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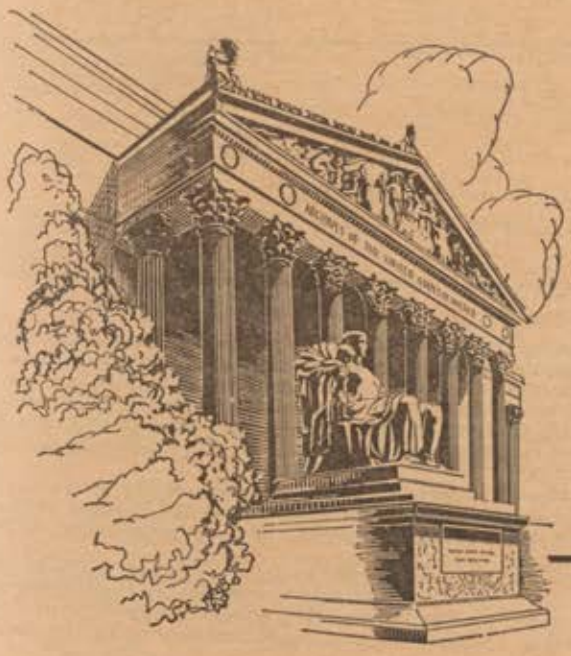

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Title 3—THE PRESIDENT

Proclamation 3786

CITIZENSHIP DAY AND CONSTITUTION WEEK, 1967

By the President of the United States of America

A Proclamation

The signing of the United States Constitution on September 17, 1787, gave this Nation an effective plan of self-government—designed to assure our people equality and justice under law, liberty, and unparalleled opportunity for all.

Today, one hundred and eighty years later, despite the increasing complexities of our world, the Constitution continues to guard fundamental rights.

The preservation of freedom, equality, and justice requires not only an intelligent exercise of our constitutional rights and privileges, but a firm recognition and support of the rights of others.

Our citizens should be ever mindful of the oppressive conditions and injustices which led to the drafting and signing of the Constitution, and of the sufferings and sacrifices which have made it a viable, effective charter of liberty down through the years. Against this background and in the spirit of the Founding Fathers, they must constantly renew and strengthen their devotion and adherence to constitutional precepts.

Our citizens—naturalized or native-born—must also seek to refresh and improve their knowledge of how our government operates under the Constitution and how they can participate in it. Only in this way can they assume the full responsibilities of citizenship and make our government more truly of, by, and for the people.

Aware of the need for a recurrent dedication of all our citizens to the principles and ideals of the Constitution, the Congress enacted the joint resolutions of February 29, 1952 (66 Stat. 9), and August 2, 1956 (70 Stat. 932). The first resolution designated September 17 of each year as Citizenship Day in commemoration of the formation and signing of the Constitution on September 17, 1787, and in recognition of those persons who during the year acquired the status of citizenship either by coming of age or by naturalization. The later resolution requested the President to designate the week beginning September 17 of each year as Constitution Week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, summon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1967; and I urge Federal, State and local officials, as well as all religious, civic, educational, and other organizations, to conduct meaningful ceremonies and observances on that day to inspire all our citizens, especially our youth in whose hands the future rests, to pledge themselves anew to the service of their country and to the support and defense of the Constitution.

I also designate the period beginning September 17 and ending September 23, 1967, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches, and in other suitable places, to the end that our citizens, whether they be naturalized or natural-born, may have a better understanding of the Constitution and of the rights and responsibilities of United States citizenship.

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 24th day of May 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. 67-6070; Filed, May 26, 1967; 2:01 p.m.]

Executive Order 11355

AMENDING EXECUTIVE ORDER NO. 10647 RESPECTING CERTAIN APPOINTMENTS UNDER THE DEFENSE PRODUCTION ACT OF 1950

By virtue of the authority vested in me by the Defense Production Act of 1950 (64 Stat. 798), as amended (50 U.S.C. App. 2061 et seq.), and as President of the United States, it is hereby ordered as follows:

1. The first sentence of subsection 305(a) of Executive Order No. 10647 [1] of November 28, 1955, is amended to read:

"At least once every twelve months the Chairman of the Civil Service Commission shall survey appointments made under section 710(b)(1) of the Act."

2. Paragraph (1) of subsection 305(b) of Executive Order No. 10647 is amended to read:

"A statistical report showing the number of appointments made pursuant to the authority in section 101(a) of this order by each department or agency for the twelve-month period covered, the total number of appointees under that authority serving in advisory or consultative positions, and the number of such appointees who are serving in other than consultative or advisory positions;"

3. Part II of Executive Order No. 10647 is hereby revoked.

Lyndon B. Johnson

THE WHITE HOUSE,
May 26, 1967.

[F.R. Doc. 67-6100; Filed, May 26, 1967; 5:15 p.m.]

[1] 3 CFR, 1954–1958 Comp., p. 282; 20 F.R. 8769.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that 23 positions in the Office of the Assistant Secretary for Economic Development, the Economic Development Administration, and the Office of Regional Economic Development are no longer excepted under Schedule C; and that the position of Special Assistant to the Deputy Assistant Secretary for Economic Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (1), (2), (3), (4), (13), (14), (22) are revoked, subparagraphs (9) and (17) are amended, and subparagraph (26) is added under paragraph (q) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* (1) [Revoked]

(2) [Revoked]

(3) [Revoked]

(4) [Revoked]

* * * * *

(9) One private secretary to the Assistant Secretary for Economic Development.

* * * * *

(13) [Revoked]

(14) [Revoked]

* * * * *

(17) One private secretary to the Program Coordinator.

* * * * *

(22) [Revoked]

* * * * *

(26) One special assistant to the Deputy Assistant Secretary for Economic Development.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-6037; Filed, May 29, 1967; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the positions of the Deputy Assistant Secretaries for Policy Coordination, Economic Development Planning, and Economic Development Operations, the Assistant to the Deputy Assistant Secretary for Policy Coordination, and the Executive Assistant to the Deputy Assistant Secretary for Economic Development Planning are excepted under Schedule C. It is also amended to show that the following positions are no longer excepted under Schedule C: The Deputy Administrator and the Assistant Administrators for Public Works, Program Coordination, Field Coordination, and Program Development and Research, Economic Development Administration; the Director and the Assistant Director for Program Planning, Office of Regional Economic Development; and the Director, Office of Appalachian Assistance, Office of the Secretary. It is also amended to show that the positions of Director, Office of Public Affairs, Director, Office of Congressional Relations, Director, Office of Technical Assistance, and Director, Office of Business Development, are excepted under Schedule C in lieu of the positions of Public Information Officer, Congressional Affairs Adviser, Assistant Administrator for Technical Assistance, and Assistant Administrator for Business Loans, respectively, in the Economic Development Administration. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3314 is amended by revoking subparagraph (33); and paragraph (q) is amended by revoking subparagraphs (5), (11), and (25), amending subparagraphs (19), (20), and (21) and adding subparagraphs (27), (28), (29), (30), and (31) as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(33) [Revoked]

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(5) [Revoked]

* * * * *

(11) [Revoked]

* * * * *

(19) Director, Office of Congressional Relations.

(20) Director, Office of Public Affairs.

(21) One Director, Office of Technical Assistance, and one Director, Office of Business Development, Economic Development Administration.

* * * * *

(25) [Revoked]

* * * * *

(27) One Deputy Assistant Secretary for Policy Coordination.

(28) One Assistant to the Deputy Assistant Secretary for Policy Coordination.

(29) One Deputy Assistant Secretary for Economic Development Planning.

(30) One Executive Assistant to the Deputy Assistant Secretary for Economic Development Planning.

(31) One Deputy Assistant Secretary for Economic Development Operations.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-6038; Filed, May 29, 1967; 8:51 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 7]

PART 101—ADMINISTRATION

Organizational and Functional Statement

Part 101 of Chapter I of Title 13 CFR is amended by revising §§ 101.1 to 101.3 as follows:

§ 101.1 Purpose, function, general organization.

(a) *Purpose.* To aid, counsel, assist, and protect the interests of small business concerns; to insure that a fair proportion of the total Government purchases and contracts for supplies, services, and research and development be placed with small business enterprises; to insure that a fair proportion of the total sales of Government property be made to small business enterprises; to make loans to small business concerns and to victims of floods or other catastrophes; to license and regulate small business investment companies; to make loans to small business investment companies; to make loans to State and local development companies; and to improve the management skills of the owners of small business concerns with direct action programs and through established channels of business relations.

(b) *Functions.* (1) To provide financial counseling and make direct or bank participation loans to small business concerns to finance plant construction, conversion, expansion, or to finance the acquisition of equipment, facilities, machinery, supplies, or materials and to furnish such concerns with working capital if necessary; make loans to corporations formed and capitalized by a group of small business concerns with resources provided by them for the purpose of obtaining for the use of such concerns raw materials, equipment, inventories, supplies, or the benefits of research and development or for estab-

lishing facilities for such purposes; make direct or bank participation loans to aid victims of floods or other natural catastrophes to repair, rebuild or replace their homes, businesses, or other property; make direct or bank participation loans to assist small businesses which have sustained substantial economic injury resulting from a natural disaster; make direct or bank participation loans to assist small businesses displaced by a federally aided urban renewal or highway construction program, or any other construction conducted with funds provided by the Federal Government; make direct or bank participation loans to assist small businesses that have suffered substantial economic injury as a result of their inability to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes; to process, take final action on and service loans for the rehabilitation of business property owners or tenants in urban renewal areas; grant lease guarantees to small firms displaced by federally aided construction or urban renewal projects or those eligible for economic opportunity loans; make direct or bank participation loans on the basis of certifications made by the Secretary of Commerce to assist firms to adjust to changed economic conditions resulting from increased competition from imported articles; and make, participate in, or guarantee economic opportunity loans made under provisions contained in title IV of the Economic Opportunity Act.

(2) To certify to Government procurement officers as to the capacity and credit of a small business concern to perform a specific Government contract; encourage letting of subcontracts by Government prime contractors to small business concerns; participate with other Government agencies in establishing total Government goals for awards to small business; to review procurement procedures, records and contract files of other Government agencies for the purpose of checking the effectiveness of the set-aside program and its administration; consult with other Government agencies in connection with their issuance of orders or in the formulation of policies affecting small business concerns; approve small business defense production pools and research and development pools; enter into Government prime contracts and sublet their performance to small business concerns; inventory productive facilities of small business concerns; consult with Government agencies to insure fair and reasonable treatment for small business concerns; ascertain and coordinate the means whereby the productive capacity of small business concerns can be utilized most effectively; to cosponsor small business management courses and conferences; encourage research into the management problems of small business concerns, prepare leaflets and booklets containing new and pertinent information on management; counsel individual small businessmen, as well as prospective businessmen, on their management problems; conduct workshops for prospective business owners; work with large manufacturers, wholesalers and trade associations for the purpose of encouraging them to initiate or expand improved management development programs for their small customers, suppliers or members; enlist the volunteer aid of retired executives for assisting small businessmen in overcoming their management and related problems; assist small business concerns to obtain Government contracts for research and development, to obtain the benefits of Government-sponsored research and development and to provide technical assistance to small businesses.

(3) To license, regulate, and provide financial assistance to small business investment companies for the purpose of improving and stimulating the national economy and the small business segment thereof. The sole function of such small business investment companies is to provide equity capital, long-term loans, and advisory services to small business concerns. To make loans to State and local development companies for the same general purpose. Proceeds received by State development companies may be used to provide equity capital and long-term loans to small business concerns, or to provide plant facilities for use by small business concerns. Proceeds received by local development companies may be used only to provide plant facilities for use by small business concerns.

(4) To conduct economic and statistical research pertaining to matters materially affecting the competitive strength of small business, and of the effect on small business of Federal laws, programs, and regulations, and makes recommendations to appropriate Federal agencies for the adjustment of such programs and regulations to the need of small business; analyze the economic and social effects of SBA activities and prepare recommendations concerning long-term legislative requirements; maintain liaison with universities, research groups and other bodies that are conducting research and studying economic factors pertaining to small business, and to furnish economic data and statistical information to aid such parties in carrying out these types of studies; and to establish "size standards" to designate what business enterprises shall be designated as small business concerns with respect to: Government procurement, lending, disposal of property, and allocation or distribution of materials or supplies, priority payments under section 213a of the War Claims Act of 1948 as amended, and assistance from licensed small business investment companies and State and local development companies.

(c) *General organization.* (1) Management of the Small Business Administration is vested in an Administrator appointed by the President with the advice and consent of the Senate. The Administrator is authorized to appoint two Associate Administrators under the Small Business Act and one Associate Administrator under the Small Business Investment Act. The Administrator is authorized to appoint a Deputy Administrator who shall be Acting Administrator of the Administration during the absence or disability of the Administrator or in the event of a vacancy in the Office of the Administrator. The Administrator is authorized, subject to the Civil Service and Classification Laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of the Small Business Act and the Small Business Investment Act.

(2) The headquarters office of the Small Business Administration is located at 1441 L Street NW., Washington, D.C. 20416. Further information concerning the activities of SBA can be obtained by calling the Office of Public Inquiry and Analysis, 382-3268.

(d) *Applicable law.* (1) Loans made by SBA are authorized and executed pursuant to Federal programs adopted by Congress to achieve national purposes of the U.S. Government.

(2) Instruments evidencing a loan, obligation of security interest in real or personal property payable to or held by the Administration or the Administrator, such as promissory notes, bonds, guaranty agreements, mortgages, deeds of trust, and other evidences of debt or security shall be construed and enforced in accordance with applicable Federal law.

(3) In order to implement and facilitate these Federal loan programs, the application of local procedures, especially for recordation and notification purposes, may be utilized to the fullest extent feasible and practicable. However, the use of local procedures shall not be deemed or construed to be any waiver by SBA of any Federal immunity from any local control, penalty or liability.

(4) Any person, corporation or organization that applies for and receives any benefit or assistance from SBA, or that offers any assurance or security upon which SBA relies for the granting of such benefit or assistance, shall not be entitled to claim or assert any local immunity to defeat the obligation such party incurred in obtaining or assuring such Federal benefit or assistance.

§ 101.2 Organization of the Washington Office—Administrator.

All offices heading §§ 101.2 to 101.2-7 are located in Washington, D.C., and their heads report directly to the Administrator. The Administrator is responsible to the President and Congress for exercising direction, authority, and control over the Small Business Administration. Determines and approves all policies covering the Agency's programs to aid, counsel, assist, and protect the interests of the nation's small business concerns. He delegates responsibility and authority, except the authority to make or decline pool loans; applied research programs; and defense production pools, as set forth in sections 7(a)(6), 9(d), and 11 of the Small Business Act, to the Deputy Administrator, associate administra-

tors, other Washington office officials reporting directly to him, and the area administrators. He consults with Federal, State and local agencies in behalf of small business interests in the national economy. Reports to the President and Congress on Agency program accomplishments and problems. He directs the execution of authority delegated to the Administrator by the Secretary of Housing and Urban Development with respect to performance of SBA's responsibilities under section 312 of the Housing Act of 1964, as amended. He periodically evaluates the performance, accomplishments, and short- and long-range planning goals of the Washington office officials reporting directly to him, and the area administrators.

(a) *Deputy Administrator.* The Deputy Administrator is appointed by the Administrator to assist him in directing the programs of the Small Business Administration. Acts for the Administrator during his absence or disability. Provides executive leadership, direction, and coordination to the associate administrators, assistant administrators, other Washington office officials reporting directly to the Administrator, and the area administrators in carrying out their program or staff responsibilities. Reconciles policy matters and plans and coordinates Agency participation in the interagency program. Approves selection of SBA representatives to serve on interagency committees, task forces and conferences. Serves as Chairman of the Program Advisory Council and the Size Appeals Board. Directs and supervises administrative work performed by SBA Administrative Secretary and Secretary to the Size Appeals Board in connection with Agency administrative proceedings and size appeals matters.

(b) *Office of Hearing Examiner.* Presides at hearings and examinations conducted in accordance with proceedings of section 11 of the Administrative Procedure Act. These hearings and examinations involve the enforcement of compliance with the provisions of the Small Business Investment Act, policies and regulations issued by SBA under the Act, in addition to compliance matters involving the SBA civil rights program and regulations pursuant to the provisions of the Civil Rights Act of 1964. Also conducts hearings relative to disputes in the administration of SBA contracts. Administers oaths, subpoenas witnesses; takes testimony; rules on the admissibility of evidence, offers of proof and other disputed matters; rules upon motions and procedural requests; and takes all necessary precautions to protect the rights of all parties. Makes decisions based upon the evidence in the record, the arguments and contentions made, and the application of law and regulations to the facts.

(c) *Size Appeals Board.* Reviews size appeals cases and makes recommendations to the Administrator. The board is composed of the Deputy Administrator (Chairman), the Associate Administrators for Procurement and Management Assistance and Financial Assistance, and the Assistant Administrator for Planning, Research and Analysis or his designee. The General Counsel will serve as legal adviser to the board.

(d) *Program Advisory Council.* Reviews and recommends policies and procedures for the development, implementation, and operation of the Planning, Programing, and Budgeting System. Reviews and recommends the program structure and major revisions thereto. Communicates the Administrator's guidance and policies for the development of program objectives and plans. Reviews and insures that proposed program objectives and plans are in consonance with the Administrator's direction. Reviews and recommends approval or revision of program memorandums and multiyear program and financial plans. Reviews and recommends proposals for new programs and alternative courses of action. Reviews and recommends proposals in connection with major analytical studies needed in connection with program evaluation. Members consist of the Deputy Administrator (Chairman), and the associate and assistant administrators. The Director, Office of Program Planning, will serve as Executive Secretary to the council.

(e) *National Small Business Advisory Council.* The National Small Business Advisory Council membership consists of a national representation of outstanding persons, representative of and sympathetic to small business, including persons actively engaged in business, finance, the professions, and Government whose knowledge of and interest in the problems of small business enable them to make a substantial contribution to the activities of the advisory board. All members are selected by the Administrator and serve at his pleasure without compensation. The council meets with and advises the Administrator on the development, execution and evaluation of present or proposed SBA programs. All functions are purely advisory and all determinations of actions to be taken are made solely by the responsible SBA officials. The Administrator appoints the chairman of the council.

(f) *Special Assistant for Advisory Councils.* Develops and recommends policies and procedures for the establishment and operation of the National Small Business Advisory Council and State Advisory Councils. Provides advice and assistance to the Administrator, area administrators, and regional directors in the administration of the advisory councils' programs. Develops sources of candidates for membership, screens candidates, and recommends to the Administrator the selection of members to serve on the advisory councils. Plans, arranges, and participates in the annual meeting of the National Small Business Advisory Council. Participates in meetings of the State Advisory Councils and reviews agenda of meetings and proposed resolutions of the council. Refers resolutions to interested Washington office officials for appropriate consideration and action. Notifies the chairman of the respective council of the Small Business Administration's position on the resolution received. Keeps the Washington office officials informed of the activities of the councils as they relate to their respective functional areas of responsibility.

(g) *Special Assistant for Equal Employment Opportunity.* Administers the agencywide program to promote and insure equal employment opportunity for all qualified persons, without regard to race, creed, color, or national origin, who are employed by or seek employment with the Small Business Administration. Serves as fair employment officer and handles all complaints received from employees or applicants for employment and recommends the solution to the problems involved to the Administrator. Promotes, through universities and other educational institutions, the employment advantages of SBA and encourages students to apply for vacancies. Provides assistance and guidance to the Washington and area offices on all matters regarding the internal equal employment opportunity program.

§ 101.2–1 General Counsel.

Analyzes and interprets legislation, regulations, and orders relating to the operation of the Small Business Administration. Advises the Administrator and other officials as to the legal aspects of the development and execution of policies and programs. Negotiates with Government agencies as to the legal aspects of matters pertaining to responsibilities of SBA and drafts resultant agreements. Develops legal theories incorporated in requests to the Comptroller General or to other Government agencies for decisions in matters of interests to small business. Gives legal counsel and drafts legal instruments for the development of policies, operating procedures and interagency agreements relating to the financial, investment, administrative, technical, and procurement assistance programs. Determines eligibility of applicants for assistance from SBA. Advises with respect to servicing and liquidation of loans and assists and participates with the Department of Justice in litigation arising from delinquent loans, criminal matters, and other SBA program activities. Prosecutes administrative proceedings pursuant to the Small Business Investment Act. Provides legal advice in the formation of defense production pools and research and development pools. Reviews legislative proposals affecting small business and develops recommendations for the Bureau of the Budget and congressional committees; prepares legislative proposals relating to SBA; and develops reports for congressional hearings or the Office of the President. Prepares documents for publication in the FEDERAL REGISTER and is responsible for interpreting the Administrative Procedure Act. Serves as legal adviser to the Size Appeals Board.

(a) *Administrative Operations Staff.* Prepares budget estimates and develops supporting data for offices for which General Counsel is responsible. Cooperates with the Budget Division in budget preparation, presentation and control. Maintains liaison with the Budget Division in connection with budgetary

matters. Coordinates and recommends procedures and other instructions for the administration of legal activities. Cooperates with the Assistant Administrator for Administration and his staff with respect to such activities. Develops and administers the workload and work measurement reporting system for SBA field attorneys. Directs, recommends, coordinates, and controls all administrative directives, procedures and practices relating to the functions and activities of General Counsel. Initiates and conducts studies designed to facilitate staff operations which leads to solution of special problems as they arise. Advises the General Counsel or Deputy General Counsel on all administrative matters, and on all personnel and training matters involving field office legal personnel. Conducts studies and prepares recommendations with respect to manpower utilization, staffing requirements and delegations of authority. Develops reporting procedures to provide appropriate information reflecting staff accomplishments. Coordinates and prepares Planning, Programming and Budgeting System statements, statistics, and reports into formal documents or memorandums for submission to the Administrator, Assistant Administrator for Planning, Research and Analysis, and the Bureau of the Budget. Plans, prepares and coordinates the preparation of reports for the General Counsel. Reviews administrative deficiencies and problems and recommends corrective action. Coordinates followup actions and replies on reports of audit examinations of legal operations. Establishes and directs the maintenance of all files and records for the General Counsel, including the official litigation files of the Agency.

(b) *Office of Loans.* Provides legal counsel to Agency officials in the development of policies and operating procedures relating to business-financial assistance, disaster, and trade adjustment loan programs under section 7 of the Small Business Act, the loan program under title IV of the Economic Opportunity Act and the rehabilitation loan program under section 312 of the Housing Act of 1964, as amended. Advises on legal problems arising in connection with individual loan applications, loan disbursements, and administration of current loans, and determines legal action necessary to protect the Agency's interest in such loans. Renders opinions in interpreting Small Business Act, Economic Opportunity Act Regulations and Loan Policy Statement, especially loan eligibility requirements involving novel and complex situations. Advises field counsels of current eligibility determinations by publication of opinion digests. Analyzes and comments on proposed new loan programs and procedures within existing legislative authority, and also on new legislative lending proposals. Participates in drafting, reviewing, and revising standard SBA loan forms. Participates in drafting, reviewing, and revising of SBA financial assistance directives and publications. Prepares for publication in FEDERAL REGISTER revisions in Loan Policy Statement, official Declarations of Disaster Area and official statements involving group corporation loans. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of personnel for which responsible and assures that the goals and objectives established are met. Reviews and evaluates security information under financial assistance and investment programs. Reviews the professional performance of and maintains liaison with field counsels and their staffs. Maintains liaison with Department of Agriculture, Department of Justice, Department of Housing and Urban Development, and other Government agencies on legal matters relating to the loan programs. Advises in connection with subpoenas to employees and disclosure of information problems involving the business disaster, trade adjustment, economic opportunity, and rehabilitation loan programs.

(c) *Office of Liquidation and Litigation.* Advises operating officials with respect to all legal action necessary in connection with the liquidation and disposal programs of the Agency. Acts as liaison with the Department of Justice and field offices in all civil litigation and criminal matters arising under the liquidation and disposal programs. Prepares cases for submission to the Department of Justice, with recommendations for litigation or prosecution, obtains and evaluates evidence and assists in the trial of cases whenever necessary or requested. Advises the Administrator, operating officials, and field offices with respect to problems involving subpoenas served upon SBA employees and disclosure of information contained in the files and records of the Agency relating to liquidation and disposal of acquired collateral. Advises and assists the Security and Investigations Division, Office of Audits and Investigation, in all matters involving possible criminal activities by borrowers and others and with respect to any improper activity by representatives of borrowers. Prepares and conducts any Agency disbarment proceedings which may be instituted as the result of such misconduct. Participates with the other offices of the General Counsel in consideration of any problems in the above categories which arise in connection with their functions and activities.

(d) *Office of Legislation.* Reviews all legislation or legislative proposals affecting the interests of small business or the operations of SBA. Prepares legislative proposals relating to the interests of small business or to the functions of SBA. Prepares statements and reports for congressional hearings or committees and for the Bureau of the Budget with respect to legislative matters, and prepares answers to all related inquiries. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Prepares SBA summary of the Congressional Record.

(e) *Office of Economic Development.* Plans and directs all legal activities involving legal aspects of 501 and 502 loans, in connection with the administration of title V of the Small Business Act of 1958. Plans and directs legal activities in connection with the processing, servicing, and closing of section 202 loans under the Economic Development Act of 1965, pursuant to delegations of authority from the Department of Commerce to SBA. Provides legal interpretations under said acts, including eligibility and compliance with statutory and regulatory requirements. Develops or modifies basic legal forms employed in the processing, disbursement, and servicing of said loans. Prepares and reviews authorizations employed in the disbursement of said loans. Provides legal advice and services in dealing with officials of Federal and State agencies conducting related programs; to legal representatives of local civic groups in connection with administration of the programs; and in the development and issuance of regulations involved in the administration of said programs. Advises in connection with subpoenas to employees and disclosure of information and problems involving the 501, 502, and EDA loan programs.

(f) *Office of Legal Investment.* Advises operating officials on legal aspects in the development of policies, regulations, and operating instructions relating to Agency programs under the Small Business Investment Act of 1958. Advises and prepares legal documents with respect to the granting of licenses and loans to small business investment companies and the regulation of such companies. Provides legal services pertaining to the administration and enforcement of the Act and regulations. Advises and counsels operating officials as to required legal action to be taken in investigation of and enforcement of the Act and regulations, and as to servicing and collection of debentures purchased from and loans extended to small business investment companies pursuant to the provisions of the Act. Provides legal counsel and advice to staff members of the Associate Administrator for Investment in connection with findings of formal investigations of licensed SBICs under authority of section 310 of the Act. Analyzes evidentiary material obtained through such investigations and determines whether facts are sufficient for commencement of administrative proceedings under sections 309, 313, and 314, of the Act or judicial proceedings under sections 308, 311, and 315 of the Act. Conducts legal research, prepares pleadings, and conducts litigation leading toward revocation of licenses under sections 308 and 309, subpoena enforcement under section 310, injunctions and receivers under section 311, removal or suspension of directors and officers of licensees under section 313, violations of breach of fiduciary duty by officers, directors, employees, or agents of licensees under section 314 of the Act. Conducts all administrative proceeding hearings required to enforce compliance with the provisions of the Investment

Act, and policies and regulations issued by SBA under the Act, including preparation of necessary pleadings. Assists Department of Justice on civil fraud litigation and criminal matters involving small business investment companies. Refers to Department of Justice for appropriate action any evidence indicating criminal violation of the Code of the United States arising out of transactions investigated pursuant to the Act. Advises in connection with subpoenas to employees and disclosure of information problems involving small business investment companies. Advises the Associate Administrator for Investment with respect to improper activities and misconduct of small business investment company representatives in connection with actions taken to suspend or revoke their right to appear as counsel or agent in SBA proceedings. Maintains liaison with Government agencies on legal matters relating to the investment program. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met.

(g) *Office of Procurement, Interagency and Administrative Law.* Is responsible for the legal aspects of policies and procedures relating to the procurement, technical, and management assistance programs of the Agency. Provides legal counsel in connection with the administration of the Agency, including fiscal, personnel, contractual, and other problems of an administrative nature. Serves as liaison with the FEDERAL REGISTER and prepares documents for publication therein. Interprets the Administrative Procedure Act as it applies to the Agency other than for purposes of the Small Business Investment Act of 1958. Is responsible for all functions of the Agency relating to the development and execution of the Agency's advocacy activities. Provides legal counsel to the Agency's Size Appeals Board and legal advice in connection with the administration of the Agency's Small Business Size Standards. Advises in connection with subpoenas to employees and disclosure of information problems involving procurement, procurement assistance, size determination, and administrative programs.

§ 101.2–2 Associate Administrator for Financial Assistance.

Plans, directs, coordinates, and implements the financial assistance programs of the Small Business Administration, including the related activities of liquidation and disposal, and appraisal. Formulates and recommends policies and directs the establishment of agencywide standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with other Government agencies whose activities relate to the financial assistance programs of SBA. Plans and directs the development of short- and long-range goals and objectives. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Washington and area offices. Serves as alternate member of the Size Appeals Board.

(a) *Administrative Operations Staff.* Serves as administrative support to the Associate Administrator for Financial Assistance and the Deputy Associate Administrator in the planning, budgeting, and control of the financial assistance programs for which they have responsibility. Provides statistical support for the Associate Administrator and financial assistance office heads in their reviews of program effectiveness and use in program planning, policy development and program supervision. Coordinates and recommends procedures and other instructions for the administration of the financial assistance activities. Cooperates with the Assistant Administrator for Administration and his staff with respect to such procedures and instructions. Develops requirements for the submission of program, cost reduction and manpower utilization reports. Analyzes deficienices and inadequacies in program reports and proposes corrective actions. Advises the Associate Administrator on all administrative management, personnel and general service matters relating to the financial assistance programs. Coordinates financial assistance activities with respect to mobilization planning. Administers the agencywide work measurement system as it applies to the Small Business Administration's financial assistance program. Coordinates and prepares Planning-Programing-Budgeting System statements, statistics and reports into formal documents or memorandums for submission by the Associate Administrator and Deputy Associate Administrator to the Administrator, Assistant Administrator for Planning, Research and Analysis, and the Bureau of the Budget. Coordinates the development of budget estimates for the financial assistance programs and develops supporting data. Cooperates with the Budget Division in financial assistance budget preparation, presentation, and control. Makes final determinations of loan eligibility on difficult or complex cases which are submitted by field offices. Plans, develops, and coordinates financial assistance training programs in cooperation with program offices and the Office of Personnel. Prepares material and reports for submission to Congress.

(b) *Office of Business Loans.* Formulates and recommends Agency policy governing the business loan programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs governing regular business loans, displaced business loans, economic opportunity assistance loans, lease guarantees, and rehabilitation loans for the Department of Housing and Urban Development, and trade adjustment loans. Develops and recommends financial policy, establishes financial standards and procedures to be used by financial assistance field personnel in the processing and servicing of Certificates of Competency. Participates with the Industrial Support Services Division and the General Counsel in conducting training programs for field personnel in the processing and servicing of Certificates of Competency. Conducts, as required by Washington office officials, financial reviews of complex COC cases including plant visits or followup of delinquent and problem cases. Directs and administers policies and procedures pertinent to the processing of loan applications under the financial assistance program for which the office has responsibility. Directs and administers policies and procedures pertaining to the administration of SBA loans for which the office has responsibility, including problem and delinquent loans. Participates with General Counsel and other SBA offices in developing procedures for administering problem and delinquent loans. Coordinates with private financial institutions to improve the participation and guaranty loan programs, promote better small business bank relations and to develop a market for SBA loans. Maintains liaison with other Government agencies whose activities relate to the business loan programs of SBA. Approves or declines those loan applications, including applications for disaster loans, economic opportunity loans, displaced business loans, lease guarantees, and trade adjustment loans which are submitted to this office. Exercises final authority on all requests from area offices for deviations from established SBA financial assistance procedures. Exercises final authority on all requests from area offices on loans not classified as "in liquidation" regarding purchase of bank's share of participation loan, denial of liability under participation or guarantee agreement, taking legal action against a participant, decline of bank's request for funds under the "liquidity privilege" of a loan guarantee agreement, or acceptance of compromise settlement, except as permitted in the Loan Servicing Directive. Directs the development of short- and long-range objectives and program goals in accordance with agency objectives set forth in the PPBS, contributes to the annual compilations of that report and its quarterly review, evaluates the performance of the personnel for which they are responsible and assures that the goals and objectives established are met. Provides advice and guidance to the area offices with respect to the business loan programs of SBA including training of program personnel. Reviews operations within the areas and makes visits to appraise performance.

(c) *Office of Disaster Loans.* Formulates and recommends Agency policy governing the disaster loan programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs governing physical, major or natural disaster loans, and economic injury loans. Analyzes reports of physical disaster damage from field offices and other sources for the purpose of recommending disaster declarations to the Administrator. Maintains necessary liaison and coordination with Federal, State, and local governments, as well as with private organizations, enlisting their help, support, and cooperation

in providing assistance during times of disaster. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Maintains a cadre of disaster personnel in a constant state of readiness to move to the site of a disaster to establish required special disaster offices.

(d) *Office of Appraisals.* Formulates and recommends Agency policy governing the appraisal program of the Small Business Administration. Plans, coordinates, and evaluates SBA's programs involving appraisals of physical properties representing collateral securing various types of loans, engineering and feasibility determinations of projects, and proposals and surveillance of approved projects, for loan disbursements. Provides advice, guidance, and technical support to the area offices with respect to the appraisal program of SBA. Initiates technical training directives and guides for the appraisal program. Maintains liaison with governmental and nongovernmental agencies whose activities relate to the appraisal program of SBA. Directs the development of short- and long-range national objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Takes necessary action on matters which must come to the Washington office for decision.

