keep intact and accessible all records supporting claims for such Federal grants or relating to the accountability of the grantee for the expenditure of such grants

(1) for 3 years after the close of the fiscal year in which the expenditure was made, (2) until the State educational agency is notified that such records are not needed for administrative review, or (3) until the State educational agency is notified of the completion of the fiscal audit by the Department of Health, Education, and Welfare, whichever is the latest. All other records developed under a program or project under Title I of the Act shall be kept intact and accessible for a period of 3 years after the completion of the program or project.

(b) The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been reviewed and approved by the Department of Health, Education, and Welfare.

§ 116.55 Inventories of equipment.

(a) Each State and local educational agency shall maintain an inventory of all equipment it has acquired with funds under Title I of the Act and placed in the temporary custody of persons in a private school. Such inventories shall be maintained until the equipment is discharged from such custody and, if costing \$100 or more per unit, for the expected useful life of the equipment or until its disposition.

(b) Each State educational agency and each local educational agency shall maintain inventories of all other equipment it has acquired with funds under Title I of the Act and costing \$100 or more per unit for the expected useful life of the equipment or until its disposition.

(c) The records of inventories required by this section shall be subject to the retention requirements of § 116.54.

§ 116.56 Financial interest of officials.

No board or staff member of a State or local educational agency may participate in an administrative decision with respect to a grant program under Title I of the Act if such a decision appears likely to result in any benefit or remuneration, such as a royalty, commission, contingent fee, or brokerage fee, or other benefit to him or any member of his immediate family.

§ 116.57 Copyrights and patents.

(a) Any material of a copyrightable nature produced through a project with financial assistance under Title I of the Act shall not be copyrighted but shall be placed in the public domain.

(d) Any materials of a patentable nature produced through a project with financial assistance under Title I of the Act shall be subject to the provisions of 45 CFR Parts 6 and 8.

Dated: January 25, 1967.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: February 2, 1967.

JOHN W. GARDNER,
Secretary of Health,
Education, and Welfare.

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PART 117—FINANCIAL ASSISTANCE FOR SCHOOL LIBRARY RESOURCES (WHICH FOR THE PURPOSES OF THIS PART MEANS BOOKS, PERIODICALS, DOCUMENTS, AUDIOVISUAL MATERIALS, AND OTHER RELATED LIBRARY MATERIALS), TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS

Grants made pursuant to the regulations set forth below are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88-352).

Part 117 reads as follows:

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AUTHORITY: The provisions of this Part 117 issued under sec. 703, 79 Stat. 57, as renumbered by secs. 201-207, 79 Stat. 36-37, and sec. 161, 80 Stat. 1204, 20 U.S.C. 883. Interpret or apply secs. 701, 703-705, 79 Stat. 55, 57-58, as renumbered by sec. 161, 80 Stat. 1204, 20 U.S.C. 821-827, 881, 883-885.

Subpart A—Definitions

§ 117.1 Definitions.

As used in this part—

(a) "Act" means the Elementary and Secondary Education Act of 1965 (Public Law 89-10), as amended.

(b) "Children" means those persons who are in attendance in elementary or secondary schools of a State which provide education or which comply with State compulsory school attendance laws or are otherwise recognized by some procedure customarily used in the State. The age limits are the permissible ages for attendance at the public elementary and secondary schools of the State, but children does not include persons enrolled in adult education courses, or in courses beyond grade 12.

(c) "Commissioner" means the U.S. Commissioner of Education.

(d) "Elementary school" means a day or residential school which provides elementary education, as determined under State law or as determined by the Department of the Interior or the Department of Defense.

(e) "Fiscal year" means the period beginning on July 1 and ending on the following June 30. (A fiscal year is designated by the calendar year of the ending date.)

(f) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. It also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school program.

(g) "Public agency" means a legally constituted organization of government under public administrative control and direction.

(h) "Private elementary and secondary schools" means nonprofit or profit schools which provide elementary and secondary education as determined under State law, not beyond grade 12, and which are controlled by other than a public authority but which either comply with the State compulsory attendance laws or are otherwise recognized by some procedure customarily used in the State.

(i) "School library resources, textbooks, and other printed and published instructional materials" means: (1) School library resources are books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes; processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and published materials of a similar nature made by any method now developed or hereafter

to be developed, and which are processed and organized for use by elementary or secondary school children and teachers; (ii) "Textbooks" means books, reusable workbooks, or manuals, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each pupil in such class or group; (iii) "Other printed and published instructional materials" are books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes; processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and published materials of a similar nature made by any method now developed or hereafter

to be developed, and which are not processed and organized for use by elementary or secondary school children and teachers. These terms include those printed and published instructional materials which are suitable for and are to be used by children and teachers in elementary and secondary schools and which with reasonable care and use may be expected to last more than 1 year. The terms do not include furniture or equipment.

(j) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, or as determined by the Department of the Interior or the Department of Defense, except that secondary education does not include any education provided beyond grade 12.

(k) "Standards" means those measures (established by the State agency, the Department of the Interior, or the Department of Defense for administration of a plan under Title II of the Act or established by other authoritative groups or individuals and accepted for such administration) which are used for making determinations of the adequacy, quality, and quantity of school library resources, textbooks, and other printed and published instructional materials to be made available for the use of children and teachers in elementary and secondary schools.

(l) "State" means, in addition to the several States in the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(m) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(n) "Teacher" means a person who is engaged in carrying out the instructional program of an elementary or secondary school, including a principal, guidance counselor, school librarian, or other member of the instructional or supervisory staff.

Subpart B—State or Department Plan—General Provisions

§ 117.2 State or Department plan.

(a) *Purpose.* A basic condition for the grant of Federal funds to a State or the payment of funds under Title II of the Act to the Department of the Interior or the Department of Defense is (1) a plan which meets the requirements of Title II of the Act in providing a program under which funds so granted or paid will be expended solely for the acquisition of school library resources, textbooks, and other printed and published instructional materials and the administration of the plan, and (2) an annual description of the projected program activities to be carried out under the plan during the forthcoming fiscal year.

(b) *Effects of a State plan.* The State plan, when approved by the Commissioner, shall constitute the basis on which Federal grants will be made, and the basis for determining the propriety of the expenditures of those funds.

(c) *Effect of a Department plan.* A plan, submitted by the Department of the Interior or by the Department of Defense when approved by the Commissioner, shall constitute the basis on which payments will be made to those Departments under Title II of the Act and the basis for determining the propriety of the expenditures of those funds by those Departments.

(d) *Amendments.* The administration of the program shall be kept in conformity with the approved plan. Whenever there is any material change in the content or administration of the program, or when there has been any material change in pertinent State law or in the organization, policies, or operations of the State agency affecting the program under the plan, the plan shall be appropriately amended.

(e) *Submission.* A plan and all amendments thereto shall be submitted to the Commissioner by a duly authorized officer of the State agency, the Department of the Interior, or the Department of Defense. The plan shall indicate the official or officials authorized to submit plan materials. The State agency shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for the administration of the State plan.

