FEDERAL REGISTER

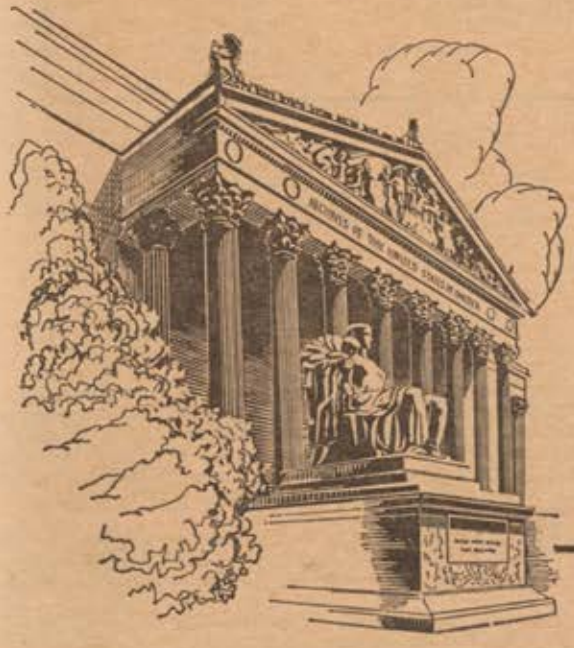
VOLUME 32 • NUMBER 64

Tuesday, April 4, 1967 • Washington, D.C.

Pages 5487–5534

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15 per year, payable in advance. The charge for individual copies varies in proportion to the size of the issue (15 cents for the first 80 pages and 5 cents for each additional group of 40 pages, as actually bound). Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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

3 CFR

PROCLAMATION:
3773 5491

7 CFR

718 5493
910 (2 documents) 5494, 5495
PROPOSED RULES:
992 5514

13 CFR

121 (2 documents) 5495
PROPOSED RULES:
121 5516

14 CFR

39 (3 documents) 5496
71 (3 documents) 5497
73 5497

23 CFR

255 (2 documents) 5498, 5499

25 CFR

PROPOSED RULES:
161 5512

29 CFR

726 5505

32 CFR

1 5505
2 5506
3 5506
6 5508
7 5508
10 5509
12 5509
15 5510
18 5511

42 CFR

PROPOSED RULES:
81 5514

46 CFR

160 5499
513 5503
PROPOSED RULES:
512 5516

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3773

SENIOR CITIZENS MONTH, 1967

By the President of the United States of America

A Proclamation

Our society has made a commitment to enrich and improve the lives of the senior citizens among us.

A great part of that commitment to the 19 million Americans who are 65 or over has been advanced during this Administration.

Through Medicare, the often crushing burden of hospital and doctor bills has been eased.

The Older Americans Act, with its emphasis on community services, gives direction and meaning to lives that might have been spent out in frustration and purposelessness.

Other programs provide assistance to senior citizens in housing and nursing care, public welfare, and special training programs.

Recommendations now before the Congress will make the older years of life even more productive and more comfortable by:

—Increasing the benefits under Social Security;

—Raising the level of public assistance for those who must depend on such welfare for the essentials;

—Extending the benefits of Medicare to more people, and expanding its services;

—Increasing the educational, recreational and health services under the Older Americans Act;

—Eliminating income tax discrimination against those over 65 who continue to work;

—Prohibiting discrimination because of age in employment.

The Nation needs these programs in order to move closer to realizing the goals which we have set out as the objectives in our Bill of Rights for Older Americans—an adequate income, a decent home, and a meaningful retirement.

But to make good fully on its commitment, the Nation needs more than legislation. There must be an awareness in the heart of every citizen of the duty we all share in this abundant land to the elders whose lives have contributed to the development of the society we enjoy.

There must be a general awareness that it is within the power of us all to discharge that duty—to bring light to the lives of those who are lonely or in despair, better care to those who are ill or disabled, greater benefits to those who are impoverished.

The greater this awareness is, the greater will be our hope of bringing to all older Americans the opportunity to live full and rewarding lives in communities throughout the Nation.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the month of May 1967 as Senior Citizens Month.

I call upon all Federal, State and local governments, in partnership with private and voluntary organizations, to join in community effort to give meaning to the theme of this special month: MEETING THE CHALLENGE OF THE LATER YEARS.

Let each citizen help, in whatever way he can, to make this month memorable by working to provide within each community those benefits and opportunities which will add satisfaction and dignity to the lives of older Americans.

I also invite the Governors of the States, the Governor of the Commonwealth of Puerto Rico, the Commissioners of the District of Columbia, and appropriate officials in other areas subject to the jurisdiction of the United States to join in the observance of Senior Citizens Month.

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

DONE at the City of Washington this thirtieth day of March in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-3697; Filed, Mar. 31, 1967; 1:30 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Crop Disposition Dates

Basis and purpose. This amendment is issued pursuant to section 374 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1374), to establish certain new disposition dates and to amend certain other disposition dates for crops where the ascertainment of acreage is necessary to determine compliance under programs administered by the Agricultural Stabilization and Conservation Service of the Department. Such disposition dates are based upon State committee recommendations.

Since some of the disposition dates are as early as May 1, and since some farmers are now in the process of planting crops for 1967 harvest, it is desirable that the new and revised disposition dates be established as soon as possible. Therefore, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 (80 Stat. 383) is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Paragraph (b) of § 718.16 of the regulations for Determination of Acreage and Compliance (31 F.R. 5812, as amended) is amended by adding and revising subparagraphs for the following States to read as follows:

§ 718.16 Crop disposition dates.

* * * * *

(b) *Crop disposition dates by States.*

ALABAMA

* * * * *

(3) *Flue-cured Tobacco. June 1.* All counties.

ARIZONA

(1) *Wheat, Barley, Oats, and Rye.* (i) *May 1.* Maricopa, Pima, Pinal, Santa Cruz, and Yuma.

(ii) *May 15.* Cochise, Gila, Graham, and Greenlee.

(iii) *June 1.* Apache, Coconino (except spring-seeded), Mohave, Navajo (except spring-seeded), and Yavapai (except spring-seeded).

(iv) *August 1. Spring-seeded.* Coconino, Navajo, and Yavapai.

* * * * *

(3) *Spring-seeded Grain Sorghums.* (i) *May 1.* Maricopa, Pinal, and Yuma.

(ii) *July 1.* Pima.

(iii) *August 15.* Cochise, Gila, Graham, Greenlee, Mohave, Santa Cruz, and Yavapai.

(iv) *September 15.* Apache, Coconino, and Navajo.

(4) *Summer-seeded Grain Sorghums.* (i) *August 15.* Maricopa, and Pinal.

(ii) *October 1.* Yuma.

(5) *Cotton.* (i) *July 1.* Yuma.

(ii) *July 15.* Mohave.

(iii) *August 15.* Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, and Yavapai.

ARKANSAS

* * * * *

(2) *Corn, Grain Sorghums, Cotton, and Rice. July 20.* All counties.

CALIFORNIA

(1) *Wheat, Barley, Oats, and Rye.* (i) *May 1.* Imperial.

(ii) *May 15.* Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa (for Brentwood and Byron), El Dorado, Fresno, Kern (except Tehachapi and Temblor), Kings, Los Angeles, Madera, Marin, Mariposa, Merced, Nevada, Orange, Placer, Riverside (for Palo Verde), Sacramento, San Benito (for Panoche), San Bernardino, San Diego, San Joaquin, Santa Clara, Solano, Sonoma, Stanislaus, Sutter, Tulare, Tuolumne, and Yuba.

(iii) *June 1.* Contra Costa (except Brentwood and Byron), Glenn, Kern (Tehachapi and Temblor), Monterey, Napa, Riverside (except Palo Verde), San Mateo, Santa Cruz, Tehama, Ventura, and Yolo.

(iv) *June 15.* Humboldt, Lake, Mendocino, San Benito (except Panoche), San Luis Obispo, and Santa Barbara.

(v) *August 1.* Alpine, Inyo, Lassen, Modoc (except Tulelake), Mono, Plumas, Shasta, Sierra, Siskiyou (except Tulelake and Butte Valley).

(vi) *August 15.* Modoc (Tulelake), Siskiyou (Tulelake and Butte Valley).

(2) *Corn and Grain Sorghums.* (i) *May 1.* Imperial (early seeding), and Riverside (early seeding).

(ii) *August 15.* Fresno, Kern, Kings, Madera, Merced, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Barbara, Stanislaus, Tulare, and Ventura.

(iii) *September 1.* Alameda, Amador, Butte, Colusa, Contra Costa, El Dorado, Glenn, Imperial (late seeding), Lake, Mendocino, Napa, Orange, Placer, Riverside (late seeding), San Benito, Santa Clara, Shasta, Solano, Sonoma, Sutter, Tehama, Yolo, and Yuba.

(iv) *September 15.* Los Angeles, Monterey, and San Luis Obispo.

(3) *Cotton. August 15.* All counties.

(4) *Rice. September 1.* All counties.

* * * * *

FLORIDA

* * * * *

(2) *Corn, Grain Sorghums, and Cotton. June 10.* All counties.

* * * * *

(4) *Flue-cured Tobacco. June 10.* Certification counties.

* * * * *

IDAHO

(1) *Wheat, Barley, Oats, Rye, Corn, and Grain Sorghums.* (i) *July 1.* Ada, Canyon, Elmore, Gem, Kootenai, Nez Perce, Owyhee, Payette, and Washington.

* * * * *

(iii) *July 15.* Adams, Benewah, Bingham, Blaine, Boise, Bonner, Bonneville, Boundary, Butte, Camas, Caribou, Clark, Clearwater, Idaho, Jefferson, Latah, Lewis, and Valley.

(iv) *August 1.* Bear Lake, Custer, Fremont, Lemhi, Madison, and Teton.

ILLINOIS

(1) *Wheat, Barley, and Rye.* (i) *June 1.* Alexander, Clay, Clinton, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Union, Wabash, Washington, Wayne, White, and Williamson.

(ii) *June 15.* Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Ford, Fulton, Greene, Hancock, Henderson, Iroquois, Jasper, Jersey, Kankakee, Knox, Livingston, Logan, McDonough, McLean, Macon, Macoupin, Madison, Marshall, Mason, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Putnam, Sangamon, Schuyler, Scott, Shelby, Stark, Tazewell, Vermilion, Warren, and Woodford.

(iii) *July 1.* Boone, Bureau, Carroll, Cook, De Kalb, Du Page, Grundy, Henry, Jo Daviess, Kane, Kendall, Lake, La Salle, Lee, McHenry, Mercer, Ogle, Rock Island, Stephenson, Whiteside, Will, and Winnebago.

(2) *Oats.* (i) *June 15.* Counties listed in (1) (i) above.

(ii) *June 30.* Counties listed in (1) (ii) above.

(iii) *July 15.* Counties listed in (1) (iii) above.

(3) *Corn and Grain Sorghums.* (i) *July 1.* Adams, Boone, Brown, Bureau, Carroll, Cass, Champaign, Cook, De Kalb, De Witt, Du Page, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford.

(ii) *July 15.* Alexander, Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson.

* * * * *

INDIANA

(1) *Wheat, Barley, and Rye.* (i) *May 20.* Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Jackson, Knox, Lawrence, Martin, Orange, Perry, Pike, Posey, Scott, Spencer, Sullivan, Vanderburgh, Washington, and Warrick.

(ii) *June 1.* Bartholomew, Boone, Brown, Clay, Clinton, Dearborn, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Jefferson, Jennings, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Ohio, Owen, Parke, Put-

nam, Randolph, Ripley, Rush, Shelby, Switzerland, Tippecanoe, Tipton, Union, Vermillion, Vigo, Warren, and Wayne.

(iii) *June 10.* All other counties.

(2) *Oats.* (i) *June 10.* Counties listed in (1) (i).

(ii) *June 21.* Counties listed in (1) (ii).

(iii) *June 30.* All other counties.

(3) *Corn and Grain Sorghums. August 1.* All counties.

* * * * *

MAINE

(1) *Fall-seeded Wheat, Barley, and Rye. June 15.* All counties.

(2) *Spring-seeded Wheat, Barley, Oats, and Rye. August 1.* All counties.

(3) *Corn and Grain Sorghums. August 1.* All counties.

MARYLAND

(1) *Wheat.* (i) *June 15.* Allegany, Baltimore, Carroll, Frederick, Garrett, Harford, Howard, Montgomery, and Washington.

(ii) *May 31.* All other counties.

(2) *Barley, Oats, and Rye. May 31.* All counties.

(3) *Corn and Grain Sorghums. August 1.* All counties.

* * * * *

MINNESOTA

* * * * *

(3) *Corn and Grain Sorghums. July 15.* All counties.

MISSISSIPPI

* * * * *

(2) *Corn, Grain Sorghums, and Cotton.* (i) *July 1.* Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Marion, Newton, Pearl River, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren, Wayne, and Wilkinson.

(ii) *July 15.* All other counties.

* * * * *

MONTANA

(1) *Wheat, Barley, Rye, Corn, and Grain Sorghums. July 15.* All counties.

* * * * *

NEBRASKA

(1) *Wheat, Barley, and Rye.*

* * * * *

(ii) *June 5.* Antelope, Boone, Boyd, Blaine, Brown, Buffalo, Custer, Dawson, Dundy, Frontier, Garfield, Greeley, Hayes, Hitchcock, Holt, Howard, Keya Paha, Knox, Loup, Nance, Red Willow, Rock, Sherman, Valley, and Wheeler.

(iii) *June 15.* Arthur, Chase, Cherry, Grant, Hooker, Keith, Lincoln, Logan, McPherson, Perkins, and Thomas.

* * * * *

(3) *Corn and Grain Sorghums. August 1.* All counties.

* * * * *

NEW MEXICO

(1) *Wheat, Barley (except spring-seeded), Oats, and Rye.* (i) *May 20.* Chaves, Curry, De Baca, Dona Ana, Eddy, Guadalupe, Hidalgo, Lea, Lincoln, Luna, Otero, Quay, Roosevelt, Sierra, and Socorro.

(ii) *June 15.* Bernalillo, Catron, Colfax, Grant, Harding, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, Torrance, Union, and Valencia.

* * * * *

(4) *Cotton.*

* * * * *

(ii) *September 1.* Curry, De Baca, Harding, Quay, Roosevelt, and Socorro.

* * * * *

NORTH CAROLINA

* * * * *

(3) *Flue-cured Tobacco.* (i) *June 20.* Anson, Beaufort, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Hyde, Johnston, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Pitt, Richmond, Robeson, Sampson, Scotland, Wayne, and Wilson.

(ii) *June 30.* Alamance, Alexander, Bertie, Cabarrus, Camden, Caswell, Catawba, Chatham, Chowan, Cleveland, Currituck, Davidson, Davie, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Granville, Guilford, Halifax, Hertford, Iredell, Lee, Lincoln, Martin, Mecklenburg, Montgomery, Moore, Nash, Northampton, Orange, Pasquotank, Perquimans, Person, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Tyrrell, Union, Vance, Wake, Warren, Washington, Wilkes, and Yadkin.

* * * * *

OKLAHOMA

* * * * *

(2) *Corn and Grain Sorghums.*

* * * * *

(ii) *August 10.* All other counties.

(3) *Cotton. August 10.* All counties.

(4) *Rice. August 10.* McCurtain.

* * * * *

SOUTH CAROLINA

* * * * *

(2) *Corn and Cotton.* (i) *June 20.* Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg.

(ii) *June 30.* All other counties.

* * * * *

(4) *Flue-cured Tobacco. June 20.* All counties.

SOUTH DAKOTA

* * * * *

(2) *Corn and Grain Sorghums. July 1.* All counties.

* * * * *

TEXAS

* * * * *

(2) *Corn and Grain Sorghums.*

* * * * *

(vi) *August 1.* Archer, Baylor, Bosque, Brewster, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Culberson, Eastland, Ector, El Paso, Erath, Fisher, Foard, Hamilton, Hardeman, Haskell, Hood, Hudspeth, Irion, Jack, Jeff Davis, Jones, Kent, King, Knox, Lampasas, Loving, McCulloch, Mills, Mitchell, Nolan, Palo Pinto, Parker, Pecos, Presidio, Reagan, Reeves, Runnels, San Saba, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Taylor, Terrell, Throckmorton, Tom Green, Upton, Ward, Wichita, Wilbarger, Winkler, and Young.

(vii) *August 15.* Andrews, Bailey, Borden, Briscoe, Castro, Childress, Cochran, Crosby, Dawson, Dickens, Floyd, Gaines, Garza, Glasscock, Hale, Hall, Hockley, Howard, Lamb, Lubbock, Lynn, Martin, Midland, Motley, Parmer, Swisher, Terry, and Yoakum.

* * * * *

VIRGINIA

* * * * *

(5) *Flue-cured Tobacco. June 30.* All counties.

WASHINGTON

(1) *Wheat, Barley, Oats, and Rye.* (i) *June 15.* Grant (area 1).

(ii) *June 20.* Adams, Benton (area 1), Franklin, and Klickitat (area 2).

(iii) *June 25.* Garfield (area 1).

(iv) *June 30.* Benton (area 2), Columbia (area 1), Grant (area 2), Walla Walla (under 1,205 feet elevation), and Yakima.

(v) *July 1.* Asotin (area 2), and Kittitas (area 2).

(vi) *July 10.* Douglas (area 1), and Whitman (area 1).

(vii) *July 15.* Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas (area 1), Klickitat (area 1), Lincoln, Mason, Okanogan (area 2), Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Spokane (August 10 for spring-seeded oats), Thurston, Wahkiakum, Walla Walla (over 1,205 feet elevation), and Whatcom.

(viii) *July 20.* Chelan, Columbia (area 2), and Lewis.

(ix) *July 25.* Asotin (area 1), Garfield (area 2), and Whitman (area 2).

(x) *August 1.* Douglas (area 2), Pend Oreille, and Stevens.

(xi) *August 15.* Asotin (area 3), Ferry, and Okanogan (area 1).

* * * * *

(Secs. 374, 375, 52 Stat. 65, 66, as amended; 7 U.S.C. 1374, 1375)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 29, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3664; Filed, Apr. 3, 1967; 8:49 a.m.]

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

[Lemon Reg. 260, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the

time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 910.560 (Lemon Regulation 260, 32 F.R. 4528) are hereby amended to read as follows:

§ 910.560 Lemon Regulation 260.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 12,090 cartons;

(ii) District 2: 225,060 cartons.

* * * * *

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

Dated: March 30, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3640; Filed, Apr. 3, 1967; 8:47 a.m.]

[Lemon Reg. 261]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.561 Lemon Regulation 261.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 28, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 2, 1967, and ending at 12:01 a.m., P.s.t., April 9, 1967, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 204,600 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: March 30, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3639; Filed, Mar. 31, 1967; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 6, Amdt. 14]

PART 121—SMALL BUSINESS SIZE STANDARDS

Size Appeals Board Organization

Section 121.3–6 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising paragraph (a) thereof to read as follows:

§ 121.3–6 Appeals.

(a) *Organization.* The Size Appeals Board shall review appeals from size determinations made pursuant to §§ 121.3–4 and 121.3–5 and from product classifications made pursuant to § 121.3–8 and shall make recommendations to the Administrator whether such determinations or classifications should be affirmed, reversed or modified. The Size Appeals Board shall conduct such proceedings as it determines appropriate to enable it to discharge its duties.

(1) The Size Appeals Board shall consist of four members to wit, the Deputy Administrator, Chairman, the Associate Administrator for Procurement and Management Assistance, the Associate Administrator for Financial Assistance and the Assistant Administrator for Planning, Research and Analysis.

(2) Each member of the Size Appeals Board may designate an alternate to serve in his stead in the event of absence or disability.

* * * * *

Effective date. This amendment becomes effective upon publication in the FEDERAL REGISTER.

Dated: March 27, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-3634; Filed, Apr. 3, 1967; 8:46 a.m.]

[Rev. 6, Amdt. 15]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Hospital Business for Purpose of Business Loans

On February 9, 1967, there was published in the FEDERAL REGISTER (32 F.R. 2710) a notice of proposal to amend the definition of a small business concern primarily engaged in owning and operating a hospital, for the purpose of Small Business Administration business loans, by increasing the size standard from capacity not exceeding 100 beds (excluding cribs and bassinets) to capacity not exceeding 150 beds (excluding cribs and bassinets).

Interested persons were given 30 days in which to file with the Small Business Administration, written statements of facts, opinions or arguments concerning the proposed definition.

After consideration of all relevant matters concerning the proposal the amendment set forth below is hereby adopted:

Section 121.3–10 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby 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).

* * * * *

Effective date. This amendment becomes effective upon publication in the FEDERAL REGISTER.

Dated: March 28, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-3635; Filed, Apr. 3, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7884; Amdt. 39-388]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6 Series Airplanes Serial Numbers to 563

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the inspection and replacement, where necessary, of the rivets attaching the rudder control lever to the rudder post on the Pilatus Model PC-6 Series airplanes, Serial Numbers to 563 was published in 32 F.R. 614.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

PILATUS. Applies to Model PC-6 Series airplanes, Serial Numbers to 563.

Compliance required as indicated.

To prevent failure of rivets attaching the rudder control lever to the rudder post, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, visually inspect the rivets attaching the rudder control lever to the rudder post for defective or failed rivets.

(b) If defective or failed rivets are found during the inspection required by paragraph (a), before further flight, replace the 3 mm. diameter rivets with AN 470 AD 5-10 rivets, or FAA-approved equivalent.

(c) The repetitive inspections required by paragraph (a) of this AD may be discontinued after the rudder control lever attachment is modified in accordance with paragraph (b) of this AD.

(Pilatus Aircraft Limited Service Bulletin No. 66 pertains to this subject.)

This amendment becomes effective May 4, 1967.

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

Issued in Washington, D.C., on March 27, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3624; Filed, Apr. 3, 1967; 8:45 a.m.]

[Docket No. 7885; Amdt. 39-387]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6 Series Airplanes Serial Numbers to 632

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the installation of fairleads at the pulley support bracket on bulkhead No. 3 on Pilatus PC-6 Series airplanes, Serial Numbers to 632 was published in 32 F.R. 614.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

PILATUS. Applies to Model PC-6 Series airplanes, Serial Numbers to 632.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent rubbing and wear of the two pulley flanges as a result of a change in direction of the aileron control system cables in excess of 3° from the plane of their pulleys, install fairleads at the pulley support bracket on bulkhead No. 3 in accordance with Pilatus Service Bulletin No. 68 or later Swiss Federal Air Office-approved issue, or an FAA-approved equivalent.

This amendment becomes effective May 4, 1967.

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

Issued in Washington, D.C., on March 27, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3625; Filed, Apr. 3, 1967; 8:45 a.m.]

[Docket No. 7897; Amdt. 39-386]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Models PA-28 and PA-32 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and where necessary repair or replacement of the aileron balance weight assembly, rudder horn assembly and stabilator balance weight assembly on specified serial numbers of Piper Models PA-28 and PA-32 Series airplanes was published in 32 F.R. 822.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

PIPER. Applies to Models PA-28 and PA-32 Series airplanes as follows:

GROUP I

PA-28-140, Serial Nos. 28-20000 through 28-20622;

PA-28-150-160-180, Serial Nos. 28-2 through 28-35; 28-37 through 28-497; 28-499 through 28-543; 28-545 through 28-1307; 28-1309 through 28-2136;

PA-28-235, Serial Nos. 28-10000 through 28-10590.

GROUP II

PA-28-140, Serial Nos. 28-20623 through 28-21383;

PA-28-150-160-180, Serial Nos. 28-2137 through 28-3021;

PA-28-235, Serial Nos. 28-10591 through 10719;

PA-32-260, Serial Nos. 32-1 through 32-307.

GROUP III

PA-28-140, Serial Nos. 28-21384 through 28-21764; 28-21767 through 28-21786; 28-21788 through 28-21807; 28-21809 through 28-21835; 28-21837 through 28-21856; 28-21858 through 28-21877; 28-21879 through 28-22003; 28-22005 through 28-22010; 28-22012 through 28-22026; 28-22028 through 28-22032; 28-22035 through 28-22040; 28-22043 through 28-22050; 28-22052 through 28-22056; 28-22058, 28-22059, 28-22061 through 28-22064; 28-22066, 28-22071, 28-22074, 28-22080, 28-22082, 28-22086.

PA 28-150-160-180, Serial Nos. 28-3022 through 28-3499; 28-3501 through 28-3503; 28-3505 through 28-3508; 28-3510; 28-3512 through 28-3528; 28-3530 through 28-3537; 28-3541, 28-3543, 28-3545 through 28-3549; 28-3552; 28-3555 through 28-3557; 28-3562.

PA-28-235, Serial Nos. 28-10720, 28-10721, 28-10732.

PA-32-260, Serial Nos. 32-308 through 32-540; 32-542 through 32-553; 32-560 through 32-570, 32-572 through 32-677; 32-679 through 32-683; 32-685, 32-689, 32-690; 32-692 through 32-698; 32-700 through 32-702; 32-704 through 32-711; 32-714, 32-716, 32-717, 32-719 through 32-722; 32-725, 32-727, 32-730, 32-733; 32-740 through 32-742; 32-744 through 32-746; 32-749.

Compliance required as follows:

Group I—Prior to but not later than July 31, 1967.

Group II—Prior to but not nater than July 31, 1968.

Group II—Prior to but not later than July 31, 1969.

At the option of the local FAA General Aviation District office inspector, these compliance times may be extended, for a period not to exceed 30 days, to coincide with the annual insection for the aircraft involved.

Due to the possibility of internal corrosion resulting from inadequate corrosion protection of certain open end steel tube assemblies, accomplish the inspections described below on the following parts:

Part No.	Nomenclature	Models affected
62369-0	Aileron balance weight.	PA-28-140-150-160-180-235.
62369-1	do.	PA-32-260.
63546	Rudder horn assembly.	PA-28-140-150-160-180-235.
		PA-32-260.
63578	Balance weight assembly-stabilator.	PA-28-140-150-160-180.
65310	do.	PA-28-235.
68432	do.	PA-32-260.

(a) Conduct a close visual inspection of the interior of the open end tubes specified above for a protective coating and evidence of corrosion, in accordance with Inspection Procedure, Piper Service Bulletin No. 240, dated December 13, 1966, or later FAA-approved revision, or by a method approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region. Inspect both right and left aileron balance weight assemblies in accordance with Inspection of Aileron Balance Weight assembly provision of this Service Bulletin.

(b) If there is evidence of a protective coating on the interior of the tube, and there is no evidence of corrosion, further inspection is not required.

(c) If there is no evidence of a protective coating on the interior of the tube and evidence of corrosion, or if there is a protective coating, and evidence of corrosion, accomplish the following:

(1) Remove all corrosion from the interior of the tube in accordance with the instructions in Piper Service Bulletin No. 240, dated December 13, 1966, or later FAA-approved revision, or by a method approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

(2) Replace all corroded parts with a new part of the same part number if the corrosion cannot be removed as provided for in paragraph (c)(1). If doubt exists as to whether or not the corrosion involved can be removed without replacing the part, the matter must be referred to the local FAA General Aviation District office for assistance in making a determination.

(3) If the extent of corrosion does not require replacement of the part in accordance with paragraph (c)(2), and the corrosion has been removed in accordance with paragraph (c)(1), apply a zinc chromate primer, Spec. MIL-P-8585, or an FAA-approved equivalent, to the inside of the tube to prevent further corrosion.

(d) Further inspection is not required after accomplishing paragraphs (c)(1), (c)(2), or (c)(3).

This amendment becomes effective May 4, 1967.

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

Issued in Washington, D.C., on March 27, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3626; Filed, Apr. 3, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SO-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Lawrenceville, Ga., transition area.

The Lawrenceville transition area is described in § 71.181 (32 F.R. 2148).

An extension to the transition area is described as "* * * within 2 miles each side of the Norcross VORTAC 077° radial, extending from the Norcross VORTAC to 16 miles east * * *."

Because of the cancelling of AL-5385-VOR/DME-1 instrument approach procedure effective April 1, 1967, it is necessary to alter the transistion area by revoking a portion of the extension described above.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 1, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Lawrenceville, Ga., transition area is amended to read:

LAWRENCEVILLE, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gwinnett County Airport (latitude 33°58'53" N., longitude 83°57'50" W.); within 2 miles each side of the Norcross VORTAC 077° radial, extending from the 6-mile radius area to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on March 23, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-3627; Filed, Apr. 3, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SO-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Gulfport, Miss., control zone.

The Gulfport control zone is described in § 71.171 (32 F.R. 2071).

Because of the plan to reduce hours of operation of the Gulfport Airport Traffic Control Tower and terminate weather observation and reporting duties during the time the tower is inoperative, it is necessary to redesignate the control zone to be effective during the hours of operation of the tower.

Since this amendment is less restrictive in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Gulfport, Miss., control zone is amended to read:

GULFPORT, MISS.

Within a 5-mile radius of Gulfport Municipal Airport (latitude 30°24'27.5" N., longitude 89°04'05" W.); within 2 miles each side of the Gulfport VOR 325° radial, extending from the 5-mile radius zone to 8 miles Northwest of the VOR, excluding that portion east of longitude 89°00'00" W., effective from 0600 to 2200 hours, local time, daily.

(Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on March 23, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-3628; Filed, Apr. 3, 1967; 8:45 a.m.]

[Airspace Docket No. 66-WE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Realignment and Extension of Federal Airways

A notice of proposed rule making was published in the FEDERAL REGISTER on August 11, 1966 (31 F.R. 10694), which proposed to realign and extend VOR Federal airway No. 253 from Provo, Utah, to Bonneville, Utah, and to extend VOR Federal airway No. 293 from Mormon Messa, Nev., via Wilson Creek, Nev., to Ely, Nev., and from Elko, Nev., to Twin Falls, Idaho. The Air Transport Association of America concurred with the proposal. The Department of the Air Force objected to that portion of the notice that proposed to extend V-293 from Mormon Mesa to Wilson Creek. No other comments were received.

As the result of the Department of Air Force comments, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER on January 24, 1967 (32 F.R. 823), which proposed, in part, to extend V-293 from Mormon Mesa via the intersection of Mormon Mesa 016° magnetic and Wilson Creek 100° magnetic radials to Wilson Creek. The Air Transport Association of America concurred with the proposals contained in the supplemental notice. No other comments were received.

Subsequent to the publication of the supplemental notice, it was determined that it would be more appropriate to align V-293 southeast of Wilson Creek via Wilson Creek 098° and Cedar City, Utah 278° magnetic radials to their point of interception with VOR Federal airway No. 21. The change of two degrees in the alignment would provide better navigational guidance for pilots. Since this change is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 71.123 (31 F.R. 15531, 32 F.R. 2009):

1. V-253 all before "Lucin, Utah;" is deleted and "From Provo, Utah, 12 AGL INT Provo 326° and Salt Lake City, Utah, 265° radials; 24 miles, 12 AGL, 85 MSL Bonneville, Utah;" is substituted therefor.

2. V-293 is amended to read as follows:

V-293 From Mormon Mesa, Nev., 30 miles, 12 AGL, 95 MSL INT Cedar City, Utah, 294° and Milford, Utah, 213° radials; 8 miles, 95 MSL, 108 MSL Wilson Creek, Nev.; 5 miles, 108 MSL, 37 miles, 115 MSL, 12 AGL Ely, Nev.; 125 MSL Elko, Nev.; 28 miles, 12 AGL, 57 miles, 99 MSL, 12 AGL Twin Falls, Idaho; 37 Miles, 12 AGL, 33 miles, 87 MSL, 76 miles, 113 MSL, 99 MSL McCall, Idaho.

(Secs. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 27, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3629; Filed, Apr. 3, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-18]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area/Military Climb Corridors R-2522, R-2526,

and R–2527 at San Rafael, Calif., Victorville, Calif., and Oxnard, Calif., respectively.

The Department of the Air Force has advised the Federal Aviation Agency that present radar coverage and air traffic control procedures now serving these three Air Force bases obviate requirements for further retention of the associated Restricted Area/Military Climb Corridors. For this reason, action is taken herein to revoke R–2522, R–2526, and R–2527.

Since these amendments are less restrictive to the public, notice and public procedure hereon are unnecessary, and the amendments may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.25 (32 F.R. 2297, 787) the following actions are taken:

1. Restricted Area R–2522 at San Rafael, Calif., is revoked.
2. Restricted Area R–2526 at Victorville, Calif., is revoked.
3. Restricted Area R–2527 at Oxnard, Calif., is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 27, 1967.

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

[F.R. Doc. 67-3630; Filed, Apr. 3, 1967; 8:46 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 13]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Rearview Mirrors, Doors, and Seat Anchorage

Motor Vehicle Safety Standard No. 111; Rearview Mirrors—Passenger Cars. Motor Vehicle Safety Standard No. 111 (32 F.R. 2413) specifies requirements for rearview mirrors for use in passenger cars, multipurpose passenger vehicles, and passenger car and multipurpose passenger car equipment.

Paragraph S2. entitled "Application" of Motor Vehicle Safety Standard No. 111 (32 F.R. 2413) requires that the application of the Standard be as follows: "This standard applies to passenger cars, multipurpose passenger vehicles, and passenger car and multipurpose passenger vehicle equipment."

Paragraph S3.2.1.2 entitled "Mounting" of Motor Vehicle Safety Standard No. 111 (32 F.R. 2413) requires that outside mirrors installed on passenger cars and multipurpose passenger vehicles be mounted as follows: "The mounting shall provide a stable support for the mirror and neither the mirror nor the mounting shall protrude further than the widest part of the vehicle body, except to the extent necessary to meet the requirements of S3.2.1.1."

The National Traffic Safety Agency has determined that the mirror mounting may exceed the width of the vehicle to the extent necessary to produce a field of view meeting or exceeding the requirements of paragraph S3.2.1.1 of Standard No. 111 and that it would not be practicable to extend the application of the standard to replacement parts for vehicles manufactured before the effective date of the standard. Therefore, the standard is being amended to apply to passenger cars and multipurpose passenger vehicles, and to permit a mirror to protrude further than the widest part of the vehicle body to the extent necessary to produce a field of view meeting or exceeding the field-of-view requirements of the standard.

In consideration of the foregoing and pursuant to the authority delegated to me by the Secretary (31 F.R. 13952) and (32 F.R. 1005), § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 111 (32 F.R. 2413), paragraph S2. and S3.2.1.2 are amended to read as follows:

S2. *Application.* This standard applies to passenger cars and multipurpose passenger vehicles.

* * * * *

S3.2.1.2 *Mounting.* The mounting shall provide a stable support for the mirror and neither the mirror nor the mounting shall protrude further than the widest part of the vehicle body, except to the extent necessary to produce a field of view meeting or exceeding the requirements of S3.2.1.1. The mirror shall not be obscured by the unwiped portion of the windshield, and shall be adjustable from the driver's seated position. The mirror and mounting shall be free of sharp points or edges that could contribute to pedestrian injury.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., secs. 1392, 1407) and becomes effective January 1, 1968.

Motor Vehicle Safety Standard No. 206; Door Latches and Door Supports—Passenger Cars. Motor Vehicle Safety Standard No. 206 (32 F.R. 2415) specifies requirements for door latches and door hinge systems on passenger cars.

Paragraph S2 entitled "Application" of Motor Vehicle Safety Standard No. 206 (32 F.R. 2415) requires that the application of standard be as follows: "This standard applies to latches and door hinge systems for side doors used for occupant ingress or egress on passenger cars."

The National Traffic Safety Agency has determined that it would not be practicable to extend the application of the standard to replacement parts for vehicles manufactured before the effective date of the standard. Therefore, Standard No. 206 is being amended to provide for application to passenger cars manufactured on or after the effective date of the standard.

Since this amendment relieves restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing and pursuant to the authority delegated to me by the Secretary (31 F.R. 13952) and (32 F.R. 1005), § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 206 (32 F.R. 2413), paragraph S2 is amended to read as follows:

S2. *Application.* This standard applies to passenger cars.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., secs. 1392, 1407) and becomes effective January 1, 1968.

Motor Vehicle Safety Standard No. 207; Anchorage of Seats—Passenger Cars. Motor Vehicle Safety Standard No. 207 (32 F.R. 2415) specifies requirements for seats, their attachment assemblies, and their installation on passenger cars.

Paragraph S3.3 entitled "Folding and hinged seats" of Motor Vehicle Safety Standard No. 207 requires that a hinged or folding seat or seat back shall be equipped with a self-locking, restraining device and a control for leasing the restraining device.

The National Traffic Safety Agency has determined that it would not be practicable to extend the application of the standard to folding auxiliary seats and seats with backs which are adjustable for occupant comfort only. Therefore, Standard No. 207 is being amended to except such seats from the requirements of paragraph S3.3.

Since this amendment relieves restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing and pursuant to the authority delegated to me by the Secretary (31 F.R. 13952) and (32 F.R. 1005), § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 207 (32 F.R. 2415), paragraph S3.3 is amended to read as follows:

S3.3 *Folding and hinged seats.* Except for folding auxiliary seats and seats with backs which are adjustable for occupant comfort only, a hinged or folding seat or seat back shall be equipped with a self-locking, restraining device and a control for releasing the restraining device.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., secs. 1392, 1407) and becomes effective January 1, 1968.

Issued in Washington, D.C., on March 29, 1967.

LOWELL K. BRIDWELL,
Acting Under Secretary of Commerce for Transportation.

[F.R. Doc. 67-3641; Filed, Apr. 3, 1967; 8:47 a.m.]

[Docket No. 12]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Appendix A—Interpretations

CONTROLS AND REARVIEW MIRRORS

In response to inquiries for interpretation of certain of the initial Federal Motor Vehicle Safety Standards and regulations published in the FEDERAL REGISTER February 3, 1967 (32 F.R. 2408), under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority of October 20, 1966 (31 F.R. 13952), and January 24, 1967 (32 F.R. 1005), the following interpretations have been formulated and adopted by the National Traffic Safety Agency for the guidance of the public and are hereby published in the FEDERAL REGISTER in accordance with 5 U.S.C. 552(b).

Issued in Washington, D.C., on March 29, 1967.

LOWELL K. BRIDWELL,
Acting Under Secretary of Commerce for Transportation.

MOTOR VEHICLE SAFETY STANDARD NO. 101

CONTROL LOCATION AND IDENTIFICATION—PASSENGER CARS

The requirement of paragraph S3.2 that specified controls shall be identified to permit recognition may be met with words or symbols and need only be demonstrated under daylight lighting conditions.

MOTOR VEHICLE SAFETY STANDARD NO. 111

REARVIEW MIRRORS—PASSENGER CARS AND MULTIPURPOSE PASSENGER VEHICLES

(1) When a supplemental mirror is furnished in addition to the inside rearview mirror and the driver's side outside rearview mirror, the supplemental mirror need not be adjustable from the driver's seat.

(2) The location of the driver's eye reference point may be that established in Motor Vehicle Safety Standard No. 104, or it may be a nominal location appropriate for any 95th percentile male driver.

(3) The horizontal angle is measured from the projected eye point, rather than the plane of the mirror.

[F.R. Doc. 67-3642; Filed, Apr. 3, 1967; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER Q—SPECIFICATIONS

[CGFR 66-73]

PART 160—LIFESAVING EQUIPMENT

Subpart 160.055—Life Preservers, Unicellular Plastic Foam, Adult and Child, for Merchant Vessels

REVISION OF MANUFACTURERS' REQUIREMENTS AND WITHDRAWAL OF CERTAIN CERTIFICATES OF APPROVAL

The purpose of the amendments in this document is to revise and bring up to date the specification regulations governing manufacturers of unicellular plastic foam life preservers. Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of February 10, 1966 (31 F.R. 15264), and the Merchant Marine Council Public Hearing Agenda dated March 21, 1966 (CG-249), the Merchant Marine Council held a Public Hearing on March 21, 1966, for the purpose of receiving comments, views, and data. The proposed changes considered included specification regulations for unicellular plastic foam life preservers, which were identified as Item VIIf (CG-249, pages 118 to 125, inclusive). As revised by the Merchant Marine Council, this proposal is approved and the specification regulations are set forth in this document. The actions of the Merchant Marine Council with respect to the comments received regarding unicellular plastic foam life preservers are approved.

The specification designated 46 CFR Subpart 160.055, consisting of §§ 160.055-1 to 160.055-9, inclusive, is revised and is reprinted below in this document in its entirety. The Type I Standard, Models 61 and 65, unicellular plastic foam life preservers was discontinued. The design for the vinyl dip coated unicellular plastic foam life preservers is revised. A new model unicellular plastic foam life preserver is developed which utilizes a cloth covering. These two new standard designs are identified as Type IA Standard, Models 62 and 66, for the vinyl dip coated plastic foam life preservers, and Type IB Standard, Models 63 and 67, for the cloth covered plastic foam life preservers. The new standard designs permit cold weather donning, with one motion accomplishing the securing and adjusting. Further the new designs include the stowage characteristics desired by operators of ferry and excursion steamers. The preliminary draft of this specification was given to those persons and companies who had expressed an interest in this subject. They were requested to check the proposed specification from a production standpoint and to comment thereon.

In this revision changes in 46 CFR 160.055-1 to 160.055-5, inclusive, were made. Briefly, these changes include revising and bringing up to date referenced specifications, standards, and plans; a revised design providing for the splitting of the front of the bib into two legs, and a squaring of the outer border around the neck hole from the previous circular outer edge; and a revised body strap arrangement, which limits the distance of separation of the bib legs while donning but still providing full reversibility. The marking provisions in 46 CFR 160.055-8 were modified to show the various standard types of these life preservers, as well as to require the marking to show that it is "Approved for use on all vessels and motorboats."

Withdrawal of certificates of approval. In January 1966, the Coast Guard's attention was directed at a problem of donning certain vinyl dip coated plastic foam life preservers which lost a considerable amount of flexibility after exposure to temperatures below 28° F. This loss in flexibility could prevent a person from stretching the head opening wide enough to don these life preservers. Upon notification, the manufacturers accepted suspension of the outstanding certificates of approval bearing Approval Nos. 160.055/1/0 through 160.055/29/0. The Coast Guard's actions suspending these approvals are reaffirmed and all these certificates of approval are terminated.

By a Notice to Mariners, instructions were directed to all vessels on routes where the air temperatures would be below 28° F. that have on board unicellular plastic foam life preservers bearing Approval Nos. 160.055/1/0 through 160.055/29/0, urging that such approved life preservers should be checked for donning at these low temperatures. It was recommended that such life preservers be stowed inside the vessel or transferred to other vessels on routes with warmer air temperatures.

Because certain vinyl dip coated unicellular plastic foam life preservers lost their flexibility at temperatures below 28° F. so that it is not possible to stretch the head opening wide enough to don such life preservers, it has been deemed necessary that such life preservers bearing Approval Nos. 160.055/1/0, 160.055/2/0, 160.055/5/0, 160.055/6/0, 160.055/7/0, 160.055/8/0, 160.055/11/1, 160.055/12/1, 160.055/20/1, 160.055/21/1, 160.055/22/0, 160.055/28/0, and 160.055/29/0 shall be removed from all vessels, including motorboats, and the Coast Guard approval markings thereon shall be obliterated so that such life preservers may not be carried as a lifesaving appliance meeting the requirements in any inspection law or the Motorboat Act of 1940, as amended, and implementing regulations in 46 CFR Chapter I. It is urged that such life preservers be replaced as soon as possible. Effective November 1, 1967, such life preservers shall not be carried on board any vessel or motorboat as approved equipment. The certificates of approval issued to manufacturers of such life preservers, suspended by letters dated January 25, 1966, are also withdrawn. Any life preservers bearing such approval numbers and in good and serviceable condition may be used on board vessels and motorboats only until October 31, 1967. Any person aggrieved by this withdrawal of approval and removal of such life preservers from use as approved equipment on vessels and motorboats may appeal to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, in writing within 30 days after publication of this document in the FEDERAL REGISTER. Such an appeal shall set forth the reasons why this decision or action should be set aside or revised.

Revised specification. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), to promulgate regulations in accordance with the laws cited with the regulations below, the following revision

of §§ 160.055–1 to 160.055–9, inclusive, is prescribed:

Subpart 160.055—Life Preservers, Unicellular Plastic Foam, Adult and Child, for Merchant Vessels

Sec.

AUTHORITY: The provisions of this Subpart 160.055 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4419, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 4, 67 Stat. 462, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 390b, 43 U.S.C. 1333, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–15, Jan. 3, 1955, 20 F.R. 820; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 160.055–1 Applicable specifications, standards, and plans.

(a) *Specifications.* The following specifications and standards, of the issue in effect on the date unicellular plastic foam life preservers are manufactured, form a part of this subpart:

(1) Military specifications:

MIL–W–530—Webbing, Textile, Cotton, General Purpose, Natural or in Colors.
MIL–T–3530—Treatment, Mildew-Resistant for Thread and Twine.
MIL–W–17337—Webbing, Woven, Nylon.
MIL–C–43006—Cloth, Laminated, Vinyl-Nylon, High Strength, Flexible.

(2) Federal specifications:

CCC–A–700—Artificial Leather, Cloth, Coated, Vinyl Resin (Upholstery).
CCC–C–426—Cloth, Drill, Cotton.
CCC–T–191—Textile Test Methods.
V–T–276—Thread, Cotton.
V–T–295—Thread, Nylon.

(3) Federal standards:

No. 595—Color.
No. 751—Stitches, Seams, and Stitchings.

(4) American Society for Testing and Materials (ASTM) Standards:

D413—Adhesion of Vulcanized Rubber (Friction Test).
D570—Water Absorption of Plastics.
D882—Tensile Properties of Thin Plastic Sheets and Films.
D1004—Tear Resistance of Plastic Film and Sheeting.

(5) Coast Guard specification:

164.015—Plastic Foam, Unicellular, Buoyant, Sheet and Molded Shape.

(b) *Plans.* The following plans, of the issue in effect on the date unicellular plastic foam life preservers are manufactured, form a part of this subpart:

Dwg. No. 160.055–IA:
Sheet 1—Construction and Arrangement, Vinyl Dip Coated, Model 62, Adult.
Sheet 2—Construction and Arrangement, Vinyl Dip Coated, Model 66, Child.
Dwg. No. 160.055–IB:
Sheet 1—Construction and Arrangement, Cloth Covered, Model 63, Adult.
Sheet 2—Buoyant Inserts, Model 63.
Sheet 3—Construction and Arrangement, Cloth Covered, Model 67, Child.
Sheet 4—Buoyant Inserts, Model 67.

(c) *Copies on file.* Copies of the specifications, standards, and plans referred to in this section shall be kept on file by the manufacturer, together with the approved plans and certificate of approval. The Coast Guard Specification and plans may be obtained upon request from the Commandant, U.S. Coast Guard, Washington, D.C. 20226. The Federal Specifications and the Federal Standards may be purchased from the Business Service Center, General Services Administration, Washington, D.C. 20407. The Military Specifications may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120. The ASTM Standards may be purchased from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

§ 160.055–2 Types and models.

(a) Life preservers specified by this subpart shall be of the following types and models:

Type IA—Standard, Bib Type, Vinyl Dip Coated:
Model 62—Adult.
Model 66—Child.
Type IB—Standard Bib Type, Cloth Covered:
Model 63—Adult.
Model 67—Child.
Type II—Nonstandard, Shaped Type:
Model [1]—Adult.
Model [1]—Child.

§ 160.055–3 Materials—Standard, Bib Types IA and IB life preservers.

(a) *General.* All materials used in the construction shall be obtained from suppliers who furnish an affidavit certifying that the material meets the requirements of the applicable reference specifications. The requirements for materials specified in this section are minimum requirements, and consideration will be given to the use of alternate materials in lieu of those specified. Detailed technical data and samples of all proposed alternate materials shall be submitted for acceptance prior to being incorporated in the finished product.

(b) *Unicellular plastic foam.* The unicellular plastic foam shall be all new material complying with the requirements of Subpart 164.015 of this chapter for Type A foam.

(c) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill. The color shall be Indian Orange, Cable No. 70072, Standard Color Card of America, issued by the Textile Color Association of the United States, Inc., 200 Madison Avenue, New York, N.Y., or Scarlet Munsell 7.5 Red 6/10. The drill shall be evenly dyed, and the fastness of the color to laundering, water, crocking, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Methods 5610, 5630, 5650, and 5660. After dyeing, the drill shall be treated with a mildew-inhibitor of the type specified in paragraph (e) of this section. The finished goods shall contain not more than 2 percent residual sizing or other nonfibrous material, shall weigh not less than 6.5 ounces per square yard, shall have a thread count of not less than 74 in the warp and 56 in the filling, and shall have a breaking strength (grab method) of not less than 105 pounds in the warp and 70 pounds in the filling. Properly mildew-inhibited drills meeting the physical requirements of Federal Specification CCC–C–426 for Type I, Class 3 drill will be acceptable. If it is proposed to treat the fabric with a fire-retardant substance, full details shall be submitted to the Commandant for determination as to what samples will be needed for testing.

(d) *Thread*—(1) *Cotton thread.* The thread shall be Type IB, No. 20 4-ply cotton thread, conforming to the requirements of Federal Specification V–T–276, and shall be treated with a Class I (Copper-8) or Class II (G–4) mildew-inhibitor as specified in specification MIL–T–3530.

(2) *Nylon thread.* This thread shall be Class I, Type I, or II, Size E, nylon thread in accordance with the requirements of Federal Specification V–T–295.

(e) *Mildew-inhibitor.* The mildew-inhibitor shall be dihydroxydichlorodiphenylmethane, known commercially as Compound G–4, applied by the aqueous method. The amount of inhibitor deposited shall be not more than 1.50 percent and not less than 1 percent of the dry weight of the finished goods.

(f) *Adhesive.* The adhesive shall be an all-purpose waterproof vinyl type. (Minnesota Mining and Manufacturing Co. EC–870 or EC–1070, United States Rubber Co. M–6256, Herculite Protective Fabrics Corp., CVV, Pittsburgh Plate Glass Co. R 828, or equal.)

(g) *Reinforcing fabric.* The reinforcing fabric shall be Type III, Class I, laminated vinyl-nylon high strength cloth in accordance with the requirements of Specification MIL–C–43006.

(h) *Webbing.* There are no restrictions as to color, but the fastness of the color to laundering, water, crocking, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Methods 5610, 5630, 5650, and 5660. The complete body strap assembly shall have a minimum breaking strength of 360 pounds.

(1) *Nylon webbing.* This webbing shall be 1-inch wide nylon webbing in accordance with the requirements of Specification MIL–W–17337.

(2) *Cotton webbing.* This webbing shall be 1-inch cotton webbing meeting

[1] Model designations for Type II, Nonstandard life preservers, are to be assigned by individual manufacturers. Designations shall differ from any standard lifesaving device.

the requirements of Specification MIL-W-530 for Type IIb webbing. This webbing shall be treated with a mildew-inhibitor of the type specified in paragraph (e) of this section.

(i) *Hardware.* All hardware shall be brass, bronze, or stainless steel, and of the approximate size indicated by the drawings. Steel hardware, protected against corrosion by plating, is not acceptable. Snap hook springs shall be phosphor bronze or other suitable corrosion-resistant material. Dee ring, o-ring, slide adjuster and snap hook ends shall be welded or brazed, or they may be a one-piece casting. The complete body strap assembly shall have a minimum breaking strength of 360 pounds.

(j) *Coating.* The coating for the plastic foam shall be a liquid elastomeric vinyl compound. The coating shall be International Orange in color (Color No. 12197 of Federal Standard 595) or Scarlet Munsel 7.5, Red 6/10 and shall meet the following requirements in Table 160.055–3(j):

TABLE 160.055-3(j)

Property	Test method	Requirement
Tensile strength	ASTM–D882, Method B, ½ in. dumbbell die.	1,200 p.s.i., minimum.
Ultimate elongation	ASTM–D882, Method B, ½ in. dumbbell die.	320 percent, minimum.
Tear resistance	ASTM–D1004, Constant Elongation Machine.	90 pounds per inch, minimum.
Abrasion resistance	FS CCC–T–191, Method 5304, No. 8 cotton duck, 6 lb. tension, 2 lb. pressure.	100,000 double rubs.
Blocking	FS CCC–T–191, Method 5872, 30 minutes at 180° F., ½ p.s.i.	No blocking.
Accelerated weathering	FS CCC–T–191, Method 5670, 120 hours	Color change—very slight. Cracking—None. Flexibility—No change.
Plasticizer heat loss	FS CCC–A–700, paragraph 4.4.4, 48 hours at 221° F.	8 percent, maximum.
Adhesion to foam—Tensile pull	ASTM–D413, machine method, 12 in. per minute, 1 in. strip.	
Film to foam skin		4 lb./in., minimum.
Film to foam (no skin)		2 lb./in., minimum.
Water absorption	ASTM–D570, 24 hours at 70° F	0.5 percent, maximum.
Cold crack (unsupported film) 0° F.	Coast Guard, 164.015, paragraph 164.015–4(j).	No cracking.

§ 160.055–4 Materials—Nonstandard, Type II life preservers.

(a) *General.* All materials used in nonstandard Type II life preservers shall be at least equivalent to those specified in § 160.055–3 for standard Type IA or IB life preservers.

§ 160.055–5 Construction—Standard, Bib Types IA and IB life preservers.

(a) *General.* This specification covers life preservers which essentially consist of plastic foam buoyant material arranged and distributed so as to provide the flotation characteristics and buoyancy required to hold the wearer in an upright or slightly backward position with head and face clear of the water. The life preservers are also arranged so as to be reversible and are fitted with straps and hardware to provide proper adjustment and fit to the bodies of various size wearers.

(b) *Construction—Standard, Bib Type IA, vinyl dip coated life preservers.* This type is one piece of unicellular plastic foam, with neck hole and body slitted down the front, vinyl dip coated, and fitted with an adjustable body strap.

(1) *Buoyant material.* The buoyant material of the life preserver shall be a molded shape or made from one or two sheets of foam finished so as to have dimensions after coating in accordance with the pattern shown on Dwg. No. 160.-055–1A, Sheet 1, for adult size and Sheet 2 for child size. The reinforcing fabric shall be cemented on the foam buoyant body before coating.

(2) *Coating.* After all cutting and shaping of the buoyant body and installation of the reinforcing fabric, the entire body of the life preserver shall be coated evenly and smoothly to a minimum thickness of 0.010" with a liquid vinyl coating material of the type described in § 160.055–3(j).

(3) *Body strap.* After the coating on the buoyant body of the life preserver is fully cured, a nylon webbing body strap shall be attached as shown on Dwg. No. 160.055–IA.

(4) *Stitching.* All stitching shall be a short lock stitch, conforming to Stitch Type 301 of Federal Standard 751, with nylon thread, and there shall be not less than 9 nor more than 11 stitches to the inch. Bar tacking with nylon thread is acceptable as noted on Dwg. No. 160.055–IA.

(c) *Construction—Standard, Bib Type IB, cloth covered life preservers.* This type is three sections of unicellular plastic foam contained in a cloth envelope which has a neck hole and is slitted down the front and fitted with an adjustable body strap.

(1) *Buoyant material.* The buoyant material of the life preserver shall be three sections of foam cut so as to have finished dimensions in accordance with the patterns shown on Dwg. No. 160.055–IB, Sheet 2, for adult size and Sheet 4, for child size. One or two layers of foam may be used to make up each section.

(2) *Envelope.* The envelope shall be cut to the pattern shown on Dwg. No. 160.055–IB, Sheet 1, for adult size, and Sheet 3, for child size, and joined by seams and stitching as shown on the drawing. Alternate finished envelopes are permitted as noted on Dwg. No. 160.055–IB.

(3) *Body strap.* The body strap may be cotton or nylon webbing and shall be attached by stitching as shown on the Dwg. No. 160.055–IB, Sheet 1, for adult size and Sheet 3, for child size.

(4) *Stitching.* All stitching shall be a short lock stitch conforming to Stitch Type 301 of Federal Standard No. 751, and there shall be not less than 7 nor more than 9 stitches to the inch if cotton thread is used, and not less than 9 nor more than 11 if nylon thread is used. Bar tacking is acceptable as noted on Dwg. No. 160.055–IB.

(d) *Workmanship.* Life preservers shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.055–6 Construction — Nonstandard Type II life preservers.

(a) *General.* Construction methods used in non-standard Type II life preservers shall be at least equivalent to those specified in § 160.055–5 for standard Type I life preservers. Nonstandard Type II life preservers also shall meet the additional requirements specified in this section.

(b) *Sizes.* Type II life preservers shall be constructed in sizes which correspond to those specified in § 160.055–2 for Type I life preservers, i.e., adult size and child size.

(c) *Volume of buoyant material.* Adult size Type II life preservers shall contain not less than 700 cubic inches of plastic foam buoyant material; and child size not less than 350 cubic inches.

(d) *Arrangement of buoyant material.* The buoyant material in Type II life preservers shall be located and arranged so as to turn and hold the wearer in an upright or backward position with head and face out of water. Type II life preservers shall show no tendency to turn a wearer face downward in the water, and at least 68 percent and no more than 73 percent of the total buoyant material in any Type II model shall be located in the front sections.

(e) *Adjustment, fit, and donning.* Type II life preservers shall be reversible and capable of being readily and easily adjusted to fit the range of wearers for which designed. Donning time shall compare favorably with that of standard Type I life preservers.

§ 160.055–7 Sampling, tests, and inspections—Types I and II life preservers.

(a) *General.* When production is to commence on life preservers, the manufacturer shall notify the Officer in Charge, Marine Inspection, U.S. Coast Guard, of the inspection zone in which the factory is located in sufficient time for him to assign a Coast Guard Marine Inspector to the plant to observe production methods and to conduct any inspections or tests which may be deemed advisable. Manufacturers of approved life preservers shall maintain quality control of the materials used, manufacturing operations, and the finished product so as to meet the requirements of this specification. When a lot of life preservers is presented for Coast Guard

inspection, it is expected that the manufacturer will previously have taken all ordinary precautions to assure himself that the life preservers are in full compliance with the requirements of this specification. The Coast Guard inspections and tests are not intended to replace, or be a substitute for, full inspections and tests by the manufacturer to maintain the quality of his product. The Marine Inspector shall be admitted to any place in the factory where work is done on the life preservers or on component materials or parts. Samples of materials entering into construction may be taken by the marine inspector and tests made for compliance with the applicable requirements.