(e) *Office of Economic Development.* Formulates and recommends Agency policy governing the economic development programs of the Small Business Administration. Plans, directs, coordinates, and evaluates section 501, State development company, and section 502, development company loan programs excluding the liquidation of such loans. Provides for the administration of financial and technical activities conducted on behalf of the Economic Development Administration under the terms of an agreement between the Secretary of commerce and the Administrator of SBA. Maintains liaison with State and local development companies, the Economic Development Administration and other Government agencies having programs relating to these activities. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Provides advice and guidance to the area offices with respect to the economic development loan programs of SBA and the Economic Development Administration.

(f) *Office of Liquidation and Disposal.* Formulates and recommends Agency policy governing the liquidation and disposal program of the Small Business Administration. Plans, directs, coordinates, and executes the administration of all the Small Business Administration and Economic Development Administration accounts classified as "in liquidation", "charged off", or "acquired property." Maintains liaison with other Government agencies whose activities relate to the liquidation and disposal program of SBA. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Exercises final authority on all requests from area offices on loans classified as "in liquidation" regarding denial of liability under participation or guarantee agreement, takng legal action against a participant or effecting a compromise settlement, except as provided in the Liquidation and Disposal Directive. Exercises final authority on all requests from area offices for deviations from established SBA liquidation and disposal procedures. Provides technical assistance to the area offices. Participates with General Counsel in the preparation of data which is required to be submitted to the Justice Department for litigation. Effects coordination with the Office of Appraisals in matters pertaining to liquidation and disposal activities.

§ 101.2–3 Associate Administrator for Investment.

Plans, directs, coordinates, and administers the Small Business Investment Program. Directs the development of policies, regulations and technical procedures for the supervision of the program. Determines standards for licensing and issues licenses to small business investment companies. Takes final action on all transactions contemplated by the Small Business Investment Act or Regulations. Takes final action on debentures purchased from and direct loans to SBIC's, and determines actions required to protect SBA's credit position in connection therewith. Formulates and recommends to the Administrator changes in policy requiring his approval. Defines courses of action to be followed in cases of noncompliance with the Act or regulations. Orders investigations when indicated and requests appropriate legal action. Reviews investment company assistance operations conducted at the Washington and field level and initiates corrective policies when required. Serves as an alternate member of the Size Appeals Board.

(a) *Staff Director.* Plans and directs the development of regulations, procedures, guidelines, and interpretations for the operation of small business investment companies (SBICs) based on approved policy. Coordinates the preparation of program goals and missions and develops Program Planning and Budgeting System data, including Quarterly Briefing documents for presentation by the Association Administrator for Investment to the Administrator. Directs the preparation of budget estimates for the investment program. Plans and directs the development of accounting requirements and procedures. Reviews the periodic financial reports of SBICs for adherence to accounting requirements and procedures. Plans, develops, and administers the program for financial and statistical analyses. Develops recommendations relating to personnel, directs the maintenance of case files and records for the Investment Company Program and advises the Associate Administrator on all administrative matters relating to the program. Establishes and maintains controls over the flow of reports, documents, and other materials within the Investment Division, between Investment Division and other SBA offices, and with the Licensees. Directs the activities relating to the licensing of SBICs. Consolidates and prepares materials to be incorporated in the Annual Report for submission to the President and Congress. Cooperates with other SBA offices in the preparation and review of legislation. Serves as liaison and focal point of contact with other organizational segments of SBA. Serves as liaison with other Government agencies, financial and industrial organizations, trade associations, and similar groups.

(1) *Office of Licensing.* Plans, administers, and coordinates the program for licensing small business investment companies to operate under the provisions of the Small Business Investment Act of 1958, as amended. Recommends action on proposals and license applications filed under the Small Business Investment Act and Regulations, including the review of security information reports. Develops, recommends, and implements procedures for the licensing of small business investment companies. Provides counseling and interpretation of established regulations to individuals or groups interested in forming SBICs. Answers inquiries and provides information to parties concerning the formation and licensing of SBICs. Reviews and recommends in conjunction with the Office of Investment Company operations the action to be taken for the approval of officers, directors, and 10 percent or more stockholders in connection with actions involving change of control of a Licensee. Also determines that surviving company meets the prescribed licensing standards. Provides technical direction, advice, and information to the SBA field office personnel on the formation and licensing of SBICs. Coordinates the processing of all application documents and arranges interviews or other proceedings for proponents with interested Washington offices engaged in the investment program. Maintains official list of licensed SBICs.

(2) *Office of Program Development.* Develops and recommends policies and regulations in connection with the operations and practices of SBICs. Drafts and reduces to final form all published regulations, interpretations, etc., in coordination with General Counsel. Interprets and provides advice on established policies and regulations for internal use of other offices and officials within SBA. Provides all precedent setting interpretations of existing regulations to Office of Investment Company Operations upon its request. Conducts research studies involving the development of new or revised policies, regulations, and programs in connection with the investment operations. Coordinates such studies with the interested offices and officials in SBA, when these studies cross operational lines. Prepares program goals and missions and develops Planning, Programing and Budgeting System data. Prepares

quarterly briefing documents for presentation by the Associate Administrator to the Administrator. Reviews all legislation, or develops in coordination with the General Counsel, legislative proposals affecting the investment program and recommends appropriate action. Serves as liaison with other Government agencies, financial and industrial organizations, trade associations, and similar groups to keep such organizations informed of the investment program and regulations. Coordinates with the Office of Public Information in the preparation of all informational material to be released to the public on the investment program, including the preparation of speeches for SBA officials. In conjunction with the Office of Administrative Operations, consolidates and prepares all informational materials to be incorporated in the Annual Report for submission to the President and Congress on the investment activities.

(3) *Office of Chief Accountant.* Plans, develops, and administers the program for financial and statistical analyses of the investment company industry. Serves as a focal point of contact with the Office of Assistant Administrator for Planning, Research and Analysis and participates in the implementation of processing Data Bank information involving the investment program. Develops, recommends, and implements accounting requirements and procedures in connection with the systematic reporting of small business investment companies operating under the Investment Act. Conducts a program to acquaint independent public accountants of investment companies with the requirements of SBA as to the accounting, scope of audits and examination of investment companies. Develops, prepares, and consolidates financial and statistical analytical and summary reports on the operations of all license SBIC's for the use of SBA in administering the program and in counseling the management of the SBIC's. Participates with other interested SBA offices in special studies for policy guidance based on accounting reports, financial analyses, and related matters concerning SBIC's. Provides counseling and interpretations of accounting policies and regulations to the Offices of SBIC Operations and other SBA offices. Develops and establishes procedures and instructions to SBIC's for reporting program evaluation data on portfolio small business concerns. Develops and prepares analytical and summary reports on the progress of SBIC-financed small business concerns from data furnished on SBIC program evaluation reports. Initiates, develops, and recommends accounting, reporting, and independent auditing regulations and procedures involving SBIC's. Controls the receipt and distribution of all financial and program evaluation reports received from SBIC's.

(4) *Office of Administrative Operations.* Prepares budget estimates and develops supporting data. Cooperates with the Budget Division in budget preparation, presentation, and control. Participates with the Assistant Administrator for Administration and his staff in matters relating to personnel, fiscal, administrative, and management analysis activities. Directs, recommends, coordinates, and controls all administrative directives, procedures, and practices relating to the functions and activities of the investment program. Initiates and conducts studies designed to facilitate staff operations and leading to solution of special problems as they arise. Advises the Associate Administrator and his key staff on all administrative, personnel, and training matters. Conducts studies and prepares recommendations with respect to manpower utilization, staffing requirements, and delegation of authority. Coordinates followup action and replies on reports of audit examination of the investment program. Coordinates activities with respect to SBA mobilization planning program as they affect the investment program. Establishes and directs the maintenance of case files and records for the investment company program.

(b) *Investment Company Operations.* Provides operational assistance and service to the SBICs operating in the assigned geographical area. Processes all requests and applications submitted by SBICs for prior SBA approval of transactions requiring such approval under the regulations. Takes or recommends final action on requests to purchase subordinated debentures issued by SBICs and loans or guarantees to such companies. Conducts the analyses of all financial statements, examination, and investigation reports covering the operations and practices of the individual SBICs. Determines the financial stability and reliability of the companies, and compliance with the Small Business Investment Act and regulations. Based on these analyses and examinations, or investigations, takes or recommends action to assure compliance with the SBI Act and regulations. Recommends referral to the Office of Audits and Investigations or the General Counsel all cases where evidence tends to establish violation of the SBI Act and regulations. Counsels licensees as to interpretations of the SBI Act and regulations, within policies established by SBA, relative to: SBA financing SBICs; financing of small business concerns by SBICs; transactions requiring prior SBA approval; accounting reports and regulations (this is in accord with established accounting procedures and policies); and any other transactions subject to the regulations. Takes or recommends final action on requests received from SBICs for approval of changes in control, changes in capital structure, mergers, dissolutions, and surrenders of licenses. Establishes adequate reserves for losses in connection with outstanding loans and debentures of operating licenses. Provides documentation and testimony in administrative proceedings and court cases. Examines all proxy material and prospectuses of SBICs filed with SEC, for consistency with the SBI Act and the regulations. Recommends changes in the SBI Act, regulations, forms, and procedures.

§ 101.2–4 Associate Administrator for Procurement and Management Assistance.

Plans, directs, coordinates, and implements the procurement and management assistance programs of the Small Business Administration. Formulates and recommends policies and directs the establishment of agencywide standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with other Government agencies whose activities relate to the procurement and management assistance programs of SBA. Plans and directs the development of short- and long-range goals and objectives for agencywide PMA programs and activities. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Washington and area offices. Serves as member on the Size Appeals Board.

(a) *Administrative Operations Staff.* Provides administrative support to the Associate Administrator for Procurement and Management Assistance and the Deputy Associate Administrator in the planning, budgeting, and control of the procurement and management assistance programs for which they have responsibility. Provides statistical support for the Associate Administrator and procurement and management assistance office heads in their reviews of program effectiveness and use in program planning, policy development, and program supervision. Coordinates and recommends procedures and other instructions for the administration of the procurement and management assistance activities. Cooperates with the Assistant Administrator for Administration and his staff with respect to such activities. Develops requirements for program reporting, cost reduction, and manpower utilization. Analyzes deficiencies and inadequacies in program reports and proposes corrective actions. Advises the Associate Administrator on all administrative management, personnel, and general services matters relating to the procurement and management assistance activities with respect to mobilization planning. Coordinates and prepares the Planning, Programing, and Budgeting System statements, statistics, and reports into formal documents or memorandums for submission by the Associate Administrator for Procurement and Management Assistance and Deputy Associate Administrator for Procurement and Management Assistance to the Assistant Administrator for Planning, Research and Analysis and the Bureau of the Budget. Coordinates the development of budget estimates for the procurement and management assistance programs and develops supporting data. Cooperates with the Budget Division, Office of Budget and Finance, in budget preparation, presentation, and

control. Prepares material and reports for Congress.

(b) *Size Standards Staff.* Conducts industrial studies and develops size definitions for financial assistance, procurement and management assistance, and investment programs. Recommends and promulgates size standards including establishment of procedures in connection with the size standards program. Processes inquiries received from various companies, Members of Congress, and other outside sources requesting interpretations or other information on the Small Business Administration size standards or regulations in concert with the General Counsel's office. Conducts industrial hearings on size matters, which are attended by representatives of the program areas concerned and a representative from the General Counsel's office. Processes all inquiries received from the field offices on size matters.

(c) *Office of Procurement Assistance.* Formulates and recommends Agency policy governing the procurement assistance programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs governing contract services, industrial support services, and subcontracting assistance. Represents SBA at the Secretary or Administrator's staff level of the Department of Defense and civilian agencies within the Executive Branch regarding matters involving procurement and management assistance activities. Recommends and participates in the development and preparation of interagency agreements and related policies and regulations. Participates with these agencies in the development, modification, or changes in policies, procedures, and directives to assure overall consistency with SBA policies and procedures. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Develops and coordinates, in conjunction with the Assistant Administrator for Planning, Research and Analysis, procedures for making economic studies to be utilized in strengthening the SBA procurement assistance programs. Provides liaison staff services for SBA to Department of Defense and civilian agencies. Maintains liaison with other Government agencies whose activities relate to the procurement assistance programs of SBA. Provides advice and guidance to the area offices with respect to the procurement assistance programs of SBA.

(d) *Office of Management Assistance.* Formulates and recommends Agency policy governing the management assistance programs of the Small Business Administration. Plans, directs, coordinates, and executes the SBA programs governing business management development and business services. Administers overall responsibility for development and implementation of management training programs under title IV of the Economic Opportunity Act and directs the management assistance program in connection with the War on Poverty. Maintains liaison with other Government agencies whose activities relate to the management assistance programs of SBA. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Provides advice and guidance to the area offices with respect to the management assistance programs to SBA.

§ 101.2–5 Assistant Administrator for Administration.

Plans, directs, coordinates, and implements all budget and finance, data services, organization and management, personnel, administrative services management programs, and reports system of the Small Business Administration. Plans, directs, and coordinates the Agency program planning system, integration of planning, programing, and budgeting activities and the evaluation of program plans and activities. Provides for analytical services to permit objective evaluation of Agency goals in meeting the needs of the small business sector of the Nation. Establishes formal liaison with other agencies such as Economic Development Administration, Office of Economic Opportunity, and Department of Housing and Urban Development, for coordinating the compilation of data essential to joint studies of mutual benefit. Directs, coordinates, and administers the Agency's financial and management reporting, audit, investigatory, security, civil rights compliance, and defense mobilization activities. Formulates and recommends policies and directs the establishment of standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with the Bureau of the Budget, Congressional Appropriations Committees, General Accounting Office, Treasury Department, Civil Service Commission, and other agencies on matters relating to the administrative programs and activities. Plans and directs the development of short- and long-range goals and objectives for all the Agency's administrative activities. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Washington and area offices. Directs the conduct of agencywide cost reduction and management improvement programs, including systems, procedural, and manpower utilization surveys and studies. Serves as Civil Rights Coordinator of the SBA.

(a) *Equal Opportunity Staff.* Plans, directs, and coordinates the compliance program of the Small Business Administration in accordance with the applicable provisions of title VI of the Civil Rights Act. Develops and implements plans, procedures and instructions designed to assure that SBA's civil rights activities involving compliance and field reviews are carried out by the Washington and field offices within their respective program activities. Provides advice and assistance to the area office personnel engaged in this program and Washington office officials responsible for implementing the program. Prepares and evaluates regular and special reports on compliance activities of the Agency and refers to the Office of Audits and Investigations all complaints of discriminations or matters which indicate evidence of discrimination on the part of applicants, recipients, and subrecipients of SBA's assistance programs. Encourages equal opportunity climate on an agencywide basis through appropriate publications, conferences and training sessions. Serves as liaison with other Federal and non-Federal agencies on matters relating to the civil rights compliance program. Encourages minority group knowledge and use of SBA programs. Reviews and evaluates the results of the equal opportunity program as carried out by the Washington and field offices.

(b) *Administrative Operations Staff.* Serves as administrative support for all staff offices under the jurisdiction of the Assistant Administrator for Administration. Provides direct service and assistance to operating offices on all personnel matters including recruitment, training, reassignments, related records, and control of personnel authorizations and ceilings. Maintains funds control on travel and other administrative expenses allotted for operations of the Assistant Administrator for Administration. Coordinates and serves as focal point for administrative services activities including space requirements, office services, local purchases, and related functions. Prepares and coordinates such administrative reports as may be required by the Assistant Administrator for Administration in connection with the functional responsibilities assigned. Maintains controls on requests for travel authorization requiring approval of the Assistant Administrator for Administration.

(c) *Office of Budget and Finance.* Plans, directs, coordinates, and executes all budget, accounting, and fiscal activities of the Small Business Administration. Maintains liaison with the Bureau of the Budget, General Accounting Office, Treasury Department, staffs of Congressional Committees, and other Federal agencies on budgetary, accounting, and fiscal matters. Directs the development and administration of systems for the accountability of all funds, property, and other assets for which the Agency is responsible. Directs the establishment and implementation of procedures and control systems involving the collection, deposit, and disbursement of funds, including the preparation of financial information and data, and certain statistical data covering the operational programs of the Agency. Provides advice and assistance to the Washington and area offices on all matters involving the budget, accounting, and fiscal activities. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the objectives and goals established are met.

(d) *Office of Personnel.* Develops policies and establishes standards and procedures governing the personnel program throughout the Agency. Plans and conducts the Washington office personnel program including recruitment, selection, placement, classification, promotion, separation, pay and wage administration, training and career development, incentive awards, and safety. Provides technical guidance and assistance to Washington and area offices regarding the interpretation and application of regulations and procedures pertaining to the personnel program. Reviews, processes, and controls all field office personnel actions requiring Washington office approval and reviews all personnel actions requiring the Administrator's concurrence or approval. Maintains liaison with the Civil Service Commission in matters relating to the development, interpretation, and application of personnel regulations and procedures. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Plans and conducts inspections and evaluations of field office personnel management programs and operations. Plans, develops, and operates orientation programs for new employees and visitors to the Washington office. Coordinates and administers the Washington office fund drives.

(e) *Office of Audits and Investigations.* Plans, directs, coordinates, and executes the agencywide audit, small business investment company examination, security, and investigations activities. Develops policies and establishes standards, procedures, and instructions governing the programs and related activities for which responsible. Schedules and maintains control over all audits, examinations, and investigations conducted. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Provides supervision over the auditors and examiners stationed in the field offices and instructs them in their activities. Maintains liaison with the General Accounting Office, Federal Bureau of Investigation, Civil Service Commission, other Federal agencies, and local enforcement authorities on all matters involving the programs and related activities for which responsible. Renders advice and counsel to Washington and field office officials on all matters pertaining to the programs and activities of the office. Serves as the focal point in coordinating GAO audit reports covering the Agency's operations and activities. Prepares replies and reports for submission to GAO on the position taken or actions required to correct audit deficiencies contained in the GAO reports.

(f) *Office of Data Services.* Develops and recommends Agency policy governing the provision and management of data processing services within the Small Business Administration. Coordinates with program and staff offices in the planning, development and conduct of systems or analytical studies of the application of data processing techniques to automate new, or modify for automation, existing programs. Develops and prepares for installation and utilization of systems for the collection, compilation, and reporting of information through the use of ADP. Maintains contact with all management units and all offices using ADP systems to coordinate activities for improving the effective utilization of ADP equipment. Administers programs in coordination with the Office of Administrative Services for the acquisition, installation, and operation of data processing equipment and related peripheral equipment. Conducts computerized studies and prepares supporting justification for the Bureau of the Budget and other external and internal authorities, as required. Negotiates, through the Office of Administrative Services, with manufacturers concerning acquisition of general purpose data processing equipment. Maintains close cooperative contact with other Federal agencies and ADP equipment manufacturers on advanced technology for utilization, capacity and maintenance of ADP systems and equipment. Cooperates in the establishment of work standards, schedules, and operations objectives for ADP utilization. Evaluates performance of the staff engaged in ADP operations. Recommends plans and arranges for the training of employees in systems procedures, programing, and operations involving the use of ADP and peripheral equipment.

(g) *Office of Administrative Services.* Develops policies and establishes standards and procedures governing administrative service operations throughout the Agency. Procures and controls equipment, supplies, and printing, and conducts procurement negotiations for items and services required. Plans and provides for communications and related services. Plans and directs the SBA records management program including the maintenance of a central records system and service. Plans and directs the SBA's relocation activities relating to establishment and evaluation of relocation sites and communications network. Develops, directs, and controls the vital material program to assure protection of the Agency's vital records. Directs the Agency's central mail, messenger, reproduction, distribution, and graphic arts services. Plans, directs, and provides technical guidance to all offices on the utilization and acquisition of space. Operates a departmental reproduction plant. Serves as liaison with other Federal and non-Federal agencies on matters relating to the functions of the division. Directs and coordinates the Washington office reference library activities. Reviews, analyzes, and evaluates the performance of the division and field offices and takes appropriate action to implement improved methods of operation as they relate to administrative services. Formulates short- and long-range administrative goals. Conducts and negotiates all administrative contracting functions of the Agency. Negotiates with the General Services Administration on acquisition and utilization of space.

(i) *SBA Reference Library.* Develops and maintains a technical library for the SBA Washington office and provides advice to SBA field offices in the establishment of libraries in those offices. Receives requests for the purchase of books, periodicals, and other publications from Washington SBA offices.

(h) *Office of Organization and Management.* Develops policies and establishes guidelines for the analysis and improvement of management, organization, systems, procedures, and methods within the Small Business Administration. Develops, plans, and conducts organizational and management studies as requested by the Administrator or top management officials. Proposes such studies which will improve the effectiveness of manpower utilization of the Agency's activities or operations. Plans, directs, coordinates and administers the cost reduction and management improvement programs of the Agency, including the manpower improvement program. Directs the preparation of such reports for submission to the Bureau of the Budget and Congressional Committees. Participates in management studies and surveys with representatives of other agencies and/or SBA offices and prepares analyses, reports, and supporting data as it affects operations of the Assistant Administrator for Administration. Develops, coordinates, and evaluates a comprehensive directive system for SBA. Evaluates continuing instructions for compliance with the directive system. Develops and maintains an organization plan which describes the structure and functions of the organizational units and the location and geographical responsibilities of the field offices. Develops and applies new or modified techniques in the solution of management problems relative to SBA's programs and operations to provide greater efficiency, eliminate duplication of effort, and effect monetary savings. Plans, coordinates, and administers SBA's functions under the defense mobilization program. Performs research in the field of management to assimilate and apply new or modified approaches in the solution of management problems relative to the Agency's programs and operations. Prepares Planning, Programing, Budgeting System statements, statistics and reports for submission to the Assistant Administrator for Administration for development into short- and long-term goals and objectives. Develops, prepares, and manages the delegation of authority system for the Washington office and area administrators. Develops, administers, and evaluates a comprehensive forms control system, covering all forms prescribed or used by SBA.

(i) *Office of Program Planning.* Develops and maintains the program planning system and insures the proper integration of planning, programing, and budgeting activities of the Agency. Coordinates analyses and evaluation of the inputs to the program planning system,

and develops inputs to the Program Memoranda. Coordinates and maintains long-range program plans on current basis. Develops the systems and procedures to reflect the status of achievement of the annual operating schedules, and coordinates their subsequent impact on long-range program plans.

(j) *Office of Analytical Services.* Coordinates and implements data storage and retrieval systems which will permit objective evaluations of Agency goals and program performance. Develops and applies appropriate statistical and operations research techniques to increase the probability of pursuing programs and goals in the most efficient manner. Participates with program managers in preparing data for specific analytical studies. Develops forecasting and resource allocation models as appropriate for program area needs. Establishes formal liaison with other Government and private agencies to coordinate the compilation of data essential to joint studies of mutual benefit, including, but not limited to, the Economic Development Administration, Office of Economic Opportunity, and the Department of Housing and Urban Development.

(k) *Office of Reports.* Recommends policy, establishes procedures, and administers the SBA reports system. Cooperates in the development and evaluation of systems design to gather and retrieve Agency financial and management information. Obtains and maintains on a current basis data which will provide management with a comprehensive appraisal of fiscal and management activities and the performance of such activities against established goals. Receives and reviews all report requests with a few exceptions such as PPBS, submissions for cost reduction and management reports, emergency preparedness reports, and other reports as cited in the reports directive. Obtains such information when not available within this office and furnishes to the requesting unit. Correlates information to facilitate the overview of Agency activities by the Administrator and other officials at the associate administrator level. Provides reports periodically to assist Agency managers in carrying out their responsibilities and functions. Analyzes Agency financial and management data and cooperates in developing criteria so that facts and trends are available to management at all levels on a management by exception basis. Maintains liaison with the Bureau of the Budget and other Federal agencies concerning SBA reporting matters.

§ 101.2–6 Assistant Administrator for Congressional and Public Affairs.

Develops, coordinates, and directs the public information, congressional relations, and public inquiry and analysis programs of the Small Business Administration. Provides advice and counsel to the Administrator, Associate Administrators and other Agency officials on the public and congressional relations aspects of their functions. Gives guidance and assistance to the field offices where public and congressional interests are involved in the activities at the local areas. Reviews and evaluates the results of the public information, congressional relations and public inquiry and analysis programs of the Agency. Develops and prepares speeches for the Administrator and key officials of the Agency.

(a) *Office of Public Information.* Directs the preparation and issuance of current releases, background statements, pamphlets, and other informational materials to the public and to small business. Maintains contact with newspapers, business press, trade associations, chambers of commerce, and similar groups, for release of information regarding the policies and programs of the Agency. Acts for the Agency in the development and preparation of public statements and special reports. Directs a program for providing adequate public informational material to meet the needs, as they arise, at the local and regional level to further the programs and policies of the Agency. Obtains, assembles and coordinates the information to be included in the Agency's Annual Report to the President and Congress, including the preparation of the final report. Responsible for final design and editing of all Agency publications. Coordinates the Small Business Administration participation in seminars and association meetings. Produces audiovisual materials relating to Agency programs, including films, tapes, slides, and displays for both promotional and educational purposes.

(b) *Office of Congressional Relations.* Serves as liaison with Members of Congress, Congressional Committees, commissions, organizations, and agencies dealing with legislative matters. Processes and coordinates with Office of Public Inquiry and Analysis and other SBA offices concerned, oral inquiries and responses to Members of Congress or Congressional Committees and the Executive Offices of the President. Obtains, assembles, prepares, and coordinates information and data requested by Members of Congress or Congressional Committees on the SBA programs, legislative proposals, and other matters concerning the activities of the Agency. Keeps the Administrator and top officials of the Agency informed of the activities of Congressional Committees as they relate to the programs and activities of SBA. Interprets for Members of Congress the Agency's policies, programs, practices, and objectives. Works with other Federal agencies on matters of mutual interest.

(c) *Office of Public Inquiry and Analysis.* Receives, controls, and analyzes all incoming priority correspondence (Congressional, White House, and other important correspondence). Prepares all interim and final replies based on technical information furnished by the Washington and field offices, except those of a highly technical nature, such as budgetary reports, legislative proposals, legal opinion, etc. Obtains proper clearance from Washington offices concerned and transmits final replies for Administrator's signature. Analyzes on a continuing basis priority correspondence responses prepared by field offices. Recommends corrections or modifications as required. Coordinates release of technical information with other offices under the Assistant Administrator for Congressional and Public Affairs.

§ 101.2–7 Assistant Administrator for Planning, Research and Analysis.

Conducts planning studies and evaluations of the economic environment and relates the forecasted environment to the needs and problems of the small business community. Conducts analyses and special studies of Agency activities to provide the Administrator with alternative courses of action in the decision-making process. Develops program memorandums in conformance with the program structure of the Agency. Provides in-house research capability and identifies and formulates research projects to be pursued under contract and monitors such contracts as are approved by the Administrator. Initiates, with the approval of the Administrator, and participates in interagency studies dealing with the critical aspects of the economy and public policy affecting small business. Initiates studies and develops procedures to provide an historical and current statistical description of the small business sector to provide, in a timely manner, data for policy and program formulation. Provides the Administrator and program managers with economic counsel on the problems of small business and the programs of the Agency. Serves as a member on the Program Advisory Council and the Size Appeals Board.

§ 101.3 Field Offices.

(a) *Area Office.* An SBA office, headed by an area administrator, responsible and accountable to the Administrator, SBA. Such an office is responsible for area planning and establishing goals and program objectives for the regional offices based on local conditions and economic trends affecting small business within the area. This office also is responsible for the administration and execution of operations involving certain specialized programs. Evaluates the accomplishments of the regional offices to determine their effectiveness and compliance with established goals and objectives.

(b) *Regional Office.* An SBA office, headed by a regional director, responsible and accountable to an area administrator. Such an office is responsible for carrying out the Agency's program and administrative operations in a prescribed geographical area. Provides supervision, guidance and assistance to branch offices under their jurisdiction in carrying out assigned program and administrative operations.

(c) *Branch Office.* An SBA office, headed by a branch manager, responsible and accountable to a regional director. Such an office carries out the financial assistance program and, when assigned, additional SBA programs and related administrative functions within a specific portion of the geographical area of its parent regional office. Such offices also include temporary facilities established to deal with a catastrophe or disaster, or a special lending operation.

§ 101.3–1 Listing of Field Offices.

(a) *Northeastern Area.* Area Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203, having jurisdiction over the following regional offices:

(1) 40 Western Avenue, Augusta, Maine 04330. Serving Maine.
(2) John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203. Serving Massachusetts.
(3) 18 School Street, Concord, N.H. 03301. Serving New Hampshire.
(4) 450 Main Street, Hartford, Conn. 06103. Serving Connecticut.
(5) 87 State Street, Montpelier, Vt. 05601. Serving Vermont.
(6) 57 Eddy Street, Providence, R.I. 02903. Serving Rhode Island.

(b) *New York Area.* Area Office, 61 Broadway, New York, N.Y. 10006, having jurisdiction over the following regional and branch offices:

(1) 10 Commerce Court, Newark, N.J. 07102. Serving New Jersey.
(2) 42 Broadway, New York, N.Y. 10004. Serving New York counties of Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester.
(3) Hunter Plaza, Fayette and Salina Streets, Syracuse, N.Y. 13202. Serving New York counties of Broome, Cayuga, Chemung, Chenango, Clinton, Cortland, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Oneida, Onondaga, Ontario, Oswego, Otsego, Schuyler, Seneca, St. Lawrence, Steuben, Tioga, Tompkins, Wayne, and Yates.
(4) 121 Ellicott Street, [1] Buffalo, N.Y. 14203. Serving New York counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming.
(5) Post Office Box 1915, 255 Ponce de Leon Avenue, Hato Rey, P.R. 00919. Serving the Commonwealth of Puerto Rico.
(6) Post Office Box 806, 22 Crystal Gade, [1] St. Thomas, V.I. 00802. Serving the U.S. Virgin Islands.

(c) *Middle Atlantic Area.* Area Office, 1 Decker Square, East Lobby, Bala Cynwyd, Pa. 19004, having jurisdiction over the following regional and branch offices:

(1) Fayette and St. Paul Streets, Baltimore, Md. 21202. Serving Maryland, except the counties of Montgomery and Prince Georges.
(2) 119 North Third Street, Clarksburg, W. Va. 26301. Serving West Virginia counties of Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, and Wood.
(3) 500 Quarrier Street,[1] Charleston, W. Va. 25301. Serving West Virginia counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, and Wyoming.
(4) 1370 Ontario Street, Cleveland, Ohio 44113. Serving Ohio counties of Allen, Ashland, Ashtabula, Auglaize, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Geauga, Hancock, Hardin, Henry, Holmes, Huron, Lake, Lorain, Mahoning, Morrow, Marion, Medina, Mercer, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Wood, and Wyandot.
(5) 234 Summit Street, [1] Toledo, Ohio 43602. Serving Ohio counties of Fulton, Lucas and Williams.
(6) 50 West Gay Street, Columbus, Ohio 43215. Serving Ohio counties of Adams, Athens, Belmont, Brown, Carroll, Champaign, Clark, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Harrison, Highland, Hocking, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawa, Union, Vinton, and Washington.
(7) 4515 Federal Building,[1] Cincinnati, Ohio 45202. Serving Ohio counties of Butler, Clermont, Hamilton, and Warren.
(8) Fourth and Broadway, Louisville, Ky. 40202. Serving Kentucky.
(9) 1015 Chestnut Street, Philadelphia, Pa. 19107. Serving Pennsylvania counties of Adams, Berks, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, Wyoming, Tioga, and York.
(10) 21 the Green, [1] Dover, Delaware 19901. Serving Delaware.
(11) 1000 Liberty Avenue, Pittsburgh, Pa. 15222. Serving Pennsylvania counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.
(12) Post Office Box 8565, 1904 Byrd Avenue, Richmond, Va. 23226. Serving Virginia, except the counties of Arlington, Fairfax, and Loudoun.
(13) 1321 H Street NW., Washington, D.C. 20417. Serving the District of Columbia; Maryland counties of Montgomery and Prince Georges and Virginia counties of Arlington, Fairfax, and Loudoun.

(d) *Southeastern Area.* Area Office, 1401 Peachtree Street NE., Atlanta, Ga. 30309, having jurisdiction over the following regional and branch offices.

(1) 52 Fairlie Street NW., Atlanta, Ga. 30303. Serving Georgia.
(2) 908 South 20th Street, Birmingham, Ala. 35205. Serving Alabama.
(3) 201 South Tryon Street, Charlotte, N.C. 28202. Serving North Carolina.
(4) 1801 Assembly Street, Columbia, S.C. 29201. Serving South Carolina.
(5) Capital and West Streets, Jackson, Miss. 39201. Serving Mississippi.
(6) 400 West Bay Street, Jacksonville, Fla. 32202. Serving Florida counties of Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Putnam, Santa Rosa, St. Johns, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.
(7) 500 Union Street, Nashville, Tenn. 32712. Serving Tennessee counties of Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Davidson, Decatur, De Kalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hamilton, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marion, Marshall, Maury, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson.
(8) 301 West Cumberland Avenue, [1] Knoxville, Tenn. 37902. Serving Tennessee counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicoi, Union, and Washington.
(9) 51 Southwest First Avenue, Miami, Fla. 33130. Serving Florida counties of Brevard, Broward, Charlotte, Collier, Dade, De Sota, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Lucie, Sarasota, and Florida Keys.