(f) *Certificate by the State agency.* The State plan and all amendments thereto shall include as an attachment a certificate of the officer of the State agency authorized to submit the State plan to the effect that the State plan or amendment has been adopted by the State agency and that the State plan, or State plan as amended, will constitute the basis for operation and administration of the program under Title II of the Act.

(g) *Certificate of the State Attorney General or other appropriate State legal officer.* The State plan shall also include, as an attachment, a certificate by the appropriate State legal officer to the effect that the State agency named in the plan is the "State agency" required

by section 203(a)(1) of the Act to have authority, either directly or through arrangements with other State or local public agencies, to act as the sole agency to submit the State plan; that such agency has authority under State law to carry out or arrange for the carrying out of the programs described therein; and that all the State plan provisions are consistent with State law.

(h) *Approval by the Commissioner.* The Commissioner will approve each plan, or modifications thereof, and the annual description of projected program activities which he determines meets the applicable requirements of the Act and regulations in this part, and will notify the applicant of the granting, conditioning, or withholding of approval in each such case. However, no final action with respect thereto, other than one of approval, will be taken by the Commissioner unless he first notifies the applicant of his proposed action and in connection therewith affords the applicant a reasonable opportunity for a hearing on whether the affected plan or modification meets such requirements.

(i) *Withholding.* Whenever the Commissioner, after reasonable notice and opportunity for a hearing, finds: (1) That the plan fails to comply with the requirements of the Act and the regulations in this part; or (2) that in the administration of the plan, there is a failure to comply substantially with any such provisions, the Commissioner will notify the applicant that said applicant will not be regarded as eligible to participate in the program under Title II of the Act until he is satisfied that there is no longer any such failure to comply.

(j) *Effective date of the plan.* Funds under Title II of the Act may not be applied to any expenditure (as defined in § 117.19(b)), prior to the date on which the State plan was received in substantially approvable form by the Commissioner.

§ 117.3 Allocation of school library resources, textbooks, and other printed and published instructional materials.

(a) *General.* The plan shall set forth the criteria used in determining need and the proportions of the allocation to be used for school library resources, textbooks, and other printed and published instructional material provided under Title II of the Act among the children and teachers in the elementary and secondary schools, which criteria shall incorporate the provisions of paragraphs (b) and (c) of this section.

(b) *Relative need.* The criteria shall, on the basis of a comparative analysis and the application of standards, as defined in paragraph (k) of § 117.1, establish the relative need as determined from time to time of children, as well as teachers, for school library resources, textbooks, and other printed and published instructional materials to be provided under the plan. Such criteria shall include priorities for the provision of such materials on the basis of several factors such as the requirements of elementary and secondary instruction, quality and

quantity of such materials now available, requirements of children and teachers in special or exemplary instructional programs, the cultural or linguistic needs of children or teachers, the degree of economic need, and degree of previous and current financial efforts for providing such materials in relation to financial ability. The distribution of such resources, textbooks, and materials for children and teachers solely on a per capita basis does not satisfy this provision.

(c) *Equitable basis.* The criteria established under a State plan shall provide for the allocation of school library resources, textbooks, and other printed and published instructional materials in such a way as to provide assurance that, to the extent consistent with State law, such resources, textbooks, and materials are provided on an equitable basis for the use of children and teachers in private elementary and secondary schools in the State which comply with the compulsory attendance laws of the State or are otherwise recognized by it through some procedure customarily used in the State. However, said equitable provision shall not be effectuated by means of transfer of funds to private schools or purchase by them of such library resources, textbooks, and materials.

§ 117.4 Selection of school library resources, textbooks, and other instructional materials.

(a) *Criteria.* Each plan shall set forth the specific educational and other criteria to be used (1) in selecting the school library resources, textbooks, and other instructional materials to be made available to children and teachers under Title II of the Act and (2) as the basis for determining the proportions of the allotment for each fiscal year which will be spent for the acquisition of (i) school library resources, (ii) textbooks and (iii) other printed and published instructional materials. The ultimate responsibility for the selection under those criteria of all school library resources, textbooks, and other instructional materials for the use of children and teachers in public and private elementary and secondary schools in a State shall be that of a State or local public agency. If proportions for the three categories of materials are changed significantly, the plan should be so amended.

(b) *Public control.* Each plan shall provide that title to, and control and administration of the use of, school library resources, textbooks, and other instructional materials acquired under Title II of the Act shall vest only in a public agency (as defined in § 117.1(g)), or the United States, or Department or Agency thereof. Each State plan shall set forth the method by which such resources, textbooks, and other instructional materials acquired under Title II of the Act will be limited to those approved by an appropriate State or local educational authority or agency for use, or to those which are used, in a public elementary or secondary school of the State.

(c) *Religious worship or instruction.* Each plan shall provide that funds under Title II of the Act will not be used for religious worship or instruction, or for school library resources, textbooks, or materials to be used in such worship or instruction.

§ 117.5 Methods and terms of availability.

(a) *General.* Each plan shall set forth the methods and terms by which the school library resources, textbooks, and other instructional materials acquired under Title II of the Act will be made available for the use of children and teachers in the elementary and secondary schools. Each plan shall contain an assurance that funds provided under Title II of the Act will be applied for the benefit of children and teachers rather than inure to the enrichment or benefit of any private school. With respect to children and teachers in private schools, each State plan shall provide that (1) library resources, textbooks, and other printed and published instructional materials are to be made available to children and teachers and not to institutions; (2) such materials are to be made available on a loan basis only; (3) a public agency will retain title to, and control and administration of the use of, such materials; (4) such materials must be limited to those which have been approved by an appropriate State or local educational agency or authority for use, or, are used in a public elementary or secondary school of that State; and (5) books and materials must not supplant those being provided children but must supplement library resources, textbooks, and other instructional materials to assure that the legislation will furnish increased opportunities for learning. It shall also assure that the Federal funds made available under this title will not be used to supplant or duplicate, inappropriately, functions of the public library system of the State.

(b) *Control of materials.* Each State plan shall contain an assurance that school library resources, textbooks, and other printed and published instructional materials acquired under Title II of the Act shall be available to children and teachers in elementary and secondary schools on a loan basis only and that there will be a proper accounting of such school library resources, textbooks, and other printed and published instructional materials. Each plan shall provide for the control, recall, and replacement of school library resources, textbooks, and other printed and published instructional materials. The public agency having control shall impose responsibility upon the children and teachers who borrow school library resources, textbooks, and other printed and published instructional materials (for loss, damage, failure to return when required, or other violations of the terms and conditions of the loan) which is comparable to that imposed upon borrowers of similar items purchased with funds derived from other sources.