(b) *Lot size and sampling.* (1) A lot shall consist of not more than 500 life preservers. A new lot shall be started with any change or modification in materials used or manufacturing methods employed. When a lot of life preservers is ready for inspection, the manufacturer shall notify the Officer in Charge, Marine Inspection, U.S. Coast Guard, of the inspection zone in which the factory is located, who will assign a marine inspector to the plant for the purpose of making the necessary tests and inspections. From each lot of life preservers the Marine Inspector shall select samples in accordance with Table 160.055–7(b) (1) to be tested for buoyancy in accordance with paragraph (d) of this section.

TABLE 160.055-7(b)(1)—SAMPLING FOR BUOYANT TESTS

Lot size	Number of life preservers in sample
100 and under	1
101 to 200	2
201 to 300	3
301 to 500	4

(2) For a lot next succeeding one from which any life preservers failed the buoyancy test, the sample shall consist of not less than 10 specimen life preservers to be tested for buoyancy in accordance with paragraph (d) of this section.

(c) *Test facilities.* The manufacturer shall provide a suitable place and the necessary apparatus for the use of the marine inspector in conducting tests to determine compliance of life preservers with this specification. The apparatus shall include accurate spring scales of adequate capacity, weighted wire mesh baskets, and a test tank or tanks which can be locked or sealed in such manner as to preclude disturbance of life preservers undergoing test or change in water level.

(d) *Buoyancy test.* Securely attach the spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket may be weighed while it is completely under water. In order to measure the actual buoyancy provided by the life preserver, the underwater weight of the empty basket should exceed the buoyancy of the life preserver. To obtain the buoyancy of the life preserver, proceed as follows:

(1) Weigh the empty wire basket under water.

(2) Place the life preserver inside the basket, and submerge it so that the top of the basket is at least 2 inches below the surface of the water. Allow the life preserver to remain submerged for 24 hours. The tank shall be locked or sealed during this 24-hour submergence period. It is important that after the life preserver has once been submerged it shall remain submerged for the duration of the test, and at no time during the course of the test shall it be removed from the tank or otherwise exposed to air.

(3) After the 24-hour submergence period, unlock or unseal the tank and weigh the wire basket with the life preserver inside while both are still under water.

(4) The buoyancy is computed as (1) minus (3).

(e) *Buoyancy required.* Adult size life preservers shall provide not less than 22 pounds buoyancy in fresh water, and child size life preservers shall provide not less than 11 pounds buoyancy.

(f) *Lot inspection.* If the sample life preserver or preservers meet the buoyancy requirement, the marine inspector shall carefully inspect individually each of the life preservers in the lot, making such examinations and tests as are necessary to satisfy himself that the life preservers have been manufactured according to the applicable requirements. Nonconforming units shall be eliminated. The manufacturer shall provide a well lighted place equipped with a suitable smooth top table for use by the marine inspector, and shall provide labor for all handling of life preservers requisite for lot inspection.

(g) *Lot acceptance.* When the marine inspector has satisfied himself that the life preservers in the lot are of a type officially approved in the name of the company, and that such life preservers meet the applicable requirements, they shall be plainly marked in waterproof ink with the words, "Inspected and Passed, (Date), (Port), (Inspector's Initials), USCG."

(h) *Lot rejection.* If any sample life preserver fails the buoyancy test, 10 additional specimen life preservers shall be selected from the lot and tested for buoyancy. If all the 10 additional specimen life preservers pass the buoyancy test, the lot shall be considered for lot inspection as set forth in paragraph (f) of this section. If any one of the 10 additional specimen life preservers fails the buoyancy test, the lot shall be rejected. If, in the lot inspection, three or more nonconforming units are eliminated for the same kind of defect, lot inspection shall be discontinued until such time as the manufacturer has inspected the remainder of the lot and eliminated or corrected any additional units having the same kind of defect. Nonconforming units which are eliminated in the lot inspection may be resubmitted for inspection, provided that all defects have been corrected to the satisfaction of the marine inspector. When permitted by the Commander of the Coast Guard District, rejected lots may be reworked by the manufacturer to correct the deficiency for which they were rejected and to eliminate all nonconforming units, following which the remainder of the lot may be resubmitted for official testing and inspection. Life preservers from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels or motorboats.

(i) *Additional tests for Type II life preservers.* For Type II life preservers additional tests such as tests to determine performance in the water, extended service test to determine suitability of materials, tests to determine comparative donning time and ease of adjustment, and such other tests as may be necessary to determine equivalence to the standard Type I life preservers, may be required prior to approval or during inspection of production lots.

§ 160.055–8 Marking—Types I and II life preservers.

(a) *General.* Each life preserver shall be plainly marked across the front in letters not less than ¾" in height with the word "ADULT" or "CHILD," as the case may be, and in letters ¼" to ⅜" in height with "Type (IA, IB, or II) Model No. ------, Unicellular Plastic Foam Life Preserver—Approved for Use on All Vessels and Motorboats (Manufacturer's Name and Address), U.S.C.G. Approval No. ------." The marking shall be plainly printed in waterproof ink.

§ 160.055–9 Procedure for approval—Types I and II life preservers.

(a) *General.* Life preservers for use on merchant vessels or motorboats are approved only by the Commandant, U.S. Coast Guard, Washington, D.C. 20226. Each model life preserver is considered separately. Application for approval and correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Approval of Type I life preservers.* Upon receipt of an application for approval of standard Type IA or IB life preservers, the Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select from not less than 10 life preservers already manufactured not less than three of each model for examination and test for compliance with the requirements of this specification. A copy of the marine inspector's report, together with a fourth specimen life preserver selected from those already manufactured, and one copy of an affidavit for each material used will be forwarded to the Commandant, and if satisfactory, an official approval number will be assigned to the manufacturer for the Type I life preserver submitted.

(c) *Approval of Type II life preservers.* Upon receipt of an application for approval of non-standard Type II life preservers, the Commander of the Coast

Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select three sample life preservers of each model for which approval is desired. The sample life preservers will be forwarded to the Commandant, together with a copy of the marine inspector's report. At the time the preapproval samples are selected, the manufacturer shall also submit to the marine inspector four prints each of fully dimensioned, full scale drawings showing all details of construction of the sample life preservers submitted, material affidavits, and four copies of a bill of materials showing all materials used in construction of the life preservers. After examination of the samples, drawings, and other materials submitted, the manufacturer will be advised of any changes or corrections considered necessary, and any additional samples or other material required. If the samples, drawings, and other material are found satisfactory, tests of the samples will be authorized. If the results of the tests are satisfactory, an official approval number will be assigned to the manufacturer for the Type II life preserver submitted.

(d) *Private brand labels.* Private brand labels are those bearing the name and address of a distributor in lieu of the manufacturer. In order for a manufacturer to apply for an approval number to be used on such a private brand label, he shall forward a letter of request to the Commander of the Coast Guard District in which the factory is located, setting forth the life preservers involved, together with a letter from his distributor also requesting that approval be issued. The manufacturer's request for approval, together with that of his distributor, will be forwarded to the Commandant, and when deemed advisable, an approval number or numbers will be issued in the name of the distributor. Approvals issued to a distributor under such an arrangement shall apply only to life preservers made by the manufacturer named on the certificate of approval, and this manufacturer shall be responsible for compliance of the life preservers with the requirements of this subpart.

Dated: March 30, 1967.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67-3661; Filed Mar. 31, 1967; 8:49 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 66-19; General Order 21]

PART 513—AUDITS AND AUDITING PROCEDURES

This rule making proceeding was instituted by the Commission by notice published in the FEDERAL REGISTER on April 8, 1966 (31 F.R. 5575), following the remand of the U.S. Court of Appeals for the District of Columbia Circuit in Alcoa Steamship Company v. Federal Maritime Commission and United States of America, 121 U.S. App. D.C. 144, 348 F. 2d 756 (1965). Reference is made to the Court of Appeals' opinion and the notice of proposed rule making for a complete discussion of the background of the proceedings.

Briefly, however, this proceeding had its genesis when Alcoa Steamship Co., a common carrier by water engaged in the domestic offshore trades of the United States and subject to the regulatory jurisdiction of this Commission, filed with the Commission its annual financial report for the calendar year 1962. In order to verify the contents of the report, the Commission sought to audit the corporate records of Alcoa, but attempts to conduct an audit were unsuccessful. Thereafter, on April 7, 1964, the Commission issued an order pursuant to section 21 of the Shipping Act, 1916 (46 U.S.C. 820), requiring that Alcoa produce at the Commission's offices certain named books and records for the purpose of verifying the 1962 financial report. Alcoa promptly filed a petition to review the order with the U.S. Court of Appeals for the District of Columbia Circuit (No. 18,667).

Subsequent to the filing of the petition to review the order, the Commission issued final rules in its Docket No. 1152, Reports of Rate Base and Income Account of Domestic Offshore Carriers, which were published in the FEDERAL REGISTER on June 17, 1964 (29 F.R. 7721), as 46 CFR Part 512. These rules required the filing of reports covering rate base and income account for each regulated common carrier trade as distinguished from the corporate-wide financial reports required by the Commission under its General Order 5. The rules contained a provision requiring that all working papers used in support of reports submitted to the Commission pursuant to the rules would be made available to the Commission's auditors, and that the auditors could make copies of such working papers as they desired. Alcoa again filed a petition to review with the Court of Appeals, seeking review of the provision of the rules permitting audits (No. 18,887). The cases were briefed and argued separately, but the Court of Appeals consolidated them for decision.

The Court remanded both the order and the rule to the Commission for reconsideration in the light of its opinion. It found that section 21 did not contain authority for auditing original corporate records and documents, but that the relatively new section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), enacted in 1961, authorized the Commission "to adopt procedural rules comparable to its sister agencies." 348 F. 2d at 761. Section 43, the Court held, authorized the adoption of rules which would permit inspection of original corporate records and documents, provided the Commission found that such rules were necessary to substantive regulation under the Act, and that an unequal burden was not imposed by the rules on American-flag carriers vis-a-vis their foreign-flag competitors. The Court then went on to state that the Commission had demonstrated that access by its auditors was necessary to substantive regulation under the Intercoastal Shipping Act, 1933.

Proceeding in conformity with the opinion and mandate of the Court of Appeals, the Commission instituted this rule making proceeding in order to allow complete consideration of the problems raised by the Court and those which might be raised by interested parties as regards audits by Commission personnel of original corporate records. The precise issue before the Commission had already been framed by the Court of Appeals; i.e., did access by Commission auditors result in the imposition of an unequal burden on American-flag carriers. We think the Court's language on this point bears repeating:

> The Commission's determination whether a burden is likely to occur may not lightly be disturbed on review since the Commission has close acquaintance with the problems involved and the likely effects of its actions. In the context of audit or other inspection of corporate records, the Commission's inquiry might include, inter alia, consideration whether: (1) Matters discovered are likely to be disclosed to competitors who need not supply like information; (2) audit or inspection can be limited to particular records, whose disclosure would not be prejudicial; (3) being audited or inspected itself imposes a substantial, unshared burden on American carriers. 348 F. 2d at 763.

The proposed rules were drafted bearing in mind the questions raised by the Court. Moreover, the Commission asked that interested parties specifically address themselves to these problems, although other arguments were of course not foreclosed. The Commission received comments from six steamship companies and the Governments of the States of Hawaii and Alaska and the Commonwealth of Puerto Rico. After the comments were filed, the Commission heard oral argument.

The Commission has carefully considered the comments and arguments submitted, and the final rules promulgated herein have been drafted with these comments and arguments in mind. Comments and arguments not discussed herein have been considered and found not relevant or justified.

Initially, the Commission's authority to promulgate rules concerning audits has been challenged because, it is argued, section 43 confers rule-making authority on the Commission only with respect to the Shipping Act, 1916, and not in Intercoastal Shipping Act, 1933. We think this argument is without merit. Section 7 of the Intercoastal Shipping Act states:

> The provisions of the Shipping Act, 1916, as amended, shall in all respects, except as amended by this Act, continue to be applicable to every carrier subject to the provisions of this Act. [46 U.S.C. 847]

Nor is there any merit to the contention that section 7 applies only to those sections of the 1916 Act in existence at the time the Intercoastal Act was enacted. The preamble to the Intercoastal Act clearly specifies that it is an amendment to the 1916 Act and, thus, there is no reason why Congress should have made section 43 applicable to the Intercoastal Shipping Act by specific reference.

We now pass to the important issue in this proceeding, whether or not audit operates as a discriminatory burden on American-flag carriers vis-a-vis their foreign-flag competitiors. We think that there are three possible burdens which might result from the auditing process. They are (1) the possibility that valuable commercial information discovered during the audit might be disclosed to competitors; (2) inspection might interfere with a carrier's operations because of the problems inherent in obtaining access to files; and (3) the possibility that auditing might detect statutory violations by American-flag carriers but not by foreign-flag carriers, because of the fact that the Commission may only audit the records of the American-flag carriers.

Treating these possible burdens in reverse order, we are of the opinion that (3) above is not such a burden as to warrant objections against the rules as promulgated herein. The fact that we would be in a position to discover violations of law by certain carriers and not by others does not, in our opinion, violate any cognizable legal interest of the American-flag carriers. No party has argued to this effect.

As to the burden of expense and inconvenience, only one party has suggested that there might be a burden in this respect. The other parties declined to comment on this question. As no facts were brought to our attention which would require a finding that auditing would create a substantial, unshared burden on American-flag carriers, we are of the opinion that expense and inconvenience would be minimal. At any rate, we have inserted in the rules a provision that "inspection shall be at a place and time convenient to the carrier." This provision will insure that access by Commission auditors will cause the least possible interference with a carriers operation.

Next we come to the question of confidentiality. Both the Court and the parties to this proceeding have raised the point that disclosure of confidential information might prejudice the American-flag carriers whose records are subject to audit. The proposed rule on confidentiality provided that:

> All information obtained by the Commission or its duly accredited special agents or auditors as a result of an inspection or audit carried out pursuant to the provisions of this part shall be withheld from public disclosure and shall be treated as "confidential information" in the files of the Commission, unless otherwise ordered by the Commission, if such treatment is requested by the carrier at the time of inspection and audit.

Certain parties have objected to the necessity for requesting confidential treatment as well as the provision which allows the cloak of confidentiality to be lifted when the Commission so orders. The proposed rule has therefore been revised to provide that no request need be made that the information be treated as confidential, and the only exception to confidential treatment will be the use of the information as the basis for a formal Commission proceeding pursuant to section 22 of the Shipping Act, 1916, or sections 3 and 4 of the Intercoastal Shipping Act, 1933. Carriers subject to the Commission's jurisdiction are thus assured that information will not be released to the public without notice to them or for purposes unconnected with the Commission's rate-regulatory responsibilities.

Objections have also been raised to the sanctions to be applied in the event that Commission employees disclose confidential information. The specific objection that the reference in Commission Order 53 to "restricted information" could not be applied to "confidential information" has been mooted, inasmuch as Commission Order 53 was amended and revised on May 17, 1966. Section 500.735–15 of Commission Order 53 now subjects a Commission employee to disciplinary action should he misuse any "official information obtained through or in connection with his Government employment which has not been made available to the general public." Furthermore, the rules provide that an infraction may result in dismissal from Commission employment. Finally, 18 U.S.C. 1905 prescribes, in our opinion, stiff penalties for disclosure of information such as would be obtained from an audit of the corporate records of any carrier subject to our regulatory jurisdiction. As is stated in the rules, any infraction will be referred to the Department of Justice for appropriate action. The sanctions against unauthorized disclosure are fair and effective, in our opinion.

One party to this proceeding has argued that audits conducted by the Maritime Administration of reports filed with that agency would be duplicative of audits by this Commission, and that it is therefore unnecessary for the Commission to audit. The short answer is that the Maritime Administration audits reports similar to those submitted to this Commission pursuant to our General Order 5, but the Administration does not require reports similar to the General Order 11 rate base and income accounts reports. The Administration's audits would not suffice for our purposes, nor do we believe that we should be dependent upon the Administration's personnel for verification of the reports submitted to us. Since 1961, the two agencies have been separate and distinct.

Section 513.1 of the rules has been amended to make it clear that the Commission intends to use its audit powers solely to verify the reports submitted pursuant to General Orders 5 and 11, in lieu of simply stating that audits will be for the purpose of discharging the Commission's substantive rate-regulatory responsibilities. The purpose of audits is thus made more precise, and carriers are assured that there will be no "fishing expeditions" by Commission personnel.

Finally, we deal with an objection that audits would be too broad and unrestricted. Certain parties proposed that audits should be limited to those "related companies" which are themselves subject to direct regulation by the Commission pursuant to the provisions of the Intercoastal Shipping Act, 1933. We have given due consideration to this proposal, but we have decided that no change should be made in the rule as it was proposed. The Commission must have access to all documents used in the preparation of the reports submitted to the Commission. Otherwise, proper verification will be impossible. The Commission does not intend to use its audit authority to conduct "fishing expeditions," as we have pointed out, supra, and records of related companies will only be subjected to inspection when absolutely necessary.

Therefore, pursuant to the provisions of 5 U.S.C. section 553 and section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), in order to verify reports filed with the Commission, which reports are necessary to the discharge of the Commission's responsibilities derived from section 18(a) of the Shipping Act, 1916 (46 U.S.C. 817), and the provisions of the Intercoastal Shipping Act, 1933 (46 U.S.C. 843, et seq.), Title 46 CFR is hereby amended by the addition of a new Part 513 as follows:

Sec.
513.1 Purpose.
513.2 Access to records.
513.3 Notice of audit.
513.4 Agents and auditors.
513.5 Confidentiality of information.
513.6 Penalty for disclosure.

AUTHORITY: The provisions of this Part 513 issued under sec. 43, Shipping Act, 1916 (46 U.S.C. 841a).

§ 513.1 Purpose.

The purpose of this part is to establish rules governing audits by Federal Maritime Commission auditors of the books and records of carriers engaged in the domestic offshore trades of the United States and who are required to file periodic reports with the Commission pursuant to its General Orders 5 and 11. Such audits are necessary in order that the Commission may discharge its substantive regulatory responsibilities under the Intercoastal Shipping Act, 1933, and section 18(a) of the Shipping Act, 1916, by verifying the required reports.

§ 513.2 Access to records.

The Commission itself, or through duly accredited special agents or auditors, shall at all times have access to all documents, accounts, records, rates, charges,

or correspondence used in the preparation of or pertaining to reports filed with the Commission and all underlying working papers (irrespective of by whom prepared) in support of all exhibits and schedules submitted to the Commission, and the Commission or its accredited special agents or auditors shall be permitted to make copies of such records to the extent they deem necessary.

§ 513.3 Notice of audit.

Notice that inspection of a carrier's books and records is desired for the purpose of audit shall be given by the Commission or its duly accredited special agents or auditors, and such inspection shall be at a place and time convenient to the carrier, but such inspection shall not be unduly delayed after reasonable notice is given to the carrier.

§ 513.4 Agents and auditors.

The terms "special agents" or "auditors" shall include any employee of the Commission's Bureau of Financial Analysis or any other employee of the Commission specifically designated by the Commission or the Director, Bureau of Financial Analysis.

§ 513.5 Confidentiality of information.

All information obtained by the Commission or its duly accredited special agents or auditors as a result of an inspection or audit carried out pursuant to the provisions of this part shall be withheld from public disclosure and shall be treated as "confidential information" in the files of the Commission: *Provided, however*, That any confidential information derived from an inspection or audit may be utilized by the Commission as the basis for a formal proceeding instituted pursuant to section 22 of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and may also be utilized in such a proceeding.

§ 513.6 Penalty for disclosure.

Disclosure of information treated as "confidential" under the provisions of this part will be considered as a violation of Commission Order No. 53 (Amended), which prohibits the misuse by Commission employees of official information obtained through or in connection with Government employment, which information has not been made available to the general public. A violation of that order will result in disciplinary action, ranging from warning to removal. The Commission is of the view that disclosure of such confidential information would also be a violation of 18 U.S.C. section 1905, and any disclosure prohibited by the provisions of this part will be referred by the Commission to the Department of Justice for such action as the Department deems appropriate.

Effective date. The provisions of this Part 513 will become effective 30 days after publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 67-3668; Filed, Apr. 3, 1967; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 726—CONSTRUCTION INDUSTRY IN PUERTO RICO

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and by means of Administrative Order No. 597 (32 F.R. 2953), the Secretary of Labor appointed and convened Industry Committee No. NC7–A for the Construction Industry in Puerto Rico, referred to it the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 6(c)(3) and section 8 of the Act, Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. NC7–A are hereby published in this order. Title 29 CFR Chapter V is hereby amended effective April 20, 1967, by adding a new Part 726 as set forth below.

Sec.
726.1 Definition.
726.2 Wage rates.
726.3 Notices.

AUTHORITY: The provisions of this Part 726 issued under secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 726.1 Definition.

The construction industry in Puerto Rico, to which this part shall apply, is defined as follows: The design, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements on land; the assembling at the construction site and the installation of machinery and other facilities in or upon such improvements; and the dismantling, wrecking, or other demolition of such improvements: *Provided, however*, That the construction industry shall not include any activity carried on by an establishment in Puerto Rico for its own use to which another wage order for the primary business of such establishment would otherwise be applicable: *Provided, further*, That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

§ 726.2 Wage rates.

Wages at the rate of not less than $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in any activity in the construction industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

§ 726.3 Notices.

Every employer subject to the provisions of § 726.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 726.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 30th day of March 1967.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 67-3674; Filed, Apr. 3, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Section 1.320 is revised to read as follows:

§ 1.320 Industrial security.

Certain required procedures designed to safeguard classified defense information are set forth in the Department of Defense Industrial Security Regulation, DOD 5220.22-R (Implemented for the

Army by AR 380–131; for the Navy by OPNAV Instruction 5540–8E; for the Air Force by AFR 205–4; and for the Defense Supply Agency by DSAM 85002.1), and DD Form 441 "Security Agreement" and its attachment, the Department of Defense Industrial Security Manual together with Supplements thereto. Security requirements governing work to be performed outside the United States, its possessions, and Puerto Rico by United States or foreign nationals, or work to be performed in the United States by foreign nationals (including companies located in the United States which are owned, controlled, or influenced by nationals of a foreign country), are subject to security agreements which the United States maintains with a number of foreign countries. The requirements of these agreements are set forth in the Department of Defense Industrial Security Regulation.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

2. In § 2.201(a), subparagraph (27) is revoked and subparagraph (40) is revised; and in § 2.503–1, paragraph (g) is revised as follows:

§ 2.201 Preparation of invitation for bids.

* * * * *

(a) * * *

(27) [Revoked]

* * * * *

(40) Invitation for bid which will result in the placement of rated orders or authorized controlled material orders (see § 1.307 of this chapter) shall contain the following statement:

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDSA Regulation 2 and/or DMS Regulation 1.

* * * * *

§ 2.503–1 Step one.

* * * * *

(g) Consideration of late technical proposals is governed by the procedure in § 3.506 of this chapter except that the late technical proposals statement in paragraph (a)(6) of this section will be used in any resolicitation (see § 3.506(e) of this chapter).

* * * * *

PART 3—PROCUREMENT BY NEGOTIATION

3. In § 3.501(b), subparagraph (64) is revised; §§ 3.506, 3.507–2(a), and 3.604–2 are revised; and in § 3.605–3(f)(6), subdivision (v) is revoked, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

* * * * *

(b) * * *

(64) Requests for Proposal which will result in the placement of rated orders or Authorized Controlled Material Orders (see § 1.307 of this chapter) shall contain the following statement.

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDSA Regulation 2 and/or DMS Regulation 1.

* * * * *

§ 3.506 Late proposals and modifications.

(a) This section applies only to purchases in excess of $2,500.

(b) Written requests for proposals shall contain the following provisions.

LATE PROPOSALS (JANUARY 1964)

(a) Proposals and modifications received at the office designated in the request for proposals after the close of business on the date set for receipt thereof (or after the time set for receipt if a particular time is specified) will not be considered unless:

(i) They are received before award is made; and either

(ii) They are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph; and, it is determined by the Government that late receipt was due solely to delay in the mails, or delay by the telegraph company, for which the offeror was not responsible; or

(iii) If submitted by mail or telegram, it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation: *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt at such installation (if readily available) within the control of such installation or of the post office serving it.

(b) Offerors using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late proposal was timely mailed.

(c) The time of mailing of late proposals submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the offeror furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (i) Where the Receipt for Certified Mail identifies the post office station of mailing evidence furnished by the offeror which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (ii) an entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the offer shall not be considered.

(c) Proposals which are received in the office designated in the requests for proposals after the time specified for their submission are "Late Proposals." (Unless a specific time for receipt of proposals is stated in the request for proposals, the time for such receipt shall be deemed to be the time for close of business of the office designated for receipt of proposals on the date stated in the request for proposals.) Late proposals shall not be considered for award, except under the following circumstances:

(1) Where only one proposal is received;

(2) Where the Secretary concerned determines that consideration of a late proposal is of extreme importance to the Government, as for example where it offers some important technical or scientific breakthrough; or

(3) Under the circumstances set forth in § 2.303 of this chapter permitting consideration of late bids if proven to have been timely mailed or timely filed with the telegraph company.

To determine whether subparagraph (2) of this paragraph applies, notwithstanding § 2.303–7 of this chapter, all late proposals shall be opened and evaluated.

(d) Except where only one proposal is received, all late offerors shall be promptly notified that their proposals were received late and that their proposal will be evaluated but not considered for award unless found to qualify under one of the exceptions in paragraph (c) (2) and (3) of this section. Where it is not clear from available information whether the exception in paragraph (c)(3) of this section applies, the notification shall include the substance of the notice in § 2.303–6 of this chapter (appropriately modified to relate to proposals and, if necessary, to telegraphic proposals).

(e) Where the Secretary concerned determines that paragraph (c)(2) of this section applies, the contracting officer shall resolicit all firms (including the late offerors) which have submitted proposals and are determined to be capable of meeting current requirements. Such resolicitation shall specify a date for submission of new proposals and shall include the "Late Proposals" provision set forth in paragraph (b) of this section.

(f) When it has been determined that a late proposal will not be considered for award, the offeror shall be notified as required by § 3.508.

(g) Modifications of proposals which are received in the office designated in the request for proposals after the time specified for submission of proposals are "late modifications." Late modifications shall be subject to the rules applicable to late proposals set forth in this section. However, a modification received from an otherwise successful offeror which is favorable to the Government shall be considered at any time that such modification is received.

(h) The normal revisions of proposals by selected offerors occurring during the usual conduct of negotiations with such offerors are not to be considered as late proposals or late modifications, but shall be handled in accordance with § 3.805–1(b).

(i) All the provisions of this section are equally applicable to late quotations, except that the provision in paragraph (b) of this section and the notice provided for in paragraph (d) of this section shall be appropriately modified to relate to quotations.

§ 3.507–2 Disclosure of information during the preaward or preacceptance period.

(a) *General.* After receipt of proposals or quotations, no information contained in any proposal or quotation or information regarding the number or identity of the offerors shall be made available to the public, or to anyone within the Government not having a legitimate interest therein, except in accordance with § 3.508.

* * * * *

§ 3.604–2 Purchases in excess of $250 but not in excess of $2,500.

Except as provided in § 3.608–2(b)(2), reasonable solicitation of quotations from qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Generally, solicitation shall be limited to three suppliers and, to the maximum extent possible, shall be restricted to the local trade area of either the purchasing or the receiving activity. When prices are solicited from three suppliers dealing in the general category of items required and only one quotation is received, it is not necessary to solicit additional quotations if the price received is considered fair and reasonable. Quotations shall generally be solicited orally. Written solicitations shall be used only where (a) special specifications are involved, (b) a large number of items are included in a single proposed procurement, or (c) obtaining oral quotations is not considered economical or feasible. Reasonableness of proposed prices may be established by comparison with previous purchases, current price lists, catalogs, advertisements, or by any other appropriate method. Where these informational media are not available, reasonableness of price may be based on a comparison with similar items in a related industry or the contracting officer's personal knowledge of the item being procured. Although the contracting officer must determine that prices are fair and reasonable, written justification explaining how prices were determined to be fair and reasonable is not required. Written records of solicitation may be limited to notes or abstracts to show the vendor or vendors contacted, prices, delivery, and other informal historical data. When only one source is solicited, a brief written notation must be made a part of the file to explain the absence of competition. Notification to unsuccessful suppliers shall be given only if requested.

§ 3.605–3 Establishment of blanket purchase agreements.

* * * * *

(f) *Terms and conditions.* * * *

(6) *Delivery tickets.* * * *

(v) [Revoked]

* * * * *

4. In § 3.606–3(b)(4), the clause heading and clause paragraph (a) are revised; one line is added to the table in § 3.808–4(a); in § 3.809(c), subparagraph (3) is revised and new subparagraph (4) is added; and § 3.811(a) is revised, as follows:

§ 3.606–3 Preparation and execution of orders.