(e) *Midwestern Area.* Area Office, 219 South Dearborn Street, Chicago, Ill. 60604, having jurisdiction over the following regional and branch offices:

(1) 219 South Dearborn Street, Chicago, Ill. 60604. Serving Illinois counties of Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, 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, Morgan, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford.
(2) Fifth and Grand Avenue, Des Moines, Iowa 50309. Serving Iowa.
(3) 1249 Washington Boulevard, Detroit, Mich. 48226. Serving the Lower Peninsula of Michigan, except the counties of Alpena, Antrim, Charlevoix, Cheboygan, Emmet, Montmorency, Otsego, and Presque Isle.
(4) 502 West Kaye Avenue,[1] Marquette, Mich. 49855. Serving Michigan in the Upper Peninsula and the Northern Lower Peninsula counties of:

UPPER PENINSULA

Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.

NORTHERN LOWER PENINSULA

Alpena, Antrim, Charlevoix, Cheboygan, Emmet, Montmorency, Otsego, and Presque Isle.

(5) 36 South Pennsylvania Street, Indianapolis, Ind. 46204. Serving Indiana.
(6) 911 Walnut Street, Kansas City, Mo. 64106. Serving the following counties in Missouri and Kansas:

KANSAS

Allen, Anderson, Atchison, Bourbon, Brown, Cherokee, Coffey, Crawford, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Marshall, Miami, Montgomery, Nemaha, Neosho, Osage, Pottawatomie, Shawnee, Wilson, Woodson, and Wyandotte.

[1] Denotes branch office under regional office.

MISSOURI

Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, Macon, McDonald, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Pulaski, Putnam, Randolph, Ray, Saint Clair, Saline, Schuyler, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright.

(7) 25 West Main Street, Madison, Wis. 53703. Serving Wisconsin counties of Adams, Brown, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Door, Fon du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kewaunee, La Crosse, Lafayette, Langlade, Manitowoc, Marathon, Marinette, Marquette, Menominee, Monroe, Oconto, Outagamie, Portage, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Waupaca, Waushara, Winnebago, and Wood.

(8) 238 West Wisconsin Avenue,[1] Milwaukee, Wis. 53203. Serving Wisconsin counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha.

(9) 816 Second Avenue, South, Minneapolis, Minn. 55402. Serving Minnesota and Wisconsin counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, and Washburn.

(10) 208 North Broadway, St. Louis, Mo. 63102. Serving the following counties in Illinois and Missouri:

ILLINOIS

Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Galatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion Massac, Monroe, Montgomery, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, and Williamson.

MISSOURI

Audrain, Bollinger, Butler, Callaway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lewis, Lincoln, Madison, Maries, Marion, Misaissippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne.

(f) *Southwestern Area.* Area Office, 1309 Main Street, Dallas, Tex. 75202, having jurisdiction over the following regional offices:

(1) 500 Gold Avenue SW., Albuquerque, N. Mex. 87101. Serving New Mexico.

(2) 411 North Akard Street, Dallas, Tex. 75201. Serving Texas counties of Anderson, Archer, Baylor, Bell, Bosque, Brown, Burnet, Callahan, Clay, Coleman, Collin, Comanche, Concho, Cooke, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath, Falls, Fannin, Freestone, Grayson, Hamilton, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Lampasas, Limestone, Llano, Mason, McCulloch, McLennan, Menard, Mills, Montague, Navarro, Palo Pinto, Parker, Rains, Rockwall, San Saba, Shackelford, Somervell, Stephens, Tarrant, Throckmorton, Van Zandt, Wichita, Wilbarger, Williamson, Wise, and Young.

[1] Denotes branch office under regional office.

(3) 201 Fannin Street, Houston, Tex. 77002. Serving Texas counties of Angelina, Austin, Bastrop, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Trinity, Tyler, Waller, Walker, Washington, and Wharton.

(4) 600 West Capital Avenue, Little Rock, Ark. 72201. Serving Arkansas, except Columbia, Lafayette, and Miller counties.

(5) 1616 19th Street, Lubbock, Tex. 79401. Serving Texas counties of Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Coke, Collingsworth, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kent, King, Knox, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Runnels, Schleicher, Scurry, Sherman, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Tom Green, Upton, Ward, Wheeler, Winkler, and Yoakum.

(6) 505 East Travis Street, Marshall, Tex. 75670. Serving the following Arkansas and Texas counties and Louisiana parishes:

ARKANSAS

Columbia, Lafayette, and Miller.

LOUISIANA

Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster.

TEXAS

Bowie, Camp, Cass, Cherokee, Franklin, Gregg, Harrison, Marion, Morris, Nacogdoches, Panola, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, and Wood.

(7) 124 Camp Street, New Orleans, La. 70130. Serving Louisiana, except Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster parishes.

(8) Third and Robinson, Oklahoma City, Okla. 73102. Serving Oklahoma.

(9) 301 Broadway, San Antonio, Tex. 78205. Serving Texas counties of Aransas, Atascosa, Bandera, Bee, Bexar, Blanco, Brooks, Caldwell, Calhoun, Cameron, Comal, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Medina, Nueces, Real, Refugio, San Patricio, Starr, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Wilson, Zapata, and Zavala.

(g) *Rocky Mountain Area.* Area Office, 909 17th Street, Denver, Colo. 80202, having jurisdiction over the following regional offices:

(1) 300 North Center, Casper, Wyo. 82601. Serving Wyoming.

(2) 1961 Stout Street, Denver, Colo. 80202. Serving Colorado.

(3) 207 North Fifth Street, Fargo, N. Dak. 58102. Serving North Dakota.

(4) 205 Power Block, Corner Main and Sixth Avenue, Helena, Mont. 59601. Serving Montana.

(5) 215 North 17th Street, Omaha, Nebr. 68102. Serving Nebraska.

(6) 125 South State Street, Salt Lake City, Utah 84111. Serving Utah.

(7) Eighth and Main Avenue, Sioux Falls, S. Dak. 57102. Serving South Dakota.

(8) 120 South Market Street, Wichita, Kans. 67202. Serving Kansas counties of Barber, Barton, Butler, Chase, Chatauqua, Cheyenne, Clark, Clay, Cloud, Comanche, Cowley, Decatur, Dickinson, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Geary, Grove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jewell, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, Lyon, McPherson, Marion, Meade, Mitchell, Morris, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wichita.

(h) *Pacific Coastal Area.* Area Office, 450 Golden Gate Avenue, San Francisco, Calif. 94102, having jurisdiction over the following regional and branch offices:

(1) 632 Sixth Avenue, Anchorage, Alaska 99501. Serving Alaska.

(2) 216 North Eighth Street, Boise, Idaho 83702. Serving Idaho, except Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone counties. Serving the Oregon counties of Baker, Grant, Harney, Malheur, Union, and Wallowa.

(3) 1149 Bethel Street, Honolulu, Hawaii 96813. Serving Hawaii.

(4) Ada Plaza Center Building, Post Office Box 927, [1] Agana, Guam 96910. Serving Guam and American Samoa.

(5) 312 West Fifth Street, Los Angeles, Calif. 90013. Serving California counties of Kern, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura.

(6) 1721 East Charleston Street, [1] Las Vegas, Nev. 89104. Serving the California county of Inyo, and the Nevada counties of Clark, Esmeralda, Lincoln, and Nye.

(7) 2727 North Central Avenue, Phoenix, Ariz. 85004. Serving Arizona.

(8) 921 Southwest Washington Street, Portland, Oreg. 97205. Serving Oregon, except Baker, Grant, Harney, Malheur, Union, and Wallowa counties; serving the Washington counties of Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.

(9) 110 West C Street, San Diego, Calif. 92101. Serving California counties of Imperial and San Diego.

(10) 450 Golden Gate Avenue, San Francisco, Calif. 94102. Serving Nevada, except the counties of Clark, Esmeralda, Lincoln, and Nye; serving California, except the counties of Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, Luis Obispo, and Ventura.

(11) North 108 Washington Street, Spokane, Wash. 99201. Serving the following Washington and Idaho counties:

WASHINGTON

Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman.

IDAHO

Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

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Effective date: April 10, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-5974; Filed, May 29, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67-WE-15-AD; Amdt. 39-425]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted May 16, 1967, and made effective by telegram to all known operators of Boeing Model 707-300 Series, -400 Series, -300B Series, and -300C Series airplanes as of the time of receipt of the telegram. This airworthiness directive superseded Amendment 39-409 (incorporating telegraphic amendments issued on Apr. 20 and 21, 1967), 32 F.R. 6675, AD 67-14-3, and in general provided for repetitive inspections of the wing upper skin under the beaver tail within the first 12 inches forward of the rear spar centerline at intervals dependent upon whether certain critical fasteners identified in the pertinent Boeing Service Bulletin were removed. The airworthiness directive was necessitated by additional reports of cracks in the wing upper skin at the rear spar upper chord and an analysis showing the critical crack length was shorter than originally anticipated.

Since it was found that corrective action was required within a very short time, notice and public procedure thereon was impractical and contrary to the public interest, and good cause existed for making the airworthiness directive effective immediately as to all known operators of the airplanes. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following airworthiness directive:

BOEING. Applies to all Model 707-300 Series, -400 Series, -300B Series, and -300C Series airplanes.

(A) For those airplanes having one or both of the two critical fasteners installed in the left wing or the right wing (identified on page 29, Boeing Service Bulletin No. 2427, R-1 dated Feb. 13, 1967), inspect the left wing or the right wing as appropriate per (C) at the times specified in (D)(1) or (D)(2) as appropriate.

(B) For those airplanes having both of said critical fasteners removed from the left wing or the right wing, inspect the left wing or right wing as appropriate per (C) at the times specified in (E)(1) or (E)(2) as appropriate.

(C) Inspect the wing upper skin under the beaver tail within the first 12 inches forward of the rear spar centerline for cracks by means of the ultrasonic inspection technique outlined in Special Revision 4-6-11 of Boeing Document D6-7170, "Non-Destructive Test Inspection Procedures," or by means of X-ray inspection technique outlined in Part I of Boeing Service Bulletin No. 2427 (Rev. 3).

(D)(1) For those airplanes having 10,000 or more (in the case of 707-300C Series) or 17,000 or more (in the case of 707-300/ -400/ -300B Series) within the next 150 hours' time in service unless already accomplished within the previous 50 hours' time in service and thereafter at intervals not to exceed 200 hours' time in service from the last inspection.

(D)(2) For those airplanes having less than 10,000 (in the case of 707-300C Series) or less than 17,000 (in the case of 707-300/ -400/ -300B Series) hours' time in service prior to the accumulation of 10,150 or 17,150 hours' time in service respectively and thereafter at intervals not to exceed 200 hours' time in service from the last inspection.

(E)(1) For airplanes having 10,000 or more (in the case of 707-300C Series) or 17,000 or more (in the case of 707-300/ -400/ -300B Series) hours' time in service, within the next 800 hours' time in service unless already accomplished within the previous 200 hours' time in service and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection.

(E)(2) For those airplanes having less than 10,000 (in the case of 707-300C Series) or less than 17,000 (in the case of 707-300/ 400/ -300B Series) hours' time in service, prior to the accumulation of 10,800 or 17,800 hours' time in service respectively and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection.

(F) If cracks are found that fall within the crack length limitations specified in Parts VI or II, Boeing Service Bulletin No. 2427 (Rev. 3), before further flight, repair in accordance with the applicable part of that bulletin, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be accomplished. If cracks are found that exceed the crack length limitations specified in Part II, Boeing Service Bulletin No. 2427 (Rev. 3), before further flight replace the affected portions of the wing upper skin or repair in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region, except that, subject to concurrence by the Chief, Aircraft Engineering Division, FAA Western Region, the airplane may be flown in accordance with FAR 21.197 to a base where the replacement or repair can be accomplished.

(G) Report the location and length of each crack to the Chief, Aircraft Engineering Division, FAA Western Region, within 3 days after detection.

This supersedes Amendment 39-406 (incorporating telegraphic amendments issued on Apr. 20 and 21, 1967), 32 F.R. 6675, AD 67-14-3.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective by telegram dated May 16, 1967.

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

Issued in Los Angeles, Calif., on May 19, 1967.

LEE E. WARREN,
Acting Regional Director,
FAA Western Region.

[F.R. Doc. 67-5975; Filed, May 29, 1967; 8:46 a.m.]

[Airworthiness Docket No. 67-WE-12-AD; Amdt. 39-426]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269 Series Helicopters

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on May 19, 1967, and made effective by airmail letter to all known operators of Hughes Model 269 Series helicopters as of the time of receipt of the airmail letter. This airworthiness directive amended Amendment 39-389 (originally issued by certified airmail letter on March 28, 1967, and later published in 32 F.R. 5676), AD 67-11-3, by extending the coverage of Amendment 39-389 to all Hughes Model 269 Series helicopters regardless of the total hours time in service on each helicopter. This amendment to Amendment 39-389 was necessitated by an additional failure of the Huck Bolts P/N SALP-T10-7 occurring on a helicopter with less than 1,200 hours' total time in service at the time of the failure and by additional reports of loosening of the Huck Bolt assembly on helicopters with less than 1,200 hours' total time in service.

Since it was found that corrective action was required within a very short time, notice and public procedure thereon was impractical and contrary to the public interest, and good cause existed for making the airworthiness directive effective immediately as to all known operators of the Hughes Model 269 Series helicopter. These conditions still exist, and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-389 (32 F.R. 5676), AD 67-11-3, is amended by amending the first paragraph (beginning with "Compliance required") to read as follows:

Compliance required within the next 25 hours' time in service for all aircraft unless already accomplished.

This amendment, adopted on May 19, 1967, becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective upon receipt of airmail letter mailed May 20, 1967.

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

Issued in Los Angeles, Calif., on May 22, 1967.

LEE E. WARREN,
Acting Regional Director,
FAA Western Region.

[F.R. Doc. 67-5987; Filed, May 29, 1967; 8:47 a.m.]

[Docket No. 8014; Amdt. 39-428]

PART 39—AIRWORTHINESS DIRECTIVES

Pan Avion Model PA-5 Life Vests

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the removal of the 8-gram CO_2 cartridge (P/N 2200-525-15) and the installation of a 12-gram CO_2 cartridge (P/N 2200-525-21) and a long inflator cap (P/N 2200-538-8) was published in 32 F.R. 3997.

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:

PAN AVION. Applies to Model PA-5 Life Vests equipped with an 8-gram CO_2 cartridge (P/N 2200-525-15).

Compliance required within 30 days after the effective date of this AD, unless already accomplished.

To insure adequate life vest buoyancy, remove the 8-gram CO_2 cartridge (P/N 2200-525-15) and install a 12-gram CO_2 cartridge (P/N 2200-525-21) and a long inflator cap (P/N 2200-538-8).

(Pan Avion Service Bulletin No. 22-66 dated Sept. 15, 1966, covers this subject.)

This amendment becomes effective June 30, 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 May 23, 1967.

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

[F.R. Doc. 67-5988; Filed, May 29, 1967; 8:48 a.m.]

[Docket No. 8025; Amdt. 39-429]

PART 39—AIRWORTHINESS DIRECTIVES

TECO Model 603 Aircraft Seats

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the removal of TECO Model 603 aircraft seats from civil aircraft was published in 32 F.R. 4124.

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:

TECO. Applies to TECO Model 603 aircraft seats.

Compliance required as indicated.

To preclude failure of TECO Model 603 aircraft seats installed in civil aircraft, within 100 hours' time in service after the effective date of this AD, remove these seats from service, and replace with FAA-approved seats.

This amendment becomes effective June 30, 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 May 23, 1967.

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

[F.R. Doc. 67-5989; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-SO-57]

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 Biloxi, Miss., control zone.

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

Because of the hours of operation of the Keesler AFB Airport Traffic Control Tower (600 to 2200 hours, local time, daily) it is necessary to redesignate the control zone to be effective during these hours.

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 immediately, as hereinafter set forth.

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

BILOXI, MISS.

Within a 5-mile radius of Keesler AFB (latitude 30°24'39.2" N., longitude 88°55'-25.9" W.); within 2 miles each side of the 036° bearing from Keesler RBN extending from the 5-mile radius zone to 8 miles northeast of the RBN; within 2 miles each side of the Keesler TACAN 047° radial extending from the 5-mile radius zone to 7 miles northeast of the TACAN; and within 2 miles each side of the Keesler AFB runway 3/21 centerline extending from the 5-mile radius zone to 6 miles southwest of the AFB, excluding that portion west of longitude 89°00'00" W., effective from 0600 to 2200 hours, local time, daily.

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

Issued in East Point, Ga., on May 22, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-5990; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket 67-SW-26]

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

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Roswell, N. Mex. (Roswell Municipal Airport), and Roswell, N. Mex. (Walker AFB), control zones by combining them into a single control zone.

The airspace configuration of the combined existing control zones is not being altered; however, the wording used to describe the single control zone differs from the wording of the current descriptions of the existing control zones. In addition to the removal of references to the line which divides the existing control zones, references to the names of the two airports are being deleted since it is possible that each airport may be renamed. Further, references to specific radials and bearings are being deleted from the description and the boundary line, or perimeter, of the single control zone is being described by references to coordinates and arcs of radii based on coordinate locations.

Since this amendment imposes no additional burden on any person, 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., July 20, 1967, as herein set forth.

In § 71.171 (32 F.R. 2131) the Roswell, N. Mex. (Roswell Municipal Airport), and Roswell, N. Mex. (Walker AFB), control zones are amended to read:

ROSWELL, N. MEX.

That airspace bounded by a line beginning at latitude 33°20'15" N., longitude 104°37'-15" W.; thence to latitude 33°21'30" N., longitude 104°39'00" W.; to latitude 33°22'-45" N., longitude 104°37'50" W.; thence clockwise along the arc of a 5-mile radius circle centered at latitude 33°24'20" N., longitude 104°32'55" W., to latitude 33°26'-25" N., longitude 104°28'20" W.; thence to latitude 33°27'05" N., longitude 104°22'55" W.; to latitude 33°25'05" N., longitude 104°22'19" W.; to latitude 33°24'00" N., longitude 104°21'00" W.; to latitude 33°19'40" N., longitude 104°26'30" W.; thence clockwise along the arc of a 5-mile radius circle centered at latitude 33°18'05" N., longitude 104°31'20" W., to latitude 33°14'00" N., longitude 104°30'45" W.; thence to latitude 33°13'20" N., longitude 104°30'45" W.; to latitude 33°13'20" N., longitude 104°34'45" W.; to latitude 33°13'35" N., longitude 104°34'45" W.; to latitude 33°12'55" N., longitude 104°35'50" W.; to latitude 33°15'-15" N., longitude 104°38'35" W.; to latitude 33°16'55" N., longitude 104°36'35" W.;

thence clockwise along the arc of a 5-mile radius circle centered at latitude 33°18'05" N., longitude 104°31'20" W., to latitude 33°18'20" N., longitude 104°36'50" W.; thence to latitude 33°19'00" N., longitude 104°38'20" W.; to point of beginning.

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

Issued in Fort Worth, Tex., on May 19, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-5991; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-1]

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

Alteration of Control Zone and Transition Area

On February 28, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3364) stating that the Federal Aviation Administration proposed to alter controlled airspace in the Grand Island, Nebr., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

The Grand Island, Nebr., Municipal Airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. In addition, the word "clockwise," as recited in the Grand Island control zone redesignation in the notice of proposed rule making, is incorrect; it should have read "counterclockwise." Action is taken herein to make these corrections. Since these changes are minor in nature and impose no additional burden on anyone, they are being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the Grand Island, Nebr., control zone is amended to read:

GRAND ISLAND, NEBR.

Within a 5-mile radius of Grand Island Municipal Airport (latitude 40°58'05" N., longitude 98°18'50" W.); within 2 miles each side of the Grand Island VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Grand Island VORTAC 360° radial, extending from the 5-mile radius zone to 12 miles north of the VORTAC; within 2 miles west of the Grand Island VORTAC 180° radial counterclockwise to 2 miles east of the Grand Island VORTAC 179° radial, extending from the 5-mile radius zone to 7 miles south of the VORTAC; and within 2 miles each side of the Grand Island VORTAC 002° radial extending from the 5-mile radius zone to 5 miles north of the VORTAC.

(2) In § 71.181 (32 F.R. 2148), the Grand Island, Nebr., transition area is amended to read:

GRAND ISLAND, NEBR.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Grand Island Municipal Airport (latitude 40°58'05" N., longitude 98°18'50" W.); within 8 miles southwest and 5 miles northeast of the Grand Island VORTAC 304° radial, extending from the 8-mile radius area to 12 miles northwest of the VORTAC; and within 8 miles west and 5 miles east of the Grand Island VORTAC 360° radial, extending from the 8-mile radius area to 12 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Grand Island VORTAC, extending clockwise from the Grand Island VORTAC 241° radial to the Grand Island VORTAC 084° radial; within a 20-mile radius of the Grand Island VORTAC, extending from a line 5 miles north of and parallel to the Grand Island VORTAC 084° radial clockwise to a line 5 miles northwest of and parallel to the Grand Island VORTAC 241° radial; and within 5 miles east and 7 miles west of the Grand Island VORTAC 002° radial, extending from the 17-mile radius area to the south edge of V-219 and V-172, excluding the portion which overlies the Hastings, Nebr., transition area.

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

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5992; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-28]

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

Alteration of Control Zone and Transition Area

On March 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4431) stating that the Federal Aviation Administration proposed to alter controlled airspace in the Billings, Mont., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

The Logan Field, Billings, Mont., coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the Billings, Mont., control zone is amended to read:

BILLINGS, MONT.

Within a 5-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within 2 miles each side of the Billings ILS west and east courses, extending from the 5-mile radius zone to 8 miles west of the OM on the west and to the RBN on the east; and within 2 miles each side of the Billings VORTAC 095° and 267° radials, extending from the 5-mile radius zone to 8 miles west and 12 miles east of the VORTAC.

(2) In § 71.181 (32 F.R. 2148), the Billings, Mont., transition area is amended to read:

BILLINGS, MONT.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within a 12-mile radius of Billings VORTAC, extending from a line 5 miles southeast of and parallel to the Billings VORTAC 212° radial clockwise to the Billings 347° radial; and within 2 miles each side of the Billings ILS localizer east course, extending from the 8-mile radius area to 8 miles east of the Billings RBN; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC, extending from the south edge of V-2 west of Billings clockwise to the southwest edge of V-19 southeast of Billings; within 10 miles southwest and 7 miles northeast of Billings VORTAC 301° radial, extending from the 25-mile radius area to 49 miles northwest of the VORTAC; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 317° radial, extending from the 25-mile radius area to 45 miles northeast of the VORTAC; within 10 miles west and 7 miles east of the Billings VORTAC 347° radial, extending from the 25-mile radius area to 42 miles north of the VORTAC; and within 10 miles north and 8 miles south of the Billings VORTAC 096° radial, extending from the 25-mile radius area to 38 miles east of the VORTAC; and that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billings VORTAC 096° radial, extending from 38 to 99 miles east of the VORTAC.

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

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5993; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-65]

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 Readsville, Mo., transition area.

The Readsville, Mo., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9 miles south of the Readsville VOR 100° and 280° radials extending from 8 miles east to 19 miles west of the VOR and the airspace north of Readsville bounded on the north by V-4, on the east by the arc of a 33-mile radius circle centered on Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°-21'55" W.), on the south by V-12 and on the west by V-63.

That portion of the Readsville transition area which was designated to encompass prescribed instrument holding

procedures at the Readsville VOR is no longer required for air traffic control purposes. As a result, modification of the Readsville transition area is necessary to delete this airspace from the transition area designation.

Since the proposed modification will reduce the existing designated Readsville, Mo., transition area, it will not impose any additional burden on any person. Therefore, 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., July 20, 1967, as hereinafter set forth:

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

READSVILLE, MO.

That airspace extending upward from 1,200 feet above the surface within an area bounded on the north by V-4, on the east by the arc of a 33-mile radius circle centered on Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), on the south by V-12, and on the west by V-63.

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

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5995; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-22]

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

Designation of Transition Area

On March 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4429) stating that the Federal Aviation Administration proposed to designate controlled airspace in the Clintonville, Wis., terminal area.

Interested parties were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.131 (32 F.R. 2148), the following transition area is added:

CLINTONVILLE, WIS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Clintonville Municipal Airport (latitude 44°36'50" N., longitude 88°43'50" W.) and within 2 miles each side of the 145° bearing from Clintonville Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport.

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

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5997; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-25]

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

Designation of Transition Area

On March 25, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4543) stating that the Federal Aviation Administration proposed to designate controlled airspace in the South Haven, Mich., terminal area.

Interested parties were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

The South Haven, Mich., Municipal Airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

SOUTH HAVEN, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of South Haven, Mich. Municipal Airport (latitude 42°21'00" N., longitude 86°15'30" W.) and within 2 miles each side of the Pullman, Mich., VORTAC 226° radial extending from the 5-mile radius area to the VORTAC.

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

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5998; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-26]

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

Designation of Transition Area

On March 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4430) stating that the Federal Aviation Administration proposed to designate controlled airspace in the Holland, Mich., terminal area.

Interested parties were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

The Holland, Mich., Park Township Airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

HOLLAND, MICH.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Holland, Mich., Park Township Airport (latitude 42°47'45" N., longitude 86°09'45" W.).

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

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5999; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-29]

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

Designation of Transition Area

On March 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4432) stating that the Federal Aviation Administration proposed to designate controlled airspace in the Greenville, Ill., terminal area.

Interested parties were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

GREENVILLE, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Greenville, Ill., Airport (latitude 38°50'10" N., longitude 89°22'40" W.) and within 2 miles each side of the 348° bearing from Greenville Airport, extending from the 5-mile radius area to 8 miles north of the airport.

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

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-6000; Filed, May 29, 1967; 8:49 a.m.]

[Airspace Docket No. 67-WA-4]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes

On February 24, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3228) stating that the Federal Aviation Agency was considering realignment of Jet Route No. J-4 from Blythe, Calif., via Gila Bend,

Ariz., to San Simon, Ariz.; and realignment of Jet Route No. J–2 from Gila Bend to San Simon. At the request of the Department of the Army, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER on March 31, 1967 (32 F.R. 5425) extending the period for comment from March 27, 1967, to April 14, 1967.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all comments received. The Air Transport Association of America endorsed the proposal. The Department of the Army did not comment on the proposed realignment of J–2 and J–4 between Gila Bend and San Simon but objected to the proposed realignment of J–4 between Blythe and Gila Bend which would overlie R–2308A, R–2308B, and R–2306B. R–2308A and R–2308B currently extend up to FL 200, and R–2306B extends up to FL 240. Operation along the proposed realignment of J–4 could easily be conducted above these restricted areas. However, the Department of the Army plans to submit a proposal to the FAA in the near future which will request a substantial increase in the vertical extent of R–2308A, R–2308B, and R–2306B. Therefore, the FAA plans to receive and evaluate this proposal before action is taken on the proposed realignment of J–4 between Blythe and Gila Bend.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

1. In § 75.100 (32 F.R. 2341) the following actions are taken:

In the texts of J–2 and J–4 "INT of the Gila Bend 098° and the San Simon, Ariz., 286° radials; San Simon;" is deleted and "San Simon, Ariz.;" is substituted therefor.

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

Issued in Washington, D.C., on May 23, 1967.

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

[F.R. Doc. 67–5994; Filed, May 29, 1967; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Reg. No. PS–33; Amdt. 12; Docket No. 18273]

PART 399—STATEMENT OF GENERAL POLICY

Military Exemptions

MAY 25, 1967.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1967.

On March 15, 1967, by notice of proposed rule making EDR–113/PSDR–18 (32 F.R. 4421), the Board proposed to amend Part 399 by changing the minimum rates for individually ticketed and waybilled military transportation (Categories A, Z, and X) and by moving the domestic cargo charter minimum-rate conditions from Part 399 to Part 288 of the Economic Regulations. Written data, views, and arguments have been filed in response to the notice. All comments and supporting statements before the Board have been carefully considered, and all contentions not otherwise disposed of hereinafter are rejected. Final amendments to Part 288, Exemption of Air Carriers for Military Charters and Substitute Service, are being adopted concurrently herewith (ER–494).

Individually ticketed military passenger transportation. The notice proposed to continue to equate the minimum fare for individually ticketed military passengers (Categories A and Z) with the one-way Category B passenger charter minimum rate, with a resulting proposed reduction from 3.60 to 3.20 cents per passenger-mile.[1] A Department of Defense (DOD) proposal that no separate minimum fares be established for individually ticketed transportation and that the Category B minimum rates apply was rejected.

In its comments, DOD again proposes to discontinue the designation of individually ticketed passenger transportation on scheduled commercial flights as Category A or Z and recommends that no minimum rate be established. Under its proposal, DOD and the carriers would decide by negotiation whether passengers move in charter or scheduled flights. DOD would apparently apply the minimum Category B round-trip charter rate to the bulk of the individually ticketed passengers, since it states that "DOD passenger business over MAC channels is essentially round trip in nature." Imbalances would be paid for at the one-way Category B minimum rate. The DOD Request for Proposal for fiscal year 1968 incorporates its rate proposal.

Northwest Airlines, Inc., opposes the DOD proposal and urges the Board to sustain the position taken in the notice. Northwest contends that there is no justification for eliminating the present distinction between Category A and charter rates. The carrier cites the Board's previous statements regarding the higher value of individually ticketed service and asserts that it is proper to establish minimum Category A fares in relation to the charges for comparable services on the same scheduled flight. According to Northwest, the DOD proposal would result in unwarranted Category A discounts of almost 80 percent from regular economy fares and would raise serious questions of discrimination and preference. Northwest maintains that the minimum Category A passenger fare should be no less than the one-way Category B charter rate, which allows a substantial benefit to DOD.

Trans International Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., object to basing minimum fares for individually ticketed service on the Category B charter minimum rates. TWA asserts that the mechanical reduction of Category A and Z fares on the basis of Category B cost factors is not justified. TWA and TIA contend that costs on commercial scheduled flights are higher than charter costs; that additional costs such as landing fees, traffic-handling, and reservation service are incurred in commercial service; that load factors are only 50 percent of those on charters; and that the cost-saving factors applied in determining one-way charter minimum rates are not applicable to scheduled flights. In addition, TIA, a supplemental air carrier, states that minimum Category A and Z fares should be higher than minimum Category B charter rates to offer a measure of protection to Category B carriers. If a relationship between Category B and Category A minimum rates is to be continued, TWA suggests that the Category A minimum fare should be at least twice the Category B minimum roundtrip passenger rate to eliminate the backhaul factors used in computing the one-way Category B minimum rate.

The Board has determined that it should not depart from its policy of equating the individually ticketed passenger minimum rate with the one-way Category B minimum rate. Accordingly, consistent with its companion action in Part 288 relating to one-way Category B standard jet passenger charters, the Board is establishing a minimum rate for individually ticketed military passengers of 3.40 cents per passenger-mile, which is 6 percent below the current minimum rate.

When reduced to its essence, DOD's proposal to abolish the distinction between Category A and B does not appear to differ in substance from its proposals in previous reviews that it be permitted to move individually ticketed passengers at the roundtrip Category B minimum rate, except to the extent that a directional imbalance in the flow of such traffic develops. The reasons for rejecting this argument, which in the Board's view continue to be relevant and valid, have been detailed in past reviews and need not be recounted here.

The Board has also found arguments by TWA and TIA that the individually ticketed passenger minimum rate should be higher than the one-way Category B minimum rate unpersuasive. It is true, as TWA points out, that the unit costs of international scheduled passenger services have not declined during the past year to the extent that is indicated for charter services. However, the individually ticketed minimum rate has never been established with reference to objective cost standards. The Board has pointed out on numerous occasions that it knows of no way of isolating the cost of Category A passenger service. None of the carriers now participating in the carriage of individually ticketed military passengers argue that the minimum rate applicable to such traffic should be based on fully allocated costs. The carriers themselves initiated the practice of providing a discount for such traffic, and

[1] The notice also proposed to continue the fare relationship between Category X passengers moved in planeloads and the Category B round-trip charter minimum rate. No comments were received on the proposal, and it is adopted herein.

only in comparatively recent times has the Board established minimum rates for such traffic.

The Board has consistently recognized that individually ticketed military traffic generally uses seats that otherwise would be empty and in this respect resembles other types of traffic, such as domestic military standby traffic, for which the carriers have filed fares providing substantial discounts that have been accepted by the Board. In addition, the Board has also recognized that one-way charters represent an essentially uneconomic use of resources, and it has therefore been reluctant to establish an economic incentive favoring one-way charters over scheduled services by making scheduled services subject to minimum rates higher than those applicable to one-way charters.

Considering the benefits obtained by the carriers from individually ticketed military traffic in terms of higher load factors and route support, the Board believes that a minimum rate for such traffic authorizing discounts of fairly substantial proportions is not unreasonable. We also believe that adherence to the policy of not providing an economic incentive favoring one-way charters is indicated, unless it is shown that this policy, in application, is likely to encourage discounts substantially out of line with those allowed for similar types of traffic, threatening the economic viability of such services.

In this connection, the Board has noted that the new minimum rate for individually ticketed military passengers established herein does not authorize discounts from normal economy fares that are significantly in excess of the discounts granted domestically for various categories of standby traffic. In addition, neither TWA nor any other carrier has introduced evidence indicating that a reduction in the Category A fare of the proportions established will in any way threaten the continued profitability of international scheduled services performed by American-flag carriers.

Finally, the Board has noted that TIA has failed to produce any convincing evidence indicating a need on the part of carriers performing only Category B services for protection in the form of higher individually ticketed minimum rates.

Individually waybilled Military Cargo Transportation. With respect to Category A individually waybilled cargo, the notice proposed to abandon the dual-element minimum-rate structure and to establish uniform minimum rates of 12 cents per ton-mile for outbound cargo and 10 cents per ton-mile for inbound cargo. As in the case of passenger fares, the DOD proposal for common-rating Category A and B cargo minimum rates was rejected.