(c) *Accessibility of loaned materials.* Each State plan shall provide, unless pro-

hibited from doing so by State law, that school library resources, textbooks, and other printed and published instructional materials acquired with funds under Title II of the Act will be made available for the use of children and teachers in private elementary and secondary schools on an equitable basis. The State plan shall provide for the maintenance of catalogs or lists of instructional materials acquired under the State plan or such other system or systems as may be approved by the Commissioner which will assure the reasonable accessibility and availability of instructional materials to children and teachers in both public and private schools. Such catalogs or lists may be limited in content, for example, to instructional materials designed for children with special needs or to instructional materials supporting particular areas of curriculum and which are not otherwise generally available to the affected children and teachers. Such catalogs or lists or other systems may be maintained on the basis of such limited and defined geographical areas as may be appropriate to assure distribution of materials on a feasible basis. Another method may be the use of a central depository system. The circulation of such instructional materials shall be subject to such restrictions as may be required to maintain an equitable distribution thereof among the children and teachers. The loan terms should be based on educational principles of service to instructional programs so that the children and teachers for whom the school library resources, textbooks, and other instructional materials are selected will not be deprived of their use when needed.

(d) *Charge for use.* No charge may be levied against children and teachers for the use of any school library resources, textbooks, and other instructional materials acquired under Title II of the Act.

(e) *Inventory.* The public agency in which title to school library resources, textbooks, and other printed and published instructional materials is vested, and the Department of the Interior and the Department of Defense, shall indicate ownership by appropriate marking of each item in a permanent manner and will maintain an inventory record of such items, revised annually. The inventory records shall be maintained for the useful life of such items, and shall be made available to the Commissioner upon request.

(f) *Methods of inventorying.* The methods for inventorying and maintaining records of such materials employed by the public agency retaining title will be subject to the approval of the State agency administering the plan. Inventory records of such materials shall be compiled and maintained by the public agency retaining title and actual administrative control through the use of publicly employed personnel. The methods of inventorying shall include appropriate provision for substantiating the inventories by on-site inspection. The State agency administering the plan shall make an annual report to the Commissioner of the results of such inventorying

and recordkeeping procedures as may be employed, adopted, or prescribed, including the nature and type of any discrepancies and the manner of disposition of same. The State plan shall set forth a policy for moving items from inventory, by procedures consistent with established State or local public agency determinations relative to loss, obsolescence, or rate of deterioration of school library resources, textbooks, and other instructional materials.

§ 117.6 Coordination with public library programs.

The State plan shall contain an assurance that, in order to secure the effective and efficient use of Federal funds, and to avoid duplication of effort, there has been and will be appropriate coordination at both State and local levels between the program carried out under Title II of the Act with respect to school library resources and any program carried out under the Library Services and Construction Act (20 U.S.C. ch. 16).

§§ 117.7-117.10 [Reserved]

Subpart C—Availability of Title II Funds

§ 117.11 Allotment of funds.

(a) *State allotment.* The Federal Government will pay from each State's allotment amounts equal to the sums expended by the State under an approved State plan for (1) the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in the State; and (2) administration of the State plan. In no case will the amount paid for administration of the State plan for any fiscal year exceed an amount equal to 5 percent of the total amount of the projects approved by the State agency under Title II of the Act for that year or \$50,000, whichever is greater.

(b) *Reduction in State allotment.* In any State which has an approved State plan and in which no State agency is authorized by law to provide school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in any one or more elementary or secondary schools in that State, the Commissioner will arrange for the provision on an equitable basis of such resources, textbooks, and other materials for the use of such children and teachers. In such an event, the Commissioner will pay the cost thereof for any fiscal year out of the State's allotment.

(c) *Allotment to the Departments of the Interior and Defense.* Such amount shall be allotted to the Secretary of the Interior as is necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and to the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense.

RULES AND REGULATIONS

§ 117.12 Acquisition.

Acquisition of school library resources, textbooks, and other printed and published instructional materials in which there may be financial participation under Title II of the Act means the purchase, lease-purchase, or straight lease of such resources, textbooks, and materials and includes the necessary and essential cost of ordering, processing, and cataloging such resources, textbooks, and materials and delivery of them to the initial place at which they are made available for use. Funds under Title II of the Act are not available for the rebinding or repair of such resources, textbooks, and materials.

§ 117.13 Administration of the State plan.

(a) **Functions.** Funds allotted to States under Title II of the Act are available, up to the limits specified in § 117.11, for the administration of the State plan. Of the funds so made available for administration of the State plan, appropriate amounts shall be made available to local educational agencies for responsibilities assigned by the State to such local educational agencies for the making of loaned materials accessible in accordance with § 117.5(c). The administration of the State plan involves functions such as:

(1) The development of short- and long-term policy for making school library resources, textbooks, and other printed and published instructional materials available for the use of children and teachers in the elementary and secondary schools of a State;

(2) The development, revision, dissemination, and evaluation of standards relating to the selection, acquisition, and use of school library resources, textbooks, and other printed and published instructional materials;

(3) State supervisory services and evaluation of programs for the acquisition and use of school library resources, textbooks, and other printed and published instructional materials;

(4) Inventorying of acquisitions made under Title II of the Act and the maintaining of other requisite records;

(5) The control of loaned materials in accordance with section 117.5(c); and

(6) The rendering of such reports as the Commissioner may require.

(b) **Eligible expenditures for administration of the State plan.** Funds under Title II of the Act may be used for only those additional expenses incurred as a direct result of administration of the State plan and include such categories as:

(1) Salaries, wages, and other personal service costs of permanent and temporary staff;

(2) Communications;

(3) Utilities;

(4) Consumable office supplies, including stationery;

(5) Printing and the acquisition of printed and published materials for use of administrative and supervisory staff;

(6) Travel and transportation expenses;

(7) Acquisition (including rental), maintenance, or repair of office equipment, or that equipment needed for supervisory and demonstration functions, for use of the administrative and supervisory staff;

(8) Minor alterations in previously completed building space used or to be used for administration of the program under Title II of the Act which would be needed to make effective use of equipment acquired for administration. Excluded are building construction, structural alterations to buildings, building maintenance, repair, or renovation.

(9) Fair rental of office space in privately or publicly owned buildings, subject to the following provisions:

(i) The expenditures for the space are necessary and properly related to the efficient administration of the program;

(ii) The State will receive the benefits of the expenditures during the period of occupancy commensurate with such expenditures;

(iii) The amounts paid are not in excess of comparable rental in the particular locality;

(iv) Expenditures represent a current cost;

(v) In the case of a publicly owned building, like charges are made to other State agencies occupying similar space for similar purposes.

§ 117.14 Administration of the Departments of the Interior and Defense plans.

An amount not to exceed 5 percent of the funds made available to the Departments of the Interior and Defense shall be available for the administration of the plans of the Departments, respectively, in a manner consistent with § 117.13, except that funds will not be available for the rental of facilities.

§§ 117.15-117.18 [Reserved]

Subpart D—Fiscal Procedures

§ 117.19 State fiscal procedures.

(a) **State administration.** The State plan shall prescribe such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds under Title II of the Act. Accounts and supporting documents relating to the program under Title II of the Act shall be adequate to permit an accurate and expeditious audit of the program.