* * * * *

(b) * * *

(4) The following clause:

FAST PAYMENT PROCEDURE (APRIL 1966)

(a) *General.* This is a fast payment order. Invoices will be paid on the basis of the Contractor's certification thereon that articles listed in the order were delivered on a specified date to a post office, common carrier, or, in shipment by other means, to the point of first receipt by the Government.

* * * * *

§ 3.808–4 Profit factors.

(a) * * *

Profit factors	*Weight ranges*
* * *	* * *
Special profit consideration	See § 3.808–6.
* * *	* * *

§ 3.809 Contract audit as a pricing aid.

* * * * *

(c) *Additional functions of the contract auditor.* * * *

(3) Responsibilities for Preaward Surveys and Reviews: Preaward surveys of potential contractors' competence to perform proposed contracts shall be managed and conducted by the contract administration office. Where information is required on the adequacy of the contractor's accounting system or its suitability for administration of the proposed type of contract, such information shall always be obtained by the ACO from the auditor. The contract administration office shall be responsible for advising the PCO on matters concerning the contractor's financial competence or credit needs.

(4) Reviews of Contractors' Estimating Systems:

(i) The establishment, maintenance, and consistent use of formal cost estimating systems by contractors is to the mutual benefit of the Government and industry, particularly where a large portion of the contractor's business is defense work and there are a number of significant proposals requiring review. Procuring activities and contract administration activities are required to furnish full support to a program of encouraging major defense contractors to formalize and follow good estimating procedures. It is recognized that estimating procedures will vary among contractors, and may vary between plants or divisions of a contractor due to differences in products, size and methods of operations, production vs. research, and other factors. While formal systems do not eliminate the need for judgmental factors to be applied by contractors in developing cost proposals, they do provide a sound foundation for the systematic and orderly application of these judgment factors to specific proposals. The consistent preparation of proposals in accordance with an acceptable estimating system is of material benefit in assuring both the contractor and the Government that proposals are realistically and reasonably priced, that the § 3.807–3 requirements for utilizing current, accurate, and complete cost and pricing data in developing the proposal are met, and that underestimating and overestimating of contract costs are minimized. Some of the advantages of sound estimating procedures are: a greater degree of confidence can normally be placed in the accuracy and reliability of contractors' individual pricing proposals; it expedites the negotiation process; it reduces the amount of detailed explanation of estimating processes on each individual proposal as required by the notes on DD Form 633; and, as in the case of the well established practice regarding acceptable accounting systems, reduces the scope of reviews performed by audit and other technical and procurement personnel.

(ii) A regular program for conducting reviews of selected contractors' estimating systems or methods shall be established and managed by the Defense Contract Audit Agency. Reviews and reports shall be accomplished as a joint contract audit and contract administration office team effort, with the contract auditor designated as its head. Reviews shall be tailored to take full advantage of the day-to-day work done as an integral part of both the contract audit and contract administration activities. The program established by the contract audit activity shall be coordinated with the appropriate contract administration activity to asure that team membership includes qualified technical specialists, and that adequate personnel resources are made available to accomplish the program. A copy of the survey report, together with a copy of the official notice of corrective action required, shall be furnished to each purchasing and contract administration office having substantial business with that contractor. Any significant deficiencies in the system not corrected by the contractor shall be referenced in Part V of subsequent Preaward Surveys and will be considered in subsequent proposal reviews and by the ACO and PCO in negotiating with, and in determining the reasonableness of prices proposed by, that contractor. Where these deficiencies continue to exist and where they have an adverse effect on prices, the

problem should be brought to the attention of procurement officials at a level necessary to bring about corrective action.

(iii) Among the matters to be considered in determining the acceptability of a contractor's estimating system are the following:

(*a*) Responsibilities within the contractor's organization for originating, reviewing, and approving estimates;

(*b*) Procedures followed in developing estimates for each of the direct and indirect elements of cost;

(*c*) The source of data used in developing the estimates and in assuring that such data is current, complete, and accurate;

(*d*) The documentation developed and maintained by the contractor to support the estimate;

(*e*) Management support of the program review including approval of the estimate, controls established to assure consistent compliance with estimating procedures, and personnel training and evaluation programs; and

(*f*) The extent of coordination and communication between the various elements of the contractor's organization responsible for the estimate.

§ 3.811 Record of price negotiation.

(a) At the conclusion of each negotiation of an initial or a revised price, the contracting officer shall promptly prepare or cause to be prepared, a memorandum, setting forth the principal elements of the price negotiation, for inclusion in the contract file and for the use of any reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of the initial or revised price. The memorandum should include an explanation of why cost or pricing data was, or was not, required (see § 3.807) and, if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required (§ 3.807–4), the memorandum shall reflect the reliance placed upon the factual cost or pricing data submitted and the use of this data by the contracting officer in determining his total price objective. Where the total price negotiated differs significantly from the total price objective, the memorandum shall explain this difference. Whenever cost or pricing data are used in connection with a price negotiation in excess of $100,000, the contracting officer shall forward one copy of the memorandum to the cognizant Defense Contract Audit Agency officer—for use by the auditor to improve the usefulness of his audit work and related reports to negotiation officials. Where appropriate, the memorandum should include or be supplemented by information on how the auditor's advisory services can be made more effective in future negotiations with the contractor. In those cases where a copy is forwarded to the auditor, a copy will also be furnished to the ACO.

* * * * *

PART 6—FOREIGN PURCHASES

5. A new paragraph (d) is added to § 6.502; a new § 6.504–5 is added; and § 6.505 is revised, as follows:

§ 6.502 Agreement with Department of Defence Production (Canada).

* * * * *

(d) This agreement and associated enabling provisions, permitting Canadian firms a fair opportunity to participate in the production of military equipment and material involving programs of interest to both nations, do not anticipate that Canadian sources of supply will submit bids or proposals that contemplate contract performance in Canadian Government-owned or operated installations in competition with U.S. firms. Both nations are in accord with this arrangement. However, where the item for which procurement is being made is unavailable from U.S. firms, a bid or proposal from a Canadian source contemplating performance in Canadian Government-owned or operated installations may be considered.

§ 6.504–5 Industrial security.

Required procedures designed to safeguard classified defense information which may be necessary for the performance of contracts awarded directly to Canadian suppliers or through the Canadian Commercial Corporation are set forth in the DOD Industrial Security Regulation, DOD 5220.22–R (Implemented for the Army by AR 380–131; for the Navy by OPNAV Instruction 5540.8E; for the Air Force by AFR 205–4; and for the Defense Supply Agency by DSAM 8500.1). The basis for these procedures is the United States-Canada Industrial Security Agreement of March 31, 1952, as amended.

§ 6.505 Contract administration.

(a) When services are requested from the Defense Contract Administration Services on contracts to be performed in Canada, the request shall be directed to:

Defense Contract Administration Services Office, Ottawa, 123 Slater Street, McDonald Building, Ottawa 4, Ontario, Canada.

(b) When contract administration is performed in Canada by Defense Contract Administration Services, the paying office activity to be named in the contract for disbursement of DOD funds (DOD Department Code: 17—Navy; 21—Army; 57—Air Force; 97—For all other DOD components) whether payment is in Canadian or United States dollars shall be:

Disbursing Officer, DCASR Detroit, 1580 East Grand Boulevard, Detroit, Mich. 48211.

PART 7—CONTRACT CLAUSES

6. Sections 7.103–16 and 7.203–16 are revised; in § 7.203–22, the clause heading and clause paragraph (c) are revised; and §§ 7.702–33, 7.702–46, 7.703–25, 7.704–30, 7.901–11, and 7.1201–27 are revised, as follows:

§ 7.103–16 Contract Work Hours Standards Act—overtime compensation.

Insert the contract clause set forth in § 12.303 of this chapter.

§ 7.203–16 Contract Work Hours Standards Act—overtime compensation.

Insert the contract clause set forth in § 12.303 of this chapter.

§ 7.203–22 Insurance—liability to third persons.

INSURANCE—LIABILITY TO THIRD PERSONS (DECEMBER 1966)

* * * * *

(c) The Contractor shall be reimbursed: (i) For the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and (ii) without regard to and as an exception to the "Limitation of Cost" or the "Limitation of Funds" clause of this contract, for liabilities to third persons for loss of or damage to property (other than property (A) owned, occupied, or used by the Contractor or rented to the Contractor, or (B) in the care, custody, or control of the Contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of this contract, whether or not caused by the negligence of the Contractor, his agents, servants or employees, provided such liabilities are represented by final judgments or settlements approved in writing by the Government, and expenses incidental to such liabilities, except liabilities (I) for which the Contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the Schedule, or (II) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by ----------* or (III) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (1) all or substantially all of the Contractor's business, or (2) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (3) a separate and complete major industrial operation in connection with the performance of this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of insurance maintained by the Contractor in connection with the performance of this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause, provided such cost would constitute Allowable Cost under the

* See text following the contract clause.

clause of this contract entitled "Allowable Cost, Fixed Fee and Payment".

* * * * *

§ 7.702–33 Subcontracts.

Insert the contract clause set forth in § 7.203–8 except that paragraph (a) shall be appropriately modified to delete references to facilities and special tooling.

§ 7.702–46 Contract Work Hours Standards Act—overtime compensation.

Insert the contract clause set forth in § 12.303 of this chapter.

§ 7.703–25 Subcontracts.

Insert the contract clause set forth in § 7.203–8, except that paragraph (a) shall be appropriately modified to delete references to facilities and special tooling.

§ 7.704–30 Contract Work Hours Standards Act—overtime compensation.

Insert the contract clause set forth in § 12.303 of this chapter.

§ 7.901–11 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 12.303 of this chapter.

§ 7.1201–27 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 12.303 of this chapter.

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

7. Section 10.112(a) is revised to read as follows:

§ 10.112 Execution and administration of bonds and consents of surety.

(a) *Execution.* Several prescribed forms for bonds and related documents are listed in § 16.805 of this chapter. Bonds and related documents executed on such forms shall comply with the instructions accompanying each form. The IFB or RFP may provide for execution and submission of more than one copy if desired. When required by Instruction No. 2 of the standard bond forms, the evidence of authority of a principal's representatives shall be a duly executed power of authority reciting that the individual executing the bond or consent of surety is authorized to do so. A corporation, in lieu of such power of attorney, may submit a "Certificate as to Corporate Principal" in the format prescribed in paragraph (c) of this section.

* * * * *

PART 12—LABOR

8. Sections 12.302 and 12.303 are revised; §§ 12.303–1 and 12.303–2 are revoked; and §§ 12.304 and 12.305 are revised, as follows:

§ 12.302 Applicability.

The requirement set forth in § 12.301 applies, except as stated in this section, to all contracts which may require or involve the employment of laborers or mechanics, including guards and watchmen, either by a contractor or by any subcontractor. The requirement does not apply to the following kinds of contracts:

(a) Contracts (or portions thereof) to be performed in a foreign country or within territory under the jurisdiction of the United States other than the following: A State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, and the Canal Zone, to the extent that such contracts (or portions thereof) may require or involve the employment of laborers or mechanics there;

(b) Contracts (or portions thereof) for supplies in connection with which any required services are merely incidental to the sale and do not require substantial employment of laborers or mechanics;

(c) Contracts (or portions thereof) for materials or articles (other than armor or armor plate) usually bought in the open market (although the requirement does apply, and the contract must so provide, with respect to any contract involving the performance of any class work which is ordinarily, and not merely occasionally or to a limited extent, performed by the Government);

(d) Contracts (or portions thereof) subject to the provisions of the Walsh-Healey Public Contracts Act (see Subpart F of this part); and

(e) Contracts of $2,500 or less in aggregate amount. In arriving at the aggregate amount involved, there must be included all property and services which would normally be grouped together in a single transaction.

§ 12.303 Contract clause.

The contract clause required by this subpart shall be as follows:

CONTRACT WORK HOURS STANDARD ACT—OVERTIME COMPENSATION (JUNE 1964)

This contract, to the extent that it is of a character specified in the Contract Work Hours Standards Act (40 U.S.C. 327–330), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek or work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of his standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) *Withholding for unpaid wages and liquidated damages.* The contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) *Subcontracts.* The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

§ 12.303–1 Clause for general use. [Revoked]

§ 12.303–2 Clause for contracts with a State or political subdivision. [Revoked]

§ 12.304 Computation of overtime and liquidated damages.

When the hours worked during a single workweek by a laborer or mechanic exceed both 8 per calendar day and 40 per workweek, the number of overtime hours in excess of 8 per day and 40 per workweek shall be computed separately and the method resulting in the greater number of overtime hours shall be used to calculate the overtime compensation due the employee. When such calculation discloses underpayments, the method used to determine the underpayments shall also be used to determine liquidated damages. When underpayments are found and the number of overtime hours in excess of 8 per calendar day equals the number in excess of 40 per workweek, the number of calendar days, during which work in excess of 8 hours was performed, shall be used to compute liquidated damages.

§ 12.305 Administration and enforcement.

In investigating allegations of violations of the Contract Work Hours Standards Act on other than construction contracts, the same procedures shall be followed and the same reports made as set forth in §§ 18.704–9, 18.704–10, and 18.704–12 of this chapter.

9. A new § 12.306 is added; § 12.1003 is revised; and in § 12.1004, the clause heading and clause paragraphs (1) and (3) of the clause in paragraph (a) are revised, and the entire clause in paragraph (b) is revised, as follows:

§ 12.306 Variations—firefighters and fireguards.

The following variation in the application of the Contract Work Hours

Standards Act to firefighters and fireguards has been authorized by the Solicitor of Labor (see 29 CFR 5.14(d)):

A workday consisting of a fixed and recurring 24-hour period commencing at the same time on each calendar day may be used in lieu of the calendar day in applying the daily overtime provisions of the Act to the employment of firefighters or fireguards under the following conditions:

(i) Where such employment is under a platoon system requiring such employees to remain at or within the confines of their post of duty in excess of 8 hours per day in a standby or on-call status; and

(ii) If the use of such alternate 24-hour day has been agreed upon between the employer and such employees or their authorized representatives before performance of the work; and

(iii) Provided that in determining the daily and weekly overtime requirements of the Act in any particular worksheet of any such employee whose established worksheet begins at an hour of the calendar day different from the hour when such agreed 24-hour day commences, the hours worked in excess of 8 hours in any such 24-hour day shall be counted in the established workweek (of 168 hours commencing at the same time each week) in which such hours are actually worked.

Contractors employing firefighters and fireguards may therefore satisfy their obligations under the Contract Work Hours Standards Act by employing such employees in compliance with either the express requirements of § 12.303 or the foregoing variation.

§ 12.1003 Wage determinations and fringe benefits.

Minimum monetary wages and fringe benefits required under this Act will be determined by the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. As such determinations are issued, appropriate distribution to procurement offices will be made. In addition, the Department of Labor plans to maintain a register of such determinations for public inspection at its national and regional offices which are listed in § 12.607. In the absence of advice to the contrary, purchasing offices shall use the minimum wage indicated in the notice of intention submitted pursuant to § 12.1005(a). If no determination has been issued, the contractor is required by paragraph (3) of the contract clause to pay not less than the minimum wage of $1.40 specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

§ 12.1004 Contract clauses.

(a) * * *

SERVICE CONTRACT ACT OF 1965 (FEBRUARY 1967)

The contract, to the extent that it is of the character to which the Service Contract Act of 1965 (P.L. 89-286) applies, is subject to the following provisions and to all other applicable provisions of the Act and the regulations of the Secretary of Labor thereunder (29 CFR Part 4).

(1) Each service employee employed in the performance of this contract by the Contractor or any subcontractor shall be paid the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employee which is not listed therein but which is to be employed under this contract, shall be classified or reclassified and paid wages conformably to the Secretary's determination as specified in such attachment, by agreement between the interested parties, and Contracting Officer shall report the action to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the Contract Officer shall submit the question, together with his recommendation, to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor or his authorized representative for final determination. In addition, nonservice employees shall be paid not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.40 per hour as of Feb. 1, 1967, and $1.60 per hour as of Feb. 1, 1968).

* * * * *

(3) In the absence of a minimum wage attachment for this contract, neither the Contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.40 per hour as of Feb. 1, 1967, and $1.60 per hour as of Feb. 1, 1968). Nothing in this provision shall relieve the Contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

* * * * *

(b) * * *

Service Contract Act of 1965. The Contractor and any subcontractor hereunder shall pay all of their employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.40 per hour as of Feb. 1, 1967, and $1.60 per hour as of Feb. 1, 1968), and are subject to the regulations of the Secretary of Labor thereunder (29 CFR Part 4). (FEBRUARY 1967)

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

10. A new paragraph (i) is added to § 15.107 and a new paragraph (f) is added to § 15.203; §§ 15.205-1, 15.205-2, and 15.205-3 are revised; the heading of § 15.205-4 is revised; and paragraph (a) of § 15.205-5 is revised, as follows:

§ 15.107 Advance understandings on particular cost items.

* * * * *

(i) Idle facilities and idle capacity.

§ 15.203 Indirect costs.

* * * * *

(f) Special care should be exercised in applying the principles in paragraphs (b), (c), and (d) of this section when Government-owned contractor operated (GOCO) plants are involved. The distribution of corporate, division, or branch office general and administration expenses to such plants when they operate with little or no dependence on corporate administrative activities, may require more precise cost groupings, detailed accounts screening, and carefully developed distribution bases.

§ 15.205-1 Advertising costs.

(a) (CWAS) Advertising costs mean the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, trade papers, outdoor advertising, dealer cards, and window displays, conventions, exhibits, free goods and samples, and the like.

(b) (CWAS) The only advertising costs allowable are those which are solely for (1) recruitment of personnel required for the performance by the contractor of obligations arising under the contract, when considered in conjunction with all other recruitment costs, as set forth in § 15.205-33, (2) the procurement of scarce items for the performance of the contract, or (3) the disposal of scrap or surplus materials acquired in the performance of the contract. Costs of this nature, if incurred for more than one defense contract or for both defense work and other work of the contractor, are allowable to the extent that the principles in §§ 15.201-3, 15.201-4, and 15.203 are observed.

(c) (CWAS-NA) Advertising costs other than those specified above are not allowable.

§ 15.205-2 Bad debts.

(CWAS-NA) Bad debts, including losses (whether actual or estimated) arising from uncollectible customers' accounts and other claims, related collections costs, and related legal costs, are unallowable.

§ 15.205-3 Bidding costs.

(CWAS) Bidding costs are the costs of preparing bids or proposals on potential Government and non-Government contracts or projects, including the development of engineering data and cost data necessary to support the contractor's bids or proposals. Bidding costs of the current accounting period of both successful and unsuccessful bids and proposals normally will be treated as allowable indirect costs, in which event no bidding costs of past accounting periods shall be allowable in the current period to the Government contract. However, if the contractor's established practice is to treat bidding costs by some other method, the results obtained may be accepted only if found to be reasonable and equitable.

§ 15.205-4 Bonding costs (CWAS).

* * * * *

§ 15.205-5 Civil defense costs.

(a) (CWAS) Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first-aid training and supplies, fire fighting training and equipment, posting of additional exit notices and directions, and other approved

civil defense measures) undertaken on contractor's premises pursuant to suggestions or requirements of civil defense authorities are allowable when allocated to all work of the contractor.

* * * * *

11. The headings of §§ 15.205–10 and 15.205–11 are revised; § 15.205–12 is revised; and the heading of § 15.205–13 is revised, as follows:

§ 15.205–10 Employee morale, health, welfare and food service and dormitory costs and credits (CWAS).

* * * * *

§ 15.205–11 Entertainment costs (CWAS–NA).

* * * * *

§ 15.205–12 Cost of idle facilities and idle capacity (CWAS).

(a) As used in this section, the words and phrases defined in this paragraph shall have the meanings set forth below.

(1) "Facilities" means plant or any portion thereof (inclusive of land integral to the operation); equipment individually or collectively; or any other tangible capital asset, wherever located, and whether owned or leased by the contractor.

(2) "Idle facilities" means completely unused facilities that are excess to the contractor's current needs.

(3) "Idle capacity" means the unused capacity of partially used facilities. It is the difference between that which a facility could achieve under 100 percent operating time on a one shift basis[1] less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materials, and other normal delays, and the extent to which the facility was actually used to meet demands during the accounting period.

[1] A multiple shift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.

(4) "Costs of idle facilities" or "idle capacity" are costs such as maintenance, repair, housing, rent, and other related costs, e.g., property taxes, insurance, and depreciation.

(b) The costs of idle facilities are unallowable except to the extent that:

(1) They are necessary to meet fluctuations in workload; or

(2) Although not necessary to meet fluctuations in workload, they were necessary when acquired and are now idle because of changes in program requirements, contractor efforts to produce more economically, reorganization, termination, or other causes which could not have been reasonably foreseen.

Under the exception stated in subparagraph (2) of this paragraph, costs of idle facilities are allowable for a reasonable period of time, ordinarily not to exceed 1 year, depending upon the initiative taken to use, lease, or dispose of such facilities (but see § 15.205–42 (b) and (c)).

(c) The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuations of usage or overhead rates from period to period. Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is not subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire plant or among a group of assets having substantially the same function may be idle facilities.

(d) Any costs to be paid directly by the Government for idle facilities or idle capacity reserved for defense mobilization production shall be the subject of a separate agreement.

§ 15.205–13 Fines and penalties (CWAS–NA).

* * * * *

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

12. Section 18.704–16 is revised to read as follows:

§ 18.704–16 Overtime and liquidated damages under the Contract Work Hours Standards Act.

Under the Contract Work Hours Standards Act, the contractor will be liable to affected employees for underpaid wages and liable to the United States for liquidated damages in the sum of $10 per calendar day for each laborer or mechanic who was not paid overtime wages as required by the Act. Therefore, when violations are found, the amount of overtime and the amount of liquidated damages must be computed in accordance with § 12.304 of this chapter. Whenever the sum of liquidated damages is $100 or less, and the violations are found to be nonwillful, or inadvertent, and occurred notwithstanding the exercise of due care by the contractor or his agent, the Secretary or his designee, at a level no lower than the Head of a Procuring Activity, may waive or adjust such liquidated damages. Whenever the liquidated damages exceed $100, the Secretary or his designee, at a level no lower than the Head of a Procuring Activity, may recommend to the Solicitor of Labor that assessed liquidated damages be waived or adjusted because the violation was nonwillful, or inadvertent, and occurred notwithstanding the exercise of due care.

[ASPR, Rev. 21, Feb. 1, 1967] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–3623; Filed, Apr. 3, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 161]

RIGHTS-OF-WAY OVER INDIAN LAND

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 161 of the revised Statutes (5 U.S.C. 22) and the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323–328), it is proposed to completely revise Part 161, Title 25 of the Code of Federal Regulations below.

The most important feature of this revision is that it will for the first time provide for methods of conveyance used in the commercial world rather than the archaic method represented by the present practice of granting rights-of-way by endorsing approval on a plat or map of definite location. Aside from constituting a modernization of methods this change should also result in savings to the Government in all phases of the process of granting rights-of-way particularly in the recording aspects, and to applicants for rights-of-way. The revision also consists of the realignment of material to present a more logical sequence; the deletion of material regarded as advisory rather than regulatory in nature, and the addition of certain material which more fully encompasses the authorities of law.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Bureau of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 28, 1967.

Sec.

AUTHORITY: The provisions of this Part 161 issued under R.S. 161 (5 U.S.C. 22); 62 Stat. 17 (25 U.S.C. 323–328).

§ 161.1 Definitions.

As used in this Part 161:

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Individually owned land" means land or any interest therein held in trust by the United States for the benefit of individual Indians and land or any interest therein held by individual Indians subject to Federal restrictions against alienation or encumbrance.

(c) "Tribe" means a tribe, band, nation, community, group or pueblo of Indians. "Tribal land" means land or any interest therein, title to which is held by the United States in trust for a tribe as so defined, or title to which is held by any such tribe subject to Federal restrictions against alienation or encumbrance, and includes such land reserved for Indian Bureau administrative purposes when the grant of right-of-way will not interfere with the use of the land for the purpose for which it is reserved. The term also includes lands held by the United States in trust for an Indian corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 477). This term also includes assignments of tribal land. Unless the terms of the assignment provide for the consent to the grant of rights-of-way over the land by the holder of the assignment, the tribe must join with the assignee in consenting to the grant of any such right-of-way.

§ 161.2 Purpose and scope of regulations.

(a) Except as otherwise provided in § 121.18(a) of this chapter and as provided in § 1.2 of this chapter, the regulations in this Part 161 prescribe the procedures, terms and conditions under which rights-of-way over and across tribal and individually owned Indian land may be granted.

(b) Appeals from administrative action taken under the regulations in this Part 161 shall be made in accordance with Part 2 of this chapter.

(c) The regulations contained in this Part 161 do not cover the granting of rights-of-way for the purpose of constructing, operating or maintaining dams, water conduits, reservoirs, powerhouses, transmission lines or other works in connection with any project for which a license is required by the Federal Power Act. The Federal Power Act provides that any license which shall be issued to use tribal lands within a reservation shall be subject to and contain such conditions as the Secretary of the Interior shall deem necessary for the adequate protection and utilization of such lands. 16 U.S.C. 797(e). In the case of tribal lands belonging to a tribe organized under the Act of June 18, 1934 (48 Stat. 984), the Federal Power Act requires that annual charges for the use of such tribal lands under any license issued by the Federal Power Commission shall be subject to the approval of the tribe (16 U.S.C. 803(c)).

§ 161.3 Consent of landowners to grants of rights-of-way.

(a) Except as otherwise provided in this Part 161, no right-of-way shall be granted over and across tribal land nor shall any permission to survey be issued as to such lands without the prior written consent of the tribal governing body.

(b) The Secretary may without prior consent of the tribe issue permission to survey and grant rights-of-way over and across tribal land of tribes that are not organized under the provisions of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461–473 and 474–479); the Act of May 1, 1936 (49 Stat. 1250; 25 U.S.C. 473a and 48 U.S.C. 358a and 362), and the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501–509). If a tribe is not organized under the provisions of any of the above-mentioned acts but has a governing body recognized by the Secretary, the applicant for a right-of-way should seek the consent of such governing body to the grant before applying to the Secretary.

(c) Except as otherwise provided in this Part 161, no right-of-way shall be granted over and across individually owned land nor shall permission to survey be issued with respect to such land without the prior written consent of the owner or owners of such land.

(d) The Secretary may issue permission to survey and grant rights-of-way over and across individually owned land without the consent of the Indian owners when any of the following conditions exist: (1) The individual owner of the land or of an interest therein is a minor or a person non compos mentis; (2) the land is owned by more then one person and the owner or owners of a majority interest consent to the grant; (3) the heirs or devisees of a deceased owner of the land or an interest therein have not been determined; (4) the whereabouts of the owner of the land or an interest therein is unknown and a majority of the owners (or owner) of any interests therein whose whereabouts is known consent to the grant; (5) the owners of interests in the land are so numerous that the Secretary finds that it would be impracticable to obtain their consent.

§ 161.4 Consideration for grants of rights-of-way.

Except as otherwise provided by the Secretary, the consideration for any right-of-way granted under this Part 161 shall be not less than the estimated fair market value of the rights granted, plus severance damages, if any, to the remaining estate.

§ 161.5 Other damages.

In addition to the consideration for grants of rights-of-way provided for by the provisions of § 161.4, the applicant for a right-of-way will be required to pay any damages, as estimated by the Secretary, incident to the survey of the rights-of-way or incident to the construction or maintenance of the facility for which the right-of-way is granted

§ 161.6 Tenure of grants of rights-of-way.

All rights-of-way granted under the regulations in this Part 161 shall be in the nature of easements for the periods stated in the grant. They are terminable upon abandonment or discontinuance of the use for which granted. Rights-of-way for railroads, telephone lines, telegraph lines, public highways, and water control and use projects, including but not limited to dams, reservoirs, flowage easements, ditches, and canals, may be without limitation as to term of years. Rights-of-way for all other purposes shall be for a period of not to exceed 50 years as determined by the Secretary and stated in the grant. Rights-of-way granted for a term of years may be subject to renewal for a like term upon the payment of additional consideration for the term to be determined as provided in § 161.4. Any such renewal provisions shall be stated in the grant.

§ 161.7 Permission to survey.

The Secretary may, in accordance with the provisions of § 161.3 and upon application therefor, issue permission to survey a right-of-way upon and across tribal or individually owned lands. Prior to the issuance of such permission, the applicant may be required to make a deposit by certified check, cashier's check, or money order payable to the Bureau of Indian Affairs, or furnish a surety bond, in an amount which the Secretary deems adequate to cover double the estimated damages incident to the survey.

§ 161.8 Grants of rights-of-way.