TIA, TWA, and Pan American World Airways, Inc., oppose the Board proposal. TIA objects to Category A cargo minimum rates equal to or lower than the Category B minimum rate for the same reasons that it objected to the proposed Category A passenger minimum rate. TWA and Pan Am contend that Category A minimum rates lower than the Category B minimum one-way charter rate are justified only when applied to top-off cargo in scheduled service and that any greater volume should be charged the one-way Category B minimum rate. Pan Am states that top-off rates are not appropriate where substantial amounts of cargo are involved and where capacity requirements are affected. It also points out higher costs associated with scheduled service, such as fuel, traffic-handling, and idle capacity; and TWA maintains that improvements in unit costs of charters have no relevance to scheduled service. TWA also presents data purporting to contradict the statement in the notice to the effect that almost all outbound Atlantic Category A cargo is now rated at the 12-cent four-pallet rate. Pan Am proposes that the 12-cent outbound minimum rate apply to not more than four pallets per day at the point of origin of any service. TWA proposes no change in the current four-pallet-per-flight limit but suggests that, if the four-pallet limit is abandoned, the Category A minimum rate should be no lower than the Category B one-way minimum cargo rate, with perhaps an incentive adjustment for low-volume inbound cargo.

After giving full consideration to the matters raised in the comments, the Board has determined that it should adopt the minimum-rate structure proposed in the notice for individually waybilled cargo. We are therefore establishing minimum rates for transatlantic and transpacific individually waybilled cargo of 12 cents per ton-mile on shipments moving outbound from the United States, and 10 cents per ton-mile on shipments moving in the inbound direction.

Unlike minimum rates for individually ticketed military passengers, which have generally been equated with the one-way Category B passenger rate, the minimum rate applicable to individually waybilled military cargo has always been somewhat below the minimum rate applying to one-way Category B cargo charters. This rate structure was evolved by the carriers themselves well before the Board began establishing minimum rates for individually waybilled services.

Individually waybilled military cargo, like individually ticketed passengers, has never been the subject of a cost determination.[2] Instead, both the carriers and the Board have recognized that such traffic has special characteristics rendering it appropriate for special discount rates, and no party now argues that such traffic should be rated on the basis of a full allocation of the costs providing the scheduled all-cargo service on which it moves. Carrier arguments that the new minimums proposed in the notice do not reflect the cost differences between charter and scheduled services are therefore largely irrelevant, since the individually waybilled cargo minimums have not in the past been related to such considerations.

The minimum-rate structure currently applicable in the directions in which the great bulk of the volume flows consists of two parts. A 12-cent-per-ton-mile minimum rate applies to the first four pallets per flight, and a rate of 16.95 cents per ton-mile, which also is the current one-way Category B minimum rate, applies to pallets in excess of four per flight. The Board, in the notice, did not propose to change the 12-cent rate on the first four pallets, and the carrier parties have neither explicitly asked for, nor demonstrated a need for an increase in this rate. All of the controversy relative to this issue has been generated by the Board's proposal to remove the four-pallet-per-flight limitation on the availability of the 12-cent rate and thereby do away with the higher minimum rate now applying to pallets in excess of four per flight.

The existing two-part minimum-rate structure clearly gives rise to a rate anomaly. Under it, large shipments are rated higher than smaller ones; while, under traditional rate concepts, rates taper downward as the size of the shipment increases. This anomaly has given rise to a host of administrative and tariff problems, and the Board has determined that it should not perpetuate this anomaly without being convinced that it continues to serve a useful purpose.

When we first established the 12-cent minimum rate 2 years ago, the Board was aware of the fact that the rate was well below the unit-cost levels then obtaining on either transatlantic or transpacific cargo services. Nevertheless, recognizing that under ordinary circumstances military cargo merely takes advantage of capacity that would generally be operated empty, the Board determined that a minimum rate at this low level was appropriate for traffic of such a top-off character. However, we were also aware of problems then first arising out of the military's rapidly expanding need for cargo capacity in the Pacific compounded by restrictions then being imposed on cargo frequencies by foreign governments in the Pacific area. The Board was therefore concerned that, unless a limit were placed on the use of the 12-cent rate to assure that it applied only to an amount that could reasonably be considered top-off in relation to the available capacity, either the economic viability of the operations would be threatened or DOD would be faced with difficulties in meeting its capacity needs. It was this concern that gave rise to the four-pallet limitation on the 12-cent rate.

As indicated previously, the four-pallet limitation has really had relevance only to Pacific operations. The volume of military traffic moving in the Atlantic has not, when viewed in relation to the total capacity offered, exceeded an amount that could be reasonably considered as top-off in character. It appears that the

[2] The commercial cargo rate structure, like the passenger fare structure, consists of a wide variety of rates. In addition to the general commodity rate, many specific items are subject to special rates at widely varying levels. There are a number of relatively low promotional rates, similar to the Category A rate, which are comparable to the promotional fares available in passenger transportation.

great bulk of the military cargo now transiting the Atlantic moves at the 12-cent rate and will not be affected by the removal of the four-pallet restriction. The affected carriers have not demonstrated in their comments that the proposed removal of the four-pallet restriction will threaten them with volumes of low-rated military cargo well in excess of what reasonably can be considered top-off traffic.[2] In these circumstances, the Board has determined that continued imposition of the four-pallet limitation in the Atlantic is not warranted.

The situation in the Pacific is quite different. There, the volumes of military cargo now moving on Pan American's scheduled services to Southeast Asia substantially exceed the amount that might reasonably be considered top-off in character. However, the unit costs obtaining on such services have also declined substantially since the rate was first established 2 years ago, and this improvement appears in no small measure to be due to the high load factors being experienced outbound from the United States as a result of the high level of military cargo capacity requirement.[3] These services have been highly profitable notwithstanding large amounts of low-rated military cargo making use thereof. Considering the unusual circumstances now prevailing in the Pacific as indicated by the facts noted above, the Board concluded in the notice that Pan American's Pacific schedules could continue to be operated on a reasonably profitable basis notwithstanding removal of the four-pallet restriction on the low 12-cent individually way-billed minimum rate. In its response to the notice, Pan American failed to demonstrate that the Board's conclusions in this respect were in error. Accordingly, we have determined that the four-pallet restriction is no longer warranted in the Pacific.

Effective date. The notice stated that the Board would consider making the minimum rates for individual military transportation, as well as those for Category B charters, effective as of March 15, 1967. For the reasons discussed in ER-494, we have decided to make the revised Category B minimum rates effective June 1, 1967, and we will adopt the same effective date for the new Category A, Z, and X minimum rates adopted herein, in order to maintain rate parity.

Amendments. As part of this rulemaking proceeding, the minimum-rate conditions applicable to Logair and Quicktrans domestic cargo charters, previously included in § 399.16, have been incorporated in Part 288 of the Economic Regulations (ER-494).

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective June 1, 1967, by amending § 399.16 to read as follows:

§ 399.16 Military exemptions.

* * * * *

(b) [Reserved]

(c) [Reserved]

(d) The minimum charges considered fair and reasonable for the transportation of Category X passengers carried pursuant to the option provisions of MAC contracts in the direction opposite to individually waybilled cargo (Category A) will be 1.86 cents per passenger-mile: *Provided*, That such passengers shall be carried only in planeloads.

(e) The minimum charges considered fair and reasonable for the transportation of individually ticketed passengers (Categories A and Z) and individually waybilled cargo (Category A) in foreign and overseas air transportation and in air transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand will be as follows:

(1) Passengers, 3.40 cents per passenger-mile second (economy) class; 3.29 cents per passenger-mile third (thrift) class.

(2) Cargo: Outbound, 12 cents per ton-mile. Inbound, 10 cents per ton-mile.

(3) * * *

(4) * * *

(5) * * *

(6) * * *

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386; and 5 U.S.C. 552, 80 Stat. 383.)

Effective June 1, 1967.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-6003; Filed, May 29, 1967; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY (INCLUDING ANY EMPLOYEE EMPLOYED IN THE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL OR TEACHER IN ELEMENTARY OR SECONDARY SCHOOLS), OR IN THE CAPACITY OF OUTSIDE SALESMAN"

Academic Administrative Personnel or Teacher

On January 10, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 228) proposing to amend 29 CFR 541 by changing the title and text to make it responsive to section 13(a)(1) of the Fair Labor Standards Act (29 U.S.C. 213(a)(1)) as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89-601) which now applies to those administrative personnel and teachers who are employed in a bona fide administrative or professional capacity.

Interested persons were invited to submit written data, views or argument. After consideration of all matter presented, and pursuant to section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, 29 CFR Part 541 is hereby amended as proposed, subject to the following changes:

1. The title of 29 CFR Part 541 is changed.

2. In paragraph (e) of § 541.3 the singular word "Island" is changed to the plural form: "Islands".

3. Reference to deletion of "§ 541.56" should be changed to "§ 541.5b".

4. Paragraph (b) of § 541.118 is revised.

5. In paragraph (c) of § 541.201 delete the comma after the word "measuring".

6. In paragraph (c) of 541.211 delete the comma after "educational establishment".

7. In subparagraph (3) of paragraph 541.300(a) delete the comma after "educational establishment".

8. In subparagraph (1) of paragraph 541.302(g) insert the word "educational" before the word "establishment" and substitute the word "institution" for the word "installation".

9. Change 541.314(b)(1).

10. In subparagraph (2) of § 541.314 (b) in line 5 and line 6 substitute the word "excepted" instead of the word "expected".

11. Paragraph (b) of § 541.602 is revised.

These amendments shall become effective upon publication in the FEDERAL REGISTER. The delayed effective date provided for in section 4(c) of the Administrative Procedure Act does not apply because 29 CFR Part 541 relates only to interpretative rules and statements of policy.

(29 U.S.C. 213(a)(1))

Signed at Washington, D.C., this 24th day of May 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions.

1. The heading of Part 541 is revised to read as set forth above.

2. Subpart A of 29 CFR Part 541 is amended by adding § 541.0, revising §§ 541.1, 541.2, and 541.3; § 541.5b is deleted. The new and revised sections to read as follows:

§ 541.0 Terms used in regulations.

(a) "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor. The Secretary of Labor has delegated to the Administrator the functions vested in him under section

[2] Of the three transatlantic route carriers, only TWA commented specifically on this point. It provided yield data indicating an average yield of above 12 cents per ton-mile. It did not specifically explain how this yield related to the four-pallet limitation.

[3] We note that the international carriers, acting through the Composite Cargo Traffic Conference of the International Air Transport Association, have recently entered into an agreement providing for a substantial reduction in the general level of rates. This is particularly true in the Pacific, where decreases of more than 23 percent were agreed to for a broad range of commodities.

13(a)(1) of the Fair Labor Standards Act.

(b) "Act" means the Fair Labor Standards Act of 1938, as amended.

§ 541.1 Executive.

The term "employee employed in a bona fide executive * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section:

Provided, That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

(f) Who is compensated for his services on a salary basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

§ 541.2 Administrative.

The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of either:

(1) The performance of office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or

(2) The performance of functions in the administration of a school system or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c)(1) Who regularly and directly assist a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined in the regulations of this subpart), or

(2) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or

(3) Who executes under only general supervision special assignments and tasks; and

(d) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

(e)(1) Who is compensated for his services on a salary or fee basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities, or

(2) Who, in the case of academic administrative personnel, is compensated for his services as required by subparagraph (1) of this paragraph or on a salary basis which is at least equal to the entrance salary for teachers in the school system or educational establishment or institution by which he is employed:

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work described in paragraph (a) of this section, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

§ 541.3 Professional.

The term "employee employed in a bona fide * * * professional capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the performance of:

(1) Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or

(2) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee, or

(3) Teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher certified or recognized as such in the school system or educational establishment or institution by which he is employed; and

(b) Whose work requires the consistent exercise of discretion and judgment in its performance; and

(c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident to the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $115 per week (or $95 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities:

Provided, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof, or in the case of an employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of medicine or any of its branches, or in the case of an employee employed and engaged as a teacher as provided in paragraph (a)(3) of this section.

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance either of work described in paragraph (a) (1) or (3) of this section, which includes work requiring the consistent exercise of discretion and judgment, or of work requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

§ 541.5b [Deleted]

3. Sections 541.99 and 541.100 are revised to read as follows:

§ 541.99 Introductory statement.

(a) Section 13(a)(1) of the Fair Labor Standards Act, as amended, exempts from the wage and hour provisions of the Act "any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or

teacher in elementary or secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities)". The requirements of the exemption under this section of the Act are contained in Subpart A of this part.

§ 541.100 The definition of "executive".

Section 541.1 defines the term "bona fide executive" as follows: The term "employee employed in a bona fide executive * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section:

Provided, That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

(f) Who is compensated for his services on a salary basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

4. Section 541.112 is revised to read as follows:

§ 541.112 Percentage limitations on nonexempt work.

(a) An employee will not qualify for exemption as an executive if he devotes more than 20 percent, or in the case of an employee of a retail or service establishment if he devotes as much as 40 percent, of his hours worked in the workweek to nonexempt work. This test is applied on a workweek basis and the percentage of time spent on nonexempt work is computed on the time worked by the employee.

(b)(1) The maximum allowance of 20 percent for nonexempt work applies unless the establishment by which the employee is employed qualifies for the higher allowance as a retail or service establishment within the meaning of the Act. Such an establishment must be a distinct physical place of business, open to the general public, which is engaged on the premises in making sales of goods or services to which the concept of retail selling or servicing applies. As defined in section 13(a)(2) of the Act, such an establishment must make at least 75 percent of its annual dollar volume of sales of goods or services from sales that are both not for resale and recognized as retail in the particular industry. Types of establishments which may meet these tests include stores selling consumer goods to the public; hotels; motels; restaurants; some types of amusement or recreational establishments (but not those offering wagering or gambling facilities); hospitals, or institutions primarily engaged in the care of the sick, the aged, the mentally ill or defective residing on the premises, if open to the general public; public parking lots and parking garages; auto repair shops; gasoline service stations (but not truck stops); funeral homes; cemeteries; etc. Further explanation and illustrations of the establishments included in the term "retail or service establishment" as used in the Act may be found in Part 779 of this chapter.

(2) Public and private elementary and secondary schools and institutions of higher education are, as a rule, not retail or service establishments, because they are not engaged in sales of goods or services to which the retail concept applies. Under section 13(a)(2)(iii) of the Act prior to the 1966 amendments, it was possible for private schools for physically or mentally handicapped or gifted children to qualify as retail or service establishments if they met the statutory tests, because the special types of services provided to their students were considered by Congress to be of a kind that may be recognized as retail. Such schools, unless the nature of their operations has changed, may continue to qualify as retail or service establishments and, if they do, may utilize the greater tolerance for nonexempt work provided for executive and administrative employees of retail or service establishments under section 13(a)(1) of the Act.

(3) The legislative history of the Act makes it plain that an establishment engaged in laundering, cleaning, or repairing clothing or fabrics is not a retail or service establishment. When the Act was amended in 1949, Congress excluded such establishments from the exemption under section 13(a)(2) because of the lack of a retail concept in the services sold by such establishments, and provided a separate exemption for them which did not depend on status as a retailer. Again in 1966, when this exemption was repealed, Congress made it plain by exclusionary language that the exemption for retail or service establishments was not to be applied to laundries or dry cleaners.

(c) There are two special exceptions to the percentage limitations of paragraph (a) of this section:

(1) That relating to the employee in "sole charge" of an independent or branch establishment, and

(2) That relating to an employee owning a 20-percent interest in the enterprise in which he is employed.

These except the employee only from the percentage limitations on nonexempt work. They do not except the employee from any of the other requirements of § 541.1. Thus, while the percentage limitations on nonexempt work are not applicable, it is clear that an employee would not qualify for the exemption if he performs so much nonexempt work that he could no longer meet the requirement of § 541.1(a) that his primary duty must consist of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof.

5. Section 541.117 is revised to read as follows:

§ 541.117 Amount of salary required.

(a) Compensation on a salary basis at a rate of not less than $100 per week is required for exemption as an executive. The $100 a week may be translated into equivalent amounts for periods longer than 1 week. The requirement will be met if the employee is compensated biweekly on a salary basis of $200, semimonthly on a salary basis of $216.67 or monthly on a salary basis of $433.33. However, the shortest period of payment which will meet the requirement of payment "on a salary basis" is a week.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the salary test for exemption as an "executive" is $75 per week.

(c) The payment of the required salary must be exclusive of board, lodging, or other facilities; that is, free and clear. On the other hand, the regulations in Subpart A of this part do not prohibit the sale of such facilities to executives on a cash basis if they are negotiated in the same manner as similar transactions with other persons.

(d) The validity of including a salary requirement in the regulations in Subpart A of this part has been sustained in a number of appellate court decisions. See, for example, Walling v. Yeakley, 140 F. (2d) 830 (C.A. 10); Helliwell v. Haberman, 140 F. (2d) 833 (C.A. 2); and

Walling v. Morris, 155 F. (2d) 832 (C.A. 6) (reversed on another point in 332 U.S. 442); Wirtz v. Mississippi Publishers, 364 F. (2d) 603 (C.A. 5); Craig v. Far West Engineering Co., 265 F. (2d) 251 (C.A. 9) cert. den. 361 U.S. 816; Hofer v. Federal Cartridge Corp., 71 F. Supp. 243 (D.C. Minn.).

6. Paragraph (b) of § 541.118 is revised.

§ 541.118 Salary basis.

* * * * *

(b) *Minimum guarantee plus extras.* It should be noted that the salary may consist of a predetermined amount constituting all or part of the employee's compensation. In other words, additional compensation besides the salary is not inconsistent with the salary basis of payment. The requirement will be met, for example, by a branch manager who receives a salary of $100 or more per week and, in addition, a commission of 1 percent of the branch sales. The requirement will also be met by a branch manager who receives a percentage of the sales or profits of his branch if the employment arrangement also includes a guarantee of at least the minimum weekly salary (or the equivalent for a monthly or other period) required by the regulations. Another type of situation in which the requirement will be met is that of an employee paid on a daily or shift basis, if the employment arrangement includes a provision that he will receive not less than the amount specified in the regulations in any week in which he performs any work. Such arrangements are subject to the exceptions in paragraph (a) of this section. The test of payment on a salary basis will not be met, however, if the salary is divided into two parts for the purpose of circumventing the requirement of payment "on a salary basis". For example, a salary of $145 a week may not arbitrarily be divided into a guaranteed minimum of $100 paid in each week in which any work is performed, and an additional $45 which is made subject to deductions which are not permitted under pararaph (a) of this section.

* * * * *

7. Section 541.119 is revised to read as follows:

§ 541.119 Special proviso for high salaried executives.

(a) Section 541.1 contains a special proviso for managerial employees who are compensated on a salary basis at a rate of not less than $150 per week exclusive of board, lodging, or other facilities. Such a highly paid employee is deemed to meet all the requirements in paragraphs (a) through (f) of § 541.1 if his primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof and includes the customary and regular direction of the work of two or more other employees therein. If an employee qualifies for exemption under this proviso, it is not necessary to test his qualifications in detail under paragraphs (a) through (f) of § 541.1.

(b) Mechanics, carpenters, linotype operators, or craftsmen of other kinds are not exempt under the proviso no matter how highly paid they might be.

8. Section 541.200 is revised to read as follows:

§ 541.200 Definition of "administrative".

Section 541.2 defines the term "bona fide * * * administrative" as follows: The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of either:

(1) The performance of office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or

(2) The performance of functions in the administration of a school system or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c)(1) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined in the regulations of this subpart), or

(2) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or

(3) Who executes under only general supervision special assignments or tasks; and

(d) Who does not devote more than 20 percent or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

(e)(1) Who is compensated for his services on a salary or fee basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities, or

(2) Who, in the case of academic administrative personnel, is compensated for his services as required by subparagraph (1) of this paragraph, or on a salary basis in an amount which is at least equal to the entrance salary for teachers in the school system or educational establishment or institution by which he is employed.

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work described in paragraph (a) of this section, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

9. In § 541.201 a new paragraph (c) is added to read as follows:

§ 541.201 Types of administrative employees.

* * * * *

(c) Individuals engaged in the overall academic administration of an elementary or secondary school system include the superintendent or other head of the system and those of his assistants whose duties are primarily concerned with administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program. In individual school establishments those engaged in overall academic administration include the principal and the vice principals who are responsible for the operation of the school. Other employees engaged in academic administration are such department heads as the heads of the mathematics department, the English department, the foreign language department, the manual crafts department, and the like. Institutions of higher education have similar organizational structure, although in many cases somewhat more complex.

10. In § 541.202, a new paragraph (e) is added to read as follows:

§ 541.202 Categories of work.

* * * * *

(e) Work performed by employees in the capacity of "academic administrative" personnel is a category of administrative work limited to a class of employees engaged in academic administration as contrasted with the general usage of "administrative" in the act. The term "academic administrative" denotes administration relating to the academic operations and functions in a school rather than to administration along the lines of general business operations. Academic administrative personnel are performing operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration. Examples of jobs in school systems and educational establishments and institutions which are outside the term academic administration are jobs relating to building management and maintenance, jobs relating to the health of the students and academic staff such as social workers, psychologist, lunch room manager, or dietitian. Employees in such work which is not considered academic administration may qualify for exemption under other provisions of § 541.2 or under other sections of the regulations in Subpart A of this part provided the requirements for such exemptions are met.

11. Sections 541.206 and 541.209 are revised to read as set out below:

§ 541.206 Primary duty.

(a) The definition of "administrative" exempts only employees who are primarily engaged in the responsible work which is characteristic of employment in a bona fide administrative capacity. Thus, the employee must have as his primary duty office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or, in the case of "academic administrative personnel," the employee must have as his primary duty work that is directly related to academic administration or general academic operations of the school in whose operations he is employed.

(b) In determining whether an employee's exempt work meets the "primary duty" requirement, the principles explained in § 541.103 in the discussion of "primary duty" under the definition of "executive" are applicable.

§ 541.209 Percentage limitations on nonexempt work.

(a) Under § 541.2(d), an employee will not qualify for exemption as an administrative employee if he devotes more than 20 percent, or, in the case of an employee of a retail or service establishment if he devotes as much as 40 percent, of his hours worked in the workweek to nonexempt work; that is, to activities which are not directly and closely related to the performance of the work described in § 541.2 (a) through (c).

(b) This test is applied on a workweek basis and the percentage of time spent on nonexempt work is computed on the time worked by the employee.

(c) The tolerance for nonexempt work allows the performance of nonexempt manual or nonmanual work within the percentages allowed for all types of nonexempt work.

(d) Refer to § 541.112(b) for the definition of a retail or service establishment as this term is used in paragraph (a) of this section.

12. Section 541.211 is revised to read as set out below:

§ 541.211 Amount of salary or fees required.

(a) Except as otherwise noted in paragraphs (b) and (c) of this section, compensation on a salary or fee basis at a rate of not less than $100 a week (exclusive of board, lodging, or other facilities) is required for exemption as an "administrative" employee. The requirement will be met if the employee is compensated biweekly on a salary basis of $200, semimonthly on a salary basis of $216.67 or monthly on a salary basis of $433.33.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the required compensation is $75 per week.

(c) In the case of academic administrative personnel, the compensation requirement for exemption as an administrative employee may be met either by the payment described in paragraph (a) or (b) of this section, whichever is applicable, or alternatively by compensation on a salary basis in an amount which is at least equal to the entrance salary for teachers in the school system, or educational establishment or institution by which the employee is employed.

(d) The payment of the required salary must be exclusive of board, lodging, or other facilities; that is, free and clear. On the other hand, the regulations do not prohibit the sale of such facilities to administrative employees on a cash basis if they are negotiated in the same manner as similar transactions with other persons.

13. Section 541.214 is revised to read as set out below:

§ 541.214 Special proviso for high salaried administrative employees.

Section 541.2 contains a special proviso including within the definition of "administrative" an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week exclusive of board, lodging, or other facilities, and whose primary duty consists of either the performance of office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or the performance of functions in the administration of a school system or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein, where the performance of such primary duty includes work requiring the exercise of discretion and independent judgment. Such a highly paid employee engaged in such work as his primary duty is deemed to meet all the requirements in § 541.2 (a) through (c). If an employee qualifies for exemption under this proviso, it is not necessary to test his qualifications in detail under § 541.2 (a) through (c).

14. A new § 541.215 is added to read as follows:

§ 541.215 Elementary or secondary schools and other educational establishments and institutions.

To be considered for exemption as employed in the capacity of "academic administrative personnel," the employment must be in connection with the operation of an elementary or secondary school system, an institution of higher education or other educational establishment or institution. Sections 3(v) and 3(w) of the act define elementary and secondary schools as those day or residential schools which provide elementary or secondary education, as determined under State law. Under the laws of most States, such education includes the curricula in grades 1 through 12; under many it includes also the introductory programs in kindergarten. Such education in some States may include also nursery school programs in elementary education and junior college curricula in secondary education. Education above the secondary school level is in any event included in the programs of institutions of higher education. Special schools for mentally or physically handicapped or gifted children are included among the educational establishments in which teachers and academic administrative personnel may qualify for the administrative exemption, regardless of any classification of such schools as elementary, secondary, or higher. Also, for purposes of the exemption, no distinction is drawn between public or private schools. Accordingly, the classification for other purposes of the school system or educational establishment or institution is ordinarily not a matter requiring consideration in a determination of whether the exemption applies. If the work is that of a teacher or academic personnel as defined in the regulations, in such an educational system, establishment, or institution, and if the other requirements of the regulations are met, the level of instruction involved and the status of the school as public or private or operated for profit or not for profit will not alter the availability of the exemption.

15. Section 541.300 is revised to read as follows:

§ 541.300 Definition of "professional".

Section 541.3 defines the term "bona fide * * * professional" as follows: The term "employee employed in a bona fide * * * professional capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the performance of:

(1) Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or

(2) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee, or

(3) Teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher certified or recognized as such in the school system, or educational establishment or institution by which he is employed; and

(b) Whose work requires the consistent exercise of discretion and judgment in its performance; and

(c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident

to the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $115 per week (or $95 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities:

Provided, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof, or in the case of an employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of medicine or any of its branches, or in the case of an employee employed and engaged as a teacher as provided in paragraph (a)(3) of this section.

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance either of work described in paragraph (a) (1) or (3) of this section, which includes work requiring the consistent exercise of discretion and judgment, or of work requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

16. In § 541.302 paragraph (e) is revised and a new paragraph (g) is added, to read as follows:

§ 541.302 Learned professions.

* * * * *

(e) No need appears to translate the word "prolonged" into arithmetical terms. Generally speaking, the professions which meet this requirement will include law, medicine, nursing, accountancy, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, including pharmacy and so forth. The typical symbol of the professional training and the best prima facie evidence of its possession is, of course, the appropriate academic degree, and in these professions an advanced academic degree is a standard (if not absolutely universal) prerequisite.

* * * * *

(g)(1) A requisite for exemption as a teacher is the condition that the employee is "employed and engaged" in this activity as a teacher certified or recognized as such in the school system, educational establishment or institution by which he is employed.

(2) "Employed and engaged as a teacher" denotes employment and engagement in the named specific occupational category as a requisite for exemption. Teaching consists of the activities of teaching, tutoring, instructing, lecturing, and the like in the activity of imparting knowledge. Teaching personnel may include the following (although not necessarily limited to): Regular academic teachers; teachers of kindergarten or nursery school pupils or of gifted or handicapped children; teachers of skilled and semiskilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisers in such areas as drama, forensics, or journalism are engaged in teaching. Such activities are a recognized part of the school's responsibility in contributing to the educational development of the student.

(3) Within the public schools of all the States, certificates, whether conditional or unconditional, have become a uniform requirement for employment as a teacher at the elementary and secondary levels. The possession of an elementary or secondary teacher's certificate provides a uniform means of identifying the individuals contemplated as being within the scope of the exemption provided by the statutory language and defined in § 541.3(a)(3) with respect to all teachers employed in public schools and those private schools who possess State certificates. However, the private schools of all the States are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and teacher's certificates are not generally necessary for employment as a teacher in institutions of higher education or other educational establishments which rely on other qualification standards. Therefore, a teacher who is not certified but is engaged in teaching in such a school may be considered for exemption provided that such teacher is recognized as meeting the minimum qualifications for employment as a teacher by the employing school or school system and satisfies the other requirements of § 541.3.

(4) Whether certification is conditional or unconditional will not affect the determination as to employment within the scope of the exemption contemplated by this section. There is no standard terminology within the States referring to the different kinds of certificates. The meanings of such labels as permanent, standard, provisional, temporary, emergency, professional, highest standard, limited, and unlimited vary widely. For the purpose of this section the terminology affixed by the particular State in designating the certificates does not affect the determination of the exempt status of the individual.

17. In § 541.303 paragraph (e)(1) is revised to read as follows:

§ 541.303 Artistic professions.

* * * * *

(e)(1) The determination of the exempt or nonexempt status of radio and television announcers as professional employees has been relatively difficult because of the merging of the artistic aspects of the job with the commercial. There is considerable variation in the type of work performed by various announcers, ranging from predominantly routine to predominantly exempt work. The wide variation in earnings as between individual announcers, from the highly paid "name" announcer on a national network who is greatly in demand by sponsors to the staff announcer paid a comparatively small salary in a small station, indicates not only great differences in personality, voice and manner, but also in some inherent special ability or talent which, while extremely difficult to define, is nevertheless real.

* * * * *

18. Section 541.304 is revised to read as follows:

§ 541.304 Primary duty.

(a) For a general explanation of the term "primary duty" see the discussion of this term under "executive" in § 541.103. See also the discussion under "administrative" in § 541.206.

(b) The "primary duty" of an employee employed as a teacher must be that of activity in the field of teaching. Mere certification by the State, or employment in a school will not suffice to qualify an individual for exemption within the scope of § 541.3(a)(3) if the individual is not in fact both employed and engaged as a teacher (see § 541.302 (g)(2)). The words "primary duty" have the effect of placing major emphasis on the character of the employee's job as a whole. Therefore, employment and engagement in the activity of imparting knowledge as a primary duty shall be determinative with respect to employment within the meaning of the exemption as "teacher" in conjunction with the other requirements of § 541.3.

19. In § 541.307 a new paragraph (c) is added to read as follows:

§ 541.307 Essential part of and necessarily incident to.

* * * * *

(c) Section 541.3(d) takes into consideration the fact that there are teaching employees whose work necessarily involves some of the actual routine duties and physical tasks also performed by nonexempt employees. For example, a teacher may conduct his pupils on a field trip related to the classroom work of his pupils and in connection with the field trip engage in activities such as driving a school bus and monitoring the behavior of his pupils in public restaurants. These duties are an esstential part of and necessarily incident to his job as teacher. However, driving a school bus each day at the beginning and end of the school day to pick up and deliver pupils would not be exempt type work.

20. Section 541.311 is revised to read as follows:

§ 541.311 Amount of salary or fees required.

(a) Except as otherwise noted in paragraphs (b) and (c) of this section, compensation on a salary or fee basis at a rate of not less than $115 per week (ex-

clusive of board, lodging, or other facilities) is required for exemption as a "professional" employee. An employee will meet the requirement if he is paid a biweekly salary of $230, a semimonthly salary of $249.17, or a monthly salary of $498.33.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the required salary is $95 per week.

(c) The payment of the compensation specified in paragraph (a) or (b) of this section is not a requisite for exemption in the case of employees exempted from this requirement by the proviso to § 541.3 (e), as explained in § 541.314.

(d) The payment of the required salary must be exclusive of board, lodging, or other facilities; that is, free and clear. On the other hand, the regulations in Subpart A of this part do not prohibit the sale of such facilities to professional employees on a cash basis if they are negotiated in the same manner as similar transactions with other persons.

21. In § 541.313 paragraphs (c) and (d) are revised to read as follows:

§ 541.313 Fee basis.

* * * * *

(c) The adequacy of a fee payment—whether it amounts to payment at a rate of not less than $115 per week to a professional employee (or at a rate of not less than $100 per week to an administrative employee)—can ordinarily be determined only after the time worked on the job has been determined. In determining whether payment is at the rate specified in the regulations in Subpart A of this part the amount paid to the employee will be tested by reference to a standard workweek of 40 hours. Thus compliance will be tested in each case of a fee payment by determining whether the payment is at a rate which would amount to at least $115 per week to a professional employee (or at a rate of not less than $100 per week to an administrative employee) if 40 hours were worked.

(d) The following examples will illustrate the principle stated above:

(1) A singer receives $25 for a song on a 15-minute program (no rehearsal time is involved). Obviously the requirement will be met since the employee would earn $115 at this rate of pay in far less than 40 hours.

(2) An artist is paid $60 for a picture. Upon completion of the assignment, it is determined that the artist worked 20 hours. Since earnings at this rate would yield the artist $120 if 40 hours were worked, the requirement is met.

(3) An illustrator is assigned the illustration of a pamphlet at a fee of $120. When the job is completed, it is determined that the employee worked 60 hours. If he worked 40 hours at this rate, the employee would have earned only $80. The fee payment of $120 for work which required 60 hours to complete therefore does not meet the requirement of payment at a rate of $115 per week and the employee must be considered nonexempt. It follows that if in the performance of this assignment the illustrator worked in excess of 40 hours in any week, overtime rates must be paid. Whether or not he worked in excess of 40 hours in any week, records for such an employee would have to be kept in accordance with the regulations covering records for nonexempt employees (Part 516 of this chapter).

22. Sections 541.314 and 541.315 are revised to read as follows:

§ 541.314 Exception for physicians, lawyers, and teachers.

(a) A holder of a valid license or certificate permitting the practice of law or medicine or any of their branches, who is actually engaged in practicing the profession, or a holder of the requisite academic degree for the general practice of medicine who is engaged in an internship or resident program pursuant to the practice of his profession, or an employee employed and engaged as a teacher in the activity of imparting knowledge, is excepted from the salary or fee requirement. This exception applies only to the traditional professions of law, medicine, and teaching and not to employees in related professions which merely serve these professions.