(b) **Expenditures.** For the purpose of the regulations in this part, the expenditure (as hereafter defined) of funds under Title II of the Act shall occur prior to the end of the fiscal year in which such funds are to be available. The expenditures shall be deemed to have occurred upon the date of execution of documentary evidence of binding commitments for the acquisition of goods and services acquired by purchase order or contract, including a binding commitment by a State agency to pay a local educational agency a fixed charge for the ordering and processing of instructional materials. However, personal services, rental, and travel are expenditures on the basis of the time when the services are rendered

or received, the rental facilities are used, and the travel performed, rather than on the basis of entering into a binding commitment. All such binding commitments shall be liquidated by the end of the fiscal year following the fiscal year in which the binding commitments were entered into or the end of such additional period of time as the Commissioner may grant on the basis of a request from the State.

(c) **Audit of other participating agencies.** All expenditures of funds under Title II of the Act shall be audited either by the State or by other appropriate auditors. The State plan shall indicate how the accounts of those other State and local public agencies participating under the State plan through arrangements with the sole State agency for administration will be audited; and, when such an audit is to be carried out, how the State agency will secure information necessary to assure proper use of any funds under Title II of the Act turned over to such other agency or agencies for expenditure. The State plan shall name the State agency in which the reports of such audits will be maintained.

§ 117.20 Federal fiscal audits.

The State agency's program expenditure records are to be audited by the Federal Government to determine whether the State agency has properly accounted for Federal funds.

§ 117.21 Transfer of funds to other State or local agencies.

The State plan shall set forth the policies and procedures to be used in the payment of funds to other State or local public agencies by the State agency administering the State plan, either as reimbursement for actual expenditures, or as an advance prior to expenditures, for the acquisition of school library resources, textbooks, and other printed and published instructional materials, and for administration of the State plan.

§ 117.22 Adjustments.

The State agency in its maintenance of program expenditures, accounts, records, and reports shall make promptly any necessary adjustments in its records to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State agency's financial reports filed with the Commissioner.

§ 117.23 Proration of costs.

Funds under Title II of the Act are available only with respect to that portion of any expenditure which is attributable to an activity under the State plan. The State plan shall specify the basis for identifying and the method to be used in prorating expenditures attributable solely to State plan activities. The State agency shall include in the description of its projected program submitted to the Commissioner for each fiscal year its prorated expenditures for salaries attributable to State plan activities. The State agency must also main-

tain records (documented on a before-and-after-the-fact basis) to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, and equipment.

§ 117.24 Maintenance of level of support.

The State plan shall set forth the policies and procedures designed to assure that funds made available under Title II of the Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of State, local, and private school funds that would in the absence of such funds be made available for school library resources, textbooks, and other printed and published instructional materials, and in no case supplant such State, local, and private school funds. Such policies and procedures shall take into consideration the total amount of State, local, and private school funds budgeted for expenditure in the current fiscal year for the acquisition of school library resources, textbooks, and other printed and published instructional materials; as compared with the total amount of State, local, and private school funds actually expended in each of the two most recent fiscal years for which the information is available for the acquisition of school library resources, textbooks, and other printed and published instructional materials.

§§ 117.25-117.29 [Reserved]

Subpart E—State Administration

§ 117.30 State agency for administration.

(a) *Designation.* The State plan shall give the official name of the agency which will be, either directly or through arrangements with State or local public agencies, the sole agency for administering the plan.

(b) *Authority and organization.* The State plan shall set forth the authority of the State agency under State law to submit the plan and to administer and supervise the programs set forth therein, including a description of both the legal and functional relationships between the State agency and other State and local public agencies for the purpose of carrying out the State plan. Citations to, or copies of, all directly pertinent statutes and interpretations of law made by appropriate State officials, whether done by regulations, policy statement, opinion of an authorized State legal officer, or a court decision, shall be furnished as part of the plan or in the appendix. All copies must be certified as correct by an appropriate official.

(c) *Staff for administration.* The State plan shall describe, by chart or otherwise, the organization of the State agency staff for administration of the State plan. The lines of authority within the administrative unit or units responsible for the programs under the plan shall be shown, together with pertinent administrative arrangements or relationships of such unit or units to the rest of the State agency, and to other State

and local public agencies utilized to carry out the State plan.

§ 117.31 Custody and expenditure of funds.

The State plan shall designate the officer or officers who will receive, provide for the custody of all funds to be expended, and authorized expenditures.

§ 117.32 Duties and qualifications of professional personnel.

(a) *Staff.* The State plan shall describe the duties of State administrative and supervisory positions, existing and proposed, under the State plan. The State plan shall also set forth the qualifications of all professional administrative and supervisory positions under the State plan. If State statutes or regulations establish such positions and give such information, the plan shall so state.

(b) *Advisory committees.* If State advisory committees are used with respect to one or more aspects of the State plan, the plan shall describe the membership, method of establishment, and duties, including the procedures for the payment of the committees' expenses, if any.

§ 117.33 Officials not to benefit.

No member of the staff of a State or local educational agency may participate in the administration of a program under Title II of the Act, and no person may serve on an advisory committee established to assist either with planning for such program or with its administration, if such person will receive any benefit or remuneration in the form of a commission, percentage, contingent fee, brokerage fee, or otherwise, as a result of any contract for the acquisition of school library resources, textbooks, or other printed and published instructional materials under such a program or as a result of the granting or withholding of approval of the acquisition or use of any school library resources, textbooks, or other printed and published instructional material under Title II of the Act. The State agency administering the State plan shall take such action as is necessary to assure itself that preferential treatment on the basis of authorship or other personal interests will be avoided in relation to the sale or distribution of school library resources, textbooks, and other printed and published instructional materials under Title II of the Act.

§ 117.34 Continuing review by Commissioner of State administration.

In order to assist the State agency in adhering to statutory requirements and to the provisions of its approved State plan, the Commissioner will conduct periodic review of the administration of programs under Title II of the Act.

§ 117.35 Administration and evaluation.

Provision shall be made in the State plan and the plans of the Department of the Interior and the Department of Defense for both administrative review and evaluation by the Department or

the State agency of the program and operations under the plan at least annually for the purpose of appraising their scope, status, and administration. Such evaluation will be done in relation to the criteria used for equitable distribution and the identifying and serving of needs and will include the review, redefinition, and refinement of meaningful standards as to adequacy, quality, and quantity of school library resources, textbooks, and other printed and published instructional materials which are selected and distributed, and the effectiveness in making such resources, textbooks, and other materials available for the use of children and teachers in elementary and secondary schools. The State agency shall include a report of such administrative review and evaluation in the annual report of the State agency.

§ 117.36 Reports and records.

The State plan and the plans of the Department of the Interior and the Department of Defense shall provide that the Department or the State agency will participate in such periodic consultations and will make such reports to the Commissioner at such time, in such form, and containing such information as the Commissioner may consider necessary to enable him to perform his duties under the Act and will keep such records and afford such access thereto, and will comply with such other requirements, as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 117.37 Retention of records.

(a) *General rule.* The State agency shall provide for keeping accessible and intact all records supporting claims for funds under Title II of the Act or relating to the accountability of the grantee or funded agency for expenditure of such funds.

(1) For 3 years after the close of the fiscal year in which the expenditure was made;

(2) Until the State agency is notified that such records are not needed for program administration review; or

(3) Until the State agency is notified by the Department of Health, Education, and Welfare of a completion of the fiscal audit, whichever is latest.