The Secretary may, in accordance with the provisions of § 161.3 and upon application therefor, grant a right-of-way upon and across tribal or individually owned land. Prior to the grant of such right-of-way, the applicant may be required to furnish such maps or plats of definite location as are in the judgment of the Secretary necessary to describe the land covered by the right-of-way. Prior to the grant, the applicant shall also be required to pay to the Secretary for the benefit of the landowners the consideration for the grant of right-of-way. In addition to this payment, the applicant may be required to make a deposit by certified check, cashier's check, or money order payable to the Bureau of Indian Affairs, or to furnish a surety bond, in an amount as determined by the Secretary equal to the estimated damages incident to the construction of the facility. In his discretion, the Secretary may, prior to the grant of right-of-way, require that the applicant agree to any or all of the following stipulations: (a) To construct and maintain the right-of-way in a workmanlike manner; (b) to indemnify the landowners against any liability for damages to life or property arising from the occupancy or use of the lands by the applicant; (c) to restore the lands as nearly as may be possible to their original condition upon the completion of construction; and (d) that the applicant will not interfere with the use of the lands by or under authority of the landowners for any purpose consistent with the primary purpose for which the right-of-way was granted.

§ 161.9 Affidavit of completion.

Upon the completion of the construction of the facility for which a right-of-way is granted, the grantee shall file with the Secretary an affidavit of completion.

§ 161.10 Power projects.

(a) Applications for permission to survey or for the grant of right-of-way for any project for the generation of electric power, or the transmission or distribution of electric power of 33 kv or higher not excluded from the coverage of this Part 161 by the provisions of § 161.2(c) shall be referred to the Office of the Assistant Secretary for Water and Power Development or such other agency as may be designated for the area involved for approval.

(b) The applicant shall make provision, or bear the reasonable cost (as may be determined by the Secretary) of making provision, for avoiding inductive interference between any project transmission line or other project works constructed, operated, or maintained by it on any right-of-way granted and any radio installation, telephone line, or other communication facilities now or hereafter constructed and operated by the United States or any agency thereof. This provision shall not relieve the applicant from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive interference.

(c) An applicant for a right-of-way for a transmission line having a voltage of 33 kv. or more must, in addition to the stipulations provided for in § 161.8, execute and file with its application a stipulation agreeing to accept the right-of-way grant subject to the following conditions:

(1) The applicant agrees that, in the event it becomes necessary for the United States to acquire the applicant's transmission line or facilities constructed on or across such right-of-way, the United States reserves the right to acquire such line or facilities at a sum to be determined upon by a representative of the applicant, a representative of the Secretary of the Interior, and a third representative to be selected by the other two for the purpose of determining the value of such property thus to be acquired by the United States. No value, however, shall be allowed at any such determination for the right-of-way granted to the applicant under authority of the regulations of this Part 161.

(2) To allow the Department of the Interior to utilize for the transmission of electrical power any surplus capacity of the line in excess of the capacity needed by the holder of the grant for the transmission of electrical power in connection with the applicant's operations, or to increase the capacity of the line at the Department's expense and to utilize the increased capacity for the transmission of electrical power. Utilization by the Department of surplus or increased capacity shall be subject to the following terms and conditions:

(i) When the Department desires to utilize surplus capacity thought to exist in a line, notification will be given to the applicant and the applicant shall furnish to the Department within 30 days a certificate stating whether the line has any surplus capacity not needed by the applicant for the transmission of electrical power in connection with the applicant's operations, and, if so, the extent of such surplus capacity.

(ii) In order to utilize any surplus capacity certified by the applicant to be available, or any increased capacity provided by the Department at its own expense, the Department may interconnect its transmission facilities with the applicant's line in a manner conformable to approved standards of practice for the interconnection of transmission circuits.

(iii) The expense of interconnection will be borne by the Department, and the Department will at all times provide and maintain adequate switching, relaying, and protective equipment so as to insure that the normal and efficient operation of the applicant's line will not be impaired.

(iv) After any interconnection is completed, the applicant shall operate and maintain its line in good condition; and, except in emergencies, shall maintain in a closed position all connections under the applicant's control between the applicant's line and the interconnecting facilities provided by the Department.

(v) The interconnected power systems of the Department and the applicant will be operated in parallel.

(vi) The transmission of electrical power by the Department over the applicant's line will be effected in such manner and quantity as will not interfere unreasonably with the applicant's use and operation of the line in accordance with the applicant's normal operating standards, except that the Department shall have the exclusive right to utilize any increased capacity of the line which has been provided at the Department's expense.

(vii) The applicant will not be obligated to allow the transmission over its line by the Department of electrical power to any person receiving service from the applicant on the date of the filing of the application for a grant, other than persons entitled to statutory preference in connection with the distribution and sale of electrical power by the Department.

(viii) The Department will pay to the applicant an equitable share of the total monthly cost of maintaining and operating the part of the applicant's line uti-

lized by the Department for the transmission of electrical power, the payment to be an amount in dollars representing the same proportion of the total monthly operation and maintenance cost of such part of the line as the maximum amount in kilowatts of the power transmitted on a scheduled basis by the Department over the applicant's line during the month bears to the total capacity in kilowatts of that part of the line. The total monthly cost may include interest and amortization, in accordance with the system of accounts prescribed by the Federal Power Commission, on the applicant's net total investment (exclusive of any investment by the Department) in the part of the line utilized by the Department.

(ix) If, at any time subsequent to a certification by the applicant that surplus capacity is available for utilization by the Department, the applicant needs for the transmission of electrical power in connection with its operations the whole or any part of the capacity of the line theretofore certified as being surplus to its needs, the applicant may modify or revoke the previous certification by giving the Secretary of the Interior 30 months' notice, in advance, of the applicant's intention in this respect. After the revocation of a certificate, the Department's utilization of the particular line will be limited to the increased capacity, if any, provided by the Department at its expense.

(x) If, during the existence of the grant, the applicant desires reciprocal accommodations for the transmission of electrical power over the interconnecting system of the Department to its line, such reciprocal accommodations will be accorded under terms and conditions similar to those prescribed in this paragraph with respect to the transmission by the Department of electrical power over the applicant's line.

(xi) The terms and conditions prescribed in this paragraph may be modified at any time by means of a supplemental agreement negotiated between the applicant and the Secretary of the Interior or his designee.

[F.R. Doc. 67-3633; Filed, Apr. 3, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 992]

[Docket Nos. AO 358, AO 358-RO 1]

GRAPES PRODUCED IN CALIFORNIA AND POSSIBLY ARIZONA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), hereinafter referred to as the "Act", notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision of the Department, with respect to a proposed marketing agreement and order regulating the handling of grapes produced in California (and possibly Arizona).

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. To be considered, exceptions must be filed not later than April 14, 1967. They should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk, during regular business hours (7 CFR 1.27(b)).

Preliminary statement. A public hearing was held to consider a proposed marketing agreement and order regulating the handling of grapes produced in California (and possibly Arizona) pursuant to notice thereof which was published in the FEDERAL REGISTER of February 22, 1966 (31 F.R. 3020). The notice set forth a proposed marketing agreement and order submitted by the Grape Stabilization Committee, representing a large group of grape producers and handlers. The hearing, pursuant to the above notice, was held in Fresno, Calif., beginning March 14 through 17 and continuing March 21 through 26, 1966.

On December 2, 1966 (31 F.R. 15153), the hearing was reopened to be reconvened at a time and place to be announced by supplemental notice. As stated in the notice of reopened hearing, the principal purpose was to receive additional evidence on the question, not adequately resolved by the record evidence adduced at the initial phase of the public hearing, of how to assure adequate supplies in raisin and fresh shipment outlets while, at the same time, effecting an overall supply adjustment. Another major purpose was to receive up-to-date evidence on economic, marketing, and other conditions relating to the proposed program.

However, no specific proposals or recommendations, other than that the proceeding be terminated, have been received from the industry; and no date has been fixed for reconvening the hearing.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act; and

(3) The specific terms and provisions of a proposed marketing agreement and order.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on evidence adduced at the hearing and the record thereof, are as follows:

The evidence adduced at the hearing does not permit recommendation of a sound, workable marketing agreement and order of the general nature proposed. This is particularly so because of the failure of the record evidence adequately to resolve a key regulatory issue—how to assure adequate supplies in raisin and fresh shipment outlets while, at the same time, effecting an overall supply adjustment. Therefore, it is concluded that a marketing agreement and order program cannot be recommended on the basis of this record. Hence, there is no need for further findings or conclusions on issues which relate to Federal jurisdiction, need, or the particular terms or provisions of a proposed regulatory program.

Opportunity having been given for the proposal and discussion of an adequate resolution of the matter which necessitated reopening of the hearing, and no specific proposals or recommendations in connection therewith having been received, it is also concluded that reconvening of the reopened hearing would serve no useful purpose.

Rulings on briefs of interested parties. At the conclusion of the hearing, the Presiding Officer fixed May 6, 1966, as the latest day on which interested parties could file with the Hearing Clerk, U.S. Department of Agriculture, briefs with respect to the testimony presented in evidence at the hearing, and the findings and conclusions to be drawn therefrom.

Each brief filed within the specified time was carefully considered along with the record evidence in reaching the findings and conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with those contained herein, the requests to make such findings or to reach such conclusions are denied.

Dated: March 30, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3665; Filed, Apr. 3, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

PUBLIC HEARINGS UNDER CLEAN AIR ACT

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend Chapter I of Title 42, Code of Federal Regulations by adding a new Part 81, as set out below, which will be applicable to hearings held under section 105(e) of the Clean Air Act (77 Stat. 396, 42 U.S.C. 1857d(e)).

Interested persons may submit written data, views, or arguments (in duplicate)

in regard to these regulations to the Secretary of Health, Education, and Welfare, Washington, D.C. 20201, all relevant material received not later than 30 days after the publication of this notice will be considered. These regulations will become effective upon republication.

A new Part 81 would be added as follows:

PART 81—PUBLIC HEARINGS UNDER THE CLEAN AIR ACT

AUTHORITY: The provisions of this Part 81 issued under sec. 8, 77 Stat. 400, 42 U.S.C. 1857g.

§ 81.1 Applicability.

The provisions of this part apply to proceedings under section 105(e) of the Clean Air Act (77 Stat. 396; 42 U.S.C. 1857d(e)).

§ 81.2 Definitions.

As used in this part:

(a) "Act" means the Clean Air Act as amended, 77 Stat. 392; 42 U.S.C. 1857.

(b) "Board" means the hearing board appointed by the Secretary pursuant to section 105(e) of the Act (42 U.S.C. 1857d(e)).

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Pollution" means any pollution declared to be subject to abatement by section 105(a) of the Act (42 U.S.C. 1857d(a)).

(e) "Secretary" means the Secretary of Health, Education, and Welfare.

(f) "Surgeon General" means the Surgeon General of the Public Health Service.

(g) The definitions of the terms contained in section 302 of the Act (42 U.S.C. 1857h) shall be applicable to such terms as used in this part unless the context otherwise requires.

§ 81.3 Initiation of proceedings for public hearings; appointment of Board.

(a) In any case where the Secretary finds that the conditions precedent to the calling of a public hearing under the Act exist, such hearing will be called by the Secretary or pursuant to his direction.

(b) Prior to the hearing, the Secretary will appoint a hearing board of five or more persons as provided in the Act, and will designate one of the members as chairman. A majority of the Board shall be persons other than officers or employees of the Department. The Secretary may revoke appointment to the Board in the event of disability of a member, and may fill any vacancy in the membership of the Board, or in the office of chairman.

§ 81.4 Organization and general procedures of the Board.

(a) The chairman shall convene the Board for hearing sessions and for such other meetings as may be necessary.

(b) The chairman shall preside at all hearing sessions and meetings of the Board. In case of the absence or incapacity of the chairman, the Board may elect from its members an acting chairman to preside and perform the duties of the chairman.

(c) The hearing shall be conducted in an informal but orderly manner in accordance with this part. A quorum of the Board for the purpose of the hearing shall consist of not less than five members. Questions of procedure during a hearing shall be determined by the chairman. Rulings of the chairman may be appealed to the Board.

(d) The Board shall have the power to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing including the recessing, reconvening and adjournment thereof, to change the time and place of the hearing or any of its sessions upon reasonable notice to the parties, and to hold conferences for the settlement or simplification of issues.

(e) The Surgeon General shall provide for the Board such clerical and technical assistance as may be necessary.

(f) The Board shall designate an executive secretary, from personnel provided by the Surgeon General, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Board, and shall perform such other duties related to its functions as the Board may prescribe.

(g) The Board may authorize the chairman and the executive secretary on its behalf to execute, issue, or serve such notices, reports, communications, and other documents relating to the functions of the Board as it may deem proper.

§ 81.5 Notice of hearing.

(a) At least 3 weeks prior to the date of the hearing, notice of said hearing shall be issued and served by the Surgeon General as provided herein.

(b) The notice of hearing shall set forth the time and place of the hearing, identify the person or persons discharging any matter causing or contributing to the pollution, and briefly describe the nature of the discharge or discharges and the areas affected thereby. The notice shall include the names of the persons constituting the Board before whom the hearing will be held.

(c) Said notice shall be given to the following:

(1) Each person named in the notice as discharging any matter causing or contributing to pollution; and

(2) Each air pollution control agency or interstate agency to whom formal notification of such pollution has previously been given in accordance with section 105(c) of the Act.

§ 81.6 Service.

Notice of hearing, findings, conclusions, and recommendations of the Board, and any other documents relating to the functions of the Board, may be given by mailing a copy thereof addressed to each person or agency to be served at their respective residences, offices or place of business as ascertained by the Surgeon General or the Board, as the case may be or by publication in the FEDERAL REGISTER.

§ 81.7 Parties.

(a) The parties to a hearing shall include the persons and agencies specified in § 81.5(c).

(b) The Surgeon General shall have all the rights of a party to the hearing and the General Counsel of the Department of Health, Education, and Welfare shall appear as counsel for the Surgeon General.

(c) Upon application and good cause shown, the Board may permit any interested person or agency to appear before it and be admitted as a party to such extent and upon such terms as the Board shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the hearing in response to the notice of hearing shall not delay the hearing and the Board may proceed, hear and receive evidence and take other appropriate action affecting such party.

§ 81.8 Presentation of evidence by the Surgeon General.

The Surgeon General shall arrange for the presentation of evidence on behalf of the Secretary concerning the pollution, the person or persons discharging any matter causing or contributing to the pollution and remedial measures, if any, recommended by him.

§ 81.9 Hearing procedure.

(a) Each witness shall, before testifying, be sworn or make affirmation.

(b) When necessary, in order to prevent undue prolongation of the hearing, the Board may limit the number of times any witness may testify, the repetitious examination or cross-examination of witnesses or the amount of corroborative or cumulative testimony.

(c) The Board shall exclude irrelevant, immaterial or unduly repetitious evidence.

(d) Every party shall have the right to present evidence and cross-examine witnesses.

(e) All written statements, charts, tabulations and similar data offered in evidence at the hearing shall, upon showing satisfactory to the Board of their authenticity, relevancy and materiality, be received in evidence and shall constitute a part of the record.

(f) Whenever there is offered in evidence (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive departments (or their

subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations), or a similar document issued by a State or its agencies, and such document (or part thereof) has been shown by the offerer to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered in evidence as a public document item by specifying the document or relevant part thereof.

(g) The Board may take official notice of statutes of the United States or of any State, of laws and ordinances of local governments, and of duly promulgated regulations of any Federal, State, or local agency.

(h) The Board may take official notice of a material fact not appearing in the evidence in the record, but any party, prior to the conclusion of the hearing, shall be afforded an opportunity to show the contrary.

§ 81.10 Record of proceedings.

(a) Testimony given and other proceedings had at a hearing shall be reported verbatim. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) Parties and other persons desiring copies of the transcript may obtain the same from the official reporter upon payment of the fees fixed therefor.

§ 81.11 Oral argument.

Oral argument may be permitted in the discretion of the Board, and shall be reported as part of the record unless otherwise ordered by the Board.

§ 81.12 Final findings and recommendations.

(a) The Board shall make its final findings, conclusions, and recommendations, if any, based on the evidence presented at the hearing, and submit the same to the Secretary.

(b) Upon submission of such findings, conclusions, and recommendations, the Board shall cease to exist and all records pertaining to its functions transferred to the custody of the Surgeon General.

(c) A copy of the findings, conclusions, and recommendations, if any, of the Board shall be served on all parties to the hearing by the Secretary.

Dated: March 28, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-3670; Filed, Apr. 3, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 512]

[Docket No. 66-20]

REPORTS OF RATE BASE AND INCOME ACCOUNT BY VESSEL OPERATING COMMON CARRIERS IN DOMESTIC OFFSHORE TRADES

Availability to the Public; Withdrawal of Notice of Proposed Rule Making

By notice published in the FEDERAL REGISTER on April 8, 1966 (31 F.R. 5575), the Commission gave notice that, pursuant to section 4 of the Administrative Procedure Act and section 43 of the Shipping Act, 1916, it was considering amending its General Order 11 (46 CFR Part 512) by adding a new § 512.8 for the purpose of establishing provisions whereby rate base and income account data submitted pursuant to Part 512 would be made available to the public for inspection and copying. Currently, this data is kept confidential.

Written comments were invited and received from various governments, steamship companies and firms. After a careful consideration of the written comments and arguments submitted on the proposed rule the Commission has decided not to adopt and promulgate any final rule at this time. Accordingly, we have determined to discontinue this proceeding. The Commission does not, of course, prejudice itself in any way by the discontinuance of the proceeding with respect to the institution of such further proceedings as it may deem necessary to make General Order 11 reports available to the public.

Therefore, it is ordered, That this proceeding be and hereby is discontinued.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-3669; Filed, Apr. 3, 1967; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business in Engineering and Architectural Services

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the Small Business Size Standards Regulation (Revision 6), as amended, by establishing a new definition of a small business concern in SIC Industry No. 8911, Engineering and architectural services, for the purpose of receiving an SBA loan.

The present definition of a small business concern in SIC Industry No. 8911, Engineering and architectural services, for the purpose of receiving an SBA loan, is a concern which is independently owned and operated, is not dominant in its field of operation, and, together with its affiliates, has annual receipts not exceeding $1 million.

It has been suggested that increases in wage rates and the demand for engineering services since 1954 have resulted in a substantial increase in the annual receipts of businesses providing these services, and that the SBA loan size standard applicable to such concerns should be appropriately increased. Therefore, in order to obtain the views of interested persons concerning the above suggestion, the Small Business Administration proposes to establish a $2.5 million size standard for such purposes.

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

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 regulation as follows:

Section 121.3-10 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding new subparagraph (10) to paragraph (d) thereof which reads as follows:

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

* * * * * *

(d) *Services.* * * *

(10) As small if it is primarily engaged in Standard Industrial Classification Industry No. 8911, Engineering and architectural services, and its annual receipts do not exceed $2.5 million.

* * * * * *

Dated: March 27, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-3636; Filed, Apr. 3, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

AGRICULTURAL RESEARCH SERVICE

Notice of Application for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket number: 67-00012-33-46040. Applicant: U.S. Department of Agriculture, Agricultural Research Service, Agricultural Research Center, Beltsville, Md. 20705. Article: Electron microscope, Model EM-200, with 99921/3 EMKT kit, PM2440 GM6020 Micro Volt Meter, PW6507 Specimen chamber cooling device, 05066/0 Standard vaccum evaporator, 01913 Haskris water cooler, 51037 Carriage for Power Supply. Manufacturer: N. V. Philips, Holland. Intended use of article: (1) The study of sperm cells as an aid in solving the present infertility problem in all classes of animals, (2) cytological studies of chromosomes, microchromosomes, and other chromosomal bodies at the submicroscopic level, (3) studies of parthenogenetic and nonparthenogenetic lines of turkeys and chickens to determine the causes of parthenogenesis, (4) study of the anatomical ultrastructure of various reproductive tissues regarding variation in the nature of these tissues in relation to problems of infertility, (5) study of the ultrastructure of the skin, wool, and hair follicles of sheep and fur animals, (6) study of the cellular and subcellular changes in tissues of the ovary and oviduct resulting from linoleic acid deficiency, (7) studies of the fine structure of the neurosecretory cell and its granules, and (8) studies in defining the nature of cellular changes in the stigma which culminate in rupture, of ovarian follicles, including changes in the future site of rupture. Application received by Commissioner of Customs: March 21, 1967.

Docket number: 67-00013-33-46040. Applicant: U.S. Department of Agriculture, Agricultural Research Service, Agricultural Research Center, Beltsville, Md. 20705. Article: Electron microscope, Model EM-200, with 99921/3 EMKT kit, PM2440 GM6020 Micro Volt Meter, PW6507 Specimen chamber cooling device, 05066/0 Standard vacuum evaporator, 01913 Haskris water cooler, 51037 Carriage for Power Supply. Manufacturer: N. V. Philips, Holland. Intended use of article: (1) Determine the cyclic developments of the parasites in the definitive host and arthroped vectors and correlate their development in the host-parasite-vector relationships, (2) study the ultrastructure of the parasite and determine the function of the component parts, (3) study the chemical, physical, immunological, and pathological changes in the parasite and infected cells during infection, and (4) accurately determine the morphological characteristics of the parasite for correct taxonomic classification. Application received by Commissioner of Customs: March 21, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-3547; Filed, Apr. 3, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-279]

GENERAL ELECTRIC TECHNICAL SERVICES CO., INC.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Electric Technical Services Co., Inc., a wholly owned subsidiary of the General Electric Co., 1331 H Street NW., Washington, D.C. 20005, has submitted an application dated March 7, 1967, for a license to authorize the export of a 440 megawatt electrical, boiling water nuclear power reactor to Centrales Nucleares del Norte (Nuclenor), Santander, Spain.

Upon finding that the proposed export of the reactor is within the scope of the Agreement for Cooperation between the Governments of the United States of America and Spain and, unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the U.S. Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will cause to be issued to General Electric Technical Services Co., Inc., a facility export license containing the authority set forth in the text below and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Secretary will issue a notice of hearing or an appropriate order.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter 1, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated March 7, 1967, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 28th day of March 1967.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, General Electric Technical Services Co., Inc., a wholly owned subsidiary of the General Electric Co., is authorized to export a 440 megawatt electrical, boiling water power reactor to Centrales Nucleares del Norte (Nuclenor), Santander, Spain, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise

transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on March 31, 1973.

For the Atomic Energy Commission.

[F.R. Doc. 67-3621; Filed, Apr. 3, 1967; 8:45 a.m.]

[Docket Nos. 50-280, 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Virginia Electric and Power Co., 700 East Franklin Street, Richmond, Va. 23209, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated March 20, 1967, for authorization to construct and operate a two-unit nuclear powerplant at its Surry Power Station located in Surry County, Va. The site comprises 840 acres on a point of land called Gravel Neck on the James River, and is located approximately 14 miles northwest of Newport News and 25 miles northwest of Norfolk, Va.

The proposed nuclear powerplant will consist of two pressurized water reactors, designated by the applicant as the Surry Power Station Units 1 and 2, each of which is designed for initial operation at approximately 2,441 thermal megawatts with a net electrical output of approximately 780 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 27th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-3622; Filed, Apr. 3, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14263]

SERVICE TO WAYCROSS

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on April 19, 1967, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 28, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3608; Filed, Apr. 3, 1967; 8:45 a.m.]

[Docket No. 18293]

ALASKA-CORDOVA MERGER CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 13, 1967, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before April 7, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 30, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3645; Filed, Apr. 3, 1967; 8:47 a.m.]

[Docket No. 18322; Order No. E-24916]

NORTHERN NEW ENGLAND-GREAT LAKES SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1967.

There is pending before the Board a petition filed by the State of New Hampshire (Docket 15560) requesting the institution of a proceeding to examine the need for improved service between northern New England and points in the middle Great Lakes area.[1]

According to the State, the service presently available between these areas is inadequate. Passengers must now travel to Boston or New York in order to connect with flights going west. New Hampshire asserts that the connecting flights are not well timed and, in many cases, an expensive back-haul is involved. On the basis of 1963 origin and destination passenger statistics, the State maintains that almost 33,000 passengers would benefit from improved service.

Upon consideration of New Hampshire's petition, it appears that there may be deficiencies in service between points in northern New England and the middle Great Lakes area. At present, the bulk of the air service in northern New England flows in a north-south direction, and there is no direct access to Chicago, Cleveland, or Detroit.[2] As a result, passengers must use multicarrier connecting services which may involve time-consuming and expensive circuitous routings. There is a significant volume of traffic involved. In 1965, approximately 39,000 passengers moved between points in northern New England and points in the area to which improved service is being sought.[3] All of this traffic is now moving over the heavily utilized Boston and New York gateways. Furthermore, the need for direct east-west service to and from northern New England has never been considered by the Board.[4] Under these circumstances, we believe it is now appropriate to institute an investigation in accordance with the request of the State of New Hampshire.

In order to maintain the focus of this proceeding on the issues discussed above, we will impose certain preset restrictions on any authority to be granted. First, we will provide that any flight serving Albany or a point west of Albany must also serve at least one point in the three northern New England States. This condition will preclude a carrier from offering turnaround services in such markets as Chicago-Cleveland and Chicago-Albany. Second, in order to avoid the possibility of there being included in this proceeding an issue relating to additional competitive service between Boston or Hartford-Springfield, on the one hand, and points in New York and the Midwest, on the other, we will prohibit single plane service between Boston/Hartford-Springfield and Albany and points west thereof. These conditions should insure that the attention of this investigation is directed toward determining the need for improved service between northern New England and points in New York and the middle Great Lakes area.

Accordingly, it is ordered:

1. That an investigation designated the Northern New England-Great Lakes Service Investigation, be and it hereby is instituted in Docket 18322, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require and the Board should authorize service between points in Maine, Vermont, and New

[1] Northern New England encompasses the States of Maine, New Hampshire, and Vermont. The route suggested stretches from Portland, Maine, to Chicago via Manchester and Lebanon, N.H., Albany and Syracuse, N.Y., Cleveland and Detroit. White River Junction, Vt., is served through the Lebanon airport.

[2] The only point in northern New England which is linked to points west is Keene, N.H. Keene is an intermediate point on Segment 3 of Mohawk Airlines' Route 94 which extends from Boston to Detroit.

[3] In addition to origin and destination passengers, this figure includes traffic from selected points which are reasonably close to the points under discussion and which could be transported on the proposed new service.

[4] Wiggins Renewal Investigation Case, 16 CAB 483 (1952), the last investigation involving any east-west air service in the northern New England area, considered that issue only to a very limited extent.

Hampshire, on the one hand, and Albany, Syracuse, Cleveland, Detroit, and Chicago, on the other;

2. That any authority awarded in this proceeding shall be subject to (a) a restriction requiring that all flights serving Albany or points west of Albany must also serve at least one point in Maine, New Hampshire, or Vermont, and (b) a restriction prohibiting single-plane service between Boston or Hartford-Springfield, on the one hand, and Albany, or points west of Albany, on the other;

3. That the restrictions specified in ordering paragraph 2, above, are stated without prejudice to the right of any party to advance during the course of the proceeding appropriate evidence or argument bearing on the need for more stringent restrictions or limitations;

4. That applications, motions to consolidate applications, petitions for leave to intervene, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days from the service date of this order, and answers to such pleadings shall be filed no later than 10 days thereafter;

5. That this proceeding shall be set down for hearing before an examiner of the Board at a time and place hereafter designated;

6. That a copy of this order be served upon Mohawk Airlines, Inc. and Northeast Airlines, Inc. and the States of Maine, Vermont, and New Hampshire, which are hereby made parties to the investigation instituted herein; and

7. That a copy of this order also be served upon the cities of Portland, Maine; Manchester and Lebanon, N.H.; White River Junction, Vt.; Albany and Syracuse, N.Y.; Cleveland, Ohio; Detroit, Mich.; and Chicago, Ill.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-3646; Filed, Apr. 3, 1967; 8:47 a.m.]

[Docket No. 18321; Order No. E-24915]

NORTHERN CONSOLIDATED AIRLINES, INC.

Order of Investigation and Suspension Regarding Circuitous Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1967.

By tariff revisions marked to become effective March 31, 1967, Northern Consolidated Airlines, Inc. (NCA), proposes to reduce its local one-way passenger fare between Anchorage and Fairbanks, via McGrath, from $60 to $35.[1] Present stopover privileges at McGrath would not be permitted under the proposed fare. The proposal represents a reduction from the existing fare via McGrath of 41.7 percent and involves circuity of approximately 87 percent more mileage between Anchorage and Fairbanks than the existing direct nonstop services of $35 offered by Alaska Airlines, Inc. (ASA). The tariff was not marked with an expiry date.

ASA has filed a complaint[2] requesting suspension and investigation of NCA's tariff revisions on the ground that the proposed fare is unjust and unreasonable, unjustly prejudicial, and otherwise unlawful. It claims that the fare reduction is unlawful in light of the Board's action on two previous occasions[3] in which similar proposals were suspended. Finally, ASA states that the NCA proposed fare is not compensatory, would not generate any new traffic, would only divert traffic from its routes, and may increase ASA's need for subsidy.