(b) In the case of medicine:

(1) The exception applies to physicians and other practitioners licensed and practicing in the field of medical science and healing or any of the medical specialties practiced by physicians or practitioners. The term physicians means medical doctors including general practitioners and specialists, and osteopathic physicians (doctors of osteopathy). Other practitioners in the field of medical science and healing may include podiatrists (sometimes called chiropodists), dentists (doctors of dental medicine), optometrists (doctors of optometry or bachelors of science in optometry).

(2) Physicians and other practitioners included in subparagraph (1), of this paragraph, whether or not licensed to practice prior to commencement of an internship or resident program, are excepted from the salary or fee requirement during their internship or resident program, where such a training program is entered upon after the earning of the appropriate degree required for the general practice of their profession.

(c) In the case of medical occupations, the exception from the salary or fee requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, social workers, psychologists, psychometrists, or other professions which service the medical profession.

§ 541.315 Special proviso for high salaried professional employees.

The definition of "professional" contains a special proviso for employees who are compensated on a salary or fee basis (exclusive of board, lodging, or other facilities) at a rate of at least $150 per week. Under this proviso, the requirements for exemption in § 541.3 (a) through (c) will be deemed to be met by an employee who receives the higher salary or fees and whose primary duty consists of the performance of work requiring knowledge of an advanced type in a field of science or learning, or work as a teacher in the activity of imparting knowledge, which includes work requiring the consistent exercise of discretion and judgment, or consists of the performance of work requiring invention, imagination, or talent in a recognized field of artistic endeavor. Thus, the exemption will apply to highly paid employees employed either in one of the "learned" professions or in an "artistic" profession and doing primarily professional work. If an employee qualifies for exemption under this proviso, it is not necessary to test his qualifications in detail under § 541.3 (a) through (c).

23. Paragraph (b) of § 541.602 is revised to read as follows:

§ 541.602 Special proviso concerning executive and administrative employees in multistore retailing operations.

* * * * *

(b) With respect to execute or administrative employees stationed in the main store of a multistore retailing operation who engage in activities (other than central office functions) which relate to the operations of the main store, and also to the operations of one or more physically separated units, such as branch stores, of the same retailing operation, the Divisions will, as an enforcement policy, assert no disqualification of such an employee for the section 13(a)(1) exemption by reason of nonexempt activities if the employee devotes less than 40 percent of his time to such nonexempt activities. This enforcement policy would apply, for example, in the case of a buyer who works in the main store of a multistore retailing operation and who not only manages the millinery department in the main store, but is also responsible for buying some or all of the merchandise sold in the millinery departments of the branch stores.

[F.R. Doc. 67-6035; Filed, May 29, 1967; 8:51 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importation of and Dealing in Certain Merchandise

Item 108 of the Appendix to § 500.204 is being amended to publish the standing policy of the Office of Foreign Assets Control of licensing the importation of publications and films which are bona fide gifts. This item is also being amended to delete the requirement that publications be imported directly from mainland China, North Korea or North Viet Nam. Licenses are issued in appropriate cases whether the import is direct from those areas or through a third country.

Items 108, 109, 110 and 111 are being amended to state that licenses "are" issued in appropriate cases rather than that such licenses "may be" issued. The change is made to conform with other comparable items in this part of the Appendix.

Section 500.204, Appendix, item (108) is hereby amended to read as follows:

(108) *Publications and films from China, North Korea and North Viet Nam.* Publications and films originating in mainland China, North Korea or North Viet Nam are licensed for commercial importation provided all payments due to the suppliers are made into blocked accounts. Publications and films originating in mainland China, North Korea, and North Viet Nam are also licensed without restrictions as to method of payment under programs approved by the Librarian of Congress or the National Science Foundation for universities, libraries, research and scientific institutions. Such publications and films are also licensed in exchange for publications from the United States. Additionally, such publications and films are licensed when the Office of Foreign Assets Control is satisfied that they are bona fide gifts to the importers and that there is not and has not been since the effective date any direct or indirect financial or commercial benefit to designated countries or nationals thereof from the importations.

Section 500.204, Appendix, item (109) is hereby amended to read as follows:

(109) *Chinese language films and publications from other areas.* Imports of Chinese language films, books, magazines, and almanacs are licensed if the Control is satisfied that they were produced outside of mainland China, North Korea, or North Viet Nam and that no designated national of Communist China, North Korea, or North Viet Nam has an interest in the transaction.

Section 500.204, Appendix, item (110) is hereby amended to read as follows:

(110) *Exhibitions.* Certain merchandise subject to § 500.204 being imported for exhibition at trade fairs, expositions, museums, etc., is licensed for entry for that purpose only and eventual re-export or destruction under Customs supervision.

Section 500.204, Appendix, item (111) is hereby amended to read as follows:

(111) *Research samples.* Commodities subject to § 500.204, including commodities from mainland China, North Korea, and North Viet Nam are licensed for import for bona fide research purposes in sample quantities only.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-6015; Filed, May 29, 1967; 8:50 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 56—GRANTS FOR AIR POLLUTION CONTROL PROGRAMS

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted as unnecessary in the issuance of the following revision of Part 56 which relates solely to grants for programs for the prevention and control of air pollution.

This revision establishes the conditions under which grants will be made for the maintenance of air pollution control programs and makes certain technical revisions in sections relating to grants for the development, establishment, and improvement of air pollution control programs.

These grants provide Federal financial assistance subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 252; P.L. 88-352). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore grants made pursuant to the regulations set forth below are subject to this provision and to applicable regulations issued with the approval of the President to effectuate the provisions of said section 601 and set forth in 45 CFR Part 80.

Effective on the date of publication of these regulations in the FEDERAL REGISTER, Part 56 is revised to read as follows:

Subpart—General Provisions

Sec.
56.1 Applicability.
56.2 Definitions.
56.3 Funds available for grants.
56.4 Grant limitations.
56.5 Grant conditions.
56.6 Payments.
56.7 Other conditions.

Subpart—Project Grants for the Development, Establishment, or Improvement of Air Pollution Control Programs

56.20 Applicability.
56.21 Workable Program.
56.22 Application for grants.
56.23 Approval of projects; essential elements of an air pollution control program.
56.24 Approval of projects; Federal financial aid; priority.
56.25 Grant awards.
56.26 Supplemental and continuation grants.

Subpart—Grants for the Maintenance of Air Pollution Control Programs

56.30 Purpose of maintenance grants.
56.31 Operating Workable Program requirements.
56.32 Application for grants.
56.33 Approval of maintenance support; priority.
56.34 Grant awards.

Subpart—Termination and Final Settlement

56.40 Applicability.
56.41 Termination of grant award.
56.42 Termination date; final accounting.
56.43 Accounting for grant payments.
56.44 Accounting for equipment, materials, or supplies.
56.45 Final settlement.

AUTHORITY: The provisions of this Part 56 issued under sec. 8, 77 Stat. 400, 42 U.S.C. 1857g.

Subpart—General Provisions

§ 56.1 Applicability.

The provisions of this subpart apply to grants for the support of air pollution control programs made under the provisions of this part as authorized by section 104 of the Act.

§ 56.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act.

(a) "Act" means the Clean Air Act, as amended (P.L. 88-206, 77 Stat. 392, 42 U.S.C. 1857 et seq.)

(b) "Air pollution control program" means a program for the prevention and control of air pollution.

(c) "Applicant" means any air pollution control agency which files an application for a grant of Federal funds under section 104 of the Act.

(d) "Project" means a proposed undertaking to develop, establish or improve an air pollution control program with respect to which a grant of Federal funds is requested.

(e) "Project period" means the period of time which the Surgeon General finds is reasonably required to carry out a project meriting support by grants under section 104 of the Act.

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

(g) "Workable Program" means a comprehensive statement of objectives for the prevention and control of air pollution and of the current and proposed measures to achieve these objectives which meets the criteria of § 56.20.

§ 56.3 Funds available for grants.

The Surgeon General may, from time to time, and for such periods of time as he may prescribe, reserve a portion or portions of the funds available for the purposes of section 104(a) of the Act for grants to categories of air pollution control agencies, or to categories of applications for grants, or both.

§ 56.4 Grant limitations.

Grants under this part shall be subject to the following limitations:

(a) No grant shall be made with respect to any costs which are not incurred within the approved award period. See §§ 56.25(b) and 56.34(b).

(b) (1) No grant shall be made for any project in an amount exceeding two-thirds of the estimated necessary costs of the project, as determined by the Surgeon General, for each of the applicant's fiscal years during the project period for which the grant is made: *Provided*, That in the case of regional air pollution control programs the amount of the grant shall not exceed three-fourths of the estimated necessary cost of the project.

(2) No maintenance grant shall be made for any air pollution control program in an amount exceeding one-half of the estimated necessary costs of the program in the applicant's fiscal year for which the grant is made: *Provided*, That in the case of regional air pollution

control programs the amount of the grant shall not exceed three-fifths of the estimated necessary cost of the program.

(c) No grant shall be made until the Surgeon General has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected pursuant to section 104 (b) of the Act.

(d) No grant shall be made until the applicant has given assurance satisfactory to the Surgeon General: (1) In the case of an application for project support, as to the availability of non-Federal funds for the cost of the project and for the other activities of the applicant's air pollution control program not included in the project; (2) in the case of an application for maintenance support, as to the availability of non-Federal funds for the cost of the air pollution control program.

(e) No grant for project support shall be made to any applicant during any fiscal year unless the Surgeon General finds that the applicant's expenditures of non-Federal funds (for other than nonrecurrent expenditures) for its air pollution program (exclusive of its expenditures for the approved project) will not be less during such fiscal year than its expenditures of non-Federal funds were for such program during the fiscal year immediately preceding the beginning of the project with respect to which a grant is requested.

(f) No grant for project support shall be made to any applicant during any fiscal year unless the Surgeon General finds that the applicant's expenditures of non-Federal funds (for other than nonrecurrent expenditures) for its air pollution program (inclusive of its cost for the approved project) will not be less during such fiscal year than its expenditures of non-Federal funds were for such program during the preceding fiscal year.

(g) No grant for maintenance support shall be made to the applicant during any fiscal year unless the Surgeon General finds that the applicant's expenditure of non-Federal funds (for other than nonrecurrent expenditures) for its air pollution control program will not be less than its expenditures of non-Federal funds were for such program during the preceding fiscal year.

(h) Not more than 12½ percent of the grant funds available pursuant to § 56.3 shall be granted to applicants in any one State. For the purposes of this paragraph, grants to an interstate air pollution control agency will be allocated to the States involved in proportion to the amounts of non-Federal funds expended for the supported activity by the participating States or by the participating municipalities located in the respective States.

(i) As used in this section and § 56.5:

(1) The term "fiscal year" means the 12-month period observed by the applicant for fiscal and budgetary purposes.

(2) The term "nonrecurrent expenditures" means expenditures for the following purposes:

(i) Acquisition or construction of office, laboratory, or monitoring structures, either fixed or mobile.

(ii) Purchase items of equipment, including their accessories, costing over $1,000, in excess of the average of such expenditures for the three preceding fiscal years.

(iii) Contributions to special studies or surveys conducted for the purpose of developing a regional air pollution control agency.

(iv) Research projects (other than surveys of emissions or ambient air concentrations of pollutants) specifically approved by the Surgeon General in advance as appropriate for support under section 104 of the Act and as a nonrecurrent expenditure.

(v) Research or demonstration projects receiving financial support under provisions of law other than section 104 of the Act.

(vi) Funds utilized for matching purposes for improvement projects under section 104 of the Act as part of a program for which maintenance support is also provided.

(vii) Grants for the improvement or support of training resources.

(viii) Such other expenditures as the Surgeon General, upon request in individual cases, determines constitute nonrecurrent expenditures.

§ 56.5 Grant conditions.

In addition to any other requirements imposed by or pursuant to the regulations in this part, each grant awarded pursuant to this part shall be subject to the following conditions:

(a) Any funds granted pursuant to this part shall be expended solely for carrying out the approved activity.

(b) The applicant shall submit to the Surgeon General for prior approval changes in the project or program that substantially alter the scope or purpose of the project or program or will result in an increase in cost in excess of the estimated cost approved in the application.

(c) Any grant award pursuant to this part shall be subject to the regulations of the Department of Health, Education, and Welfare as set forth in Parts 6 and 8 of this chapter as amended relating to inventions and patents. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project or program as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Surgeon General to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligation. Laboratory notes, related technical data and information pertaining to inventions or discoveries shall be maintained for such periods and filed with or otherwise made available to the Surgeon General or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

(d) Any grant for a project or program which involves a federally assisted construction contract, as defined in Executive Order 11246, September 24, 1965 (30 F.R. 12319), shall be subject to the condition that the grantee shall comply with the requirements of said Executive order and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(e) The expenditures of non-Federal funds for other than nonrecurrent expenditures by the applicant for its air pollution control program in the applicant's fiscal year in which the grant is awarded and in each fiscal year of the applicant with respect to which a grant has been approved shall not be less than such expenditures were for such program in the applicant's preceding fiscal year.

(f) The grantee shall provide for and maintain such accounting, budgetary and other fiscal methods and procedures as are necessary for the proper and efficient administration of the supported activity. The fiscal records shall be so designed to show currently the amount and disposition by the grantee of Federal funds received, the total cost of the activity in connection with which such funds were provided, the amount of that portion of the cost of the activity supplied by non-Federal sources, the expenditures for the air pollution control program of the grantee not included in the supported activity, and such other records as will facilitate an effective audit. Such records and any other books, documents, or papers of the grantee pertinent to the grant received under section 104 of the Act shall be accessible for purposes of audit by representatives of the Surgeon General and of the Comptroller General of the United States and shall be maintained until the grantee is notified in writing that the final audit has been completed.

(g) The grantee shall make such reports in such form and containing such information as the Surgeon General may from time to time require to carry out his functions.

§ 56.6 Payments.

(a) Payments with respect to an approved activity shall be made periodically, either in advance or by way of reimbursement, as the Surgeon General may determine, based on the estimated requirements or actual expenditures, respectively, for such period. Such payment shall be increased or decreased by the amount that prior payments exceed or are less than the Federal share of the costs of the approved project.

(b) Supplemental payment in any period may be certified upon submission of an application therefor accompanied by a satisfactory justification.

(c) No payment shall be made for any period so long as the grantee fails to comply substantially, as determined by the Surgeon General, with any condition specified in § 56.5 or any other requirement or condition imposed by or pursuant to the regulations in this part, unless the Surgeon General finds that the

payment of any amount otherwise payable, or any portion thereof, will be consistent with the purpose of section 104 of the Act and the grantee has undertaken to comply with such requirement or condition.

§ 56.7 Other conditions.

The Surgeon General may with respect to any grant award impose additional conditions prior to or at the time of the award when in his judgment such conditions are necessary to carry out the purposes of section 104 of the Act.

Subpart—Project Grants for the Development, Establishment, or Improvement of Air Pollution Control Programs

§ 56.20 Applicability.

The provisions of this subpart are applicable to grants for development, establishment, or improvement of air pollution control programs.

§ 56.21 Workable Program.

(a) An applicant for a grant for the establishment or improvement of its air pollution control program shall prior to, or together with, its application submit a Workable Program which shall include:

(1) A description of the applicant's legal authority and responsibility for the administration of the air pollution control program which must, as a minimum, meet the criteria of § 56.23(a);

(2) A description of the applicant's administrative organization, procedures, facilities, financial and other resources, and staff, together with plans for changes or development, including additional staffing necessary to carry out the Workable Program efficiently and effectively;

(3) A description of the nature, effects and extent of the actual and potential air pollution problems, including an identification of the major sources of air pollution, the area and population affected, and the methods used in determining the nature, effect, and extent of the air pollution problem;

(4) The overall air pollution control program objectives (including immediate and long-range objectives) which must be appropriate to the solution of the air pollution problems identified in subparagraph (3) of this paragraph;

(5) A description of a comprehensive program for the prevention and control of air pollution which must include specific measures taken or intended to be taken to accomplish the identified objectives, and a schedule of their accomplishment;

(6) To the extent that air pollution originating outside the applicant's jurisdiction is involved, a description of the action which has been taken or is proposed to be taken for the development or establishment of a regional air pollution control program;

(7) A certification by the head of the applicant agency that the Workable Program has been officially adopted by the applicant.

(b) The grantee shall keep its Workable Program current, and shall from time to time revise and amend its Workable Program as necessitated by changes and developments to its air pollution control program and program objectives.

(c) A current Workable Program must be submitted with each application, or if submitted prior thereto, shall be revised and amended at the time application is made as necessary to reflect any changes or developments.

(d) The Surgeon General shall approve a Workable Program and any revision or amendment thereof if, in his judgment, such program is reasonably calculated to prevent and control air pollution within the jurisdiction of the applicant: *Provided*, That prior to approving any Workable Program, or any revision or amendment thereof, the Surgeon General shall consult with the appropriate official as designated by the Governor or Governors of the States affected pursuant to section 104(b) of the Act.

(e) An applicant for a grant for the development of an air pollution control program shall submit as part of its application a proposal for the development of a Workable Program which will meet the requirements of paragraph (a) of this section and § 56.23(b).

§ 56.22 Application for grants.

(a) An application for a grant under this subpart shall be submitted on such forms and in such manner as the Surgeon General may prescribe.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the requirements and conditions of any grant including the applicable regulations in this part.

(c) In addition to any other pertinent information which the Surgeon General may require, each applicant shall submit as part of the application a description of the project in sufficient detail to indicate the nature, duration, purpose, and proposed method of conduct of the project. The description shall, as applicable, indicate the possession of and describe, or set forth a schedule for obtaining: (1) Data demonstrating the necessity of the project, (2) legal authority for the existing air pollution control program of the applicant, if any, and for the project (see § 56.23) and (3) suitable personnel, equipment, facilities and other necessary resources (including non-Federal funds) for the conduct of the existing air pollution control program of the applicant and of the project. The description shall also show the relationship of the project to the applicant's Workable Program.

§ 56.23 Approval of projects; essential elements of an air pollution control program.

(a) No application for the establishment or improvement of an air pollution control program shall be approved unless in the judgment of the Surgeon General the air pollution control program administered by the applicant contains provisions calculated to prevent and control air pollution within the applicant's jurisdiction which: (1) Are based on legislation (e.g., statute or ordinance) or on regulations pursuant to legislative authority, (2) regulate or prohibit conduct which may result in air pollution, and (3) in accordance with such legislation, are enforceable by sanctions or other compulsory legal procedures.

(b) No application for the development of an air pollution control program shall be approved unless in the judgment of the Surgeon General such proposed development is designed and calculated to lead to the establishment of an air pollution control program which will meet the requirements of paragraph (a) of this section.

(c) No application for the establishment or improvement of an air pollution control program shall be approved unless a current Workable Program applicable to the proposed project period has been approved by the Surgeon General.

(d) No application for the development of an air pollution control program shall be approved unless the Surgeon General determines that the proposed development project is designed and calculated to lead to a Workable Program which will meet the criteria of § 56.21(a) and paragraph (b) of this section.

§ 56.24 Approval of projects; Federal financial aid; priority.

(a) In determining the desirability of a project, the Surgeon General will take into consideration the comments of the appropriate State officials designated pursuant to section 104 of the Act, the feasibility of the project in the light of the resources to be made available and the nature of the air pollution problem, the necessity for the project, the estimated cost of the project, the probable accomplishment of the project in the light of the project plan, and its relationship to other elements of the Workable Program of the applicant.

(b) In approving financial aid for projects approved under paragraph (a) of this section the Surgeon General will give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem and (3) the financial need of the respective applicants.

(c) For the purposes of this section:

(1) "Population" means the population residing within the jurisdiction of the applicant according to the latest decennial census data available from the U.S. Bureau of the Census.

(2) "The extent of the actual or potential air pollution problem" will be determined on the basis of (i) motor vehicles per square mile and (ii) value added by manufacturing, within the jurisdiction of the applicant, according to the latest decennial census data available from the U.S. Bureau of the Census.

(3) "Financial need" will be determined on the basis of the reciprocal of the median family income of families residing within the jurisdiction of the applicant according to the latest decennial census data available from U.S. Bureau of the Census.

(d) With respect to any project approved for Federal financial aid the Sur-

geon General shall determine the project period during which the project may be supported.

§ 56.25 Grant awards.

(a) Within the limits of funds available for such purpose, the Surgeon General shall make grant awards, in such amounts as he may determine (subject to the provisions of § 56.4) to applicants whose projects have been approved for Federal financial aid under § 56.24.

(b) A grant award shall be made by the Surgeon General for either the project period or for such lesser period as he may prescribe in making the award.

(c) Neither the approval of any project nor grant award shall commit or obligate the United States in any way to make any additional, supplemental, or continuation award with respect to any approved project or portion thereof.

§ 56.26 Supplemental and continuation grants.

The Surgeon General may from time to time within the project period, on the basis of an application therefor, make additional grant awards with respect to any approved project where he finds on the basis of such progress, fiscal or other reports as he may require that either (a) the amount of any prior award was less than the amount necessary to carry out the approved project within the period with respect to which the prior award was made (a supplemental grant) or (b) the progress made within the period with respect to which any prior awards were made justifies support for an additional specified portion of the project period (a continuation grant).

Subpart—Grants for the Maintenance of Air Pollution Control Programs

§ 56.30 Purpose of maintenance grants.

It is the purpose of maintenance grants to provide continuing Federal financial support for the maintenance of effective air pollution control programs. The regulations in this subpart are intended to assure that financial support under this subpart is extended to operating programs which are adequate and effective, either alone or in cooperation with other agencies, to prevent, abate, and control sources of air pollution within the State which affect the area under their jurisdiction.

§ 56.31 Operating Workable Program requirements.

(a) No application for a grant under this subpart shall be approved unless the applicant has in effective operation a current Workable Program which meets the requirements of § 56.21 and includes the following:

(1) Adequate legal authority to prevent, abate and control air pollution from all sources within its area of jurisdiction, which are not subject to exclusive control by other agencies, in accordance with appropriate standards or regulations, and in the case of air pollution affecting its area of jurisdiction which originates within the same State but outside its area of jurisdiction, either the existence of another agency with adequate legal authority to prevent, abate, and control such pollution in accordance with appropriate standards or regulations or a description of the action which has been taken or is proposed to be taken for the development or establishment of such an agency.

(2) Adequate legal authority to enforce standards or regulations.

(3) Adequate authority to obtain reports, information, and data required to be supplied for a continuation grant.

(4) Description of the applicant's administrative enforcement procedures, including those employed in developing, promulgating, and enforcing rules and regulations, the training and experience of key personnel, and any plans for changes in carrying out its Workable Program.

(5) A description of the nature, effects, and extent of the actual and potential air pollution problems, with substantiating data, including:

(i) (*a*) Pertinent data regarding distribution and concentrations of classes of pollutants in the ambient air of the area under jurisdiction, and (*b*) current information regarding the sources and amounts of the principal classes of pollutants being discharged within the area of jurisdiction. Such information shall include data as to the total weight of discharge per year of each class of pollutant with an estimate of the percentage of the discharge of each class believed to emanate from (*1*) mobile sources, (2) industrial processes, (3) power generation, (*4*) domestic, industrial and commercial space heating, (5) disposal of solid wastes, (*6*) sources outside the area of jurisdiction, and (7) other sources;

(ii) The agency shall maintain a file with specific identification by name and location of each person, agency, company or other entity believed to be responsible for the discharge of 5 percent or more of the total weight of any specific class of pollutant within the area under jurisdiction or within the county where discharged, whichever is smaller, with the exception that State agencies shall not be required to maintain such information for counties having populations of less than 60,000 or population densities of less than 25 persons per square mile, except that such information shall be provided for any individual stationary sources in such counties as are believed to be discharging into the air more than 10 tons per day of particulate matter or 10 tons per day of sulfur oxides; provided that upon application by a State agency, the Surgeon General may approve areas other than counties as the areas with respect to which the information shall be provided subject to the foregoing conditions.

(6) (i) A listing of the concentrations of classes of pollutants in the ambient air which it is the objective to obtain or maintain within the next 1, 3, and 5 years, and (ii) the estimated reduction in the total weight of discharge of each class of pollutant specified in subparagraph (5) (i) (*a*) of this paragraph required to attain these objectives.

(7) A description of the comprehensive program to be used to attain the reductions specified in subparagraph 6(ii) of this paragraph including (i) the measures to prevent or limit discharges from new sources of pollutants, (ii) the measures to reduce or eliminate existing sources of pollutants, (iii) the rules, regulations, and standards in effect or to be put into effect to accomplish the specified reductions, (iv) the methods employed to obtain, record, and compute the data on weights of pollutants discharged, and the reduction of weights of pollutants discharged into the atmosphere to be achieved, (v) the methods employed to obtain, record, and analyze the data on concentrations of pollutants in the ambient air, and (vi) the means employed for informing the public concerning the nature, effects, and control of air pollution, the objectives of the program, and the state of progress in its accomplishment.

(8) Certification that the objectives specified in subparagraph (6) (i) of this paragraph have been approved by the chief executive or the legislative body of the political jurisdiction served by the applicant: *Provided*, That in the case of an interstate or other independent regional agency, such formal approval shall be given by the governing body of such agency.

(9) A description of the relationship of the Workable Program to ongoing comprehensive planning affecting the applicant's area of jurisdiction.

(b) The Surgeon General shall approve a Workable Program submitted under this section, and any revision or amendment thereof if, in his judgment, such program is reasonably calculated to prevent, abate, and control air pollution which originates within the applicant's jurisdiction and is consistent with the program of the State air pollution control agency.

§ 56.32 Application for grants.

(a) An application for a grant under this subpart shall be submitted on such forms and in such manner as the Surgeon General may prescribe.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the requirements and conditions of any grant, including the applicable regulations in this part.

(c) In addition to any other pertinent information which the Surgeon General may require, each applicant for an initial maintenance grant for its air pollution control program shall submit as part of its application:

(1) Evidence of compliance with the requirements of § 56.31 and

(2) A statement of significant accomplishments of its air pollution control program to date.

(d) In addition to any other pertinent information which the Surgeon General may require, each applicant for the continuance of a maintenance grant shall submit as part of its application:

(1) Revised data obtained since the preceding application regarding weights of pollutant discharge as required under

§ 56.31(a)(1), with information to explain net weight changes which have taken place due both to reductions and increases in discharges from existing sources and to increases due to discharges from new sources.

(2) Supplemental data obtained since the preceding application regarding pollutant concentrations in the ambient air, as required under § 56.31 (a)(5).

(3) Data concerning installations, since the preceding application, of air pollution control equipment, or process changes (including changes in combustion practices for generation of heat, power, or waste disposal) instituted for air pollution control purposes, for either new or existing sources, with estimates of total weights of pollutants kept out of the atmosphere by such installations or changes, and of the costs of installation and operation, if available, of these control systems. Specific information on individual installations or process changes which contribute significantly toward achievement of objectives, which represent unique methods for solving difficult problems, or which eliminate a source of major complaint should be included. Addresses where such installations or process changes are located shall be kept on file by the grantee agency.

(4) Data concerning improvements effected in controlling air pollution from mobile sources.

(5) Data concerning sources registered, permits issued, plans reviewed and approved, orders issued, violations prosecuted, injunctions obtained, sources sealed, convictions for violations, and similar regulatory actions and accomplishments, as well as variances granted. Specific information, including the name and address, concerning each variance granted shall be kept on file by the grantee agency.

(6) Information concerning any changes or addition in rules, regulations, or standards employed and any revisions of or amendments to its approved Workable Program.

§ 56.33 Approval of maintenance support; priority.

(a) In determining the desirability of initiating financial assistance for the maintenance of an air pollution control program, the Surgeon General will take into consideration the comments of the appropriate State officials designated pursuant to section 104 of the Act as amended, the feasibility of the program in the light of the resources to be made available and the nature of the air pollution problem, the suitability of the air quality objectives of the program and the feasibility of achieving these with the rules, regulations, and emission standards to be used and with the proposed schedule for their application, the steps taken by the applicant to carry out any applicable recommendations of the Secretary under sections 103(e) and 105 of the Act.

(b) In determining the desirability of continuing financial assistance for the maintenance of an air pollution control program, the Surgeon General will take into consideration the comments of the appropriate State officials designated pursuant to section 104 of the Act as amended, the progress made toward achieving the program objectives, the prospects of achieving the next scheduled objectives in the light of program accomplishments to date, and the steps taken by the applicant to carry out any applicable recommendations of the Secretary under sections 103(e) and 105 of the Act.

(c) In approving financial aid for programs approved under paragraph (a) of this section, the Surgeon General will give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem, and (3) the financial need of the respective applicants.

(d) For the purposes of this section:

(1) "Population" means the population residing within the jurisdiction of the applicant according to the latest decennial census data available from the U.S. Bureau of the Census.

(2) "The extent of the actual or potential air pollution problem" will be determined on the basis of (i) motor vehicles per square mile and (ii) value added by manufacturing, within the jurisdiction of the applicant, according to the latest decennial census data available from the U.S. Bureau of the Census.

(3) "Financial need" will be determined on the basis of the reciprocal of the median family income of families residing within the jurisdiction of the applicant according to the latest decennial census data available from the U.S. Bureau of the Census.

(e) Financial aid for programs approved under paragraph (b) of this section will be given priority by the Surgeon General, from available funds, for amounts not to exceed the amount awarded for the preceding year. Priority for any additional amount requested will be established through consideration of the factors listed in paragraphs (c) and (d) of this section applied to this and all other currently eligible applicants.

(f) In the event that insufficient funds are appropriated and available for all programs potentially eligible for continued maintenance support under paragraph (b) of this section in the amounts awarded for the preceding year, the amount reserved for each, from the available funds, shall be reduced by an equal percentage. Should one or more potentially eligible programs fail to qualify, during such year, for continued maintenance support under paragraph (b) of this section, the amounts reserved for such programs shall be utilized to restore, on an equal percentage basis, the reductions described above in this paragraph. Any funds remaining over and above the amounts required to restore said reductions shall be available to other eligible applicants in accordance with the provisions of paragraphs (c) and (d) of this section.

§ 56.34 Grant awards.

(a) Within the limits of funds available for such purpose, the Surgeon General shall make grant awards, in such amounts as he may determine (subject to the provisions of § 56.21) to applicants whose programs have been approved for Federal financial aid under § 56.33.

(b) A grant award shall be made by the Surgeon General for either 1 year or for such lesser period as he may prescribe in making the award.

(c) The Surgeon General may from time to time within the award period of any grant, on the basis of an application therefore, make supplemental grant awards with respect to any approved program where he finds on the basis of such progress, fiscal or other reports as he may require that the amount of any prior award was less than the amount necessary to carry out the approved program within the period with respect to which the prior award was made.

(d) Neither the approval of any program nor a grant award shall commit or obligate the United States in any way to make any additional, supplemental or continuation award with respect to any approved program other than as specified in § 56.33(e).

Subpart—Termination and Final Settlement

§ 56.40 Applicability.

The provisions of this subpart are applicable to all grants made under this part.

§ 56.41 Termination of grant award.

(a) Any grant award may be terminated by the Surgeon General in whole or in part at any time within the award period, after affording the grantee reasonable notice and opportunity for a hearing, whenever the Surgeon General finds that in his judgment the grantee has failed in a substantial respect to comply with the condition of the grant or the requirements and conditions of this part, or both.

(b) Upon termination pursuant to paragraph (a) of this section, the grantee shall render an accounting and final statement as provided in this subpart. The Surgeon General may allow credit for the amount required to settle at minimum costs any noncancellable obligations properly incurred by the grantee prior to receipt of notice of termination, if he finds that the grantee had good cause for its failure to comply with the applicable requirements and conditions.

§ 56.42 Termination date; final accounting.

In addition to such other accounting as the Surgeon General may require, the grantee shall render with respect to each supported activity, a full account as provided herein, as of the termination date which shall be either (a) the end of the award period, or (b) the date of any termination of grant support as provided in § 56.41, whichever first occurs.

§ 56.43 Accounting for grant payments.

(a) With respect to each supported activity, the grantee shall account for the total of all amounts paid under § 56.6 by presenting or otherwise making available vouchers or other evidence

satisfactory to the Surgeon General of actual expenditures for the project.

(b) Total grant expenditures shall not exceed: (1) In the case of project grants, two-thirds of the acceptable actual costs of the approved project with respect to which the grant is made as evidenced in the final accounting: *Provided*, That in the case of regional air pollution control programs the total amount of grant expenditures shall not exceed three-fourths of the acceptable actual cost of the approved project; (2) in the case of maintenance grants, one-half of the acceptable actual costs of the approved program with respect to which the grant is made as evidenced in the final accounting: *Provided*, That in the case of regional air pollution control programs, the total amount of grant expenditures shall not exceed three-fifths of the acceptable actual cost of the approved program.

§ 56.44 Accounting for equipment, materials, or supplies.

Expenditures of grant funds for movable or fixed equipment, materials or supplies, termed in this section "materials", may be charged to grant funds only to the extent such materials are required for the conduct of the supported activity during the period for which Federal financial support is provided. Any materials on hand on the termination date of the project (excluding expendable supplies within such limitations as the Surgeon General may prescribe) shall be accounted for by one or a combination of the following methods:

(a) Materials may be used by the grantee, without adjustment of accounts, for purposes within the Workable Program as approved by the Surgeon General, and no other accounting for such materials shall be required: *Provided, however*, (1) That during such period of use no charge for depreciation, amortization or for other use of the materials shall be made against any existing or future Federal grant or contract, and (2) if within the period of their useful life the materials are transferred by sale or otherwise for use outside the scope of the Workable Program, the proportionate fair market value at the time of transfer shall be payable to the United States.