(b) *Questioned expenditure.* The records involved in any claim or expenditure which has been questioned shall be maintained until necessary adjustments have been reviewed and cleared by the Department of Health, Education, and Welfare.

(c) *Inventories of equipment for administration of the State plan.* Where equipment which costs \$100 or more per unit is purchased by the State with Federal funds for use in administration of the State plan, inventories and other records supporting accountability shall be maintained for the useful life of such equipment or until the State agency is notified of the completion of the review and audit of the Department of Health, Education, and Welfare covering the dis-

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position of such equipment, whichever is sooner. Records supporting accountability of school library resources, textbooks, and other printed and published instructional materials shall be maintained in accordance with § 117.5.

§§ 117.38-117.42 [Reserved]

Subpart F—Payment Procedures

§ 117.43 Financial reports.

Reports. Each State agency shall submit, in accordance with procedures established by the Commissioner:

(a) Following the end of the fiscal year, a report of the total expenditures made under the plan during the fiscal year; and

(b) Such other reports as are periodically needed to account properly for funds.

§ 117.44 Payment of funds under Title II of the Act.

Funds under Title II of the Act to pay for amounts expended by a State in carrying out its State plan will be limited to the amount necessary to meet current needs.

§ 117.45 Withholding of funds.

Neither the approval of the State plan nor any payment to the State pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the State to observe, before or after such administrative action, any Federal requirements.

§ 117.46 Reallotment.

(a) *In general.* The amount of any State allotment under Title II of the Act for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallocation, from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under Title II of the Act for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

(b) *Statements of anticipated need.* In order to provide a basis for reallocation by the Commissioner under Title II of the Act, each State agency administering a program under Title II of the Act, shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto. Such further information as the Commissioner may request for the purpose of making reallocations shall be reflected in such statements.

(c) *Lack of carryover.* No allotment (or reallocation) of the funds may be

carried over for use during the subsequent fiscal year.

Dated: January 25, 1967.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: February 2, 1967.

JOHN W. GARDNER,
Secretary of Health,
Education, and Welfare.

[F.R. Doc. 67-1463; Filed, Feb. 8, 1967;
8:45 a.m.]

PART 118—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

Grants made pursuant to the regulations set forth below are subject to the regulation in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88-352).

Part 118 is revised, primarily to reflect the amendments to the Elementary and Secondary Education Act of 1965 that are contained in P.L. 89-750, to read as follows:

Sec.	Subpart A—Definitions
118.1	Definitions.
118.2	Subpart B—Project Proposals
118.3	General provisions.
118.4	Designation and certification of agency for administration.
118.5	Purposes.
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118.14-118.18	Amendments.
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118.20	Criteria for evaluation of project proposals.
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118.24	Subpart D—Federal Financial Participation and Payment Procedures

118.25	Effective date of approved project.
118.26	Payment procedures.
118.27	Effect of Federal payments.
118.28	Extent of participation under Title III of the Act.
118.29	Availability of funds for approved projects.
118.30	Fiscal and auditing procedures.
118.31	Adjustments.
118.32	Disposal of records.
118.33	Cooperative agreements.
118.34	Eligible expenditures.
118.35	Funds not expended.
118.36-118.39	Reapportionment.
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Sec.	Subpart E—Equipment and Construction
118.41	Acquisition and maintenance of equipment.
118.42	Grants for construction.
118.43	Accounting procedures for construction projects.

Sec.	
118.43	Recovery of payments.
118.44	Leasing facilities.
118.45	Shared use of supplementary educational centers.
118.46	Patents and copyrights.
118.47-118.48	[Reserved]

Subpart F—Review Provisions

118.49	State educational agency review and recommendations.
118.50	Continuing administrative review and program evaluation.

AUTHORITY: The provisions of this Part 118 issued under sec. 703, 79 Stat. 57, as renumbered by sec. 161, 80 Stat. 1204, 20 U.S.C. 883. Interpret or apply secs. 301-308, 79 Stat. 39-44, and secs. 701, 703-705, 79 Stat. 55, 57-58, as renumbered by sec. 161, 80 Stat. 1204, 20 U.S.C. 841-848, 881, 883-885.

Subpart A—Definitions

§ 118.1 Definitions.

As used in this part:

(a) "Act" means the Elementary and Secondary Education Act of 1965, Public Law 89-10, as amended.

(b) "Base period" means the 3-year period immediately preceding the period covered by a project proposal.

(c) "Commissioner" means the U.S. Commissioner of Education.

(d) "Construction" means (1) the erection of new or expansion of existing structures, and the acquisition and installation of fixed or built-in equipment therefor; (2) the acquisition of existing structures not owned by the agency making application for assistance under Title III of the Act; (3) the remodeling or alteration (including the acquisition, installation, modernization, or replacement of fixed or built-in equipment) of existing structures; or (4) a combination of any two or more of the foregoing.

(e) "Cultural and educational resources" includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, philanthropic organizations, and educational radio and television.

(f) "Department" means the U.S. Department of Health, Education, and Welfare.

(g) "Elementary school" means a day or residential school which provides elementary education, as determined under State law.

(h) "Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials. Equipment does not include supplies, which is defined in paragraph (q) of this section.

(i) "Exemplary educational programs" means educational programs or activities designed to serve as models for regular school programs.

(j) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function, as defined in paragraph (n) of this section, for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. That term also includes any other public institution or agency of any State or political subdivision thereof having administrative control and direction of a public elementary or secondary school.

(k) "Nonprofit," as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(l) "Project proposal" means an application for a grant or payment for the planning, establishing, operating or maintaining of, a supplementary educational center or service submitted to the Commissioner for his approval under Title III of the Act.

(m) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include education beyond grade 12.

(n) "Service function" means an educational service which is performed by a legal entity, such as an intermediate agency, whose jurisdiction does not extend to the whole of the State and which is authorized to provide consultative, advisory, or educational program services to public elementary or secondary schools, or which has regulatory functions over agencies having administrative control or direction of public elementary or secondary schools, rather than a service which is performed by a cultural or educational resource.

(o) "State" includes, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(p) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(q) "Supplies" means those nonequipment items which are consumed in use or which may not reasonably be expected to last longer than 1 year.

(r) "Works of art" means those items, which may be in the nature of fixtures, that are incorporated in school facilities primarily because of their esthetic value. The cost of a work of art which is in the nature of a fixture shall be the estimated additional cost of incorporating those

special esthetic features which exceed the general requirements of excellence of architecture and design.

Subpart B—Project Proposals

§ 118.2 General provisions.

A grant under Title III of the Act will be made to a local educational agency or agencies, or payment will be made to the Department of the Interior or the Department of Defense, only upon submission of an application (in the form of a project proposal) for such a grant or payment on such forms as the Commissioner provides and upon approval of the application by the Commissioner.

§ 118.3 Designation and certification of agency for administration.

(a) *Designation.* Each project proposal and amendment thereto shall give the official name of the applicant, which shall be the agency responsible for carrying out the project.