In support of its proposal, and in answer to the complaint of ASA, NCA states that (1) the purpose of the proposal is to publish an "Alaska Centennial Fare" of $35 between Fairbanks and Anchorage in an effort to develop tourist travel over its Fairbanks-McGrath-Anchorage segment; (2) during the celebration of the 1967 Alaska Centennial approximately 354,000 tourists will visit Fairbanks, providing a huge reservoir of potential tourists over its routes; (3) the proposed fare is in the nature of a one-way excursion fare; and (4) the proposed fare will cover the added cost of handling the estimated additional 33 new passengers per one-way trip. The carrier further contends that in addition to being compensatory, the new fare will not result either in self-diversion of current traffic or diversion of ASA's direct traffic due to the elapsed time differentials of each carrier's service. NCA states that the proposal would not represent any change in the combination of the local Fairbanks-McGrath and McGrath-Anchorage fares in which each $30 fare would continue to apply to local stopover traffic which would not be eligible for the new through fare. The carrier contends that the situation is entirely different in this instance from that involved in the earlier fare case in view of ASA's route realignment, utilization of jet aircraft, and standard fare considerations. Finally, the carrier asserts that the proposed fare will provide a special service for those tourists not desiring transportation alone between Anchorage and Fairbanks, but who wish to take a sightseeing trip over a portion of the interior of Alaska.

The Board notes that (1) there is substantial circuity of 87 percent in NCA's service between Anchorage and Fairbanks via McGrath, as compared to the direct service offered by ASA; (2) the proposed fare via the more circuitous routing results in a fare per mile considerably lower than that for the direct service; (3) the proposed fare is not marked with an expiry date; and (4) the proposed fare level of $35 is $2.50 lower than the standard fare suspended by the Board in Order E-21633, December 31, 1964 and $5 higher than the standard fare disapproved in Northern Consolidated Airlines, Inc., Proposed Fares, 33 CAB 440 (1961). There does not appear to be a substantial differentiation between the proposed fare and the two corresponding earlier standard fares disapproved by the Board. While the carrier states that the proposal is in the nature of a restricted excursion fare, no expiry date was placed on the tariff filing. The Board supports the establishment of excursion fares that benefit the traveling public and are compensatory to the carrier. We do not believe, however, that the facts in this instance are sufficient to permit the proposed fare to become effective without investigation in light of the Board's action involving the two previous filings. The Board would, however, be receptive to proposals for a round-trip Fairbanks-Anchorage excursion fare via NCA's services as well as a joint NCA-ASA circle trip excursion fare between Fairbanks and Anchorage. The Board believes that such promotional fares would tie in closely with the Alaska Centennial activities and would benefit the vacationing traveler and the carriers alike.

Upon consideration of all pertinent matters of record, the Board finds that the proposed fare may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and has determined to investigate these proposals and to suspend their effectiveness pending such investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fare and provisions between Anchorage and Fairbanks and the explanation of the reference mark "(1)", on 9th Revised Page 6 of Northern Consolidated Airlines, Inc.'s CAB No. 82, and rules, regulations, and practices affecting such fare and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fare and provisions, and rules, regulations, or practices affecting such fare and provisions;

2. Pending hearing and decision by the Board, the fare and provisions between Anchorage and Fairbanks and the explanation of the reference mark "(1)", on 9th Revised Page 6 of Northern Consolidated Airlines, Inc.'s CAB No. 82, are suspended and their use deferred to and including June 28, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

[1] Northern Consolidated Airlines, Inc., CAB No. 82.

[2] Filed on Mar. 17, 1967, which is 3 days after the date allowed for filing complaints against NCA's proposal. The complaint, therefore, will be considered as a request for investigation only.

[3] Northern Consolidated Airlines, Inc., Proposed Fares, 33 CAB 440 (1961).

4. The complaint of Alaska Airlines, Inc., in Docket 18286, to the extent granted herein, be consolidated in this docket; and

5. Copies of this order be filed with the aforesaid tariff and be served upon Northern Consolidated Airlines, Inc., and Alaska Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-3647; Filed, Apr. 3, 1967; 8:47 a.m.]

[Order No. E-24914]

AIR VAN LINES, INC., ET AL.

Order Granting Temporary Relief

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1967.

At the request of the Department of Defense (DOD), the Board on March 9, 1965, granted temporary relief from certain provisions of the Federal Aviation Act of 1958 to a number of persons who had been operating without Board authorization as indirect air carriers of used household goods pursuant to DOD contracts (DOD carriers).[1] The relief, which allowed these carriers an opportunity to apply for operating authorizations to engage in indirect air transportation as air freight forwarders of used household goods,[2] was granted upon the condition that such carriers file applications in accordance with the provisions of Part 296 and/or Part 297 of the Board's Economic Regulations on or before April 15, 1965. Subsequently, the Board granted the same relief to other DOD carriers.[3]

By subsequent orders the Board extended the temporary relief granted in Orders E-21883, E-22079, and E-22269 until April 17, 1967.[4] The Board noted that many of the applications filed by DOD carriers posed policy issues awaiting final resolution by the Board and that DOD had advised the Board that it needed the services of the carriers relieved by the foregoing orders until a final decision is reached with respect to the policy issues raised by their applications.[5]

It now appears that processing of some of the applications filed by DOD carriers cannot be completed prior to the expiration date of the temporary relief. Furthermore, the Board has not yet resolved the policy issues raised by some of the applications filed by DOD carriers. Accordingly, we find it in the public interest to extend the relief for these DOD carriers for the reasons given in our previous extension orders.[6]

Accordingly, it is ordered:

1. Pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the air freight forwarder applicants listed in Appendix A are hereby relieved from the provisions of Title IV and section 610(a)(4) of the Act from April 17, 1967, through October 16, 1967, or until the date the application for operating authorization is granted, denied, or dismissed, whichever occurs first, to the extent necessary to transport by air used household goods of personnel of the Department of Defense upon tender by the Department;

2. The relief granted in ordering paragraph 1 will not be renewed or extended beyond the termination date of October 16, 1967, for any applicant who has not been granted operating authorization by that date: *Provided*, That the Board may extend such relief in cases in which applicant has been granted additional time to respond to requests for supplemental information necessary to process his application;

3. The transportation services performed pursuant to the authority granted herein do not constitute an activity of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c);

4. This order may be amended or revoked at any time in the discretion of the Board without hearing; and

5. Copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and all persons listed in Appendix A below.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

APPENDIX A

Air Van Lines, Inc. (Alaska), 135 North Post Road, Anchorage, Alaska.
Allied Van Lines, Inc., 25th Avenue and Roosevelt Road, Broadview, Ill.
American Ensign Van Service, Inc., 1010 Hawkins Way, El Paso, Tex. 79925.
Asiatic Forwarders, Inc., 3009 16th Street, San Francisco, Calif. 94103.
Container Transport International, Inc., 17 State Street, New York, N.Y. 10004.
Express Forwarding & Storage Co., Inc., 17 State Street, New York, N.Y. 10004.
Fernstrom Storage & Van Co., 5600 North River Road, Rosemont, Ill.
Four Winds Forwarding, Inc., 737 East Artesia Boulevard, Long Beach 5, Calif.
Getz Bros. & Co. (United States), 640 Sacramento Street, San Francisco, Calif. 94111.
HC & D Moving & Storage, 800 South Street, Honolulu, Hawaii.
Imperial Household Shipping Co., Inc., Post Office Box 2125, Torrance, Calif. 90509.
International Sea Van, Inc., 1212 St. George Road, Evansville, Ind. 47703.
Lyon Van Lines, Inc., 3416 South La Cienega Boulevard, Los Angeles, Calif. 90016.
Neptune World Wide Moving, Inc., 55 Weyman Avenue, New Rochelle, N.Y.
North American Van Lines, Inc., Post Office Box 988, Fort Wayne, Ind.
Railway Express Agency, Inc., 219 East 42d Street, New York 17, N.Y.
Richardson Transfer & Storage Co., Inc., 246 North Fifth Street, Salina, Kans.
Shamrock Van Lines, Inc., Post Office Box 5447, Dallas 7, Tex.
Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133.
Suddath Moving & Storage Co., Inc., 315-19 East Bay Street, Jacksonville 2, Fla.
United Van Lines, Inc., 7808 Maplewood Industrial Court, St. Louis 17, Mo.
Von Der Ahe Van Lines, Inc., 600 Rudder Avenue, Fenton, Mo. 63026.
Withers Van Lines of Miami, Inc., 1000 Northeast First Avenue, Miami 36, Fla.

[F.R. Doc. 67-3648; Filed, Apr. 3, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

REGIONAL FORESTERS

Delegation of Authority To Issue Easements, Licenses, Permits, and Leases

Pursuant to the Delegations of Authority and Assignment of Functions by the Secretary of Agriculture dated November 27, 1964 (29 F.R. 16210), there is hereby delegated to the Regional Forester of each Forest Service Region the authority of the Chief of the Forest Service in connection with: (1) Easements under the Act of March 4, 1911 (36 Stat. 1253), as amended (16 U.S.C. 523); (2) licenses and easements under Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 525; 7 U.S.C. 1011(d)); and (3) permits, leases, and easements under the Act of September 3, 1954 (68 Stat. 1146; 43 U.S.C. 931c, 931d): *Provided, however*, That the following provision shall be included in easements for power and communications facilities: That the right-of-way herein granted shall be subject to the express covenant that it may be modified, adapted, or discontinued by the issuing officer, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized use which may be hereafter required under the authority of the United States.

Done at Washington, D.C., March 28, 1967.

EDWARD P. CLIFF, *Chief, Forest Service.*

[F.R. Doc. 67-3666; Filed, Apr. 3, 1967; 8:49 a.m.]

[1] Order E-21883.

[2] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals or other establishments, and (2) objects of art (other than personal effects), displays, and exhibits.

[3] See Orders E-22079, Apr. 26, 1965, and E-22269, June 4, 1965.

[4] See Orders E-22544 and E-23210, E-23639, and E-24356, dated Aug. 13, 1965, Feb. 9, May 4, and Nov. 3, 1966, respectively.

[5] See Orders E-22185, May 20, 1965, E-22447, July 16, 1965, and E-22496, Aug. 2, 1965.

[6] Nothing in this order should be construed as a determination of the final disposition to be made of the applications for air freight forwarder authority filed by the carriers relieved by this order. Furthermore, nothing in this order should be construed as an approval of control and interlocking relationships or agreements of the carriers relieved by this order, or their affiliates.

FEDERAL POWER COMMISSION

[Docket No. G-3709 etc.]

KEWANEE OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 27, 1967.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 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 all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3709 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co., Post Office Box 2239, Tulsa, Okla. 74101.	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	[1] 12.9983	14.65
G-3793 E 3-10-67	do	do	[1] 12.9983	14.65
G-3794 E 3-10-67	do	do	[1] 12.9983	14.65
G-3795 E 3-10-67	do	do	[1] 12.9983	14.65
G-3796 E 3-10-67	do	Arkansas Louisiana Gas Co., Willow Springs Field, Gregg County, Tex.	[1] 12.1880	14.65
G-3797 E 3-10-67	do	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	[1] 12.9983	14.65
G-3798 E 3-10-67	do	do	[1] 12.9983	14.65
G-9083 E 3-10-67	Newdelva Corp. (successor to Hughes River Oil & Gas Co., Box 297, Grantsville, W. Va. 26147.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	20.0	15.325
G-10139 C 3-13-67	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Blocks 95 and 96, Offshore Louisiana.	19.5	15.025
G-11741 E 3-10-67	Newdelva Corp. (successor to Glenn Tompkins, d.b.a. Hardman Farm Oil & Gas Co.).	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	20.0	15.325
G-12945 E 3-10-67	do	do	20.0	15.325
G-19707 C 3-13-67	Cities Service Oil Co.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., NE4 Block 27, South Timbalier Area, Offshore Louisiana.	19.5	15.025
CI60-159 C 3-10-67 [2]	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Cities Service Gas Co., Hugoton Field, Seward County, Kans.	16.0	14.65
CI60-448 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Transwestern Pipeline Co., Lipscomb Field, Lipscomb County, Tex.	17.0	14.65
CI61-369 E 3-10-67	Newdelva Corp. (successor to William I. Forbes, Jr., et al.).	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	25.0	15.325
CI61-728 E 3-7-67	Harvest Queen Mill & Elevator Co. (successor to Joseph E. Newman (Operator) et al.), Post Office Box 1000, Plainview, Tex. 79072.	Panhandle Eastern Pipe Line Co., Plains Townsite Field, Meade County, Kans.	16.0	14.65
CI61-1277 E 3-10-67	Newdelva Corp. (successor to William I. Forbes, Jr., et al.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	25.0	15.325
CI61-1470 A 4-10-61 D 4-1-63	Jack P. Rayzor (Operator) et al., Post Office Box 7533, Houston, Tex. 77007.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Pelican Field, Liberty County, Tex.	15.0	14.65
CI61-1567 E 3-9-67	Dallas Resources, Inc. (successor to Heritage Petroleum Corp.), 1100 Vaughn Bldg., Dallas, Tex. 75201.	Florida Gas Transmission Co., North Appling Field, Calhoun County, Tex.	15.5	14.65
CI62-18 E 3-10-67	Newdelva Corp. (successor to William I. Forbes, Jr., et al.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	25.0	15.325
CI62-1115 E 3-10-67	do	do	25.0	15.325
CI63-20 D 3-9-67	Humble Oil & Refining Co. (Operator)et al., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Assigned	
CI63-234 C 3-14-67	Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., South Quinton Field, Pittsburg County, Okla.	15.0	14.65
CI63-1414 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co., et al.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[3] 17.0	14.65
CI63-1468 C 3-8-67	La Gloria Oil & Gas Co., Post Office Box 2521, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Wankomis Area, Garfield County, Okla.	15.0	14.65
CI63-1479 E 3-3-67	Webster Myers et al. (successor to Keillor and Clark et al.), 1614 Seventh Ave., Huntington, W. Va. 25703.	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	25.0	15.325
CI63-1582 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Cities Service Gas Co., North Quinlan Field, Woodward County, Okla.	[4] 17.0	14.65
CI64-132 E 2-3-67	Worldwide Petroleum Corp., a Colorado corporation (successor to Worldwide Petroleum Corp., an Oklahoma corporation), 4150 East Mexico Ave., Denver, Colo. 80222.	Lake Shore Pipe Line Co., Conneaut Township, Erie County, Pa.	27.0	15.02
CI65-216 E 2-8-67	do	Lake Shore Pipe Line Co., Bushnell Field, Erie County, Pa.	27.0	15.025
CI65-262 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Arkansas Louisiana Gas Co., Northwest Milton Field, Haskell County, Okla.	[5] 15.0	14.65
CI65-301 E 1-9-67 as amended 2-20-67	Robert F. White (successor to Braden-Deem, Inc., agent (Operator) et al.), 714 Union Center Bldg., Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans.	13.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-320 C 3-9-67	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., South Bokoshe Field, Le Flore County, Okla.	15.0	14.65
CI65-706 E 2-6-67	Worldwide Petroleum Corp., a Colorado corporation (successor to Worldwide Petroleum Corp., an Oklahoma corporation).	Lake Shore Pipe Line Co., Bushnell Field, Erie County, Pa.	27.0	15.025
CI65-1220 E 2-13-67	Larry Robinson (successor to Cleary Petroleum, Inc. (Operator), et al.), 3080 Leopard St., Corpus Christi, Tex. 78409.	Almos Gas Gathering Co., Cranz Field, Bee and Live Oak Counties, Tex.	10.5	14.65
CI65-1261 E 3-10-67	Newdelva Corp. (successor to William I. Forbes, Jr., et al.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	25.0	15.325
CI66-856 C 3-9-67	Oklahoma Natural Gas Co.	Arkansas Louisiana Gas Co., South Quinton Field, Latimer County, Okla.	15.0	14.65
CI66-912 C 2-17-67 [2]	Banquete Gas Co., a division of Crestmont Oil & Gas Co., 2622 Mission St., San Marino, Calif. 91108.	United Gas Pipe Line Co., East Plymouth Field, San Patricio County, Tex.	15.0	14.65
CI66-1093 D 2-20-67	G. H. Vaughn, Jr., and Jack C. Vaughn (Operator) et al., 12 Vaughn Bldg., Dallas, Tex. 75201.	Texas Gas Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	Assigned	----------
CI67-82 A 7-11-66	Jackson River Oil Co., c/o Mrs. Mildred M. McCabe, 205 North Allegheny Ave., Covington, Va. 24426.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	19.615	15.325
CI67-195 8-12-66 [6] 3-6-67 [7]	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201.	El Paso Natural Gas Co., acreage in Crockett County, Tex.	14.5	14.65
CI67-196 8-12-66 [6] 3-6-67 [7]	do	do	14.5	14.65
CI67-449 C 3-13-67 [8]	Anadarko Production Co. (Operator) et al., Post Office Box 9917, Fort Worth Tex. 76101.	Northern Natural Gas Co., Northwest Perryton Field, Ochiltree County, Tex.	[9] 17.0	14.65
CI67-626 E 2-3-67	Conroy, Inc. (Operator), et al. (successor to South Texas Development Co. (Operator) et al.), 1100 Alamo National Bldg., San Antonio, Tex. 78205.	Kansas-Nebraska Natural Gas Co., Inc., North Shore Field, Logan County, Colo.	[10] 9.1516	15.025
CI67-1001 A 2-8-67	S. A. Lewis, agent, Rural Delivery No. 1, Marianna, Pa. 15345.	The Manufacturers Light & Heat Co., Amwell Township, Washington County, Pa.	21.5	15.325
CI67-1038 A 2-8-67	W. M. Hester Lumber Co., Sligo, Pa. 16255.	The Manufacturers Light & Heat Co., acreage in Armstrong County, Pa.	25.0	15.325
CI67-1106 (CI67-184) F 2-6-67	Post Oak Oil Co. (successor to Big Chief Drilling Co.), Post Office Box 14837, Oklahoma City, Okla. 73114.	Oklahoma Natural Gas Gathering Corp., [11] Ringwood Field, Major County, Okla.	[12] 12.0	4.65
CI67-1177 A 2-24-67	Leota Adrian, agent for Carl J. Adrian, Wind Ridge, Pa. 15380.	Natural Gas Co. of West Virginia, Richhill Township, Greene County, W. Va.	20.674	15.025
CI67-1229 A 3-6-67	Edward Colton Evensen and Hulda Elizabeth Evensen, 720 Haight St., San Francisco, Calif. 94117.	El Paso Natural Gas Co., Blanco Mesaverde Pool, San Juan County, N. Mex.	11.0	15.025
CI67-1230 A 3-9-67	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Cities Service Gas Co., Bishop Area, Roger Mills County, Okla.	15.0	14.65
CI67-1231 B 3-8-67	Logue and Patterson, c/o Sherman S. Poland, attorney, Ross, Marsh & Foster, 725 15th St. NW., Washington, D.C. 20005.	Lone Star Gathering Co., South Weesatche Field, Goliad County, Tex.	[13]	----------
CI67-1232 B 3-8-67	C. H. Lyons, Jr., et al., 1300 Beck Bldg., Shreveport, La. 71101.	Arkansas Louisiana Gas Co., South Hallsville Field, Harrison County, Tex.	[14]	----------

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-1233 A 3-8-67	Quaker State Oil Refining Corp., Box 837, Bradford, Pa. 16701.	Pennsylvania Gas Co., Sheffield Township, Warren County, Pa.	27.0	15.025
CI67-1234 (CI64-15) F 3-8-67	Morris Sitrin (successor to Henry S. Inger), c/o David L. Fist, attorney, 413 Midstates Bldg., Tulsa, Okla. 74103.	Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans.	[15] 15.0	14.65
CI67-1235 A 3-6-67	Lester Wilkonson, 409 Schweiter Bldg., Wichita, Kans. 67202.	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	12.0	14.65
CI67-1236 B 3-9-67	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Rhode Ranch Field, McMullen County, Tex.	Depleted	----------
CI67-1237 A 3-6-67	Stauffer Chemical Co. of Wyoming, c/o Bradford Ross, attorney, Ross, Marsh & Foster, 725 15th St. NW., Washington, D.C. 20005.	Colorado Interstate Gas Co., North Desert Springs Area, Sweetwater County, Wyo.	[16] 15.0	14.65
CI67-1238 A 3-8-67	Union Pacific Railroad Co., c/o Bradford Ross, attorney, Ross, Marsh & Foster, 725 15th St. NW., Washington, D.C. 20005.	do	[16] 15.0	14.65
CI67-1239 A 3-10-67	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Northern Natural Gas Co., Como Field, Beaver County, Okla.	[16] 17.0	14.65
CI67-1240 A 3-10-67	Sheriff Creek Oil Co., c/o Frank Etael, Jr., partner, Rural Delivery No. 1, Emlenton, Pa. 16373.	Pennsylvania Gas Co., Cherry Grove Township, Warren County, Pa.	25.0	14.73
CI67-1241 A 3-10-67	Almos Gas Gathering Co., D-205 Petroleum Center, 900 Northeast Loop Expressway, San Antonio, Tex. 78209.	United Gas Pipe Line Co., North Mathis Field Area, San Patricio County, Tex.	15.0	14.65
CI67-1242 A 3-9-67	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Southern Natural Gas Co., Kokomo Field, Walthall County, Miss.	21.5	15.025
CI67-1244 A 3-13-67	Robert F. White, 714 Union Center Bldg., Wichita, Kans. 67202.	Cities Service Gas Co., Traffas Field, Barber County, Kans.	14.0	14.65
CI67-1245 A 3-27-67	Woodruff Oil & Gas Co., Post Office Box 161, Cameron, W. Va. 26033.	The Manufacturers Light & Heat Co., Liberty District, Marshall County, W. Va.	20.0	15.325
CI67-1247 A 3-13-67	John H. Hill, c/o Gordon L. Llewellyn, attorney, 908 Southland Center, Dallas, Tex. 75201.	Northern Natural Gas Co., Deby Springs Field, Harper County, Okla.	17.0	14.65
CI67-1248 B 3-13-67	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.	Depleted	----------
CI67-1251 B 3-14-67	Gus Berry, Post Office Box, 305 Grantsville, W. Va. 26147.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Uneconomical	----------
CI67-1252 A 3-10-67	J. Lee Youngblood, Operator, Post Office Box 1865, Dallas, Tex. 75221.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[16] 17.0	14.65
CI67-1253 A 3-15-67	Jay J. Harris, 801 Ridgecrest Dr. SE., Albuquerque, N. Mex. 87108.	El Paso Natural Gas Co., Pictured Cliffs Field, Rio Arriba County, N. Mex.	10.0	15.025
CI67-1254 A 3-15-67	J. & J. Enterprises, Inc., 818 Allegheny Ave., Avonmore, Pa. 15618.	Consolidated Gas Supply Corp., Warren District, Upshur County, W. Va.	25.0	15.325
CI67-1255 A 3-15-67	W. C. Wilson Oil & Gas Co., et al., 819 Campbell Dr., Belpre, Ohio 45714.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI67-1256 A 3-15-67	Viking Oil Corp., Jackson Homestead Bldg., 311 Baronne St., New Orleans, La. 70112.	United Gas Pipe Line Co., New Iberia Field, Iberia Parish, La.	15.5	15.025
CI67-1257 B 3-15-67	Philadelphia Oil Co., 420 Boulevard of the Allies, Pittsburgh, Pa. 15219.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	Depleted	----------

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-1258..... A 3-15-67	J. W. Ayers Gas & Oil Co., c/o Glen B. Keller, 1665 Woodward Ave., Lakewood, Ohio 44107.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325

[1] Subject to deduction (up to 1.5 cents per Mcf) for compression.
[2] Adds acreage and casinghead gas from the Harrell No. 1 well.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Buyer pays seller 1 cent per Mcf of gas delivered and received hereunder for dehydrating and delivering gas to point of delivery.
[5] Adds production attained from Hulsache Operating Co. (Operator) et al., in Docket No. CI67-871.
[6] Applicant is filing to cover its own interest which was previously covered under the Operator's (Roy E. Kinsey) certificate in Docket No. CI63-1272.
[7] Amendment to application filed to reflect a total initial rate of 14.5 cents in lieu of the original proposed rate of 15.5 cents per Mcf.
[8] Applicant is filing to cover its own interest which was previously covered under the Operator's (Claud E. Aikman) certificate in Docket No. G-17901.
[9] Adds interest of coowners.
[10] Includes 6.41 cents per Mcf retained by buyer until buyer has recovered 100 percent of cost of connecting facilities.
[11] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[12] Rate in effect subject to refund in Docket No. R167-135.
[13] Gas will no longer be sold in interstate commerce.
[14] Well ceased to produce.
[15] Applicant pays a gathering, compression and delivery charge of 7.5 cents per Mcf to Kansas Western Gas Co., Inc.

[F.R. Doc. 67-3587; Filed, Apr. 3, 1967; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

Designation

The officers appointed to, or designated to serve as Acting during a vacancy in, the following listed positions are hereby designated to serve as Acting Assistant Secretary for Renewal and Housing Assistance during the absence of the Assistant Secretary for Renewal and Housing Assistance, with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Renewal and Housing Assistance, provided that no officer is authorized to serve as Acting Assistant Secretary for Renewal and Housing Assistance unless all other officers whose appointed, or designated Acting, position titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Secretary for Renewal and Housing Assistance.

2. Deputy Assistant Secretary for Renewal Assistance.

3. Deputy Assistant Secretary for Housing Assistance.

4. Chief Counsel, Renewal Assistance Administration.

5. General Counsel, Housing Assistance Administration.

(Sec. E of Secretary's delegation effective July 1, 1966 (31 F.R. 8965, June 29, 1966))

Effective date. This designation shall be effective as of April 4, 1967.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 67-3649; Filed, Apr. 3, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67-368]

FOREIGN LANGUAGE PROGRAMS

Broadcasters Cautioned To Exercise Adequate Control

MARCH 30, 1967.

The Commission cautions broadcasting stations to maintain adequate controls over their foreign language programing.

Essential to the exercise of proper licensee responsibility in this matter is knowledge of the content of such broadcasts. Commission inquiry reveals that a number of licensees have no familiarity with the foreign languages and, thus, no knowledge of the content of such broadcasts. They explain their practices as follows: (1) They permit only persons of established reputation for judgment and integrity to use their facilities; (2) copies of commercial announcements used on foreign language programs must be submitted in advance in English translation; (3) recordings of all programs are made and retained for future reference. We do not regard such procedures, in and of themselves, as sufficient to insure licensee knowledge of and control over foreign language programing.

Licensee responsibility requires that internal procedures be established and maintained to insure sufficient familiarity with the foreign languages to know what is being broadcast and whether it conforms to the station's policies and to requirements of the Commission's rules.

Failure of licensees to establish and maintain such control over foreign language programing will raise serious questions as to whether the station's operation serves the public interest, convenience and necessity.

Adopted: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3654; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 17067, 17068; FCC 67M-474]

ARCH THISTLE AND TESCO COMMUNICATIONS

Order Designating Dates Governing Conference and Hearing

In re applications of Arch Thistle, El Centro, Calif., Docket No. 17067, for renewal of Radiotelephone First Class and Radiotelegraph Second Class Operator Licenses; Tesco Communications, El Centro, Calif., Docket No. 17068, for authorizations in the Business of Radio Service.

It is ordered, This 20th day of March 1967 that a prehearing conference will be held at 10 a.m. on April 26, 1967, and that hearing will commence at 10 a.m. April 27, 1967. Both conference and hearing will be held in El Centro, Calif.

Released: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3651; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 17302, 17303]

BELL TELEPHONE COMPANY OF PENNSYLVANIA AND CONESTOGA TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of The Bell Telephone Company of Pennsylvania, Docket No. 17302, File No. 1688-C2-P-66, for a construction permit to modify the facilities of Station KGA585 in the Domestic Public Land Mobile Radio Service at Philadelphia, Pa.; The Conestoga Telephone and Telegraph Company, Docket No. 17303, File No. 679-C2-P-66, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Boyertown, Pa.

1. The Commission, by its Chief of the Common Carrier Bureau, acting under delegation of authority, pursuant to § 0.292(a) of the Commission's rules, has before it for consideration: (a) An application filed September 15, 1965 by The Bell Telephone Company of Pennsylvania (hereinafter Pennsylvania Bell) for a construction permit to modify the facilities of Station KGA585, presently

[1] Commissioner Wadsworth absent.

providing two-way and one-way communications service in the Domestic Public Land Mobile Radio Service at Philadelphia, Pa., by adding an additional channel for two-way communications, on frequency 152.54 Mc/s.[1] Pennsylvania Bell also requests authorization for an auxiliary test station on frequency 157.80 Mc/s and adding frequency 152.54 Mc/s as an additional frequency to its standby transmitter; and (b) an application filed August 5, 1965 by The Conestoga Telephone and Telegraph Co. (hereinafter Conestoga) to establish a new two-way communications service in the Domestic Public Land Mobile Radio Service near Boyertown, Pa., on frequencies 152.54 Mc/s (base) and 157.80 Mc/s (mobile) and the associated mobile frequencies.[2] Conestoga asked a waiver of §§ 21.118(d), 21.205(h)(3), and 21.208(g) of the Commission's rules to permit the base station to be operated during the normal rendition of service without (1) operating personnel on duty and in charge of the radio system, and (2) maintenance of an operation log book.

2. Pennsylvania Bell and Conestoga are each seeking to provide two-way communications service on the same frequencies in the same general area; and it appears that these applications are mutually exclusive by reason of potential harmful electrical interference (the base stations would be approximately 39 miles apart). Therefore, a comparative hearing is required to determine whether a grant to any or all of the applicants would serve the public interest, convenience, and necessity.