(b) The materials may be sold by the grantee and the proportion of the net proceeds of sale equal to the proportion of Federal participation in the cost of the materials paid to the United States, or they may be used or disposed of in any manner by the grantee by paying to the United States such proportion of their fair market value on the termination date.

To the extent materials purchased from grant funds have been used for credit or "trade in" on the purchase of new materials, the accounting obligation shall apply to the same extent to such new materials.

§ 56.45 Final settlement.

There shall be payable to the United States as final settlement with respect to each supported activity the total sum of any amount not accounted for pursuant to § 56.43 and of any amounts payable to the United States as provided in § 56.44. Such total sum shall constitute a debt owed by the grantee to the United States and if not paid to the United States shall be recovered from the grantee or its successors by setoff or other action as provided by law.

Dated: May 24, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-6012; Filed, May 29, 1967; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-623]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority; Chief, CATV Task Force

In the matter of amendment of § 0.289 of the Commission's rules and regulations concerning delegations of authority to the Chief, CATV Task Force.

1. The Commission believes that the orderly disposition of its business will be advanced by delegating additional authority to the Chief of the CATV Task Force to grant requests for waiver of those provisions of the Community Antenna Relay Service rules relating to unattended operation of stations (§ 74.1037) and time of operation of stations (§ 74.1067). This amendment to the delegations is consistent with other delegations to the staff in similar matters.

2. This amendment relates to internal Commission organization and practice so that the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553 do not apply and the amendment can be made effective immediately. Authority for the promulgation of this amendment is contained in sections 4(i), 5(b), and (d), and 303(r) of the Communications Act of 1934, as amended.

3. *Accordingly, It is ordered*, Effective May 26, 1967, that Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: May 24, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.289 (c)(11) is added, to read as follows:

§ 0.289 Authority delegated.

* * * * * *

(c) * * *

(11) To grant requests for waiver of §§ 74.1037 and 74.1067 of this chapter.

[F.R. Doc. 67-6016; Filed, May 29, 1967; 8:50 a.m.]

[1] Commissioner Wadsworth absent.

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Subpart D—Claims

COLLECTION STANDARDS

Pursuant to section 3 of the Federal Claims Collection Act of 1966 (P.L. 89-508, 80 Stat. 309, 31 U.S.C. 952), authorizing regulations in conformity with the Joint Regulations of the Attorney General and the Comptroller General (4 CFR ch. II, 31 F.R. 13381), § 1.52(c), Subpart D, Part 1, Subtitle A, Title 7, Code of Federal Regulations (32 F.R. 2805), is amended to read as follows:

§ 1.52 Claims collection standards.

* * * * *

(c) *Designation.* The head of each agency of the Department, and such persons as may be designated by him for such purpose, with respect to claims of his agency is authorized to perform all of the duties and exercise all of the authority of the Secretary under the Federal Claims Collection Act of 1966, the aforementioned Joint Regulations of the Attorney General and the Comptroller General, and the regulations in this section: *Provided*, That with respect to claims of $250 or more, exclusive of interest, the head of each such agency may, if he considers it necessary or advisable to do so, direct that no compromise shall be effected or collection action terminated or suspended under authority of such Act and regulations, except with the advice and counsel of the Office of the General Counsel of the U.S. Department of Agriculture.

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

Done at Washington, D.C., this 25th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5986; Filed, May 29, 1967; 8:47 a.m.]

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 6]

PART 775—FEED GRAINS

Subpart—1966-69 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1966-69 Feed Grain Program, 31 F.R. 8339, as amended, are hereby further amended as follows:

1. Section 775.402 is amended by adding the following:

§ 775.402 Definitions.

* * * * *

(c) * * *

(2) * * *

(xi) Corn planted under contract from seed furnished by the contracting company for the sole purpose of processing the cornstalks into sugar.

* * * * *

2. Section 775.417(i) is amended to read as follows:

§ 775.417 Final diversion payment and price support payment.

* * * * *

(i) Payments to any producer which exceed the total payment he earned under the program with respect to any farm shall be refunded, and if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the date the payments are refunded.

3. Section 775.419 is amended by changing the introductory statement of paragraph (a) to read as follows:

§ 775.419 Additional provisions relating to tenants and sharecroppers.

(a) Form 477 shall not be approved if the county committee determines that any of the following conditions exist, and if any of such conditions are discovered after approval of Form 477, all, or such part as the State committee may determine, of the payments which have been received by the producers shall be refunded:

* * * * *

§ 775.430 [Amended]

4. Section 775.430(c)(1) is amended by adding the following sentence at the end thereof: "Credit the total acreage upon which payment is based first to the underplanted commodity with the higher additional diversion payment rate and then any balance to the underplanted commodity with the lower additional diversion payment rate."

5. Section 775.430(e) is amended to read as follows:

(e) *Substitute crops (alternate crops).* Part or all of the minimum acreage required to be diverted under § 775.404(b)(2) and up to 20 percent of the 25 acres diverted under the proviso in paragraph (c)(2) of this section may be devoted to castor beans, crambe, guar, mustard seed, plantago ovato, and sesame if the farm operator authorizes in writing on a form furnished by the county committee, a reduction in farm payments. The per acre reduction rate for castor beans and guar shall be 70 percent, and for crambe, mustard seed, plantago ovato, and sesame 100 percent, of the result obtained by multiplying 20 percent of the county rate for determining diversion payments for the 1967 crop found in § 775.427, by the projected farm yield established for the commodity as provided in § 775.410(b).

(Sec. 16(i), 79 Stat. 1190, 16 U.S.C. 590p(i); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 24, 1967.

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

[F.R. Doc. 67-6045; Filed, May 29, 1967; 8:52 a.m.]

[Amdt. 1]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Applicability of Certificate Requirements and Delegation of Authority

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see secs. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j), to provide miscellaneous changes to the republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502). The provision of this amendment as it pertains to wheat processed by a state or state agency solely for training and rehabilitation was published as proposed amendment 2 to the regulations (32 F.R. 4123). There were no suggestions for changing the language in the proposed amendment as a result of the notice given the public pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553). Accordingly, the following provision for exemption of wheat processed for noncommercial uses is substantially the same as originally published. The amendment provides the following:

(1) It exempts from marketing certificates, wheat processed by a State or State agency solely for training and rehabilitation purposes, if the food products derived are used by such State or State agency or another agency of that State.

(2) It delegates to the Administrator, the authority to promulgate amendments and revisions to these Regulations.

The changes to the regulations as proposed and published in proposed amendment 1 (32 F.R. 279) will be made in a future amendment to these regulations.

Since these provisions must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall be effective on the date provided below.

The Processor Wheat Marketing Certificate Regulations (31 F.R. 13502) are changed to read as follows:

1. Section 777.4(b)(7) is amended to read as follows:

§ 777.4 Applicability of certificate requirements.

* * * * *

(b) *Exemptions.* * * *

(7) *Wheat processed for noncommercial uses.* Certificates shall not be required for wheat processed for noncommercial uses as determined by the Administrator and specified in this paragraph. Any food processor who wishes to petition the Administrator to establish in the regulations in this part an exemption for any such use shall submit to the Administrator, the name and detailed description of the food product, the use which is to be made of the food product, the name and address of the person who will make such use, and any other information deemed relevant by the food processor and as may be required by the Administrator. The exemption shall apply to wheat used in the manufacture of food products for the following uses:

(i) *Wheat processed for use by the producer or person to whom he has donated the food product.* Marketing certificates shall not be required for wheat processed beginning July 1, 1964, into a food product for use by either the producer or a person to whom he has donated the food product outside the farm where the wheat was grown. To support the exemption provided for in this subparagraph (7)(i), the processor shall, at the time of delivery of the food product or, at such other time as may be approved in writing by the Director, obtain a certification on Form CCC-148, Food Product Farm Use Certificate, covering the quantity of food product delivered and describing the use to be made of the food product.

(ii) *Wheat processed by a State or State agency for use by a State or State agency or another agency of that State.* Marketing certificates shall not be required for wheat processed beginning July 1, 1964, into a food product by a State or State agency for purposes of training and rehabilitation. Such food product must be used by the State agency processing such wheat or if the food product is removed, by another agency of that State and must not be marketed by any other person. The State agency processing the wheat must maintain complete records of the quantity of wheat processed and of the disposition of the food product processed, as required by § 777.15. Any State or State agency which processes wheat for use exclusively by such State or State agency or another agency of such State shall not be required to submit food processing reports under § 777.12.

2. Section 777.25 is added to read as follows:

§ 777.25 Delegation of authority.

Authority is hereby delegated to the Administrator to promulgate amendments and revisions to the regulations in this part.

Effective date. The provisions of § 777.4(b)(7) shall be effective retroactively to July 1, 1964, and § 777.25 shall be effective with the date this amendment is published in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 23, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5981; Filed, May 29, 1967; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

PART 891—DOMESTIC BEET SUGAR AREA

Pursuant to the provisions of the Sugar Act of 1948, as amended, the title of Part 891 is amended to read "Part 891—Domestic Beet Sugar Area"; § 891.1 (27 F.R. 10318; 31 F.R. 1143) is rescinded; and new §§891.1 through 891.12 are added to read as follows:

Sec.
891.1 Regulations, as effective, and definitions.
891.2 Designation of crop of sugarbeets by year.
891.3 Instructions and forms.
891.4 Filing application for payment.
891.5 Compliance with child labor provisions of the Act.
891.6 Compliance with other conditions of payment.
891.7 Determination of eligibility and basis for payment, review and changes in determination and appeals for review thereof.
891.8 Obtaining information regarding eligibility for payment.
891.9 Conditions of payment not met where producer prevents obtaining information.
891.10 Computation of Sugar Act payment.
891.11 Credit for planted sugarbeet acreage, prevented acreage, and approved released acreage.
891.12 List of prescribed forms.

AUTHORITY: The provisions of this Part 891 issued pursuant to sec. 403, Sugar Act of 1948, as amended, 61 Stat. 932, 7 U.S.C. 1153; sec. 301, 61 Stat. 929, as amended, 7 U.S.C. 1131; sec. 304, 61 Stat. 931, 7 U.S.C. 1134; sec. 306, 61 Stat. 932, 7 U.S.C. 1136.

§ 891.1 Regulations, as effective, and definitions.

(a) The regulations in the following §§ 891.1 through 891.12 become effective on the 20th day after the date of publication of such sections in the FEDERAL REGISTER, shall continue in effect until amended, superseded, or revoked, and shall apply to actions or proceedings initiated after such effective date. As used in this part, the terms:

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated or to whom authority may hereafter be delegated, to act in his stead.

(c) "Deputy Administrator" or "DASCO" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(d) "Act" means the Sugar Act of 1948, as amended.

(e) "State committee" means the persons designated by the Secretary in a State as the Agricultural Stabilization and Conservation State Committee, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(f) "State Executive Director" means the person responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State Office, or any employee of such office authorized to act on his behalf.

(g) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation County and Community Committees, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(h) "County office manager" means the person responsible for the day-to-day operations of the Agricultural Stabilization and Conservation County Office (herein referred to as ASCS county office).

(i) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(j) "Operator" means the producer who controls and directs the sugarbeet operations on the farm, who has all or the major portion of the risk of financial loss or of the opportunity for financial gain resulting from such operations and who has the authority to make the final decisions with respect to growing, harvesting, and marketing the sugarbeet crop: *Provided, however,* That the cosigning of a note by a parent to enable his child to obtain financing shall not in itself be considered as diminishing the risk of financial loss borne by such child.

(k) "Producer" means a person who is the legal owner, at the time of harvest or abandonment, of a portion or all of a crop of sugarbeets grown on a farm or the extraction of sugar or liquid sugar.

(l) "Share" or "proportionate share" means the proportionate share for a farm in terms of planted sugarbeet acreage as provided in sections 301 and 302 of the Act.

(m) "Personal history area" means any State or substantial portion thereof in which the personal sugarbeet production history of farm operators was used generally prior to 1962 in establishing shares or where shares were not established prior to 1962 and the State Committee is authorized by DASCO to use personal history of operators.

(n) "Farm history area" means any sugarbeet producing area which is not a personal history area.

(o) "Acreage harvested" means the acreage from which sugarbeets are taken out of the ground preparatory to marketing for the extraction of sugar, when the completion of such marketing can be reasonably anticipated. Sugarbeets which have merely been lifted or loosened shall not be classified as harvested. However, such acreage may be considered for classification as abandoned acreage pursuant to § 842.2 of this chapter.

(p) "Processor-producer" means a producer who is determined to be also a processor. A producer shall be deemed to be also a processor:

(1) If such producer is directly engaged in the processing of sugarbeets for sugar;

(2) If such producer, whether alone or in conjunction with others controls a person directly engaged in the processing of sugarbeets for sugar, either by stock ownership or otherwise; or

(3) If such producer is controlled, whether through stock ownership or otherwise, by a person directly engaged in the processing of sugarbeets for sugar.

(q) "Cropland" means land suitable for the production of sugarbeets on the farm.

(r) "Crop" means a crop of sugarbeets designated by year as provided in § 891.2

§ 891.2 Designation of crop of sugarbeets by year.

In Southern California (including the counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles County lying south of the San Gabriel Mountains) and in any other State, a crop of sugarbeet shall be designated by year to correspond with the calendar year in which the beets are planted: *Provided,* That in Orange and Riverside Counties, sugarbeets that were planted during the calendar year 1966 and during the period January 1, through January 31, 1967 shall be designated as 1966-crop sugarbeets. For the balance of California, a crop of sugarbeets planted in the interval beginning November 1 of one calendar year through October 31 of the following calendar year shall be designated by year to correspond with such following calendar year. The term "crop year" means the crop designated by year as provided in this section.

§ 891.3 Instructions and forms.

DASCO shall cause to be prepared such forms and internal management instructions as are necessary for carrying out the regulations in this part and regulations hereafter issued. These forms, instruction, and data pertaining to the individual farms are available in the ASCS county office of the county in which the farm headquarters is located, or in the absence of a farm headquarters, in the ASCS county office of the county in which the major portion of the land suitable for the production of sugarbeets on the farm is located. A list of forms prescribed for the conditional payment program in the domestic beet sugar area are set forth in § 891.12.

§ 891.4 Filing application for payment.

(a) *Form to be used.* Applications for payments authorized under title III of the Act with respect to sugar commercially recoverable from sugarbeets grown on a farm, as well as for acreage abandonment and crop deficiency payments, shall be made on Form SU-110.

(b) *Person eligible to apply for payment.* The producer on the farm, or his legal representative, must sign and file

the form in the ASC county office or with a representative of such office for the county in which the farm headquarters is located or, in the absence of a farm headquarters, for the county in which the major portion of land suitable for the production of sugarbeets is located.

(c) *Closing date for filing.* Form SU-110 must be filed with respect to a crop of sugarbeets no later than December 31 of the second calendar year following the year designating such crop.

(d) *Exception to closing date requirement.* An application may be filed after the closing date if the State committee determines that the applicant was prevented from filing by such date because of illness or other reason beyond his control.

(e) *Person eligible to receive payment.* Payment shall be made to a producer of the sugarbeets in accordance with the provisions of section 304(d) of the Act. In the event of the death, disappearance, or incompetency of the producer, payment shall be made to the beneficiary designated in the application for payment by the producer, or if no such beneficiary is named, to the producer's legal representative or his heirs as determined by the county committee.

(f) *Assignments.* Sugar Act payments may not be assigned.

(g) *Receivers.* A Sugar Act payment may not be made to a receiver.

§ 891.5 Compliance with child labor provisions of the Act.

(a) *Applicability.* As a condition for payment under the Act, and except for a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed, no child under the age of 14 shall have been employed or permitted to work on the farm, whether for gain to such child or any person, in the production, cultivation or harvesting of a crop of sugarbeets with respect to which application for payment is made, nor be so employed or permitted to work for a longer period than 8 hours in any 1 day if between the ages of 14 and 16.

(b) *Deduction for non-compliance.* Payment authorized under the Act may be made notwithstanding a failure to comply with the conditions set forth in pargraph (a) of this section, but the payments made with respect to any crop shall be subject to a deduction of $10 for each child for each day, or a portion of a day, during which such child was employed or permited to work contrary to the provisions of this section.

(c) *Proof of age.* The operator of a farm upon which a child is found, by a representative of the ASCS county or ASCS State office or county or State committee to have worked or to be working in the production, cultivation or harvesting of a crop of sugarbeets, shall be required upon request of the representative to furnish proof of age of the child if such child is not a member of the immediate family of a person owning at least 40 percent of the crop of sugarbeets at the time such work was performed. Proof of age may be established by (1) an age certification issued pursuant to any child labor program carried out under State or Federal supervision or other authorized personnel such as a school superintendent or principal, (2) a birth certificate or transcript thereof, (3) a baptismal certificate showing the date of birth, (4) a passport, (5) an insurance policy, or (6) a Bible record.

(d) *Proving child member of producer's immediate family.* If it is alleged that the child is a member of the immediate family of a person who owns such 40 percent of a crop, such person or the operator of the farm must establish such relationship to the satisfaction of the representative of the ASCS county or ASCS State office or county or State committee. "Member of the immediate family" is deemed to include children who constitute the household of a person when such person is responsible for and provides the support of such children either as parent or in place of the parent.

(e) *Checking compliance with child labor provisions.* In accordance with instructions issued by DASCO, the county committee shall determine by random selection the farms in which child labor compliance checks shall be made. The farm operator shall be notified immediately of any violation of these provisions.

§ 891.6 Compliance with other conditions of payment.

All requirements of the Act and the regulations issued pursuant thereto with respect to wage rates, farm proportionate shares (if in effect) and in case of a processor-producer, prices paid for sugarbeets shall be met.

§ 891.7 Determination of eligibility and basis for payment, review and changes in determination and appeals for review thereof.

The finality provisions of section 306 of the Act apply to determinations made in conformity with the regulations in this § 891.7. Compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the county committee, any such determination to be subject to redetermination initiated by the county committee and to review initiated by the State committee and to approval or redetermination by the State committee. Any determination by the State committee shall be subject to redetermination initiated by the State committee and to review initiated by the Deputy Administrator and to approval or redetermination by the Deputy Administrator. Determinations and redeterminations by the county committee, the State committee or the Deputy Administrator shall be made and decided in accordance with the applicable provisions of the Act and regulations issued by the Secretary thereunder and on the facts in the individual case. The producers on the farm with respect to which such a determination or redetermination is made shall be promptly notified in writing of the substance and meaning of the determination or redetermination, the amounts of any payments and any reduction in payments which are determined; and that the producer may obtain reconsideration or review of the determination or redetermination and an informal hearing in connection therewith, by filing a written request within fifteen days from the date of mailing of such written notification. The written notification also shall state where the request for reconsideration or review should be filed and where further information in regard to appeal procedure and the hearing may be obtained. The provisions apprising producers of their rights to request reconsideration or appeal from determinations affecting their eligibility for or the amount of payments under the Act, and the procedure to follow in such instances including time limitations for filing requests for reconsideration and appeals are contained in Part 780 of this title. The procedures applicable to claims for unpaid wages are provided for under regulations pertaining thereto, as issued by the Secretary, and contained in Part 862 of this chapter.

§ 891.8 Obtaining information regarding eligibility for payment.

Where it is necessary to obtain information to assist the county committee in determining compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, the facts constituting the basis for any such payment or the amount thereof, or to assist the State committee or the Deputy Administrator in reviewing upon appeal, or upon their own initiative, any such determination by the county committee, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of this title, as amended. In the absence of a provision in such Part 718 for obtaining any such information, any employee of the ASCS county office or employees of the ASCS State office designated respectively by the county office manager or by the State Executive Director to be qualified to perform such a duty may obtain such information.

§ 891.9 Conditions of payment not met where producer prevents obtaining information.

If the producer, or his representative, on any farm with respect to which application is made for any payment authorized under title III of the Act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, the conditions prescribed by the Act and regulations for any such payment shall be deemed not to have been met until such producer or his representative permits such information to be obtained.

§ 891.10 **Computation of Sugar Act payment.**

Payment is made as to each farm, and the amount of payment is scaled down as shown in the following table when the quantity of sugar for which payment may be made as determined from sugarbeets planted on the farm exceeds 7,000 hundredweight. The Sugar Act payment for the amount of commercially recoverable sugar determined for a farm shall be computed by the county committee in accordance with the following table:

If the hundredweight of commercially recoverable sugar determined for a farm is:	Multiply it by:	Then add:
1 to 7,000	$0.80	$0.00
7,001 to 14,000	.75	350.00
14,001 to 20,000	.70	1,050.00
20,001 to 30,000	.60	3,050.00
30,001 to 60,000	.55	4,550.00
60,001 to 120,000	.525	6,060.00
120,001 to 240,000	.50	9,060.00
240,001 to 600,000	.475	15,060.00
More than 600,000	.30	120,060.00

For example: If the hundredweight of commercially recoverable sugar determined for a farm (Item 16 on Form SU-110) is 13,000 hundredweight, multiply it by $0.75. To that result add $350 to give $10,000, the amount of the payment.

§ 891.11 **Credit for planted sugarbeet acreage, prevented acreage and approved released acreage.**

For the purpose of compiling sugarbeet production records for use in establishing proportionate shares, when required, and for use in determining normal yields for abandonment and crop deficiency payments, as provided in Part 841 of this chapter, the production record for a subdivision of any farm which is divided shall be credited with its actual planted acreage, approved prevented acreage determined under Part 849 of this chapter and approved acreage eligible for release determined under Part 895 of this chapter if available from records in the ASCS county office. However, if such records are not available in such office, the production records of the subdivisions shall be credited with a pro rata share, respectively, of the planted acreage, approved prevented acreage and approved released acreage of the farm on the basis of the cropland suitable for the production of sugarbeets in each subdivision.

§ 891.12 **List of prescribed forms.**

Forms prescribed for the conditional payment program in the domestic beet sugar area.

FORM NUMBER AND TITLE

SU-102—Farming Unit Report.
SU-102-B—Child Labor and Wage Claim Report.
SU-102-C—Sugarbeet Prevented Acreage Worksheet.
SU-104—Sugarbeet Record.
SU-104-1—Personal Sugarbeet Record.
SU-107—Sugarbeet Marketing Report.
SU-109-A—Combination Worksheet.
SU-110—Application for Payment.
SU-110-A—Abandonment and Deficiency Area Worksheet.
SU-111—Supplement to Application for Payment.
SU-112—List of Sugarbeet Producers.
SU-113—Farm Operator Check Sheet.
SU-114—Summary of Applications for Payment.
SU-115—Report of Sugarbeet Wages Paid.
SU-134—Daily Wage Record Sheet.
SU-190—Child Labor Compliance Check Sheet.
SU-191—Claim Against Producer for Unpaid Wages.
SU-195—Sugar Act Payment Deductions.

Statement of bases and considerations. To qualify for Sugar Act payments, sugarbeet producers must comply with various general provisions and requirements of the Act, as implemented in determinations issued by the Secretary. In addition, they must file applications for payments, use approved forms, adhere to certain instructions and furnish information regarding eligibility for payment and the basis for payment and in connection with appeals for review thereof. Prior to the 1962 crop, some of these provisions were incorporated in the annual proportionate share regulations. Since proportionate shares are not necessarily required for every crop year, certain of these provisions were incorporated in Part 891.

This action represents a reissuance of of the general provisions, with several additions. Also, some definitions set forth in other regulations, among others the definition of Processor-Producer as stated in 7 CFR 821.1, have been added.

The Department published in the FEDERAL REGISTER of February 9, 1967 (32 F.R. 2708) its intention to issue regulations revising the definition of a farm and defining and interpreting the term farm operator. After reviewing and fully considering the comments that have been received, it has been concluded that no amendment of the definition of a farm should be issued pending further study. However, the definition of "operator" has been expanded by the addition of a provision which makes it possible for a parent to provide financing for his child without the parent being considered as having assumed the risk of the financial loss merely by cosigning a note so that the child could start his own farming enterprise.

Determination of eligibility and basis for payment and appeals for review thereof has been updated to be consistent with regulations governing appeals (Ch. VII, Pt. 780). Further, where a subdivision of a farm occurs, this action spells out the method of crediting sugarbeet acreage to production records of the subdivisions for the purpose of establishing proportionate shares and determining normal yields for abandonment and crop deficiency payments.

Provisions of the Act relating to proportionate shares will be incorporated in the regulations pertaining thereto when it is determined by the Secretary that such shares are required.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

Effective date: The 20th day after date of publication.

Signed at Washington, D.C., on May 24, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-6046; Filed, May 29, 1967; 8:52 a.m.]

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

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

Prorate Bases and Allotments and Other Reports

Notice was published in the FEDERAL REGISTER issue of May 10, 1967 (32 F.R. 7088), that the Department was giving consideration to proposed amendment of the rules and regulations (7 CFR 907.100 et seq.; Subpart—Rules and Regulations) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Navel Orange Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that the amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations), is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act; and said rules and regulations are hereby amended as follows:

§ 907.110 [Amended]

1. The provisions of § 907.110 *Prorate bases and allotments* are amended by:

(a) Deleting from paragraph (d) that portion of the second sentence which precedes the proviso and inserting in lieu thereof the following: "The quantity so determined shall be deducted during a period of 5 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

(b) Deleting from paragraph (e)(1) that portion which precedes the proviso and inserting in lieu thereof the following: "The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in this part, during a period of 4 consecutive weeks in

all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

2. A new section is added reading as follows:

§ 907.142 Other reports.

Each handler shall make available to the committee's field department representative, upon request, information as to the quantity of oranges which has been harvested from all groves or portions thereof under such handler's control.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

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

Dated: May 24, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-6040; Filed, May 29, 1967; 8:51 a.m.]

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

Prorate Bases and Allotments and Other Reports

Notice was published in the FEDERAL REGISTER issue of May 10, 1967 (32 F.R. 7089), that the Department was giving consideration to proposed amendment of the rules and regulations (7 CFR 908.100 et seq.; Subpart—Rules and Regulations) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Valencia Orange Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that the amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations), is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act; and said rules and regulations are hereby amended as follows:

§ 908.110 [Amended]

1. The provisions of § 908.110 *Prorate bases and allotments* are amended by:

(a) Deleting from paragraph (d) that portion of the second sentence which precedes the proviso and inserting in lieu thereof the following: "The quantity so determined shall be deducted during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

(b) Deleting from paragraph (e)(1) that portion which precedes the proviso and inserting in lieu thereof the following: "The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in this part, during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

2. A new section is added reading as follows:

§ 908.142 Other reports.

Each handler shall make available to the comittee's field department representative, upon request, information as to the quantity of oranges which has been harvested from all groves or portions thereof under such handler's control.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

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

Dated: May 24, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-6041; Filed, May 29, 1967; 8:51 a.m.]

[Plum Reg. 3]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. 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; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 24, 1967.

§ 917.391 Plum Regulation 3.

(a) *Order.* (1) During the period May 31, 1967, through October 31, 1967, no handler shall ship from any shipping point during any day any package or container of Beauty plums, except to the extent otherwise permitted under this paragraph, unless such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack.

(2) During each day of the aforesaid period, any handler may ship from any shipping point a quantity of such plums by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of such plums shipped by such handler which meet the size requirements of said subparagraph (1) of this paragraph: *Provided,* That all such smaller plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack.

(3) If any handler, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such handler only from such shipping point.

(4) When used herein, "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Fresh Plums and Prunes (§§ 51.1520–1538 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of Section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: May 26, 1967.

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

[F.R. Doc. 67-6115; Filed, May 29, 1967; 11:18 a.m.]

[Plum Reg. 4]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. 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; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 24, 1967.

§ 917.392 Plum Regulation 4.

(a) *Order.* (1) During the period May 31, 1967, through October 31, 1967, no handler shall ship any package or container of Burmosa, El Dorado, Mariposa, Red Roy, Laroda, Ace, Elephant Heart, Sharkey, July Santa Rosa, or Grand Rosa plums unless such plums are of a size that, when packed in a standard basket, they will pack at least a 3 x 4 x 5 standard pack.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Fresh Plums and Prunes (§§ 51.1520–1538 of this title), "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: May 26, 1967.

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

[F.R. Doc. 67-6116; Filed, May 27, 1967; 11:18 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Producer Representation on Raisin Advisory Board and Raisin Administrative Committee

Notice was published in the April 28, 1967, issue of the FEDERAL REGISTER (32 F.R. 6578) regarding a proposal to amend Subpart—Administrative Rules and regulations so as to allocate the producer representation on the Raisin Advisory Board and the Raisin Administrative Committee among districts or groups of districts. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted.

The purpose of this amendment is to provide that, commencing with the nominations and selections in 1968, the 35 producer members of the Raisin Advisory Board be reallocated, on a specific basis (i.e., raisin production), among the 21 districts described in § 989.96; also, that the eight producer members of the Raisin Administrative Committee be allocated, on the same basis, among three groups of such districts. The allocations are to be reviewed every 5 years, and changes made as necessary to maintain the allocations on the basis prescribed.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Raisin Administrative Committee, and other available information, it is found that the amendment, as hereinafter set forth, of the Subpart—Administrative Rules and Regulations, is in accordance with this part and will tend to effectuate the declared policy of the act.

Therefore, Subpart — Administrative Rules and Regulations (7 CFR 989.101 to 989.176) is amended by adding the following new sections:

RAISIN ADVISORY BOARD

§ 989.126 Producer representation on Raisin Advisory Board.

(a) Commencing with the term of office beginning May 1, 1968, apportionment of the 35 producer members of the Raisin Advisory Board among the 21 districts (as designated in § 989.96 *Exhibit A*) shall be as provided in this section.

(b) Each district shall have one producer member for each quantity of raisins produced therein from 1966 crop grapes that represents, as nearly as possible, one thirty-fifth of the total tonnage of raisins produced in all districts from 1966 crop grapes: *Provided*, That each district shall have at least one member. The producer representation on the board shall be reviewed every 5 years after 1968 and any necessary changes

made to continue such producer member representation on the basis of one thirty-fifth of the total tonnage of raisins produced. The raisin production to be used in each review or change shall be that of the then preceding crop year.

(c) Whenever any change in 1968, or in a subsequent year, causes a reduction in the number of producer members to represent a particular district in the ensuing term of office, the appointment theretofore made of all incumbent producer members representing that district shall be terminated. The reduced number of such members, and the new members for districts gaining representation, shall be nominated and selected, consistent with § 989.28(a), for the ensuing term of office.

RAISIN ADMINISTRATIVE COMMITTEE

§ 989.139 Producer representation on Raisin Administrative Committee.

(a) As used in this section, the term "group of districts" means any one of the following:

(1) "Group I districts" means Districts Nos. 1 through 15, as designated in § 989.96 *Exhibit A*.

(2) "Group II districts" means Districts Nos. 16, 17, and 18, as designated in § 989.96 *Exhibit A*.

(3) "Group III districts" means Districts Nos. 19, 20, and 21, as designated in § 989.96 *Exhibit A*.

(b) Commencing with the term of office beginning June 1, 1968, apportionment of the eight producer members of the Raisin Administrative Committee among the three groups of districts shall be as provided in this section.

(c) Each group of districts shall have one producer member for each quantity of raisins produced in such districts from 1966 crop grapes that represents, as nearly as possible, one-eighth of the total tonnage of raisins produced in all districts from 1966 crop grapes: *Provided*, That each group of districts shall have at least one member. The producer representation on the committee shall be reviewed every 5 years after 1968 and any necessary changes made to continue such producer member representation on the basis of one-eighth of the total tonnage of raisins produced. The raisin production to be used in such review or change shall be that of the then preceding crop year.

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

Dated May 24, 1967, to become effective 30 days after publication in the FEDERAL REGISTER.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-6042; Filed, May 29, 1967; 8:52 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Amending Order

§ 1002.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings, and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is hereby found and determined that good cause exists for making this order effective as provided herein, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966).)

(2) The nature of the change in Class I prices contemplated herein should affect producer returns beginning with milk delivered in June 1967. In order that dairy farmers may make necessary production plans for the immediate future, this order must be issued without delay. It is likewise necessary that milk handlers know promptly and with certainty the basis upon which the Class I prices which they will pay are to be determined.

(3) The decision of the Assistant Secretary containing all the provisions of this order was issued April 25, 1967. Therefore, the provisions of this order are known to handlers. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers.

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended;

(3) The issuance of the order amending the order is favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby further amended, as follows:

In § 1002.40, the introductory text of paragraph (a) and subparagraph (1) thereunder are revised to read as follows:

§ 1002.40 Class prices.

* * * * *

(a) For Class I–A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (11) of this paragraph, plus 20 cents through April 1968.

(1) Divide (with the result expressed to three decimal places) the monthly wholesale price index for all commodities in the second preceding month as reported by the Bureau of Labor Statistics, United States Department of Labor, by the average of the monthly indexes reported on the same base for the year 1955: *Provided*, That from the effective date of this amendment through April 1968, the result computed pursuant to this subparagraph shall not be less than 117.596.

* * * * *

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

Effective date: June 1, 1967.

Signed at Washington, D.C., on May 25, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 67-5985; Filed, May 29, 1967; 8:47 a.m.]

[Milk Order 63]

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area (7 CFR Part 1063), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of May through August 31, 1967: In § 1063.10(a) the provision "(except plants)".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will permit the inclusion of Class I milk disposed of on routes to plants in the volume of Class I milk which must be disposed of from a distributing plant to qualify as a pool plant.

Termination of this provision was requested by a handler who operates a distributing plant which packages Class a program to acquaint independent such products to other plants. Unless this provision is suspended the handler may not meet the requirements for pool status of this plant during May through August 1967. The cooperative association of producers, which is the handler's principal supplier, has also requested the suspension.