(b) *Certification.* Each such proposal or amendment shall include as an attachment a certificate by the officer authorized to make and submit the proposal, or amendment, on behalf of the applicant to the effect that the proposal or amendment has been adopted by the applicant.

§ 118.4 Purposes.

(a) In order to stimulate and promote the acceptance of innovative and exemplary educational programs into educational practices, grants, and payments will be made under Title III of the Act for supplementary educational centers and services through which such programs may be carried out. Grants and payments may also be made for planning and taking other steps leading to the development of such programs. Priority will be given to assisting those programs which are exemplary and demonstrate educational innovation and which may serve as models for adoption as regular school programs. The provision of such programs may include, if necessary for the success of the project, the acquisition of equipment and supplies, and, in the case of local educational agencies if essential to the success of the project, the leasing or construction of facilities.

(b) Grants and payments may be made for innovative and exemplary programs in the following categories:

(1) Comprehensive guidance and counseling, remedial instruction, and school health, physical education, recreation, psychological, and social work services designed to enable and encourage persons to enter, remain in, or re-enter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

(2) Comprehensive academic services, and, where appropriate, vocational guidance and counseling, for continuing adult education;

(3) The development and conduct of exemplary educational programs, including dual-enrollment programs for the purpose of stimulating the adoption of improved or new educational programs, and programs for conducting, sponsor-

ing, or cooperating in educational research and demonstration programs and projects such as (i) establishing and maintaining curriculum research and innovation centers to assist in locating and evaluating curriculum research findings, (ii) discovering and testing new educational ideas (including new uses of printed and audio-visual media) and more effective educational practices, and putting into use those which show promise of success, and (iii) studying ways to improve the legal and organizational structure for education, and the management and administration of education, in the schools of the State;

(4) Specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or specialized instruction and equipment for persons who are handicapped or of preschool age;

(5) The making available on a temporary basis, of modern educational equipment and especially qualified personnel, including artists and musicians, to public and other nonprofit schools, organizations, and institutions;

(6) The developing, producing, and transmitting of radio and television programs for classroom and other educational use;

(7) The providing of special educational and related services to persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the providing of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, and visiting teachers programs;

(8) Other specially designed educational programs which meet the purposes of Title III of the Act.

§ 118.5 Evidence of involvement of cultural and educational resources.

Each project proposal shall include evidence that representatives of appropriate cultural and educational resources have participated in the planning, and will participate in the operation and evaluation, of the project. No such proposal will be approved unless the Commissioner determines that the degree of participation by such resources is sufficient to assure that the proposed project will be effective in substantially increasing the educational and cultural opportunities for persons in the area to be served.

§ 118.6 Administration and reporting.

(a) *Administration.* Each project shall provide that the activities and services for which assistance under Title III of the Act is sought will be administered by or under the supervision of the applicant.

(b) *Reports and records.* Each project proposal shall provide for the making of an annual report and such other reports, in such form, and containing such information, as the Commissioner may reasonably require to carry out his func-

tions under Title III of the Act and to determine the extent to which the use of funds provided under that Title has been effective in improving the educational opportunities of persons in the area served. The applicant shall keep such records, and afford such access thereto, as the Commissioner may find necessary to assure the correctness of such reports.

§ 118.7 Present programs.

(a) *Programs during the base period.* Each project proposal shall contain a description of those programs of a nature similar to the project being proposed which were carried on during the base period in the geographical area to be served.

(b) *Maintenance of the level of funds made available.* Each project proposal shall set forth policies and procedures under the grant to insure that services and activities of the type for which Federal assistance is being sought will not be curtailed, and that Federal funds made available for the project will be so used as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, have been made available by the grantee from State and local public sources for the purposes described in section 303 of the Act, and in no case supplant such funds.

§ 118.8 Proposed services.

Each project proposal shall describe the program to be provided with funds made available under Title III of the Act and how it will meet the educational and cultural needs of persons in the geographical area to be served. It shall also describe the manner in which the project would supplement or improve programs of the same type that were carried on during the base period in the geographical area to be served, or state that it covers programs of a type that were not so carried on.

§ 118.9 Qualifications of professional personnel.

Each project proposal shall set forth minimum acceptable qualifications, including educational background and experience, of all supervisory, teaching, and consulting personnel so as to assure the Commissioner that the best available talents will be used for proposed assignments.

§ 118.10 Adequacy of facilities.

Each project proposal shall describe the facilities available for the project. If a project proposal of a local educational agency calls for the acquisition, leasing, remodeling, or constructing of facilities, it must show how and why such action is essential for the success of the project.

§ 118.11 Participation of children enrolled in nonprofit private schools.

Each project proposal shall provide for a degree of participation by or benefit to children who are enrolled in nonprofit private schools in the area to be served which is consistent with the number of such children. Wherever practicable, supplementary educational services, in-

cluding broadened instructional offerings made available to children enrolled in nonprofit private schools, shall be provided on publicly controlled premises. Provisions for supplementary educational services for children enrolled in private nonprofit schools shall not include the paying of salaries of teachers or other employees of such schools except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the financing of regular school instruction for nonpublic schools, the leaving of equipment on private school premises, or the construction of facilities for such schools. None of the funds made available under Title III of the Act may be used for religious worship or sectarian instruction.

§ 118.12 Submission of project proposal.

Project proposals shall be submitted to the Commissioner on or before such dates as he establishes. Each project proposal, except in the cases of projects proposed by the Department of Defense or the Department of the Interior, must, on or before its submission to the Commissioner, also be submitted to the State educational agency for its review and recommendation.

§ 118.13 Amendments.

Whenever there is any material change in the content or administration of an approved project, or in the organization, policies, or operations of the local educational agency affecting an approved project, the project proposals shall be appropriately amended. The amendment may be treated as a new project proposal, and, if so, will be considered in the next round of applications.

§§ 118.14-118.18 [Reserved]

Subpart C—Approval of Project Proposals

§ 118.19 Criteria for evaluation of project proposals.

(a) *General criteria.* Each project proposal will be evaluated in terms of educational significance, project design, qualifications of personnel designated or intended to carry out the project, adequacy of designated facilities, economic efficiency, feasibility with regard to the needs and resources of the area to be served, and priorities and other criteria that may be adopted with the advice of the Advisory Committee on Supplementary Educational Centers and Services and announced from time to time by the Commissioner. In approving applications under Title III of the Act for grants for any fiscal year beginning after June 30, 1967, the Commissioner will give special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for 4- and 5-year-olds, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe.

(b) *Criteria to assure equitable distribution of assistance within each State.* In order to assure equitable distribution of assistance under Title III of the Act within each State, the Commissioner will also evaluate all project proposals pursuant to the following criteria:

(1) The projects assisted will be accessible to large numbers of persons within the State;

(2) The projects so assisted will be accessible to persons within the various regions within the State to a degree commensurate with the population distribution in such regions;

(3) The projects assisted will be appropriate to the relative needs of various population groups within the State;

(4) The relative financial ability of communities or areas to provide the proposed services and activities has been considered in the development of the projects; and

(5) The resources of particular local educational agencies, in terms of personnel, facilities, administrative policies, and other factors, will, with effective coordination with relevant educational and cultural resources, be adequate to provide the proposed services and activities.