3. Section 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above 1 microvolt per meter as the limit of reliable service area for base stations engaged in two-way communications service; and it appears that the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures and propagation data set forth therein are a proper basis for establishing the location of such service contours (F50, 50) and the areas of electrical interference therein for the 150–160 Mc/s band facilities involved in this proceeding. The procedures set forth in the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band," and use of the (F50, 50) radio wave propagation charts for TV Channels 2–6, 14–83 (contained in Part 73 of the Commission's rules and Commission's sixth report and order in Docket Nos. 8736 et al.) adjusted downward in field strength by 6 decibels to compensate for the change in receiving antenna to 6 feet above ground in lieu of the 30 feet height for which the charts were drawn, are proper for evaluation of the service contours (F50, 50) for the 35 to 43 Mc/s band base station.

4. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally, and otherwise qualified to render the services they have proposed.

5. Accordingly, in view of our conclusions above: *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine whether any harmful interference (within the 37 dbu contours of the proposed base stations, based upon the standards set forth in par. 3 above) would result from simultaneous operations on the frequencies 152.54 Mc/s and 157.80 Mc/s by Pennsylvania Bell and Conestoga, including the geographic areas of such interference, and if so, whether such interference would be intolerable or undesirable.

(b) To determine on a comparative basis, the nature and extent of the service, proposed by each applicant including the rates, charges, personnel, practices, classifications, regulations, and facilities pertaining thereto.

(c) To determine the nature and extent of services now rendered by Pennsylvania Bell, utilizing the facilities of Station KGA585; and to determine the area served by each existing channel currently authorized for said facilities, based upon the standards set forth in paragraph 3 above; and to determine the capacity of and the normal message traffic load on each of the said channels.

(d) To determine, on a comparative basis, the areas and the populations therein, that Pennsylvania Bell and Conestoga propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 3 above; and to determine the need for the proposed services in said areas.

(e) To determine, in light of the evidence adduced on all the foregoing issues, whether or not the public interest, convenience or necessity will be served by a grant of any or all of the captioned applications, and the terms or conditions which should be attached thereto, if any.

6. *It is further ordered*, That the burden of proof on issues (a), (b), (d), and (e) is placed on the respective applicants herein; and the burden of proof on issue (c) is placed upon Pennsylvania Bell.

7. *It is further ordered*, That the parties desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: March 6, 1967.

Released: March 29, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3652; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket No. 17141; FCC 67M-512]

BRANDYWINE-MAIN LINE RADIO, INC.

Order Pursuant to Prehearing Conference

In re applications of Brandywine-Main Line Radio, Inc., for renewal of licenses of Stations WXUR and WXUR-FM, Media, Pa., Docket No. 17141, File Nos. BR-4178 and BRH-1320.

On March 21, 1967, a prehearing conference was held in the above-captioned proceeding. The primary purpose was to establish a schedule for the hearing which will be held in Media, Pa. As explained by counsel for several parties, other hearing commitments would make it impossible to commence this proceeding and to carry through without interruption prior to September 11, 1967;

Accordingly, it is ordered, This 24th day of March 1967, that the hearing will commence on September 11, 1967, at 10 a.m. in Media, Pa.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3653; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket No. 15461 etc.; FCC 67R-120]

CHAPMAN RADIO AND TELEVISION CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of William A Chapman and George K. Chapman, doing business as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3282; Alabama Television, Inc., Birmingham, Ala., Docket No. 16760, File No. BPCT-3706; Birmingham Broadcasting Co., Birmingham, Ala., Docket No. 16761, File No. BPCT-3707; for construction permit for new television broadcast station; Birmingham Television Corp. (WBMG), Birmingham, Ala., Docket No. 16758, File No. BPCT-3663, for modification of construction permit.

1. The above-captioned applications were designated for hearing by order, FCC 66-636, released July 20, 1966. In the designation order, the Commission pointed out, among other things, that the application of Chapman Radio & Television Co. (Chapman) reflected that it would require cash in an amount of $40,285 to construct its proposal, and $50,000 to operate for 1 year, and was

[1] Station KGA585 now provides two-way communications service on paired frequencies 35.66, 152.51, 152.63, 152.69, 152.75, and 152.81 Mc/s (base) and 43.66, 157.77, 157.89, 157.95, 158.01, and 158.07 Mc/s (mobile and test); and the associated mobile frequencies 43.26, 43.30, 43.34, 43.38, 43.42, 43.54, 157.83, 157.86, 157.92, 157.98, and 158.04 Mc/s.

[2] The associated mobile frequencies are 157.77, 157.83, 157.86, 157.89, 157.92, 157.95, 157.98, 158.01, 158.04, and 158.07 Mc/s.

relying upon an expired $100,000 bank loan commitment to meet these requirements. Therefore, the Commission specified an issue to determine whether an extension of the bank loan could be obtained. Subsequently, by memorandum opinion and order, FCC 66R-408, 5 FCC 2d 392, the Review Board added an issue to determine the reasonableness of Chapman's estimated costs of first year's operations. Presently before the Board is a petition, filed by Birmingham Television Corp. (WBMG) on December 14, 1966, requesting that the Review Board either add a general financial issue against Chapman, or, in the alternative clarify the existing issues to permit an inquiry into Chapman's estimated costs of construction.[1]

2. In support of its request, WBMG alleges that Chapman has been permitted to show its total cash available, and it would be incorrect to consider these funds unless the overall picture of Chapman's cash needs are established on the record; that the equipment proposal in Chapman's application relates to a previously filed proposal for Channel 54, not the subject proposal for Channel 21; that the equipment Chapman is proposing to purchase for $80,308.40 is used equipment, and there is no assurance that such equipment will be available;[2] that one of Chapman's principals testified at the hearing that the sales tax on the equipment, which amounts to $3,212.34, could be added to the cost of the equipment and paid under the deferred credit arrangements, whereas the equipment proposal states that such taxes will be billed separately and are due and payable at the time of delivery; that a Chapman exhibit, which was not received in evidence, shows that Chapman has failed to budget any amounts for preoperational salaries, utilities, rent, or other expenses; that while Chapman's $100,000 loan commitment indicates that it is to be repayable over a 5-year period, no allowance has been made for repayment of principal or interest during the first year; and that Chapman's estimate of $5,000 for legal expenses is unreasonable since this estimate was made while Chapman was applying for Channel 54, which involved a two-applicant hearing, and Chapman is now involved in a four-applicant hearing.

3. Alabama Television, Inc. (ATI), supports the request to add a general financial issue against Chapman based on the following allegations: Chapman's application and the testimony of its principals indicate that at least $127,560 will be required to construct its proposal and operate for one year, consisting of $20,077 for a down payment on equipment; $12,907 for nine installments on equipment; $3,614 in interest; $150 for freight; $3,212 for sales taxes; $5,000 for land and remodeling buildings; $5,000 for legal expenses; $26,500 for interest and principal on the $100,000 bank loan; and at least $51,100 for operating expenses, which are already in issue. However, ATI contends, Chapman will have available only $123,109, consisting of the $100,000 bank loan, and $23,109 of liquid assets over current liabilities reflected in the October 27, 1966, balance sheets of Chapman's principals.

4. In opposition, Chapman contends that the subject petition should be denied because it is late and no good cause for the lateness has been established; that the equipment proposed for Channel 54 can be adapted to Channel 21 at no additional cost;[3] that the $80,308.40 equipment cost estimate should be reduced by $8,500, since one of Chapman's principals testified that the antenna proposed is already on hand and will not have to be purchased; that the testimony reflects that Chapman now has available $53,438.24 in cash, which is approximately $40,000 more than it had available when the application was filed in December of 1963; and that the allegation that Chapman will have to repay $26,500 in principal and interest on the loan during the first year of operation is "purely speculative." Since the cost of first year's operations will be approximately $50,000, Chapman argues, it will have a cushion of over $100,000 to meet "unforeseen contingencies." The Broadcast Bureau, in its comments, urges the Board to add $8,212.34 to Chapman's proposed costs of construction (legal fees and sales taxes), but to deny the request to expand the financial issue.

5. As pointed out by Chapman, the Examiner ruled, on September 2, 1966, that he would not allow an inquiry into the reasonableness of Chapman's estimated construction costs under the existing financial issues. However, testimony elicited at the hearings starting on December 5, 1966, did reveal for the first time that Chapman had not provided for certain items of expense, such as preoperational costs and sales taxes on the equipment. The Board is of the opinion, therefore, that although WBMG's request for clarification of issues is inexcusably late, good cause exists for the tardiness of its request for enlargement of issues. In the designation Order, the Commission noted that Chapman's application reflects construction costs of $40,285. From our review of the subject pleadings, however, it is clear that this figure is no longer accurate, that Chapman will require a minimum of $45,657[4] for construction, and this figure does not take into account any preoperational or increased legal expenses, and assumes that Chapman will be required to make only six equipment payments during the first year of operation.[5] Although it can be explored under existing issues, it appears that Chapman may have also substantially underestimated its first year's operating costs since no funds have been budgeted to make payments on the proposed $100,000 loan during the first year. The commitment letter states that the loan will be repaid on the basis of equal monthly installments for a period of 5 years. In the absence of some evidence to the contrary, we agree with WBMG that it is reasonable to assume that repayments will begin during the first year of operation. Finally, Chapman may require and is definitely relying upon the availability of funds substantially in excess of the $112,000 specified in its application. Under all of these circumstances, we believe that a general inquiry into Chapman's financial qualifications is warranted.

Accordingly, it is ordered, This 27th day of March 1967, that the petition to add general financial issue or for clarification of issues, filed on December 14, 1966, by Birmingham Television Corp. (WBMG) is granted; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the basis of Chapman Radio and Television Co.'s estimated costs of construction and first year's operation, and whether such estimate is reasonable.

(b) To determine whether Chapman Radio and Television Co. has sufficient funds available to meet the cost of construction and first year's operation.

(c) To determine, in the event that Chapman Radio and Television Co. will depend upon operating revenues to meet costs and first year's operating expenses, the basis of its estimated revenues for the first year of operation, whether such estimate is reasonable, and the extent to which net operating revenues may be relied upon to yield necessary funds for the initial construction and 1 year's operating cost.

It is further ordered, That the burden of proof under the added issues shall be upon Chapman Radio and Television Co.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3655; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 16965, 16966; FCC 67R-111]

DU PAGE COUNTY BROADCASTING, INC., AND CENTRAL DU PAGE COUNTY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Du Page County Broadcasting, Inc., Elmhurst, Ill., Docket

[1] Also before the Review Board are: (a) Statement in support, filed Dec. 27, 1966, by Alabama Television, Inc.; (b) opposition to petition, filed Jan. 11, 1967, by Chapman; (c) comment on petition, filed Jan. 12, 1967, by the Broadcast Bureau; and (d) reply to opposition and comment, filed Jan. 24, 1967, by WBMG.

[2] WBMG points out that a note in the equipment proposal states that "availability and delivery [of the equipment] will be quoted upon receipt of firm order."

[3] Chapman submitted a letter to this effect from a representative of the equipment supplier.

[4] $3,212 for taxes; $20,077 for down payment on equipment; $8,604 for six equipment installments; $3,614 for interest on deferred balance; $150 for freight; $5,000 for land and buildings; and $5,000 for legal fees.

[5] Chapman's equipment contract requires a down payment of 25 percent of the purchase price and the balance in 42 monthly installments beginning 6 months after delivery.

[1] Board Member Kessler not participating.

No. 16965, File No. BP-16292; Howard L. Enstrom and Stanley G. Enstrom, doing business as Central Du Page County Broadcasting Co., Wheaton, Ill., Docket No. 16966, File No. BP-16465; for construction permits.

1. This proceeding involves two mutually exclusive applications for construction permits to establish new standard broadcast stations operating daytime only on 1530 kc/s in Elmhurst, Ill., and Wheaton, Ill., respectively. By memorandum opinion and order, released November 7, 1966 (FC 66-958), the above-entitled applications were designated for hearing on an areas and populations issue, a section 307(b) issue, and a contingent comparative issue. Central Du Page County Broadcasting Co. (Central Du Page) on November 25, 1966, petitioned to enlarge the issues as to the application of Du Page County Broadcasting, Inc. (Du Page County). The requested issues would inquire into (1) the availability of sufficient land for the Du Page County transmitter site, (2) the character qualifications of Du Page County, (3) the feasibility of the adjustment of the Du Page County directional antenna array, and (4) the financial qualifications of Du Page County.[1]

Sufficiency of site. 2. Central Du Page contends that Du Page County's proposed transmitter site is not of sufficient size to permit the construction of the two proposed towers and the ground system; that the land surrounding the proposed transmitter site is owned by the Illinois State Toll Highway Commission; and that Du Page County apparently has not made any effort to determine whether or not the additional land required would be available to it.[2] In opposition, Du Page County has submitted a plat, prepared by a licensed surveyor, attempting to show that the site is adequate to accommodate the installation of a directional antenna array with only minor clipping of the ground system; and a letter from the Director of Engineering of the Highway Commission, indicating that the Commission would look favorably upon the installation of the ground radials on its property. Central Du Page's engineering affidavit, appended to its reply, indicates that the boundary of the land Du Page County proposes to use for its directional antenna array differs from that claimed by the applicant; that the ground radials would extend over the paved public roads; that the guy wire anchors would not all fit within the property lines; and that its engineer's experience with the State of Illinois in seeking permission to cross paved public roads differs from that of the Du Page County engineer. In view of the conflicting assertions as to the location of the boundary of the land upon which Du Page County proposes to erect its directional antenna array, and as to the sufficiency of land available upon which the proposed ground radials may traverse, it is necessary to inquire into the matter. The Board therefore will grant this request and will add the issue as urged by the Broadcast Bureau.

Character qualifications. 3. Central Du Page contends that prior to the selection of the present transmitter site, Du Page County had, in an amendment filed on March 16, 1965, specified a site that was owned by the "Oak Brook Development Corporation," but sold in April 1965, to the Commonwealth Edison Co.; that the Edison Co. plans to erect a power substation on this site; that Du Page County did not amend the application to reflect another site until April 6, 1966; and that this apparent unavailability of the previous site coupled with the lack of any serious effort to ascertain the availability of its present site evince either a willingness to deceive the Commission or an indifference to its rules. With regard to its former site, Du Page County, in opposition, submitted a letter from one Michael Butler, who states that he is the "Vice President of Oak Brook Development Corp.;" that in early 1965, a parcel of land was committed to Frank Blotter,[3] Du Page County's president and principal stockholder, for use as a site; and that, although the corporation has sold other parcels of land in the immediate area of the site, the land committed for use to Du Page County was not affected.

4. In reply, Central Du Page submitted a letter from the "Administrative Assistant" of "Oak Brook Development Co.," who states that the company is a joint venture, not a corporation; that it does not have a vice president; and that there has been no inquiry "for the legitimate purpose of radio antennas." Moreover, Central Du Page alleges, its continuing investigation has revealed that Du Page County has an option to purchase its present site for $10,000; in its March 16, 1965, amendment, Du Page County indicated that its site was to be leased; and this aspect of the application has not been changed. Finally, Central Du Page alleges that in a recent divorce settlement, Blotter lost all claim to his residence, which was the principal asset listed on his balance sheet, and that Du Page County has not amended its application to reflect this change in Blotter's financial status. These actions, Central Du Page urges, warrant the addition of an issue to determine whether there have been any false statements, misrepresentations, or lack of candor. Du Page County, in response to the allegations contained in Central Du Page's reply (see note 1, supra), submitted another letter from the administrative assistant of the Oak Brook Development Co., in which he states that the joint venture consists of two corporations, one of which is Paul Butler Properties, Inc., and that the Oak Brook Development Corp. is a separate and distinct entity from the Oak Brook Development Co. Blotter, in an affidavit accompany the pleading, states, with regard to the present site, that while Du Page County intends to purchase the land, it also intends to assign it to a third party and lease it back. Blotter also states that he has not yet assigned his interest in his residence pursuant to the divorce settlement, and, when the transfer takes place, an appropriate amendment will be filed.

5. The Board is of the opinion that the allegations of Central Du Page do not warrant the requested issue. With regard to the former site, Blotter appears to have obtained reasonable assurance from an individual representing that he was an officer in the company that apparently owned the land, that this land would be available for use as a site; and there is no indication that Blotter was aware of the subsequent sale of the site (if in fact it was sold). Whether or not that individual actually had authority to make the commitment or the site is still available need not concern us since Du Page County is no longer specifying that site. In addition, there is no allegation that the representation made in Du Page County's March 1965 amendment, that the site specified therein (the former site) was to be leased was not correct. We agree with Central Du Page that, when Du Page County, in its April 1966 amendment, specified a new site, it should have set forth all of the arrangements for obtaining that site. However, the fact that it ultimately intends to lease the new site, and that even if the site were to be purchased it would have no adverse effect on Du Page County's financial qualifications (see par. 7, infra), persuades us that this dereliction is not so serious as to require further consideration. Finally, Blotter's explanation for the failure to report the terms of the divorce settlement, considered in light of Du Page County's financial proposal, is adequate to rebut any adverse inferences that might otherwise have been raised by this omission.

Feasibility of directional antenna system. 6. Central Du Page alleges that the MEOV's specified by Du Page County are not adequate to insure that the directional antenna system will operate as proposed, and that there are serious doubts as to whether the Du Page County proposal can accomplish the degree of protection to existing stations required by the Commission's rules. Du Page County, in opposition, states the MEOV's specified are realistic and in accord with good engineering practice, and, since it does not propose to exceed its MEOV's, no difficulty is anticipated in adjusting or monitoring its antenna system, and no special monitoring or metering equipment will be required to keep the current ratios and phasing within the limits

[1] The following related pleadings are also before the Board: (a) Opposition of Du Page County, filed Jan. 13, 1967; (b) Broadcast Bureau's comment, filed Jan. 13, 1967; (c) reply of Central Du Page, filed Feb. 13, 1967; and (d) reply to (c), filed Mar. 9, 1967, by Du Page County. Although the Board would not ordinarily consider a response to a reply pleading, Central Du Page's reply raises various new matters, and therefore the pleading in response to the reply will be accepted.

[2] This contention is supported by a letter from an assistant attorney general of the State of Illinois indicating that Du Page County does not presently have any option for property owned by the Illinois State Toll Highway Commission.

[3] Du Page County's application indicates that although Blotter spells his name "Blotter" for business purposes, the legal spelling is "Blatter."

necessary for adjustment of directional antenna pattern. It argues that the specification of MEOV's is a matter of engineering judgment and speculative allegations of inadequacy do not constitute a sufficient basis for enlargement of issues, citing KFOX, Inc. (KFOX), FCC 65R–103, 4 R.R. 2d 869 (1965). Central Du Page replies in its engineering affidavit that the inadequate size of Du Page County's proposed transmitter site would affect the shape of the directional antenna radiation pattern and the MEOV's; that Du Page County overlooks the inherent errors in the metering equipment; and that the difference of 1.7 mv/m between the theoretical value and the MEOV is so small that it is difficult to maintain the proposed restrictive operation without special monitoring or metering equipment. The numerous questions raised concerning the directional antenna system proposed by Du Page County, especially those involving the adequacy of the proposed antenna site and the adverse effects resulting therefrom, in the light of all the pleadings, can be most satisfactorily resolved in the hearing proceeding. Thus, the Board will grant the request and will add the issue as urged by the Broadcast Bureau.

Financial qualifications. 7. Central Du Page contends that Du Page County's apparent lack of the necessary land to construct its proposed antenna, the fact that its proposed site will be purchased instead of leased, and the fact that Blotter's personal financial condition has changed raise questions regarding Du Page County's financial proposal, and warrant the addition of a financial issue. An examination of Du Page County's amended application reveals that it will require $88,212 in order to construct its proposed station and operate it for 1 year; and that it has funds available in the amount of $110,000. Of this amount, Blotter himself is committed for $5,100 in stock subscriptions;[4] Blotter's sister is committed to purchase $4,900 in stock; and three individuals, including Blotter's sister, are committed to lend the corporation a total of $100,000.[5] There is no indication that any of these commitments are dependent upon Blotter's personal financial condition; and, in view of Blotter's limited financial participation in the applicant, we have no reason to suspect that the commitments would hinge on this factor. Thus, even assuming arguendo that Du Page County has underestimated its financial requirement by $10,000 (the amount required to purchase the site), adequate funds appear to be available.[6] The request for a financial issue will therefore be denied.

[4] Blotter submitted a letter from his sister agreeing to lend him $6,000 for this purpose.

[5] Balance sheets from the individuals support their ability to make the loans.

[6] If it develops, under the evidence adduced regarding Du Page County's proposed site, that Du Page County will need to acquire more land, and the additional cost would exceed Du Page County's surplus funds, an appropriate request for a financial issue could be filed. However, we agree with the Broadcast Bureau that it would be premature to specify such an issue at this time.

Accordingly, it is ordered, This 22d day of March 1967, that the petition to enlarge issues, filed November 25, 1966, by Howard L. Enstrom and Stanley G. Enstrom, doing business as Central Du Page County Broadcasting Co., is granted to the extent indicated below and is denied in all other respects; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

To determine what land is available to Du Page County Broadcasting, Inc., for a transmitter site, and whether the land that is available is sufficient to effectuate its proposal.

To determine whether Du Page County Broadcasting, Inc., would be able to maintain its directional antenna system within the maximum expected operating values of radiation as proposed; and

It is further ordered, That the burden of proceeding and the burden of proof under the issues added herein shall be upon Du Page County Broadcasting, Inc.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3656; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 17243-17250; FCC 67M-511]

KITTYHAWK BROADCASTING CORP. ET AL.

Order Continuing Hearing

In re applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, Docket No. 17243, File No. BP-16603; The Gem City Broadcasting Co., Kettering, Ohio, Docket No. 17244, File No. BP-16877; Western Ohio Broadcasting Service, Inc., Eaton, Ohio, Docket No. 17245, File No. BP-16816; Treaty City Radio, Inc., Greenville, Ohio, Docket No. 17246, File No. BP-16881; James L. Schmalz, Phyliss Ann Schmalz, James I. Toy, Jr., and Thomas A. Gallmeyer, doing business as Bloomington Broadcasting Co., Bloomington, Ind., Docket No. 17247, File No. BP-16876; Voice of the Ohio Valley, Inc., Louisville, Ky., Docket No. 17248, File No. BP-16878; W. V. Ramsey and Lewis Young, doing business as Shively Broadcasting Co., Shively, Ky., Docket No. 17249, File No. BP-16738; Albert S. Tedesco (WWCM), Brazil, Ind., Docket No. 17250, File No. BP-16669; for construction permits.

The Hearing Examiner having under consideration the necessity of changing the date for commencement of hearing;

It appearing, that a prehearing conference was held on March 24, 1967, at which time further proceedings were discussed with the result that a change in the date for commencement of hearing was agreed upon;

It is ordered, This 27th day of March 1967, that a further prehearing conference will be held on May 19, 1967, and the date for commencement of hearing is changed from May 15, 1967, to July 6, 1967.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3657; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 17178-17180; FCC 67M-513]

LAWRENCE COUNTY BROADCASTING CORP. ET AL.

Order Regarding Procedural Dates

In re applications of Lawrence County Broadcasting Corp., New Castle, Pa., Docket No. 17178, File No. BP-16602; Brownsville Radio, Inc., Brownsville, Pa., Docket No. 17179, File No. BP-16648; Shawnee Broadcasting Co., Aliquippa, Pa., Docket No. 17180, File No. BP-16880; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on March 24, 1967, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 24th day of March 1967, that:

Preliminary exchange of engineering exhibits is scheduled for May 29, 1967;

Final exchange of engineering and 307(b) exhibits is scheduled for June 6, 1967;

Rebuttal exhibits, if any, are to be exchanged on June 13, 1967;

Notification of witnesses is scheduled for June 15, 1967; and

Hearing presently scheduled for April 26, 1967, is continued to June 27, 1967.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3658; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 17316, 17317; FCC 67-362]

ROVAN TELEVISION, INC., AND ROMAC MACON CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Rovan Television, Inc., Macon, Ga., Docket No. 17316, File No. BPCT-3571; Romac Macon Corp., Macon, Ga., Docket No. 17317, File No. BPCT-3684; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 22d day of March 1967;

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 24, Macon, Ga.

2. With respect to the issues set forth below the following considerations are pertinent:

Based on the information contained in the application of Rovan Television, Inc., cash in the amount of $247,460 will be needed for the construction and first-year operation of the proposed station, consisting of down payment on equipment—$64,500; first-year payments on equipment including interest—$20,640; auxiliary standby facilities—$6,500; building—$10,000; miscellaneous expenses—$16,000; first-year cost of operation—$130,000. To meet the cash requirements, the applicant relies upon the availability of a loan of up to $320,000 from stockholder John Van Drill, a loan of up to $200,000 from stockholder Robert Helft, a loan of $60,000 from La Casa De Moda, Ltd., and estimated first-year revenues of $100,000. The applicant has demonstrated the availability of the $60,000 loan from La Casa De Moda, Ltd. While the applicant has shown that John Van Drill has $205,906 in liquid and current assets in excess of his current liabilities, since $75,950 of his funds have been committed in connection with the construction of Television Broadcast Station WPDT, Channel 15, Florence, S.C., only $129,956 is available to meet his commitment with respect to the construction of the proposed station. Similarly, while the applicant has demonstrated that Robert Helft has $71,476 in liquid and current assets in excess of his current liabilities, since $25,950 of his funds have been committed for the construction of Television Broadcast Station WPDT, only $45,526 is available to meet his commitment in connection with the construction of the proposed station. It should be noted that while Robert Helft relies upon the availability of a $25,000 loan from Robert Marmet in order to meet his commitment to the applicant, it cannot be determined that the loan is available since the financial statement submitted by Robert Marmet in support of his ability to lend the funds does not comply with the requirements of section III, paragraph 4(d), FCC Form 301. Furthermore, while the applicant has submitted information in an effort to support its estimate of revenues, the Commission does not believe that the information submitted does, in fact, demonstrate the soundness of the estimate of revenues as required by the Commission in Ultravision Broadcasting Co., FCC 65-581, 5 RR 2d 343. Accordingly, since the applicant requires cash in the amount of $247,460 and has only shown the availability of $235,482, financial issues have been specified.

3. There appears to be a significant disparity in the proposed Grade B contours of the applications. In accordance with the Commission's policy, evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.[1]

4. The transmitter proposed by Romac Macon Corp. has not been type-accepted by the Commission. Accordingly, in the event of a grant of the application of Romac Macon Corp., the grant shall be made subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type-acceptance of the proposed transmitter in accordance with § 73.640 of the Commission's rules.

5. Romac Macon Corp. proposes to locate its main studios outside of the corporate limits of Macon, Ga., for economic reasons. We believe that good cause has been shown for so locating the main studios and that the location proposed would not be inconsistent with operation of the station in the public interest. We will provide, therefore, that in the event of a grant of the application of Romac Macon Corp., the Commission's consent to the location will be granted, pursuant to § 73.613(b) of the rules.

6. Romac Macon Corp. is qualified to construct, own, and operate the proposed new television broadcast station and, except as indicated by the issues set forth below, Rovan Television, Inc., is qualified to construct, own, and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Rovan Television, Inc., and Romac Macon Corp. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine, with respect to the application of Rovan Television Corp.:

(a) Whether John Van Drill and Robert Helft have liquid and current assets (as defined in sec. III, Par. 4(d), FCC Form 301) in excess of current liabilities in sufficient amounts to meet their respective commitments to the applicant.

(b) Whether the applicant will obtain sufficient revenue to supplement its available funds.

(c) Whether, in the light of the evidence adduced pursuant to the foregoing, Rovan Television Corp. is financially qualified.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of Romac Macon Corp., the applicant's request, pursuant to § 73.613(b) of the Commission's rules to locate its main studios outside the corporate limits of Macon, Ga., shall be granted.

It is further ordered, That, in the event of a grant of the application of Romac Macon Corp., the application shall be granted subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type-acceptance of its proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3659; Filed, Apr. 3, 1967; 8:48 a.m.]

[1] Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

[Docket Nos. 16655, 16656; FCC 67M-508]

JONES T. SUDBURY AND NORTHWEST TENNESSEE BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Jones T. Sudbury, Martin, Tenn., Docket No. 16655, File No. BPH-5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn., Docket No. 16656, File No. BPH-5174; for construction permits.

The Hearing Examiner has under consideration (1) a statement of Northwest Tennessee Broadcasting Co., Inc., filed January 16, 1967; (2) a petition filed January 20, 1967, on behalf of Northwest Tennessee Broadcasting Co., Inc., requesting that the amendment tendered on January 16, 1967, be accepted for filing; (3) an opposition to petition for leave to amend filed January 25, 1967, on behalf of Jones T. Sudbury; (4) a letter dated January 27, 1967, filed on behalf of Northwest Tennessee Broadcasting Co., Inc., commenting on above opposition; and (5) a petition for leave to amend filed March 13, 1967, by Northwest Tennessee Broadcasting Co., Inc.