Since this plant and these producers are primarily engaged in supplying the fluid milk product requirements of the Quad Cities-Dubuque market the plant should be permitted to retain pool status until the provisions regarding pooling requirements of distributing plants can be considered at a hearing and any necessary amendments issued. Accordingly, this suspension order should be made effective for the months of May through August 1967.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (32 F.R. 7460). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective May 1, 1967.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period May 1, 1967, through August 31, 1967.

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

Effective date: May 1, 1967.

Signed at Washington, D. C., on May 25, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 67-6043; Filed, May 29, 1967; 8:52 a.m.]

[Milk Orders 106, 126]

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Oklahoma Metropolitan and North Texas marketing areas (7 CFR Parts 1106 and 1126), it is hereby found and determined that:

(a) The following provisions of the orders no longer tend to effectuate the declared policy of the Act for the months of June and July 1967:

(1) In § 1106.51(a) of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area, the last sentence of the introductory text reading as follows: "To this price add or subtract a 'supply-demand adjustment' of not more than 50 cents, computed as follows:" and subparagraphs (1), (2), and (3).

(2) In § 1126.51(a) of the order regulating the handling of milk in the North Texas marketing area, that portion of the last sentence of the introductory text reading as follows: "and subject to a supply-demand adjustment of not more than 50 cents computed as follows:" and subparagraphs (1), (2), (3), (4), (5), and (6).

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will continue for the months of June and July 1967 the elimination of the effect of supply-demand adjustors in the Oklahoma Metropolitan and North Texas orders that was provided for January through March 1967 by amendment issued December 28, 1966, on the basis of a public hearing held November 9, 1966, and for April and May 1967 by suspension orders that were issued March 23 and April 26, 1967.

(4) This suspension action was requested by both producers and handlers at a public hearing held May 15, 1967, at Oklahoma City, Okla. At the hearing, witnesses testified that emergency action in the form of a suspension order is necessary to maintain orderly marketing conditions pending the time when an amended order can be issued. No testimony was offered in opposition to this request. The period from the close of the hearing through May 31, 1967 was allowed for filing briefs. It is expected that the time required for analysis of data in the record, preparation and issuance of recommended and final decisions and amendment of the order cannot be completed so that an amended order could be effective for the month of July.

Therefore, in view of the foregoing reasons, good cause exists for making this order effective June 1, 1967.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for the period June 1, 1967 through July 31, 1967.

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

Effective date: June 1, 1967.

Signed at Washington, D.C., on May 25, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-5984; Filed, May 29, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs.; Rev. 1, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for 1964 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 31 F.R. 5941 and containing the General Regulations and related commodities is hereby amended as follows:

1. The table of contents is amended

Sec.
1421.78 Forms.

to add a new § 1421.79 which reads as follows:

2. In § 1421.67, paragraph (a) is amended to add additional conditions to be considered by ASC State and county committees in determining the percentage of the estimated quantity eligible for loan; a new paragraph (d) is added to include provisions for transfer of farm storage loans to warehouse storage loans in emergency situations. The amended paragraph and the new paragraph (d) read as follows:

§ 1421.67 Farm-storage loans.

(a) *Quantity for loan.* Farm storage loans shall not be made on more than a percentage (herein called the "loan percentage"), as determined by the State committee, of the estimated quantity of the eligible commodity stored in approved farm storage and covered by the

chattel mortgage. The maximum loan percentage shall be 85 percent in the case of ear corn and 90 percent in the case of all other commodities. The State committee shall determine the loan percentage each year for each commodity on a Statewide basis or for specified areas within the State. Prior to the establishment of a loan percentage, the State committee shall consider conditions in the State or areas, within a State to determine if the loan percentage should be below the maximum loan percentage in order to provide CCC with the adequate protection. Loan percentage previously determined shall be lowered if warranted by changed conditions but new loan percentages shall apply only to new loans and not to loans already made. Factors to be considered by the State committee in determining the loan percentage are: (1) General crop conditions, (2) factors affecting quality peculiar to an area or State, and (3) climatic conditions affecting storability. The loan percentage established by the State committee may be lowered by the county committee on an individual farm or producer basis when determined to be necessary in order to provide CCC with adequate protection. Factors to be considered by the county committee are: (i) Condition or suitability of the storage structure, (ii) condition of the commodity, (iii) hazardous location of the storage structure, such as a location which exposes the structure to danger of flood, fire, and theft (when the percentage is lowered for one or more of these hazards, the producer shall be notified in writing that CCC will not assume any loss or damage to the loan collateral resulting from the particular hazards to which the structure was exposed), (iv) disagreement on the estimated quantity, (v) producers who have been approved under § 1421.52 (d) and, (vi) for other reasons peculiar to individual farms or producers as reported by the commodity loan inspector or as known to the county office which relate to the preservation or safety of the loan collateral.

* * * * *

(d) *Transfer from farm storage loan to warehouse loan.* Upon request in writing by the producer, the county committee may approve the conversion of a farm storage loan into a warehouse storage loan in emergency situations, such as insect infestation that cannot be controlled, danger of flood, damage to the storage structure and loss of control of the storage structure. Transfer to warehouse storage of part of a bin or crib shall not be permitted. Liquidation of the farm storage loan shall be made through the pledge of warehouse receipts for the commodity placed under warehouse storage loan and the immediate payment by the producer of the amount by which the warehouse storage loan is less than the farm storage loan plus interest. Any amounts due the producer shall be disbursed by the county office.

3. In § 1421.72, paragraph (f) is amended to change the heading and add provisions for handling deliveries by trackloading and reads as follows:

§ 1421.72 Settlement.

* * * * *

(f) *Trackloading*—(1) *Delivery.* Producers may request trackloading where approved warehouse space is not available locally or where the county office determines that it would be to the benefit of CCC. Where local weighing facilities are not available or when requested by producers, destination weights may be used for settlement purposes. All producers loading in the same car must sign an agreement stating the percentage share of the total quantity to be credited to each. When requested by producers prior to delivery of the commodity, settlement may be made on the basis of destination grades. A grade determination for a car shall be applied to the entire quantity of a commodity loaded into the same car, irrespective of the grade or quality of a commodity loaded into the car by any producer.

(2) *Payments.* A trackloading payment of 3 cents per bushel (or 6 cents per hundredweight in the case of grain sorghum and dry edible beans) shall be made to the producer on an eligible commodity delivered to CCC on track at a country point.

* * * * *

5. Section 1421.79 is added to read as follows:

§ 1421.79 Forms.

The following forms shall be used in connection with the price support program. Form CCC–677, Farm Storage Note, Chattel Mortgage, and Security Agreement; Form CCC–678, Warehouse Storage Note and Security Agreement; Form CCC–679, Lien Waiver; Form CCC–681, Authorization for Removal of Farm Stored Collateral; Form CCC–687–1, Approval to Move Loan Collateral; Form CCC–691, Commodity Delivery Notice; and Form CCC–692, Settlement Statement. These forms may be obtained in ASCS State and county offices.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 24, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-5982; Filed, May 29, 1967; 8:47 a.m.]

[Honey Price Support Regs. for 1966 and Subsequent Crops; Amdt. 2]

PART 1434—HONEY

Subpart—Honey Price Support Regulations

DETERMINATION OF QUALITY AND SUPPORT RATES

The regulations issued by the Commodity Credit Corporation, published in 31 F.R. 6257 and setting forth the requirements with respect to price support for the 1966 and each subsequent crop of extracted honey for which a price support program is authorized, are hereby amended as follows:

1. Paragraph (a) of § 1434.99 is amended to add the quality of warehouse stored honey which may be placed under loan and reads as follows:

§ 1434.99 Determination of quality.

(a) *Quality for loan*—(1) *Farm storage.* Loans on farm-stored honey will be made on the basis of the floral source, color and class (table or nontable) of the honey as declared by the producer and certified on the Farm Storage Work Sheet at the time the honey is placed under loan.

(2) *Warehouse storage.* Loans on warehouse-stored honey will be made on the basis of the floral source and color of the honey as shown on the Extracted Honey Inspection and Weight Certificate accompanying the warehouse receipt representing such honey.

* * * * *

2. Section 1434.111 is amended to redesignate existing paragraph (b) to (c) and paragraph (c) to (d) and to add a paragraph (b) which reads as follows:

§ 1434.111 Support rates.

* * * * *

(b) *Substandard*—(1) *Defects and moisture.* The support rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the following discounts:

Substandard account of:	*Discount cents per pound*
Defects	1
Moisture	2
Defects and moisture	3

(2) *Objectionable flavor, fermentation, or caramelization.* The settlement value for a lot of honey delivered under loan or for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the support rate for nontable honey.

* * * * *

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 24, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-5983; Filed, May 29, 1967; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Prohibition of Movement of Swine

On February 8, 1967, there was published in the FEDERAL REGISTER (32 F.R.

2643) a notice of proposed amendments of Part 76, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126; 134–134h), said Part 76 is hereby amended in the following respects:

1. Sections 76.2 (f) and (g) are amended to read:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are hereby designated as hog cholera eradication States: Florida, Oregon, Washington, Wisconsin, and Wyoming.

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are hereby designated as hog cholera free States: Alaska, Idaho, Michigan, Montana, Nevada, Utah, and Vermont.

2. Paragraphs (b) and (c) of § 76.6 are amended and paragraph (d) is deleted to read:

§ 76.6 Interstate movement of swine affected with or exposed to hog cholera prohibited except as provided.

* * * * *

(b) No swine known to be, or suspected of being, exposed to hog cholera shall be moved interstate except as provided in paragraph (c) of this section or in § 76.11 or § 76.13.

(c) Swine known to be, or suspected of being, exposed to hog cholera may be moved interstate for immediate slaughter from a State which is cooperating in the eradication of hog cholera by complete and prompt depopulation of all swine on infected premises, other than a State listed in § 76.2 (f) or (g), if:

(1) Such movement does not terminate in a State listed in § 76.2 (f) or (g);

(2) The shipper obtains a permit from the appropriate livestock sanitary official of the State of destination approving the movement of such swine into that State and said permit accompanies the interstate movement of such swine;

(3) Such swine are examined immediately prior to loading for interstate shipment by a veterinarian employed by the appropriate State or Federal agency and no clinical evidence of hog cholera is found;

(4) Such interstate shipment is continuous and accomplished in the same vehicle in which movement of such swine commenced;

(5) Such swine do not come in contact with other swine en route to their destination;

(6) Such swine are moved interstate in accordance with provisions of this section for immediate slaughter at an establishment designated by the Director of the Division to slaughter specific shipments of exposed swine; and

(7) Such swine are moved interstate in vehicles which have been sealed with seals of the Department; and such seals are not removed or broken except by inspectors employed by the Consumer and Marketing Service or other persons authorized by the Director of the Division: *Provided, however,* That such sealing of vehicles shall not be required when an inspector employed by the Division accompanies such swine interstate: *And provided further,* That the Director of the Division may waive the requirements of this subparagraph to the extent he may deem warranted, if said Director determines that any or all such requirements are not necessary to prevent the hazard of a spread of hog cholera under particular circumstances.

(d) [Deleted]

The primary purposes of these amendments are to (1) under § 76.2(f) add the State of Florida to, and remove the States of Idaho and Michigan from, the list of designated hog cholera eradication States; (2) under § 76.2(g) add the States of Idaho and Michigan to the list of hog cholera free States; (3) in § 76.6 (b) and (c) add provisions to facilitate the interstate movement of swine exposed to hog cholera from a State that is not an eradication or free State listed in 9 CFR § 76.2 (f) or (g), but is cooperating with this Department in efforts to eradicate hog cholera. The amendment of § 76.6 provides a means for salvaging the meat from exposed marketable swine from infected herds in such States, thereby eliminating foci of infection as well as reducing indemnity costs.

The foregoing amendments are the same as the proposals set forth in the notice of rule making except that the amendments to §§ 76.2 (f) and (g) have been added. The amendments relieve certain restrictions presently imposed and impose certain other restrictions under the regulations on the interstate movement of swine. To the extent that the amendments relieve restrictions they should be made effective as soon as possible so as to be of the greatest benefit to the persons affected thereby. To the extent that the amendments impose restriction, such restrictions are deemed necessary to prevent the dissemination of hog cholera and to facilitate the hog cholera eradication program and therefore such amendments should be made effective promptly in order to fully accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, sec. 3, 76 Stat. 130; 21 U.S.C. 111–113, 114g, 120, 125, 134b, 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of May 1967.

F. J. MULHERN,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 67-5980; Filed, May 29, 1967; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8066]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Foreign Securities

The Securities and Exchange Commission today announced the adoption of Rules 3b-4 (17 CFR 240.3b-4), 12g3-2 (17 CFR 240.12g3-2), 13a-16 (17 CFR 240.13a-16), and 15d-16 (17 CFR 240.15d-16), and amendments to Rules 13a-11 (17 CFR 240.13a-11) and 15d-11 (17 CFR 240.15d-11), under the Securities Exchange Act of 1934 (the Act). These rules, together with the forms adopted today, are primarily designed to implement the provisions of the Securities Acts Amendments of 1964 applicable to foreign issuers whose securities are traded in the over-the-counter market.

Background of adopted rules. The Securities Act Amendments of 1964 extended to investors in many publicly held securities traded in the over-the-counter market the same fundamental disclosure protections which the Act formerly afforded only to investors in companies whose securities were listed on a national securities exchange. Section 12(g) of the Act, added by these amendments, requires a company to register a class of its equity securities with the Commission if the company is engaged in interstate commerce or in a business affecting interstate commerce or its securities are traded by use of the mails or any means or instrumentality of interstate commerce and if:

(a) The company at fiscal year end has total assets in excess of $1 million; and

(b) Such class of equity securities is held of record by 500 or more persons.

Although Section 12(g) applies to securities of both domestic and foreign companies, the Commission is authorized to grant complete or partial exemptions for foreign securities if it concludes that such exemptions are in the public interest and consistent with the protection of investors.

To determine how best to apply the Exchange Act to foreign issuers so as to assure that American investors would have available adequate information about such issuers, the Commission made an extensive study of the disclosure and reporting requirements and practices in many of the countries whose issuers have securities traded in the United States, and the requirements of many leading foreign stock exchanges. The Commission also consulted with representatives of American brokers, dealers, financial analysts, the principal banks issuing American Depositary Receipts (ADR's) and other persons who are interested in foreign securities, and received recommendations from interested domestic and foreign groups. During this study, the Commission exempted until November 30, 1965, all securities of foreign companies and certificates of deposit therefor.

After completing this initial study, the Commission, in November, 1965, published for comment proposals including rules and forms to be applicable to foreign companies subject to section 12(g) (see Release No. 34–7746, 30 F.R. 14737, Nov. 27, 1965; Release No. 34–7747, 30 F.R. 14743, Nov. 27, 1965; Release No. 34–7748, 30 F.R. 14745, Nov. 27, 1965; Release No. 34–7749, 30 F.R. 14747, Nov. 27, 1965). The published proposals also included certain revisions of the rules and forms governing foreign companies whose securities are registered on a national securities exchange and those filing reports pursuant to section 15(d) of the Act because of a public offering of their securities in this country. These proposals centered upon provisions for the furnishing of certain information made public abroad as an additional requirement for foreign companies already reporting and as the primary requirement for companies required to register securities for the first time under section 12(g).

The Commission received many comments on these proposals. After careful consideration of these comments, and after further discussion with interested persons and groups, the Commission decided not to adopt the proposals at that time, but rather to extend the temporary exemption for foreign issuers from section 12(g) until November 30, 1966 (see Release No. 34–7867, 31 F.R. 6706, May 5, 1966). Because registration of securities under section 12(g) is not required until 120 days after the end of the issuer's fiscal year, this extension meant that companies whose fiscal year ended December 31 would not have to register their securities until April 30, 1967.

The Commission also asked those foreign issuers which it had reason to believe would have been subject to the Act, had the rules been adopted, to furnish to the Commission certain information which they made public abroad, as the basis for further study. Most of the issuers to whom the Commission wrote responded to its request for information. After careful examination of this material, the Commission has decided to revise its original proposals. During its first study, the Commission noted the improvement in the reporting of financial information by foreign issuers, resulting from changes in foreign corporate laws, stock exchange requirements, and voluntary disclosure by the companies themselves. Examination of material furnished by foreign companies has reenforced the Commission's initial conclusions as to the quality of the information. The Commission has determined that the continuing improvement in the quality of the information now being made public by foreign issuers, together with the improvement which may reasonably be expected to result from recent changes and current proposals for change in relevant requirements, warrants the provision of an exemption from section 12(g) for those foreign companies which have not sought a public market for their securities in the United States through public offering or stock exchange listing, and which furnish the Commission certain information which they publish abroad pursuant to law or stock exchange requirement or which they send to their security holders.

The Commission has decided not to adopt at the present time special rules applicable to brokers and dealers who deal in foreign securities. The Commission does wish, however, to call to the attention of brokers, dealers and investors the fact that information concerning certain foreign issuers may not be available in the United States. Accordingly, the Commission will issue lists from time to time showing which foreign issuers have registered securities under section 12(g), which issuers have obtained exemptions by the provision of information in the manner noted, and those which have done neither—that is, failed to furnish any information to the Commission for public inspection. The Commission issued one such list on August 10, 1965 (Release No. 34–7934), showing which issuers had furnished information voluntarily to the Commission and which had not. While no sanction will attach to any broker or dealer by reason of its transactions in the securities of an issuer solely because it is listed as neither registered nor exempt, the Commission expects that brokers and dealers will consider this fact in deciding whether they have a reasonable basis for recommending these securities to customers. The Commission will review on a continuing basis activity in the market for foreign securities to see whether the proposed rules are achieving their purpose and whether further rules are necessary.

Summary of adopted exemptions and registration and reporting requirements. Under the new rules, securities of a foreign company will be exempt from registration under section 12(g) if, notwithstanding that the jurisdictional tests of that section (set forth at the beginning of this release) are met, there are fewer than 300 holders of the class of equity securities resident in the United States. To determine whether an exemption is available, a foreign company should review Rule 12g5–1 (17 CFR 240.12g5–1), which explains how holders of record are to be computed. The only exception to the tests found in that rule as applied to foreign companies is that separate accounts of customers in the United States of brokers, dealers, or banks or nominees for any of them in the United States are to be counted. While the company may rely in good faith on the information provided by such persons after reasonable request, the Commission may make inquiry in certain cases to determine whether an exemption is available.

Foreign companies which have not previously been subject to the reporting requirements of the Act may obtain an exemption from section 12(g) by furnishing to the Commission copies of certain information which they have made public abroad or have sent to their security holders. This information must be furnished on or prior to the date on which a registration statement under section 12(g) would otherwise be required to be filed. The Commission has extended this date until June 30, 1967, for all foreign companies which would have been required to register earlier. In effect, those foreign companies which have been furnishing information to the Commission on a voluntary basis can meet the requirements of the exemption by continuing to furnish such information, and foreign companies which have not previously furnished such information should do so by June 30, 1967. The exemptive rule also requires that the information made available pursuant to requirements within their country by companies in either category be submitted to the Commission together with a notification that such information is being furnished in order to obtain the exemption. The rule provides that the above material may be furnished by the issuer or by a Government official or agency of the issuer's country, but the responsibility for satisfying the conditions of the exemption remains with the issuer.

The adopted rules make no distinction between North American and Cuban companies which have not actively sought a public market for their securities in the United States and other foreign companies in this category. All such companies may avail themselves of the exemption from section 12(g) by furnishing information which they make public abroad or transmit to their security holders. Such companies are exempted from the proxy rules and insider reporting and trading regulations.

Foreign companies having previous reporting obligations arising from the listing of securities on a U.S. securities exchange or from public offering of their securities in the United States are exempted from section 12(g) for the duration of such prior obligation. Registration of a class of securities under section 12(g) would not affect the reporting requirements of these companies or subject them to any further provision of the Act. Accordingly, this exemption serves only to eliminate unnecessary filings. This exemption is not available, however, to companies which are essentially U.S. companies or to North American or Cuban companies with securities listed on a U.S. securities exchange. These latter companies are subject to the provisions of sections 14 and 16 of the Act governing proxy solicitations and insider reporting and short-term trading with respect to their listed securities.

Registration under section 12(g) will result in the proxy provisions being applicable to any securities so registered and the short-term trading provisions being applicable to 10 percent holders of such securities.

American Depositary Receipts for the securities of any foreign company are also exempted from registration under section 12(g) of the Act. These ADR's are exempt because their registration by the issuer of the receipt would provide investors with no significant information concerning the deposited securities. Moreover, if there are enough ADR holders to require registration of the ADR's and the issuer of the deposited securities meets the jurisdictional tests of the section, the deposited securities should be registered.

Under the adopted rules, foreign companies, other than North American or Cuban companies, registering securities on a national securities exchange pursuant to section 12(b) of the Act will henceforth use Form 20 (17 CFR 249.220), regardless of the nature of such securities. Form 21 (17 CFR 249.221), previously authorized for the registration of bonds of foreign companies, is repealed, but companies with securities registered on that form need not register such securities. Companies whose securities are registered on either Form 20 or 21 will hereafter use Form 20–K (17 CFR 249.320) for their annual reports. In addition, all such companies are required to furnish reports on new Form 6–K (17 CFR 249.306), supplying certain information, documents, and reports which they are required to make public abroad or which they transmit to their security holders. Reports on Form 6–K are not deemed to be "filed" with the Commission for the purpose of the liabilities of section 18 of the Act. North American and Cuban companies registering securities pursuant to section 12(b) of the Act will continue to use Form 10 (17 CFR 249.210) and to file annual reports on Form 10–K (17 CFR 249.310) and interim reports on Forms 8–K (17 CFR 249.308) and 9–K (17 CFR 249.309). Foreign companies reporting pursuant to section 15(d) of the Act will file the same reports indicated above for their compatriot listed companies. The reporting requirements of Philippine companies under section 15(d) have been revised to require these companies to file reports on Form 6–K, rather than current reports on Form 8–K, reconciling those requirements with those applicable to Philippine companies with securities registered on a national securities exchange pursuant to section 12(b).

For the convenience of foreign companies which are subject to section 12(g), the following is a more complete statement of the exemptive provisions, registration and reporting requirements, and other regulations applicable to such companies.

Foreign issuers which have no reporting obligations arising from a public offering of securities under the Securities Act of 1933 or from the listing of securities on a national securities exchange. Companies in this category may obtain an exemption from section 12(g) by furnishing to the Commission certain specified information which the company, during its fiscal year, was required to make public abroad or transmitted to its security holders. The exemption will continue so long as all such information continues to be furnished promptly after it is made public or sent to security holders. The required information may be furnished either by the issuer or by a Government official or agency of the issuer's country. Issuers exempt under this provision are not required to file reports pursuant to section 13 of the Act. The Commission understands that in some countries corporations are required to file many documents with governmental agencies which are available for public inspection. These documents would technically be required to be furnished under the "made public" test of the rule. The Commission wishes, however, to receive only information of material interest to investors, and the rule sets forth several examples of such information. If the information is available only in a foreign language, the company need not furnish an English translation, but if a translation or a substantially equivalent English version has been prepared by or for the company, such translation or version should be furnished in lieu of the information in the original language. Only one copy of the information need be furnished, and such information will not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act. The company, by furnishing information under the exemptive provisions of the rule, does not admit that it is subject to the Act.

Should a company in this category elect to register its securities rather than to qualify for the above-described exemption, it will use Form 20. In this case the company will file annual reports on Form 20–K and furnish, in reports on new Form 6–K, certain interim information which it makes public abroad or transmits to its security holders. Interim material furnished on Form 6–K will not be deemed to be "filed" with the Commission for the purposes of section 18 of the Act or otherwise subject to the liabilities of that section.

These companies, whether exempt from section 12(g) or having securities registered under that section, will be exempt from the Commission's rules under section 14 of the Act governing proxy solicitations and the furnishing of information statements, and their directors, officers, and principal stockholders will be exempt from the reporting and short-term trading regulation of section 16 of the Act.

Foreign companies required to file reports because they have made a public offering of securities in the United States. These companies will be exempt from registration under section 12(g) so long as they are subject to their present reporting requirements. The exemption ceases if the reporting obligation is suspended. If the prior reporting obligation is suspended because the class of securities which was publicly offered is held by fewer than 300 persons, that class of securities will not meet the criteria for registration under section 12(g), and the company will have to register under that section only if it has another class of securities meeting those criteria. A company which wishes to register voluntarily, or which is required to register because of the termination of its exemption, may use Form 8–A (17 CFR 249.208a), the same simplified form now available to American companies. No distinction has been made between North American and Cuban companies and other foreign companies in this category with respect to registration requirements.

Companies in this category, whether exempt from section 12(g) or having securities registered thereunder, will continue filing the same reports which they now file, and companies other than North American or Cuban companies will, in addition, file interim reports on the new Form 6–K. Companies other than North American or Cuban companies file annual reports on Form 20–K. North American and Cuban companies file annual reports on Form 10–K and interim reports on Forms 8–K and 9–K.

These companies will be exempt from the rules under section 14 of the Act relating to proxy solicitations and information statements and their officers, directors, and principal stockholders will be exempt from the ownership reporting and short-term trading provisions of section 16, whether the company is exempt from section 12(g) or registers securities under that section.

Foreign companies which have registered securities for listing on a U.S. stock exchange. Foreign companies in this category, with the exceptions noted below, will be exempt from section 12(g) of the Act for the duration of their registration of any class of securities on a national securities exchange pursuant to section 12(b). A company which wishes to register voluntarily, or which is required because of the termination of its exemption, may use Form 8–A, the same simplified form now available to American companies. These companies, whether exempt from section 12(g) or

having securities registered under that section, will file annual reports on Form 20–K and interim reports on the new Form 6–K.

Except as noted below, these companies will be exempt from the rules under section 14 of the Act relating to the solicitation of proxies and the sending of information statements, and their directors, officers, and principal stockholders will be exempt from the ownership reporting and insider trading provisions of section 16 of the Act, whether the company is exempt from section 12(g) or has securities registered under that section.

North American and Cuban companies in this category are required to register any additional class of equity securities under section 12(g) if the jurisdictional tests of that section are met and the additional class is held by 300 or more U.S. residents. They are also required to register the class of equity securities now listed should the present listing be terminated and the criteria for 12(g) registration are met. Registration in either case will be on Form 8–A, the simplified form available for use by certain reporting companies. These companies will be required to file annual reports on Form 10–K and interim reports on Forms 8–K and 9–K, the requirements to which these companies are now subject.

North American and Cuban companies will be subject to the rules under section 14 of the Act with respect to the solicitation of proxies from and the furnishing of information statements to U.S. holders of a class of securities registered under section 12(g). They are presently subject to these requirements with respect to their securities listed on a national securities exchange. The officers, directors and principal stockholders of these companies will be subject to the provisions of section 16 of the Act if a class of securities is registered under section 12(g). They are presently subject to these provisions if a class of equity securities is registered on a national securities exchange and registration of an additional class of securities under section 12(g) will serve to extend these provisions to holders of 10 percent of the additional class.

Special provisions for essentially U.S. companies. None of the exemptions noted above, except that for securities held by fewer than 300 persons in the United States, are available to a foreign company if (i) more than 50 percent of its voting securities are held by U.S. residents and (ii) its business is principally administered in the United States or 50 percent of the members of its board of directors are U.S. residents. The registration and reporting requirements of such a company are as stated above with respect to the category into which it falls. These companies will also be subject to the proxy solicitation and ownership reporting and short-term trading regulations under sections 14 and 16 of the Act.

Commission action. Part 240 of Title 17, Chapter II of the Code of Federal Regulations is amended by adding new §§ 240.3b–4, 240.12g3–2, 240.13a–16, and 240.15d–16 to read as set forth below. Sections 240.13a–11 and 240.15d–11 of Title 17 of the Code of Federal Regulations are amended to read as set forth below.

§ 240.3b–4 Definition of "foreign government," "foreign issuer" and "foreign private issuer."

(a) The term "foreign government" means the government of any foreign country or of any political subdivision of a foreign country.

(b) The term "foreign issuer" means any issuer which is a foreign government, a national of any foreign country or a corporation or other organization incorporated or organized under the laws of any foreign country.

(c) The term "foreign private issuer" means any foreign issuer other than a foreign government.

§ 240.12g3–2 Exemptions for American depositary receipts and certain foreign securities.

(a) (1) Securities of any class issued by any foreign issuer shall be exempt from section 12(g) of the Act if the class has fewer than 300 holders resident in the United States. This exemption shall continue until the next fiscal year end at which the issuer has a class of equity securities held by 300 or more persons resident in the United States. For the purpose of determining whether a security is exempt pursuant to this paragraph, securities held of record by persons resident in the United States shall be determined as provided in Rule 12g5–1 (17 CFR 240.12g5–1) except that securities held of record by a broker, dealer, or bank of nominee for any of them in the United States for the accounts of cutomers resident in the United States shall be counted as held in the United States by the number of separate accounts for which the securities are held. The issuer may rely in good faith on information as to the number of such separate accounts supplied by all owners of the class of its securities which are brokers, dealers or banks in the United States or a nominee for any of them.

(2) Registration of any class of security by a foreign issuer pursuant to section 12(g) of the Act shall be terminated 90 days, or such shorter period as the Commission may determine, after the issuer files a certification with the Commission that the number of holders resident in the United States of such class of security is reduced to less than 300 persons. The Commission shall after notice and opportunity for hearing deny termination of registration if it finds that there are 300 or more holders resident in the United States. Termination of registration shall be deferred pending final determination on the question of denial.

(b) (1) Securities of any foreign private issuer shall be exempt from section 12(g) of the Act if the issuer, or a government official or agency of the country of the issuer's domicile or in which it is incorporated or organized,

(i) Shall furnish to the Commission whatever information in each of the following categories the issuer during its last fiscal year (*a*) has made public pursuant to the law of the country of its domicile or in which it is incorporated or organized, (*b*) has filed with a stock exchange on which its securities are traded and which was made public by such exchange, or (*c*) has distributed to its security holders;

(ii) Shall furnish to the Commission a list identifying the information referred to in subdivision (i) of this subparagraph and stating when and by whom it is required to be made public, filed with any such exchange or distributed to security holders;

(iii) Shall furnish to the Commission, during each subsequent fiscal year, whatever information is made public as described in (*a*), (*b*) or (*c*) of subdivision (i) of this subparagraph promptly after such information is made public as described therein; and

(iv) Shall, promptly after the end of any fiscal year in which any changes shall occur in the kind of information required to be published as referred to in the list furnished pursuant to subdivision (ii) of this subparagraph or any subsequent list, furnish to the Commission a revised list reflecting such changes.

(2) The information required to be furnished pursuant to subdivisions (i) and (ii) of subparagraph (1) of this paragraph shall be furnished on or before the date on which a registration statement under section 12(g) of the Act would otherwise be required to be filed. Any company furnishing information pursuant to subparagraph (1)(i) of this paragraph shall notify the Commission that it is furnished pursuant to that paragraph.

(3) The information required to be furnished pursuant to subparagraph (1)(i) and (iii) of this paragraph is that about which investors ought reasonably to be informed with respect to the issuer and its subsidiaries concerning: The financial condition or results of operations; changes in business; acquisitions or dispositions of assets; issuance, redemption, or acquisitions of their securities; changes in management or control; the granting of options or the payment of other remuneration to directors or officers; transactions with directors, officers, or principal security holders; and any other information about which investors ought reasonably to be informed.

(4) Only one complete copy of any information or document need be furnished pursuant to subparagraph (1) of this paragraph. If the issuer has prepared or caused to be prepared an English translation or substantially equivalent English version or any information or document which would otherwise be furnished, such translation or version shall be furnished and the information or document in the original language need not be furnished. Such information and documents need not be under cover of any prescribed form and shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act.

(5) The furnishing of any information or document pursuant to this paragraph (b) of this section shall not constitute an admission for any purpose that the issuer is subject to the Act.

(c) American Depositary Receipts for the securities of any foreign issuer shall be exempt from section 12(g) of the Act.

(d) Securities of any foreign private issuer, other than a North American or Cuban issuer, which has any class of securities registered on a national securities exchange pursuant to section 12(b) of the Act or any foreign private issuer which is required to file reports pursuant to section 15(d) of the Act shall be exempt from section 12(g) of the Act.

(e) The exemptions provided by paragraphs (b) and (d) of this section shall not be available for any class of securities if at the end of the last fiscal year of the issuer (1) more than 50 percent of the outstanding voting securities of such issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States and (2) the business of such issuer is administered principally in the United States or 50 percent or more of the members of its Board of Directors are residents of the United States. For the purpose of this paragraph the term "resident," as applied to security holders, shall mean any person whose address appears on the records of the issuer, the voting trustee or the depositary as being located in the United States.

(f) The exemption provided by paragraph (b) of this section shall not be available for securities of any foreign issuer which, on or after May 31, 1967, and within 1 year prior to the date as of which registration of such securities under section 12(g) of the Act is required, has had the same or any other class of securities registered pursuant to section 12 of the Act; nor shall such exemption be available for securities the registration of which under section 12(g) of the Act is required as a result of the termination of an exemption under paragraph (d) of this rule.

§ 240.13a–11 Current reports on Form 8–K (17 CFR 249.308).

* * * * *

(b) This section shall not apply to foreign governments, foreign private issuers required to make reports on Form 6–K (17 CFR 249.306) pursuant to Rule 13a–16 (17 CFR 240.13a–16), issuers of American Depositary Receipts for securities of any foreign issuer, or investment companies required to file quarterly reports pursuant to Rule 13a–12 (17 CFR 240.13a–12).

§ 240.13a–16 Reports of foreign private issuers on Form 6–K (17 CFR 249.306).