(c) *Criteria to assure equitable distribution of assistance to children in overseas dependents schools of the Department of Defense and Indian children in elementary and secondary schools operated by the Department of the Interior.* With respect to schools operated by the Department of Defense and the Department of the Interior, the Commissioner will evaluate such proposals pursuant to the following criteria:

(1) The projects assisted will be accessible to large numbers of eligible persons;

(2) The projects shall be so distributed geographically as to allow, to the extent practicable, participation by the various eligible groups within the geographical jurisdiction of the applicant;

(3) The projects assisted will be appropriate to the relative needs of various groups within the jurisdiction of the applicant; and

(4) The resources available to the particular Department, in terms of personnel, facilities, administrative policies and other factors, will, with effective coordination with relevant educational and cultural resources, be adequate to provide the proposed services and activities.

§ 118.20 Disposition.

The Commissioner will, on the basis of an evaluation of a project proposal pursuant to § 118.19, (a) approve the project proposal in whole or in part, (b) disapprove the project proposal, or (c) defer action on the project proposal for such reasons as lack of funds or a need for further evaluation. Any deferral or disapproval of the project proposal will not preclude its reconsideration or resubmission at a later date. The Commissioner will notify the applicant and, where appropriate, the respective State educational agency in writing of the disposition of the project proposal. For projects for local educational agencies approved by

the Commissioner, the grant award document will include the approved budget and the terms and conditions upon which the grant is to be made.

§ 118.21-118.23 [Reserved]

Subpart D—Federal Financial Participation and Payment Procedures

§ 118.24 Effective date of approved project.

The effective date of any approved project shall be the date indicated in the grant award document or in the case of the Department of the Interior or the Department of Defense the date of issuance of the notification of approval. There will be no financial participation under Title III of the Act with respect to expenditures made prior to the effective date of such grant award document.

§ 118.25 Payment procedures.

From the amounts apportioned to the States and the amounts made available to the Department of the Interior and the Department of Defense, the Commissioner will pay to each grantee in a State, or to the Department of the Interior or to the Department of Defense, either in advance or by way of reimbursement, amounts equal to the total allowable expenditures by the recipient under an approved project. Payments will be made in a manner consistent with the nature of the activities and the services under the project.

§ 118.26 Effect of Federal payments.

Neither the approval of the project proposal nor any payment to the grantee shall be deemed to waive the right or duty of the Commissioner to withhold or recover funds by reason of the failure of the grantee to observe any of the requirements of the Act.

§ 118.27 Extent of participation under Title III of the Act.

(a) *Prior activities and services basis.* Participation under Title III of the Act in supplementary educational centers and services will be provided only to the extent that the services and activities provided for in the project proposal are of a type not carried on during the base period in the area served, or that they supplement the quantity or improve the quality of services and activities of the same type carried on during the base period in the geographical area served.

(b) *Monetary basis.* Where a local educational agency has, during the base period, been carrying on activities and services of the type proposed with funds derived from State and local public sources, the degree of Federal financial participation will be determined by the Commissioner taking into account the proposed continued expenditures for services and activities of the type proposed as compared with expenditures for similar activities and services during the base period.

§ 118.28 Availability of funds for approved projects.

The issuance of a grant award document will be regarded as an obligation of

the Government of the United States in the amount of the grant award. Federal appropriations so obligated will remain available for expenditure by such local educational agencies during the period for which the grant was awarded. For purposes of the regulations in this part, funds shall be considered to have been expended by a local educational agency on the basis of documentary evidence of binding commitments for the acquisition of goods or property, for the construction of school facilities, or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities shall be considered to have been expended respectively as of the time such services were rendered, such travel was performed, and such rented facilities were used. Such binding commitments for the acquisition of goods or property, for the construction of school facilities or for the performance of work, shall be liquidated within a reasonable period of time.

§ 118.29 Fiscal and auditing procedures.

(a) *Custody of funds.* Each project proposal shall designate the officer who will receive and have custody of project funds.

(b) *Fiscal procedures.* Each grantee receiving Federal funds for an approved project shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit.

(c) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records, and such records as well as the audit reports shall be available to auditors of the Federal Government.

§ 118.30 Adjustments.

Each grantee shall, in maintaining program expenditure accounts, records, and reports, make any necessary adjustments to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from Federal or local administrative reviews and audits. Such adjustments shall be set forth in the financial reports filed with the Commissioner.

§ 118.31 Disposal of records.

(a) *General rule.* Subject to the provisions of paragraph (e) of § 118.40, each grantee shall provide for keeping accessible and intact all records pertaining to such Federal grants or relating to the expenditure of such grants (1) for 3 years after the close of the fiscal year in which the expenditure was liquidated, (2) until the grantee is notified that such records are not needed for program administrative review, or (3) until the grantee is notified of the completion of the Federal fiscal audit, whichever is the latest.

(b) *Questioned expenditures.* The records pertaining to any claim or expenditure which has been questioned at

the time of audit shall be maintained until necessary adjustments have been reviewed and cleared by the Department of Health, Education, and Welfare.

§ 118.32 Cooperative agreements.

An applicant may enter into a cooperative agreement or contract to provide services under a project if the services to be so provided, as well as the cooperating institution, organization, or agency, are specified in the project proposal and if the agreement or contract is acceptable to the Commissioner. Such a cooperative agreement or contract will be acceptable only if the Commissioner is assured that the applicant will retain the responsibility for supervision of the project.

§ 118.33 Eligible expenditures.

Expenditures which are eligible for participation under Title III of the Act are those expenditures which (a) conform to the terms of the approved project, (b) are incurred for activities which supplement instruction that had been provided during the base period for public and nonprofit private school students and teachers, and (c) are clearly identifiable as additional expenditures incurred as a result of the Title III program.

§ 118.34 Funds not expended.

In the event that funds previously made available under Title III of the Act have not been expended pursuant to the approved project and, in the judgment of the Commissioner, will not be expended for such purposes, the Commissioner may, upon notice to the recipient, reduce the amount of the grant or payment to an amount consistent with the recipient's needs. In the event that an excess over the sum needed for completion of the project shall have actually been paid to the recipient, the custodian of the project funds shall pay that excess over to the Commissioner.

§ 118.35 Reapportionment.

In order to provide a basis for reapportionment by the Commissioner under section 302(d) of the Act, each grantee thereunder shall submit to the Commissioner, by such date or dates as he may specify, a statement showing the anticipated need during the current fiscal year for the amount previously granted.

§ 118.36-118.39 [Reserved]

Subpart E—Equipment and Construction

§ 118.40 Acquisition and maintenance of equipment.

(a) *Title to equipment.* Title to equipment acquired under Title III of the Act must be vested in, and retained by, a public agency, or in the case of the Department of the Interior or the Department of Defense, in the United States.