The Northwest petition for leave to amend filed January 20, 1967, requesting that the amendment tendered on January 16, 1967, be accepted for filing identifies certain business activities of Ben M. Gaines, one of the Northwest principals, which had not been shown in the application. The several pleadings relating to the petition reflecting these business activities were discussed at the further prehearing conference held

March 27, 1967, at which the Hearing Examiner granted the petition for leave to amend without prejudice to the right of counsel for Jones T. Sudbury to develop at the evidentiary hearing facts relating to the delay and the reasons for the delay in amending the Northwest application.

The petition of Northwest for leave to amend filed March 13, 1967, reflects the fact that the principals of Northwest had acquired a building and supply company in McKenzie, Tenn. There are no objections to granting this petition for leave to amend and it will be granted.

Both applicants have requested that the evidentiary hearing in this proceeding be held in abeyance, pending Commission action on the pleading filed March 8, 1967, by Jones T. Sudbury requesting the Commission to institute a rule making proceeding looking toward making a second FM channel available for assignment in the Martin-McKenzie, Tenn., area. At the further prehearing conference on March 27, 1967, it was developed that if a second FM channel does, in fact, become available, the parties will be able to reach an agreement which will make the evidentiary hearing unnecessary.

It is ordered, This the 27th day of March 1967, pursuant to agreements reached at the further prehearing conference held this date, that the two above-identified petitions of Northwest Tennessee Broadcasting Co., Inc., for leave to amend are granted, and the amendment submitted with each petition is accepted;

It is further ordered, That the evidentiary hearing in this proceeding now scheduled to begin on May 22, 1967, is continued to a date to be announced after action has been taken on the presently pending petition for rule making.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3660; Filed, Apr. 3, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ELECTRO-NUCLEONICS, INC.

Order Suspending Trading

MARCH 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Electro-Nucleonics, Inc., Caldwell, N.J., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 29, 1967, through April 7, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3662; Filed, Apr. 3, 1967; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Entry or Withdrawal From Warehouse for Consumption

MARCH 30, 1967.

On March 23, 1967, the Governments of the United States and Portugal, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, replaced the interim agreement between them of December 19, 1966, with a new bilateral agreement concerning exports of cotton textiles from Portugal to the United States.

Under the agreement of March 23, 1967, the Government of Portugal has undertaken to limit its exports to the United States of cotton textiles and cotton textile products for a 4-year period to specified annual amounts. Among the provisions of the agreement are those applying specific export limitations to Categories 1, 2, 3, 4, 5, 6, 9, 22, 24, 25, 26, 41, 42, 43, 46, 50, 51, 52, 53, 55, 60, and parts of 62. The first year of the new agreement begins retroactively on January 1, 1967, and extends through December 31, 1967.

There is published below a letter of March 27, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that effective as soon as possible, the amounts of cotton textiles and cotton textile products in all the aforementioned categories, produced or manufactured in Portugal which may be entered, or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1967, and extending through December 31, 1967, be limited to certain designated levels. The actions taken are not intended to implement all the provisions of the new agreement but are intended only to implement some of those provisions. The terms of the new agreement were published in State Department Press Release No. 64 of March 24, 1967.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

March 27, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DEAR MR. COMMISSIONER: This directive replaces the directive of December 29, 1966, concerning certain cotton textiles and cotton textile products produced or manufactured in Portugal.

Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible and for the 12-month period beginning January 1, 1967, and extending through December 31, 1967, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 22, 24, 25, 26, 41, 42, 43, 46, 50, 51, 52, 53, 55, 60, and parts of 62, produced or manufactured in Portugal, in excess of the following designated levels of restraint:

Category		12-month level of restraint
1	pounds	10,848,000
2	do	852,000
3	do	2,499,000
4	do	171,000
5/6	square yards	[1] 8,517,000
9	do	10,000,000
22	do	1,500,000
24/25	do	[2] 5,500,000
26	do	2,400,000
41/42/43	dozen	90,000
46	do	40,000
50	do	23,000
51	do	23,000
52	do	34,000
53 and parts of 62 (T.S.U.S.A. Nos. 382.0306, 382.0307, 382.0635, and 382.0640)	do	34,000
55	do	23,000
60	do	17,000
Parts of 62 (T.S.U.S.A. Nos. 380.0309, 380.0645, 382.0312, and 382.0665)	pounds	55,600

[1] Of this combined level, not more than 4,770,000 square yards may be in Category 6.

[2] Of this combined level, not more than 2,000,000 square yards may be in Category 25.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 24, 25, 26, 41, 42, 43, 46, 50, 51, 52, 53, 55, 60, and parts of 62 (T.S.U.S.A. Nos. 382.0306, 382.0307, 382.0635, 382.0640, 380.0309, 380.0645, 382.0312 and 382.0665), produced or manufactured in Portugal, which have been exported to the United States from Portugal prior to January 1, 1967, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1966, through December 31, 1966, including the levels for Categories 1-4 exported from Portugal to the United States during the period July 1, 1966, through December 31, 1966, in accordance with the directive of September 9, 1966, as amended by the directive of December 6, 1966. In the event that the above levels of restraint have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter. Cotton textiles in Category 22 produced or manufactured in Portu-

gal and exported to the United States from Portugal prior to January 1, 1967, shall not be subject to the directives set forth in this letter.

In carrying out this directive, entries of two or three piece ladies suits produced or manufactured in Portugal from woven or knit cotton fabrics should not be charged against any of the levels of restraint designated herein, including the level of restraint for blouses in Category 52.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

J. HERBERT HOLLOMAN,
Acting Secretary of Commerce,
Chairman, President's Cabinet
Textile Advisory Committee.

[F.R. Doc. 67-3644; Filed, Apr. 3, 1967; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Middle Atlantic Area); Amdt. 1]

LOAN OFFICER (ECONOMIC DEVELOPMENT)

Delegation of Authority To Conduct Program Activities in Middle Atlantic Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, Delegation of Authority No. 30 (Middle Atlantic Area) 32 F.R. 2677 is hereby amended by adding new item I.C. as follows and relettering items I.C., I.D., I.E., I.F., and I.G. to read I.D., I.E., I.F., I.G., and I.H., respectively:

I. * * *

C. *Loan Officer (Economic Development).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and 40 percent First Mortgage Plan—501 and 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

* * * * *

Effective date: September 1, 1966.

EDWARD N. ROSA,
Area Administrator.

[F.R. Doc. 67-3637; Filed, Apr. 3, 1967; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

KENTUCKY

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated March 27, 1967, reading in part as follows:

I have determined that the damage in various areas of the Commonwealth of Kentucky, adversely affected by severe storms and flooding beginning on or about March 6, 1967, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the Commonwealth of Kentucky to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 27, 1967:

The counties of:

Bell.	Lawrence.
Boyd.	Leslie.
Breathitt	Letcher.
Floyd.	Lewis.
Greenup.	Magoffin.
Harlan.	Martin.
Johnson.	Perry.
Knott.	Pike.
Knox.	Powell.

Dated: March 28, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-3631; Filed, Apr. 3, 1967; 8:46 a.m.]

TRUST TERRITORY OF THE PACIFIC ISLANDS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated March 21, 1967, reading in part as follows:

I have determined that the damage in various areas of the Palau District of the Trust Territory of the Pacific Islands, adversely affected by Typhoon Sally on March 2, 1967, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement Territorial Government and local efforts.

I do hereby determine the following areas in the Trust Territory of the Pacific Islands to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 21, 1967:

The Islands of:

Babelthuap.	Koror.

Dated: March 28, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-3632; Filed, Apr. 3, 1967; 8:46 a.m.]

TARIFF COMMISSION

[Publication 199; APTA-W-7]

CERTAIN WORKERS OF EATON YALE & TOWNE, INC.

Report to Automotive Agreement Adjustment Assistance Board

MARCH 30, 1967.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA-W-7, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains factual information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Detroit, Mich., plant of the Eaton Spring Division, Eaton Yale & Towne, Inc.

Only certain sections of the Commission's report can be made public since much of the information it contains was received in confidence. Publication of such information would result in the disclosure of certain operations of individual firms. The sections of the report that

can be made public are reproduced on the following pages.

Introduction. In accordance with section 302(e) of the Automotive Products Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission has conducted an investigation (APTA–W–7) concerning the possible dislocation of certain workers engaged in the production of automotive flat leaf springs produced at the Detroit, Mich., plant of the Eaton Spring Division of Eaton Yale & Towne, Inc. The Commission instituted the investigation on February 8, 1967, upon receipt of a request for investigation on the same day from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. Public notice of the investigation was given in the FEDERAL REGISTER (32 F.R. 2915) on February 15, 1967. The results of the investigation herein reported are intended to provide a factual record in order to assist the Automotive Agreement Adjustment Board in making the determinations required by section 302 of the Act.

The Automotive Assistance Committee's request for the investigation resulted from a petition for determination of eligibility to apply for adjustment assistance filed with the Assistance Board on February 2, 1967, by the International Union, United Automobile Aerospace & Agricultural Implement Workers of America (U.A.W.), and its Local 368, of Detroit, Mich., on behalf of a group of workers at the Detroit plant of Eaton Spring Division of Eaton Yale & Towne, Inc.

The petition alleged that the transfer of the production of automotive leaf springs from Detroit to a newly established plant in Chatham, Ontario, resulted in the permanent layoff of 166 workers between January 7, and January 21, 1967, and threatens approximately 125 additional permanent layoffs in 1967. The petition further alleged that had it not been for the United States-Canadian Trade Agreement Concerning Automotive Products, signed January 16, 1965, the leaf spring production would have remained in Detroit.

The information reported herein was obtained from Eaton Yale & Towne, Inc., the major motor-vehicle manufacturers in the United States, the International Union, U.A.W., and Local Union 368, U.A.W., the Commission's files, and by field work by members of the Commission's staff. Although the petitioners had originally indicated the desire for a public hearing, they subsequently withdrew their request. No other parties requested a hearing and none was held.

The automotive product involved—leaf springs. Automotive leaf springs are an integral part of the suspension system of many passenger cars, trucks, trailers, buses, and other motor vehicles. (The other major type of spring used in suspension systems is the coil spring which is used to a greater extent than leaf springs in passenger car production.) Leaf springs are composed of from one to many leaves that vary in length and thickness depending largely upon the load carrying capacity of the vehicle on which they are used. The leaves are made from spring steel bar generally containing 0.50 to 0.65 percent carbon, 0.70 to 1 percent manganese and either silicon (about 2 percent) or chromium (about 0.8 percent).

The production of leaf springs is primarily a forging and heat-treating process. The ends of the steel bar are tapered and the bar is bowed slightly. Loops or "eyes" are formed at the ends of the main leaf in which bushings are placed to reduce wear and facilitate movement of the spring about the shackle pin. The leaves are heat-treated to impart resilience and are then assembled into leaf spring units. The forming operations require much handling and the assembly process is done entirely by hand in an assembly line.

Imported leaf springs and leaves for springs suitable for motor-vehicle suspension are provided for under Item No. 652.84 of the Tariff Schedules of the United States and are dutiable at the rate of 8.5 percent ad valorem. The exception to this classification is leaf springs or leaves for springs when imported from Canada for use as original motor-vehicle equipment, in which event they are entered duty free under Item 652.85.

Eaton Yale & Towne, Inc., and its Eaton Spring Division. Eaton Yale & Towne, Inc., with headquarters in Cleveland, Ohio, is a large diversified corporation doing business through more than 50 divisions, subsidiaries, and foreign affiliates. In addition, Eaton Yale & Towne, Inc., has licensed 47 other firms to produce 50 products in 13 countries. Foreign operations of the corporation accounted for about 17 percent of total net sales of $702 million in 1965.

The company was initially incorporated in 1916 in Ohio as the Torbeson Gear and Axle Co.; its name has been changed on several occasions, the most recent of which was on December 31, 1965. Eaton Yale & Towne, Inc., manufactures a wide variety of components used in the production of motor vehicles, machine tools, farm machinery, aircraft, and pleasure boats, and in electrical, material handling, railway, construction, and road-building equipment.

The Eaton Spring Division of Eaton Yale & Towne, Inc., with headquarters in Detroit, Mich., was the employer of the workers herein concerned. This division operates plants in Detroit (passenger car springs) and Lackawanna, N.Y. (truck springs). The only other suspension spring facility of Eaton Yale & Towne, Inc., is the recently formed subsidiary, Eaton Springs, Canada, Ltd., with plant and headquarters in Chatham, Ontario, a city about 70 miles east of Detroit. Although the Lackawanna and Chatham plants produce leaf springs exclusively, the Detroit plant also makes hot-wound coil suspension springs, mechanical springs, and a limited number of spring-related articles.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-3638; Filed, Apr. 3, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 360]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 30, 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 of 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 of 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 protests 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 2401 (Sub-No. 36 TA) (Correction), filed March 10, 1967, published FEDERAL REGISTER, issue of March 18, 1967, and republished as corrected this issue. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Post Office Box 2057, Terre Haute, Ind. 47802. Applicant's representative: J. Max Harding, NSEA Building, third floor, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, sand, gravel, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between St. Louis, Mo., and Omaha, Nebr., from St. Louis over Interstate Highway 70 to Kansas City, thence over Interstate Highway 29 to St. Joseph, Mo., thence over U.S. Highway 71 to Clarinda, Iowa, thence over Iowa Highway 2 to Shenandoah, Iowa, thence over U.S. Highway 59 to junction Iowa Highway 92, thence over Iowa Highway 92 to Council Bluffs, Iowa, thence over city

streets to Omaha, Nebr., and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only; (2) between St. Louis, Mo., and Omaha, Nebr., from St. Louis over Interstate Highway 70 to Kansas City, thence over Interstate Highway 29 to St. Joseph, Mo., thence over U.S. Highway 71 to junction U.S. Highways 71 and 59 (approximately 3 miles northwest of Savannah, Mo.), and thence over U.S. Highway 59 to junction Iowa Highway 92, and thence over Iowa Highway 92 to Council Bluffs, Iowa, thence over city streets to Omaha, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, for 180 days. Supporting shippers: There are approximately 100 supporting statements attached to the application which may be examined here at the Interstate Commerce Commission, Washington, D.C. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204. NOTE: The purpose of this correction is to show that the proposed operations are over *regular routes*, serving *no* intermediate or off-route points.

No. MC 76472 (Sub-No. 6 TA) (Amendment), filed February 28, 1967, published FEDERAL REGISTER, issue of March 10, 1967, and republished, as amended, this issue. Applicant: MATERIAL TRUCKING, INC., 924 South Heald Street, Wilmington, Del. 19801. Applicant's representative: William Salenni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except rock salt and rock salt compounds in bulk), from Wilmington, Del., to points in Caroline, Dorchester, Wicomico, Somerset, Worcester, and Talbot Counties, Md., for 150 days. Supporting shipper: Watkins Salt Co., Watkins Glen, N.Y., V. W. Alling, traffic manager. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801. NOTE: The purpose of this republication is to show that the application has been amended to show that the phrase "in tank vehicles" has been removed from the exception.

No. MC 108207 (Sub-No. 216 TA), filed March 22, 1967. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, General Traffic Manager (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocktail dips*, from Dallas, Tex., to Des Moines, Iowa, Omaha, Nebr., Sioux Falls, S. Dak., Minneapolis, Minn., and Grand Island, Nebr., for 150 days. Supporting shipper: Texas Fine Food Products, Inc., 910 North Lancaster, Dallas, Tex. 75203. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 110981 (Sub-No. 7 TA), filed March 27, 1967. Applicant: ALFRED BERGMAN AND MELVIN BERGMAN, a partnership, doing business as A & A BERGMAN, 7375 Nitz Street, Pigeon, Mich. 48755. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Decatur, Ind., and Fostoria, Ohio, to points in Michigan, bounded by a line beginning at Michigan-Indiana State line and extending north along U.S. Highway 31 to Ludington, thence along U.S. Highway 10 to Bay City, thence along Michigan Highway 25 to Michigan-Ohio line, thence along State line to point of beginning, for 150 days. Supporting shipper: Farm Bureau Services, Inc., 4000 North Grand River Avenue, Post Office Box 960, Lansing, Mich. Send protests to: District Supervisor Gerald J. Davis, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 113828 (Sub-No. 127), filed March 28, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc hydrosulphite solution*, in tank vehicles, from West Norfolk, Va., to Calhoun, Tenn., for 180 days. Supporting shipper: T. C. Barr, Jr., Virginia Chemicals, Inc., West Norfolk, Va. 23703. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, 12th and Constitution Avenue, Washington, D.C. 20423.

No. MC 114533 (Sub-No. 153 TA) (Correction), filed March 8, 1967, published FEDERAL REGISTER, issue of March 16, 1967, and republished as corrected this issue. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Proofs, cuts, copy, prints, photo engravings, and other graphic arts materials*, between Parsons, Kans., on the one hand, and, on the other, St. Louis, Joplin, Clinton, St. Joseph, and Jefferson City, Mo., and (2) *papers used in the processing of data by computing machines, punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports, documents, and office records*, between Salina, Kans., on the one hand, and, on the other, Springfield, Mo., for 180 days. Supporting shippers: The Salina Supply Co., Salina, Kans. 67402, and Sun Engraving Co., Inc., 1818 Broadway, Parsons, Kans. 67357. Send protests to: District Supervisor Charles J. Kudelka, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604. NOTE: The purpose of this correction is to show the proper address to send protests to. Previous notice of filing gave the shipper's name and address, in error.

No. MC 115331 (Sub-No. 224 TA), filed March 27, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in packages, from Burlington, Iowa, to points in Nebraska, South Dakota, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Missouri, and Kansas; *liquid fertilizer materials*, from Clinton, Iowa, to points in Minnesota, Wisconsin, Illinois, Missouri, Nebraska, and Indiana; *nitrogen fertilizer solutions, anhydrous ammonia, nitric acid, ammonium nitrate, and urea*, from Port Neal, Iowa, and Sergeant Bluff, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Illinois, Missouri, and Colorado, for 180 days. Supporting shippers: Chevron Chemical Co. (J. L. Roye), Post Office Box 282, Ortho Way, Fort Madison, Iowa 62627; International Minerals & Chemical Corp. (Paul B. St. Onge), Skokie, Ill.; Terra Chemicals International, Inc. (L. R. Garaghty), Sioux City, Iowa. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 123476 (Sub-No. 6 TA), filed March 27, 1967. Applicant: CURTIS TRANSPORT, INC., Post Office Box 215, Valley Park, Mo. 63088. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials or products*, expanded having a density of 6 pounds or less per cubic foot, with or without panels laminated with aluminum or wood plates, sheets, or slabs attached from the plantsite of Dow Chemical Co. at Pevely, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, and Wisconsin, for 180 days. Supporting shipper: The Dow Chemical Co., Joe G. Thomason, Traffic Manager, Post Office Box Midland, Mich. 48640. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 125479 (Sub-No. 8 TA), filed March 27, 1967. Applicant: JOSEPH A. KORNACKER, doing business as KORNACKER TRUCKING CO., 3015 West 10th Street, Waukegan, Ill. 60085. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from St. Louis, Mo., to Montgomery, Ill.,

for 180 days. Supporting shipper: Magill Beverage Co., Inc., 101 Knell Street, Montgomery, Ill. 60538. Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127253 (Sub-No. 39 TA), filed March 27, 1967. Applicant: R. A. CORBETT TRANSPORT, INC., 111 West Laurel Street, Post Office Box 86, Lufkin, Tex. 75901. Applicant's representative: C. Wade Shemwell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Monroe, La., to points in Arkansas, Mississippi, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Red Barn Chemicals, Inc., Mr. C. D. Owen, traffic coordinator, Post Office Box 1800, Shreveport, La. 71102. 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 128751 (Sub-No. 1), filed March 27, 1967. Applicant: FRED LEE WATSON, doing business as WATSON TRANSPORT COMPANY, 828 Bethsaida Road, Boaz, Ala. 35957. Applicant's representative: Tarter & Wininger, Suite 427, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* in driveaway, towaway service, from Boaz, Ala., to points in Georgia, Florida, Tennessee, Kentucky, Mississippi, Louisiana, and South Carolina, for 180 days. Supporting shipper: Boanza Mobile Homes, Inc., Post Office Box 459, Boaz, Ala. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 128920 TA (Amendment), filed March 9, 1967, published FEDERAL REGISTER, issue of March 17, 1967, and republished as amended this issue. Applicant: LEIGHTON D. CHARLSEN, doing business as CHARLSEN TRUCKING SERVICE, 1030 South Fourth Street, Stillwater, Minn. 55082. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bed and furniture parts, materials, and supplies*, between St. Paul, Bayport, and Stillwater, Minn., and Luck, Wis., for 180 days. Supporting shipper: St. Croix Manufacturing Co., Bayport, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401. NOTE: The purpose of this republication is to show that the application has been amended to show that Stillwater, Minn., has been added.

MOTOR CARRIER OF PASSENGERS

No. MC 128261 (Sub-No. 2), filed March 27, 1967. Applicant: GREATER PORTLAND TRANSPORTATION COMPANY, 117 St. John Street, Portland, Maine 04102. Applicant's representative: Neal Holland, State Street Bank Building, 225 Franklin Street, Boston, Mass. 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip, sightseeing, and pleasure tours, beginning and ending at points in Cumberland County, Maine, and extending to the ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, and Vermont, for 180 days. Supporting shippers: Frances E. Hale, 286 State Street, Portland, Maine; Charles E. Tracy, 633 Congress Street, Portland, Maine; Stephen Lee, 50 Lafayette Street, Portland, Maine; Thomas W. Clemens, Portland, Maine; Mrs. Maude E. Estabrook, 152 Fort Road, South Portland, Maine; Harriette R. Bridge, 50 Lafayette Street, Portland, Maine; Mr. and Mrs. Patrick A. Mulkern, 21 Edgeworth Avenue, Portland, Maine; Mrs. Marjorie Anderson, Portland, Maine; Mrs. Margererita Davis, 155 Clark Street, Portland, Maine; Margaret H. Sickels, 57 Deering Street, Portland, Maine; Mrs. M. E. Cole, 28 Dow Street, Portland, Maine; Mrs. Alice Stearns, 15 Shipley Street, Portland, Maine; Mrs. Agnes H. MacCormack, Portland, Maine; Walter L. Spallholz, president, Greater Portland Chamber of Commerce, 142 Free Street, Portland, Maine; Robert L. Travis, president, Greater Portland Transit District, Portland, Maine; Clifford Tregoy, Room 191, Eastland Hotel, Portland, Maine; Harold K. Benner, 19 Pitt Street, Portland, Maine. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 307, 76 Pearl Street, Portland, Maine 04112.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3671; Filed, Apr. 3, 1967; 8:49 a.m.]

[Notice No. 1499]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 30, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69451. By order of March 27, 1967, the Transfer Board approved the transfer to J. Mitchell Trucking Co., Inc., Kearny, N.J. 07032, of the operating rights of Joseph Mitchell & Son, Inc., Baltimore, Md. 21206, in certificate Nos. MC-32050, and MC-32050 (Sub-No. 1), issued January 8, 1954, and December 13, 1960, respectively, authorizing the transportation, over irregular routes, of live and dressed poultry, barrel staves, seafood, fruit and vegetables, butter, coffee, tea, and spices, theatrical equipment, and bananas, from, to, and between specified points in Connecticut, Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Virginia, varying with the commodities transported. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for transferee. Donald E. Freeman, 172 East Green Street, Westminster, Md. 21157, representative for transferor.

No. MC-FC-69476. By order of March 27, 1967, the Transfer Board approved the transfer to Ellery Truck Service, Inc., Portland, Oreg., of permit No. MC-34883, issued June 25, 1965, to Truck Service, Inc., Lake Oswego, Oreg., authorizing the transportation of: Fresh fruit, from points in Hood River County, Oreg., to Portland, Oreg.; knocked-down fiber boxes, paper, and paper products, from Longview, Wash., and Portland, Oreg., to Salem, Oreg.; fresh fruits, knocked-down fiber boxes, paper, and paper products, between Portland, Oreg., on the one hand, and, on the other, points in Cowlitz and Clark Counties, Wash.; fruits and vegetables, from points in Lewis County, Wash., to Portland, Oreg.; paper, paper products, and paper pulp, between Vancouver, Wash., and Oregon City, Oreg. Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201, attorney for applicants.

No. MC-FC-69480. By order of March 24, 1967, the Transfer Board approved the transfer to Cavallo Bus Lines, Inc., 301 West Osie, Gillespie, Ill., of certificate in No. MC-114749, issued April 16, 1963, to Arthur Carlock, doing business as Carlock Bus Service, 100 West Main Street, Coffeen, Ill., authorizing the transportation of: Passengers and their baggage, in charter operations, from Coffeen, Schram City, and Hillsboro, Ill., to points in Missouri and return to points of origin.

No. MC-FC-69481. By order of March 24, 1967, the Transfer Board approved the transfer to Ace Driveaway System, Inc., North Miami Beach, Fla., of certificate in No. MC-117547 (Sub-No. 11), issued March 29, 1965, to Bell Transportation Co., Inc., New York, N.Y., authorizing the transportation of: Passenger automobiles, in driveaway service, between points in New Jersey and specified parts of New York and Pennsylvania, on the one hand, and, on the other, a specified part of Florida. George

H. Rosen, 265 Broadway, Monticello, N.Y. 12701, attorney for applicants.

No. MC-FC-69494. By order of March 27, 1967, the Transfer Board approved the transfer to Tyson's Transfer, Inc., Wilmington, Del., of the operating rights in certificate No. MC-52952, issued July 25, 1949, to William E. Tyson, Jr., and Kenneth J. Tyson, a partnership, doing business as Tyson's Transfer, Wilmington, Del., authorizing the transportation of household goods, over irregular routes, between points in Delaware, those in Accomac and Northampton Counties, Va., and those in Maryland east of Chesapeake Bay and the Susquehanna River, on the one hand, and, on the other, points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, North Carolina, South Carolina, and the District of Columbia. James P. Collins, 1116 King Street, Wilmington, Del. 19801, attorney for applicants.

No. MC-FC-69496. By order of March 27, 1967, the Transfer Board approved the transfer to O'Brien Transfer, Inc., Mexico, Mo., of the operating rights in certificate No. MC-39392, issued March 5, 1964, to James E. O'Brien, doing business as O'Brien Transfer, Mexico, Mo., authorizing the transportation, over irregular routes, of household goods generally between points in Missouri, Illinois, Iowa, and Kansas; and printing paper from Mexico, Mo., to points in Missouri within 125 miles thereof. Herman W. Huber, 101 East High Street, Jefferson City, Mo., attorney for applicants.

No. MC-FC-69501. Corrected.[1] By order of March 20, 1967, the Transfer Board approved the transfer to Silvey & Co., a corporation, Omaha, Nebr., of the operating rights in certificate No. MC-125951, issued June 3, 1964, to Erickson Refrigerated Transport Corp., a corporation, Omaha, Nebr., authorizing the transportation of: Butter, eggs, dressed poultry, and frozen foods, between specified points in New York, Pennsylvania, Massachusetts, and Iowa. G. Merrill Kartman, 475 Continental Building, Omaha, Nebr., Donald L. Stern, 630 National Bank Building, Omaha, Nebr., attorneys for applicants.

No. MC-FC-69502. By order of March 27, 1967, the Transfer Board approved the transfer to Dixon Bros., Inc., Newcastle, Wyo., of a portion of the operating rights in certificate No. MC-128344, issued October 21, 1966, to Gordon Van Offeren, doing business as Van Offeren Trucking, Upton, Wyo., authorizing the transportation, of lumber, between points in Wyoming, South Dakota, and Nebraska. Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[1] Corrected to include "a corporation" as shown above.

[F.R. Doc. 67-3672; Filed, Apr. 3, 1967; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

	Page
PROCLAMATION:	
3773	5431
EXECUTIVE ORDER:	
11340	5453

5 CFR

	Page
213	5455
511	5455
534	5455

7 CFR

	Page
1	5458
718	5493
862	5458
907	5461
908	5461
910	5494, 5495
912	5462
1421	5462
1427	5462
1481	5462
PROPOSED RULES:	
992	5514
1012	5472
1013	5472

13 CFR

	Page
121	5495
PROPOSED RULES:	
121	5516

14 CFR

	Page
39	5463, 5464, 5496
71	5465, 5497
73	5497
PROPOSED RULES:	
71	5472, 5473
75	5473

21 CFR

	Page
121	5455
191	5456

22 CFR

	Page
126	5456

23 CFR

	Page
255	5498, 5499

25 CFR

	Page
PROPOSED RULES:	
161	5512

26 CFR

	Page
49	5457

29 CFR

	Page
601	5465
602	5465
603	5466
604	5466
606	5466
609	5466
610	5466
611	5466
612	5467
613	5467
614	5467
615	5467
616	5467
619	5467
657	5467
661	5468
670	5468
671	5468
672	5468
673	5468

29 CFR—Continued

	Page
675	5469
677	5469
678	5469
683	5469
687	5469
688	5470
690	5470
699	5470
720	5470
726	5505

32 CFR

	Page
1	5505
2	5506
3	5506
6	5508
7	5508
10	5509
12	5509
15	5510
18	5511
1453	5457
1498	5457

42 CFR

	Page
PROPOSED RULES:	
81	5514

45 CFR

	Page
801	5470

46 CFR

	Page
160	5493
510	5457
513	5503
540	5457
PROPOSED RULES:	
512	5516