(b) *Use and control.* All equipment acquired under Title III of the Act must be used for the purposes specified in the approved project, and such equipment must be subject to the administrative control of the recipient public agency, or in the case of the Department of the

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rior or the Department of Defense, the administrative control of the United States.

(c) *Maintenance and repair of equipment.* Costs of maintaining and repairing equipment purchased under grants pursuant to Title III of the Act shall be eligible for Federal financial participation during the life of the project. It shall be the responsibility of the grantee to make reasonable provision for the maintenance and repair of such equipment.

(d) *Built-in equipment.* The provisions of paragraphs (a), (b), and (c) of this section also apply to built-in equipment, which is defined to mean equipment that is permanently fastened to the building and functions as part of the building. The cost of such equipment is eligible for financial participation under Title III of the Act if a State or local educational agency or the U.S. Government owns or operates the facility to which such equipment is attached and retains such ownership, or there is reserved the right to remove such equipment.

(e) *Inventories of equipment.* Where equipment which costs \$100 or more per item is purchased by the grantee under an approved project, inventories and other records supporting accountability shall be maintained until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment. Such equipment may not be sold or exchanged for unlike equipment prior to the expiration of its useful life or the expiration of the project period and all extensions thereof, whichever occurs first.

§ 118.41 Grants for construction.

(a) *General provisions.* Where essential for the success of a project under Title III of the Act, funds made available thereunder may be used by local educational agencies for the acquisition, lease, remodeling, or construction of facilities if the estimated cost of such facilities is commensurate with the range and scope of the services to be provided under the proposed project.

(b) *Assurances.* Grants which make provision for construction shall contain assurances that:

(1) Reasonable provision has been made, consistent with other approved use to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities;

(2) Upon completion of the construction, title to the facilities will be in and retained by a State or local educational agency, and the building will be operated and used for the educational and related purposes for which it was constructed for a period of not less than 20 years;

(3) Construction approved pursuant to the project proposal will be undertaken promptly;

(4) Contracts for the construction approved pursuant to the project proposal will provide that all laborers and mechanics employed by contractors or

subcontractors shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), that such contractors and subcontractors will comply with the regulations in 29 CFR Part 3 (see 29 F.R. 97), and include all clauses required by 29 CFR 5.5 (a) and (c) (see 29 F.R. 100, 101, 13463, and 29 CFR Part 3, Subpart B—Interpretation of the Fringe Benefits Provisions of the Davis-Bacon Act—published at 29 F.R. 13465), and that the nondiscrimination in employment clause prescribed by Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), will be incorporated in any contract for construction work or modification thereof as defined in said Executive order;

(5) Representatives of the U.S. Office of Education will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor will provide proper facilities for such access and inspection;

(6) The final working drawings and specifications will be submitted to the Commissioner before the construction approved pursuant to the project is placed on the market for bidding;

(7) Construction work will be contracted for, and performed, according to State and local rules and regulations;

(8) The grantee will furnish progress reports and such other information relating to the proposed construction and the grant as the Commissioner may require;

(9) Architectural or engineering supervision and inspection will be provided at the construction site to insure that the completed work conforms to the approved plans and specifications;

(10) In developing the plans for the construction the grantee has given due consideration to excellence of the architecture and design and to the inclusion of works of art, for which funds under Title III of the Act will be available not in excess of 1 percent of the cost of the project;

(11) In planning the construction of school facilities each grantee shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 F.R. 10663) and such rules and regulations as may be issued by the Department of Health, Education, and Welfare to carry out those provisions, evaluate flood hazards in connection with such school facilities and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction;

(12) In developing plans for school facilities, provision shall be made in order to insure that such facilities shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons and in developing such plans there will be compliance with the minimum standards contained in "American Standard Specifications for Making

Buildings and Facilities Accessible To and Useable By, the Physically Handicapped" approved by the American Standards Association, Inc., October 31, 1961, with appropriate useable segments of "Building Standards of the University of Illinois Rehabilitation Center" and "Occupancy Guide Requirement of Veterans Benefits, Regional Offices, Veterans Administration", and with such other standards as the Secretary may prescribe or approve; and

(13) The applicant has or will have a fee simple or such other estate or interest in the site, including access thereto, as is sufficient in the opinion of the Commissioner to assure undisturbed use and possession of the facilities for not less than 20 years from the date of the completion of the construction approved pursuant to the project.

(c) *Manner of construction.* Construction must be functional, must be undertaken in an economical manner, and must not be elaborate in design or extravagant in the use of materials in comparison with school facilities of a similar type constructed in the State within recent years.

(d) *Contracts for construction.* All contracts for construction (as defined in § 118.1) shall be awarded to the lowest qualified bidder on the basis of open competitive bidding; except that, if one or more items of construction are covered by an established alternative procedure, consistent with State and local laws and regulations, which is approved by the State agency as designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure may be followed.

§ 118.42 Accounting procedures for construction projects.

Funds made available for construction pursuant to a grant under Title III of the Act must be expended within 12 months from the effective date of the project, except that a longer period may be allowed by the Commissioner upon a showing of good cause.

§ 118.43 Recovery of payments.

If within 20 years after the completion of any construction undertaken pursuant to a grant under Title III of the Act (a) the owner of the facility shall cease to be a State or local educational agency, or (b) the facility shall cease to be used for educational and related purposes for which it was constructed, recovery of payments may be had in accordance with the procedures set forth in section 307 of the Act.

§ 118.44 Leasing facilities.

In the case of a grant to lease a facility the grantee shall have the right to occupy; and to operate, and if necessary to maintain and improve, the premises to be leased during the proposed period of the project.

§ 118.45 Shared use of supplementary educational centers.

Any project to be carried out in supplementary educational centers and involving joint participation by children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid the separation of participating children by school enrollment or religious affiliation.

§ 118.46 Patents and copyrights.

(a) Any material of a copyrightable nature produced through a project with financial assistance under Title III of the Act shall not be copyrighted but shall be placed in the public domain.

(b) Any materials of a patentable nature produced through a project with financial assistance under Title III of the Act shall be subject to the provisions

of 45 CFR Parts 6 and 8 which are hereby incorporated into the terms and conditions of any approved project.

§ 118.47-118.48 [Reserved]**Subpart F—Review Provisions****§ 118.49 State educational agency review and recommendations.**

In order to afford State educational agencies a reasonable opportunity to review and recommend project proposals submitted within a State, the Commissioner will not take final action with regard to any project proposal, nor will the Advisory Committee on Supplementary Educational Centers and Services make its final review of any project proposal, until 30 days after the applicable deadline date established by the Commissioner for the filing of project proposals by local educational agencies.

§ 118.50 Continuing administrative review and program evaluation.

By the U.S. Office of Education. In order to assist the recipient of funds under Title III of the Act in adhering to statutory and regulatory provisions and to the substantive legal and administrative requirements, the Commissioner will conduct periodic program reviews and evaluations.

Dated: January 25, 1967.

[SEAL] **HAROLD HOWE II,**
U.S. Commissioner of Education.

Approved: February 2, 1967.

JOHN W. GARDNER,
*Secretary of Health,
Education, and Welfare.*

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