(a) Every foreign private issuer which has any class of securities registered pursuant to section 12 of the Act shall make reports on Form 6–K, except that this rule shall not apply to—

(1) Investment companies registered pursuant to the Investment Company Act of 1940;

(2) North American or Cuban issuers (i) which have any class of securities registered pursuant to section 12 of the Act on Form 10 (17 CFR 249.210), or on Form 8–A (17 CFR 249.208a), 8–B (17 CFR 249.208b) or 8–C (17 CFR 249.208c) in lieu of Form 10, or (ii) whose obligation to file reports pursuant to section 15(d) of the Act was suspended as a result of registration of a class of securities under section 12(g) of the Act, or (iii) whose registration of such securities under section 12(g) of the Act was required as a result of termination of the exemption provided by Rule 12g3–2(d) (17 CFR 240.12g3–2(d)); or

(3) Issuers of American Depositary Receipts for securities of any foreign issuer.

(b) Such reports shall be transmitted promptly after the information required by Form 6–K is made public by the issuer, by the country of its domicile or under the laws of which it was incorporated or organized, or by a foreign securities exchange with which the issuer has filed the information.

(c) Reports furnished pursuant to this rule shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act.

§ 240.15d–11 Current reports on Form 8–K (17 CFR 249.308).

* * * * *

(b) This rule shall not apply to foreign governments, foreign private issuers required to make reports on Form 6–K (17 CFR 249.306) pursuant to Rule 15d–16 (17 CFR 240.15d–16), issuers of American depositary receipts for securities of any foreign issuer, or investment companies required to file quarterly reports pursuant to Rule 15d–12 (17 CFR 240.15d–12).

§ 240.15d–16 Reports of foreign private issuers on Form 6–K (17 CFR 249.306).

(a) Every foreign private issuer which is subject to Rule 15d–1 (17 CFR 240.15d–1) shall make reports on Form 6–K, except that this rule shall not apply to:

(1) North American or Cuban issuers;

(2) Investment companies required to file quarterly reports pursuant to Rule 15d–12 (17 CFR 240.15d–12); or

(3) Issuers of American depositary receipts for securities of any foreign issuer.

(b) Such reports shall be transmitted promptly after the information required by Form 6–K is made public by the issuer, by the country of its domicile or under the laws of which it was incorporated or organized or by a foreign securities exchange with which the issuer has filed the information.

(c) Reports furnished pursuant to this rule shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act.

(Secs. 12(g), 13, 15(d), and 23(a); 48 Stat. 892, 894, 895, and 901 as amended; 15 U.S.C. 78*l*, 78n, 78o, and 78w)

The foregoing action, which is taken pursuant to the Securities Exchange Act of 1934, particularly sections 12(g), 13, 15(d), and 23(a), shall become effective May 31, 1967. *Provided that*, All foreign issuers who would otherwise be required to file a registration statement under section 12(g) of the Act prior to June 30, 1967, are hereby granted an extension of the time for filing such registration statement until the latter date.

By the Commission, April 28, 1967.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5970; Filed, May 29, 1967; 8:45 a.m.]

[Release No. 34-8086]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Fees for Fiscal 1967 for Brokers and Dealers Not Members of National Securities Association

On April 10, 1967, in Securities Exchange Act Release No. 8054, and in the FEDERAL REGISTER of April 11, 1967 (32 F.R. 5809), the Securities and Exchange Commission published a proposal to adopt Rule 15b9–1 (17 CFR 240.15b9–1) and to amend Form SECO–4 (17 CFR 249.504) under the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.). The Commission has considered the comments and suggestions received, has adopted the rule, and has adopted the related form as a new form instead of as an amended form.

Sections 15(b)(8) and 15(b)(9) under the Securities Exchange Act authorize the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to brokers and dealers who are registered with the Commission[1] but are not members of the National Association of Securities Dealers, Inc. ("NASD").[2]

Rule 15b9–1 (17 CFR 240.15b9–1) establishes fees for the fiscal year ending June 30, 1967 for brokers and dealers who are registered with the Commission on June 15, 1967, and who, for more than 45 days between July 1, 1966, and June 15, 1967, are not members of the NASD.

Under the rule, every broker or dealer registered for at least 45 days on June 15, 1967, and who is not a member of the NASD on that date is required to pay the following fees and to file Form SECO–4–67 (17 CFR 249.504a) (the assessment form) on or before June 30, 1967: (1) A base fee of $100 for each nonmember broker or dealer; (2) $5 for each associated person engaged directly or indirectly in securities activities for or on behalf of the broker or dealer at any time

[1] Hereinafter referred to as "registered brokers and dealers."

[2] The NASD is the only such association registered under section 15A of the Securities Exchange Act.

during the period July 1, 1966, to June 15, 1967; and (3) $30 for each office[5] of the broker or dealer open at any time during the fiscal year.

The rule provides that in no case shall any broker or dealer be required to pay more than $15,000 by virtue of factors (1) and (2)—the base fee plus the fee for associated persons indicated above. The fee of $30 for each office may not be included in the computation of the $15,000 maximum.

Registered brokers and dealers who are members of the NASD on June 15, 1967, but who were both registered with the Commission and not members of such association for at least 45 days during the period from July 1, 1966, to June 15, 1967, will be required to pay only half these fees. Brokers and dealers who are registered with the Commission for more than 45 days and who are not members of the NASD on June 15, 1967, are required to pay only half these fees if their registration became effective on or after January 1, 1967.

Rule 15b8–2[6] (17 CFR 240.15b8–2) requires that brokers and dealers registering with the Commission after August 1, 1966, who do not become members of the NASD within 45 days after the effective date of their registration pay a fee of $150. The same $150 fee is required of firms whose membership in the NASD is terminated after August 1, 1966, and who continue to be registered with the Commission for a period of at least 45 days after such termination of membership. Form SECO–5 (17 CFR 249.505), the initial assessment form, must be filed when this fee is paid.

Rule 15b8–2 (17 CFR 240.15b8–2) also establishes a fee of $25 for each Form SECO–2 (17 CFR 249.502) filed pursuant to Rule 15b8–1 (17 CFR 240.15b8–1) for each associated person for whom a nonmember broker or dealer has not previously filed such a form. This fee must be paid concurrently with the filing of the forms.[7]

The $150 new firm fee and $25 filing fee contained in Rule 15b8–2 (17 CFR 240.15b8–2) have been continued by paragraphs (e) and (f) of Rule 15b9–1 (17 CFR 240.15b9–1). Therefore, all fees applicable to nonmember brokers and dealers are included in the rule.[8]

Rule 15b9–1 (17 CFR 240.15b9–1) imposes an additional fee of $100 upon brokers and dealers who fail to pay any of the fees pursuant to paragraphs (a), (b), (c), or (d) of this rule. This additional fee is to defray the extra administrative costs incurred by the Commission as a result of such failure to comply with the rule.

Finally, Rule 15b9–1 (17 CFR 240.15b9–1) exempts from the fee provisions of paragraphs (a), (b), (c), (d), and (f) of the rule members of a national securities exchange who (1) carry no customer accounts and (2) derive less than $1,000 income from over-the-counter securities transactions. Each such broker or dealer must nevertheless file Form SECO–4–67 (17 CFR 249.504a) as appropriate and indicate therein whether he claims this exemption.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b)(8), 15(b)(9), and 23(a) thereof, deeming such action necessary and appropriate in the public interest and for the protection of investors and to prescribe reasonable fees pursuant to sections 15(b)(8) and 15(b)(9) for registered brokers and dealers not members of a registered national securities association, and also deeming such action necessary for the execution of the functions vested in the Commission by the Act, hereby adopts Rule 15b9–1 (17 CFR 240.15b9–1) and related Form SECO–4–67 (17 CFR 249.504a) as stated below, effective June 30, 1967.

§ 240.15b9–1 Fees for registered brokers and dealers not members of a registered national securities association for fiscal 1967.

(a) Every broker or dealer registered with the Commission on June 15, 1967 who on such date has been so registered for at least 45 days and is not a member of a registered national securities association shall, on or before June 30, 1967, file Form SECO–4–67 (17 CFR 249.504a) and pay to the Commission a fee for the fiscal year beginning July 1, 1966, and ending June 30, 1967. The total amount of such fee shall be the sum of the following: (1) A base fee of $100; plus (2) $5 for each associated person engaged, directly or indirectly, in securities activities for or on behalf of the broker or dealer at any time between July 1, 1966, and June 15, 1967; plus (3) $30 for each office of the broker or dealer which has been open for business at any time between July 1, 1966, and June 15, 1967.

(b) Every broker or dealer registered with the Commission and a member of a registered national securities association on June 15, 1967 who, for at least 45 days during the period from July 1, 1966, to June 15, 1967, was registered with the Commission and not a member of such an association shall, on or before June 30, 1967, file Form SECO–4–67 (17 CFR 249.504a) and pay to the Commission only half the fee provided for in paragraph (a) above.

(c) Every broker or dealer subject to paragraph (a) of this section whose registration became effective on or after January 1, 1967 shall pay only half the fee provided for in paragraph (a) of this section.

(d) In no case shall the amount payable by any broker or dealer under subparagraphs (1) and (2) of paragraph (a) of this section, taken together, exceed $15,000.

(e) (1) Every broker or dealer who becomes registered as a broker or dealer with the Commission and who does not become a member of a registered national securities association within 45 days after the effective date of such registration shall, within such 45 day period, file Form SECO–5 (17 CFR 249.505) and pay to the Commission a fee of $150.

(2) Every registered broker or dealer whose membership in a registered national securities association is terminated for any reason and who continues to be registered with the Commission for 45 days after such termination of membership shall, within such 45 day period, file Form SECO–5 (17 CFR 249.505) and pay to the Commission a fee of $150.

(f) Every broker or dealer who is registered with the Commission and not a member of a registered national securities association shall pay to the Commission a fee of $25 for each Form SECO–2 (17 CFR 249.502) filed by such broker or dealer pursuant to § 240.15b8–1, *Provided, however*, That this paragraph shall not apply to any Form SECO–2 (17 CFR 249.502) filed for any associated person (1) for whom a Form SECO–2 (17 CFR 249.502) previously had been filed by such broker or dealer, or (2) who confines his securities activities to areas outside the jurisdiction of the United States, and who does not deal with any U.S. resident or national.

(g) Every broker or dealer who fails to pay fees, except those required by paragraphs (e) and (f) of this section, as and when required by this section, shall pay an additional fee of $100 to defray administrative costs incurred by the Commission as a result of such failure.

(h) Any broker or dealer who is a member of a national securities exchange shall not be required to pay the fees pursuant to the foregoing paragraphs (a), (b), (c), (d), and (f) of this section if (1) he carries no accounts of customers, and (2) his annual gross income derived from purchases, sales, and exchanges of securities otherwise than on a national securities exchange is in an amount no greater than $1,000. Each such broker or dealer shall nevertheless file Form SECO–4–67 (17 CFR 249.504a) as required by this section.

(i) No broker or dealer subject to this section shall effect any transaction in,

[5] The term "office" is defined in the rule to mean every place or establishment owned or controlled by a broker or dealer in or from which the broker or dealer engaged in the securities business. A broker or dealer shall be deemed to own or control an office if he pays a substantial portion of the costs thereof, including rent and taxes. The term is not intended to mean the dwelling of an associated person if a broker or dealer does not bear a substantial portion of the cost or expenses of such dwelling. It is intended, however, to include the dwelling of a sole proprietor if he conducts securities business therefrom.

[6] Announced in Securities Exchange Act Release No. 7906 (June 30, 1966) and published in the FEDERAL REGISTER of July 2, 1966 (31 F.R. 9105).

[7] This fee does not apply to Forms SECO–2 (17 CFR 249.502) filed for associated persons who confine their securities activities to areas outside the jurisdiction of the United States and who do not deal with any U.S. residents or nationals.

[8] The reference in Rule 15b8–2 (17 CFR 240.15b8–2) to Forms SECO–2 (17 CFR 249.502) filed after Aug. 1, 1966, and broker-dealer registrations which become effective after that date are obsolete and are eliminated in Rule 15b9–1 (17 CFR 240.15b9–1).

or induce the purchase, sale, or exchange of, any security otherwise than on a national securities exchange unless he has complied with the applicable provisions of this section.

(j) For the purposes of this section:

(1) The term "associated person" shall mean any partner, officer, director, or branch manager of a broker or dealer (or any person occupying a similar status of performing similar functions), or any natural person directly or indirectly controlling or controlled by such broker or dealer (other than employees whose functions are clerical or ministerial), and any broker or dealer conducting business as a sole proprietor.

(2) The term "office" shall mean every place or establishment which is owned or controlled by a broker or dealer in or from which the broker or dealer engages in the securities business.

(Secs. 15(b)(8), 15(b)(9), and 23(a); 78 Stat. 572-3, 48 Stat. 901, as amended, 15 U.S.C. 78o, 78w)

In connection with Rule 15b9-1 (17 CFR 240.15b9-1), Subpart F of Part 249 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding the following § 249.504a:

§ 249.504a Form SECO-4-67, 1967 assessment and information form for registered brokers and dealers not members of a registered national securities association.

(Copies of this form have been filed with the original of this document. Additional copies can be obtained from the Commission's headquarter's office or its regional offices.)

(Secs. 15(b)(8), 15(b)(9), and 23(a); 78 Stat. 572-3, 48 Stat. 901, as amended, 15 U.S.C. 78o, 78w)

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

MAY 29, 1967.

[F.R. Doc. 67-6010; Filed, May 29, 1967; 8:49 a.m.]

[Release No. 34-8068]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Annual Reports of Foreign Private Issues

The Securities and Exchange Commission has adopted an amended Form 20-K (17 CFR 249.320) and has repealed Form 21-K (17 CFR 249.321) under the Securities Exchange Act of 1934. Form 20-K was previously the form for annual reports relating to securities, other than bonds, of foreign private issuers and Form 21-K was the form for annual reports relating to bonds of foreign private issuers. Notice of the proposed action was published November 16, 1965 in Securities Exchange Act Release No. 7748 (see 30 F.R. 14745, Nov. 27, 1965).

The chief purpose of the amendments to Form 20-K is to make that form available for annual reports of all the foreign private issuers, other than certain North American and Cuban issuers, filed pursuant to section 13 or 15(d) of the Act. In view of the extended coverage of Form 20-K, Form 21-K is no longer necessary. Issuers which have heretofore filed annual reports on Form 21-K will hereafter file such reports on Form 20-K. Although Form 21 has also been repealed, issuers who have securities registered on that form will not be required to reregister, but will hereafter file reports on Form 20-K.

Attention is called to Rule 12b-12(d) (17 CFR 240.12b-12(d)) under the Act which provides that annual reports must be in the English language and that any exhibit or other paper or document filed with such reports which is in a foreign language must be accompanied by a translation into the English language.

Only minor changes have been made in Form 20-K as published for comment on November 16, 1965. One of these is an amendment to Item 5 which would call for information in regard to the withholding of taxes from payments of dividends or other payments upon any class of registered securities. Item 8, which called for a description of any foreign exchange controls which are in effect, has been amended to call for a description of any material changes in such controls which have not been reported. In addition, the instructions to financial statements have been amended in certain respects. As proposed, the amended Form 20-K requires the issuer to update the information given in its initial registration statement concerning the aggregate amounts of various benefits which officers and directors receive from the issuer and its subsidiaries. If the issuer has not included such information in its initial registration statement, it will be required in Form 20-K for the first time.

The amended form requires the filing of the financial statements, schedules, and accountants' certificate which would be required if the report were filed on Form 10-K (17 CFR 249.310). However, such statements are not required to be reconciled with Regulations S-X (17 CFR Part 210), but any material variation in accounting principles or practices from the requirements of that regulation must be disclosed and, to the extent practicable, the effect of such variation must be given. Provisions similar to those contained in Form 10-K permitting the Commission to modify the financial statement requirements in certain cases have been included in the amended form.

Four complete copies of the report on Form 20-K must be filed with the Commission and at least one complete copy must be filed with each U.S. exchange on which any security of the registrant is listed and registered.

Commission action. The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d) and 23(a) thereof, hereby amends Form 20-K (17 CFR 249.320) to read as set forth below and repeals Form 21-K (17 CFR 249.321). The amended form shall be used for annual reports covering any fiscal year ending after December 31, 1966, provided that any registrant may, at its option, use the amended form for its annual report for any fiscal year ending on or prior to that date.

By the Commission, April 28, 1967.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 249.320 Form 20-K for annual reports of foreign private issuers filed pursuant to sections 13 and 15(d) of the Securities Exchange Act of 1934.

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form 20-K.*

(a) This form is to be used for annual reports of foreign private issuers filed under section 13 or 15(d) of the Securities Exchange Act of 1934 pursuant to Rule 13a-1 (17 CFR 240.13a-1) or 15d-1 (17 CFR 240.15d-1), except that it shall not be used by any North American or Cuban issuer—

(1) Which has any class of securities registered pursuant to section 12 of the Act on Form 10 (17 CFR 249.210), or on Form 8-A, 8-B, or 8-C (17 CFR 249.208a, 249.208b, or 249.208c) in lieu of Form 10;

(2) Which is filing the report pursuant to section 15(d) of the Act;

(3) Whose obligation to file reports pursuant to 15(d) of the Act is suspended as a result of the registration of a class of securities pursuant to section 12(g) of the Act; or

(4) Which has registered securities under section 12(g) of the Act as a result of termination of the exemption provided by Rule 12g3-2(d) (17 CFR 240.12g3-2(d)).

(b) Reports on this form shall be filed within 6 months after the end of the fiscal year covered by such report.

B. *Application of General Rules and Regulations.*

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR 240.12b-1 et seq.) which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Rule 12b-2 (17 CFR 240.12b-2) should be especially noted. See also Regulations 13A (17 CFR 240.13a-1 et seq.) and 15D (17 CFR 240.15d-1 et seq.).

C. *Preparation of Report.*

(a) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of Rule 12b-12 (17 CFR 240.12b-12). The report shall contain the item numbers and captions of all items required to be answered, but the text of such items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b-13 (17 CFR 240.12b-13).

(b) Except as otherwise stated, the information required shall be given as of the end of the registrant's fiscal year, or as of the latest practicable date subsequent thereto.

D. *Signature and Filing of Report.*

Four complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be

filed with the Commission. At least one complete copy shall be filed with each exchange on which any security of the registrant is listed and registered. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

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SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

(FORM 20–K)

ANNUAL REPORT PURSUANT TO SECTIONS 13 AND 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended _____ Commission file number _____

_____
(Exact name of registrant as specified in its charter)

_____
(Translation of registrant's name into English)

_____
(Address of principal executive offices)

Securities registered pursuant to section 12(b) of the Act:

Title of each class	*Name of each exchange on which registered*
_____	_____
_____	_____

Securities registered pursuant to section 12(g) of the Act:

_____
(Title of class)

_____
(Title of class)

INFORMATION REQUIRED IN ANNUAL REPORT

Item 1. Changes in Ownership and Control. (a) Describe briefly any material changes, not previously reported in the ownership or control exercised by any person or government over the registrant.

(b) State the name of any person or government, not previously reported in this connection, which directly or indirectly owns or controls the registrant and describe briefly the nature of such control.

Item 2. Changes in Character of Business. Describe briefly any material changes, not previously reported, in the general character of the business done by the registrant and its subsidiaries.

Item 3. Changes in Property. Describe briefly any significant and unusual additions, abandonments or retirements of, or any significant and unusual changes, not previously reported, in the general character and location of principal plants and other important units of the registrant and its subsidiaries.

Item 4. Modification of Securities of Registrant. If any material modifications, not previously reported, have been made in any security, a description of which has been previously reported, or have been made in the indenture, charter, or other constituent instrument defining rights of the holders of such security, give the title of the issue and state briefly the general effect of such modifications.

Instructions. 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

2. If the rights evidenced by any class of securities registered have been materially limited or qualified by any other class of securities or by the provisions of any contract or other document and such limitation or qualification has not been previously described, include such information regarding such limitation or qualification as will enable investors to understand the effect thereof upon the securities registered.

Item 5. Limitations Affecting Security Holders. (a) Outline briefly the provisions of any law or decree not previously reported, and any amendment not previously reported to any law or decree previously reported, determining the extent to which dividends or other payments upon any class of registered securities may be paid to foreign holders and the withholding of taxes from such payments.

(b) Outline briefly any limitations, not previously reported, imposed either by the law of the country in which the registrant was organized or the charter or other constituent documents of the registrant on the right of foreigners to hold or vote any class of registered securities.

Item 6. Securities of Other Issuers Guaranteed by Registrant. If the registrant has guaranteed any class of securities of any other issuer, furnish the following information:

(a) Outline briefly any material modifications, not previously reported, in any such contract of guarantee previously reported.

(b) As to any guarantees not previously reported, state the name of the issuer and the title and amount of securities guaranteed and outline briefly the contract of guarantee.

Item 7. Increases and Decreases in Outstanding Equity Securities. Give the following information as to all increases and decreases during the fiscal year in the amount of equity securities of the registrant outstanding:

(a) The title of the class of securities involved;

(b) The date of the transaction;

(c) The amount of securities involved and whether an increase or a decrease;

(d) A brief description of the transaction in which the increase or decrease occurred. If previously reported, the description may be incorporated by a specific reference to the previous filing, and

(e) If the transaction involved a sale of securities which were not registered under the Securities Act of 1933, an indication of the exemption claimed and the facts relied upon to make the exemption available. If previously reported, the information may be incorporated by a specific reference to the previous filing.

Instruction. The information shall be prepared in the form of a reconciliation between the amounts shown to be outstanding on the balance sheet to be filed with this report and the amounts shown on the registrant's balance sheet for its previous fiscal year. Similar or related transactions, or numerous small transactions, may be grouped together showing the dates between which all such transactions occurred.

Item 8. Exchange Control. Describe briefly any material changes, not previously reported in existing foreign exchange controls or the adoption of new controls in the country under the laws of which the registrant was organized.

Item 9. Directors and Officers of Registrant. Furnish the following information as to all directors and officers of the registrant.

Name _____
Address _____
Positions with registrant _____

Item 10. Remuneration of Directors and Officers. State the aggregate amount of remuneration paid by the registrant and its subsidiaries to all directors and officers of the registrant as a group, without naming them, for services in all capacities during the registrant's last fiscal year.

Item 11. Amount Set Aside for Pensions, Retirement, and Similar Benefits. State the aggregate amount set aside by the registrant and its subsidiaries during the registrant's last fiscal year to provide pension, retirement or similar benefits for directors and officers of the registrant.

Item 12. Options to Purchase Securities from Registrant or Subsidiaries. Furnish the following information as to all options to purchase securities from the registrant or any of its subsidiaries, which were outstanding as of the end of the last fiscal year:

(a) State (1) the title and total amount of securities called for by the options; (2) the purchase price of the securities called for; and (3) the expiration date of the options.

(b) State the total amount of securities called for by all such options held by directors and officers of the registrant as a group, without naming them.

Instruction. The term "option" as used in this item includes all options, warrants, or rights, other than those issued to security holders as such on a pro rata basis.

Item 13. Financial Statements and Exhibits. List all financial statements and exhibits filed as a part of the annual report:

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this annual report to be signed on its behalf by the undersigned, thereunto duly authorized.

_____
(Registrant)

By _____
(Signature) [1]

Date _____

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

1. Every issuer filing a report on this form shall file as a part of its report the financial statements, schedules, and accountants' certificate which would be required to be filed if the report were filed on Form 10–K (17 CFR 249.310). Any material variation in accounting principles or practices from the form and content of financial statements prescribed in Regulation S–X (17 CFR Part 210) shall be disclosed and, to the extent practicable, the effect of each such variation given.

2. The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more generally accepted auditing standards or procedures or the substitution of other appropriate auditing standards or procedures.

INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 12b–32 (17 CFR 240.12b–32) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the report:

[1] Print the name and title of the signing officer under his signature.

A. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

B. Copies of all other documents of a character required to be filed as an exhibit to an original registration statement on Form 20 which were executed or in effect during the fiscal year and not previously filed.

(Secs. 13, 15, and 23; 48 Stat. 894, 895, and 901, as amended; 15 U.S.C. 78m, 78o and 78w.)

[F.R. Doc. 67-5971; Filed, May 29, 1967; 8:46 a.m.]

[Release No. 34-8069]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Periodic Report of Foreign Issuer

The Securities and Exchange Commission had adopted a new Form 6-K (17 CFR 249.306) under the Securities Exchange Act of 1934. This form is to be used for reports by certain foreign private issuers required to furnish reports under the newly adopted Rules 13a-16 (17 CFR 240.13a-16) and 15d-16 (17 CFR 240.15d-16). The purpose of the new form is to provide a form on which foreign private issuers not required to file current reports on Form 8-K (17 CFR 249.308) will furnish whatever information is made public abroad.

Notice of the proposed form was published in Securities Exchange Act Release No. 7749 (30 F.R. 14747, Nov. 27, 1965). Many helpful comments were received in response to that release and certain changes in the proposed form have been made as a result of the consideration of the comments submitted, a review of information voluntarily furnished by foreign issuers in response to the Commission's request in Securities Exchange Act Release No. 7867 (31 F.R. 6706, May 5, 1966), and further consideration of the proposed form by the Commission. The principal changes are described below.

General Instruction B to the form, which specifies the information and documents to be furnished, has been revised to make clear that only information not previously furnished to the Commission need be furnished in a report on the form. This instruction has also been revised to require the furnishing of information made public pursuant to the law of the country in which the issuer is incorporated or organized where that country is other than the country of its domicile. A third revision provides that only information material to investors need be furnished and enumerates certain examples of such information. As previously proposed, information and documents furnished in the report shall not be deemed to be "filed" for the purpose of section 18 of the Act or otherwise subject to the liabilities of that section.

General Instruction C to the proposed form has been revised to require generally that four complete copies of the report on the form be furnished to the Commission.

General Instruction D to the proposed form has been revised to provide that, while information available only in a foreign language need not be accompanied by an English translation, where such a translation or a substantially equivalent English version has been prepared by or for the issuer, such translation or version shall be furnished. In the latter case, the information need not be furnished in the original language.

Commission action. The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d), and 23 (a) thereof, hereby adopts Form 6-K (17 CFR 249.306), to read as set forth below.

The new form shall be applicable to reports furnished on or after May 31, 1967.

By the Commission, April 28, 1967.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 249.306 Form 6-K, report of foreign issuer pursuant to Rules 13a-16 (17 CFR 240.13a-16) and 15d-16 (17 CFR 240.15d-16) under the Securities Exchange Act of 1934.

(a) *General Instructions* (A) *Rule as to Use of Form 6-K.* This form shall be used by foreign issuers which are required to furnish reports pursuant to Rule 13a-16 (17 CFR 240.13a-16) or 15d-16 (17 CFR 240.15d-16) under the Securities Exchange Act of 1934.

(B) *Information and Documents Required To Be Furnished.* An issuer furnishing a report on this form shall furnish whatever information, not previously furnished, such issuer (i) is required to make public in the country of its domicile or in which it is incorporated or organized pursuant to the law of that country, or (ii) filed with a foreign stock exchange on which its securities are traded and which was made public by that exchange, or (iii) distributed to its security holders. The information required to be furnished pursuant to (i), (ii), or (iii) above is that which is significant with respect to the issuer and its subsidiaries concerning: The financial condition or results of operations; changes in business; acquisitions or dispositions of assets; changes in management or control; the granting of options or the payment of other remuneration to directors or officers; transactions with directors, officers, or principal stockholders; and any other information which may be of material interest to investors. This report is required to be furnished promptly after the material contained in the report is made public as described above. The information and documents furnished in this report shall not be deemed to be "filed" for the purpose of section 18 of the Act or otherwise subject to the liabilities of that section.

(C) *Preparation and filing of report.* This report shall consist of a cover page, the document or report furnished by the issuer, and a signature page. Four complete copies of each report on this form shall be deposited with the Commission. At least one complete copy shall be filed with each United States stock exchange on which any security of the registrant is listed and registered under Section 12(b) of the Act. At least one of the copies deposited with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

(D) *Translation of papers and documents into English.* Notwithstanding Rule 12b-12 (d) (17 CFR 240.12b-12(d)) the exhibits and other papers and documents furnished with reports on this form, if in a foreign language, need not be accompanied by a translation into the English language. If the issuer has prepared or caused to be prepared an English translation or substantially equivalent English version of any document or report furnished on this form, the issuer shall furnish such translation or version, and need not furnish the original language document or report.

FACING PAGE

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM 6-K

REPORT OF FOREIGN ISSUER

Pursuant to Rule 13a-16 or 15d-16 of the Securities Exchange Act of 1934

For the month of ----------, 19--

(Translation of registrant's name into English)

(Address of principal executive offices)

(c) *Signatures.* Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)

By ----------
(Signature)[1]

Date ----------

(Secs. 13, 15, and 23; 48 Stat. 894, 895, and 901, as amended; 15 U.S.C. 78m, 78o and 78w)

[F.R. Doc. 67-5972; Filed, May 29, 1967; 8:46 a.m.]

[Release No. 34-8067]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Registration of Foreign Securities

The Securities and Exchange Commission has adopted a revision of Form 20 (17 CFR 249.220) which was previously authorized for use in registering securities other than bonds of foreign private issuers pursuant to section 12(b) of the Act. The Commission has repealed Form 21 (17 CFR 249.221), previously the form for the registration of bonds of foreign private issuers pursuant to section 12(b) of the Act. The proposals were published for comment in Securities Exchange Act Release No. 7747 (see 30 F.R. 14743, Nov. 27, 1965).

Revised Form 20 will henceforth be available for registration pursuant to section 12 (b) or (g) of the Act of all securities of foreign private issuers other than certain North American and Cuban issuers.

The proposed amendments to Form 20 originally published for comment included a general instruction to the form permitting issuers having no previous reporting requirements under the Act to register securities under section 12(g) by furnishing certain information which they made public abroad in lieu of responding to the item of the form. The Commission has today adopted, in Securities Exchange Act Release No. 8066, Rule 12g3-2 (17 CFR 240.12g3-2) under the Act which exempts such issuers from

[1] Print the name and the title of the signing officer under his signature.

section 12(g) if they furnish the information specified in the proposed general instruction. The proposed general instruction is, therefore, no longer necessary and has been omitted from the adopted revision.

As proposed, the revised Form 20 will require information concerning the aggregate amount of various benefits which officers and directors receive from the issuer and its subsidiaries; the aggregate amount of remuneration paid; the aggregate amount set aside to provide pension, retirement or similar benefits; and information as to any options to purchase securities of the issuer or any of its subsidiaries which are outstanding as of a specified date within 30 days prior to the date of filing the registration statement. These requirements expand the previous Form 20 which required only a description of any rights to any proportion of the earnings of the issuer which had been granted to the management or the board of directors and a statement of the total amount paid to management during the last fiscal year.

The Form 20 instructions to the financial statements have been revised, as proposed, to require all issuers to file the financial statements and schedules which would be required if the registration statement were filed on Form 10 (17 CFR 249.210). The revised form modifies the proposal that the financial statements be reconciled to Regulations S–X (17 CFR Part 210), but instead requires that any material variation from Regulation S–X be disclosed and, to the extent practicable, the effect of the variation be given. Provisions similar to those contained in Form 10, permitting the Commission to modify the financial statement requirements in particular cases where necessary for or consistent with the protection of investors, have been included in the revised form.

Four complete copies of the registration statement on Form 20 must be filed with the Commission and at least one complete copy must be filed with each U.S. exchange on which the issuer applies for registration.

Commission action. The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 12 and 23(a) thereof, hereby amends Form 20 (17 CFR 249.220) to read as set forth below and repeals Form 21 (17 CFR 249.221). This action shall be applicable to registration statements filed on or after June 30, 1967; provided that any issuer desiring to file a registration statement on Form 20 or 21 prior to such date may file such registration statement on the revised form.

By the Commission, April 28, 1967.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 249.220 Form 20, for registration of securities of foreign private issuers pursuant to Section 12 (b) or (g) of the Securities Exchange Act of 1934.

GENERAL INSTRUCTIONS

A. *Rule as to the Use of Form 20.*

This form is to be used for registration pursuant to section 12 of the Securities Exchange Act of 1934 of any class of securities of any foreign private issuer: *Provided*, That it shall not be used for registration of any class of securities of any North American or Cuban issuer if (i) the securities are to be registered pursuant to section 12(b) of the Act, or (ii) the issuer has had the same or any other class of securities registered pursuant to section 12 of the Act on Form 10 (17 CFR 249.210), or on Form 8–A, 8–B or 8–C (17 CFR 240.208a, 208b or 208c) in lieu of Form 10 on or after May 31, 1967, and within 1 year prior to the date on which the registration statement is filed or required to be filed under section 12(g).

B. *Application of General Rules and Regulations.*

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed in the preparation and filing of registration statements on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR 240.12b–1 *et seq.*) which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the registration statement, the information to be given whenever the title of securities is required to be stated, and the filing of the registration statement. The definitions contained in Rule 12b–2 (17 CFR 240.12b–2) should be especially noted.

C. *Preparation of Registration Statement.*

(a) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the registration statement on paper meeting the requirements of Rule 12b–12 (17 CFR 240.12b–12). The registration statement shall contain the item numbers and captions, but the text of the items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b–13 (17 CFR 240.12b–13).

(b) Unless otherwise stated, the information required shall be given as of a date reasonably close to the date of filing the registration statement.

D. *Signature and Filing of Registration Statements.*

Four complete copies of the registration statement on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy of each statement shall be filed with each exchange on which an issuer applies for registration. At least one of the copies of each statement filed with the Commission and one copy filed with each such exchange shall be manually signed. Unsigned copies shall bear typed or printed signatures.

FACING PAGE

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM 20

REGISTRATION STATEMENT FILED PURSUANT TO SECTION 12 (b) OR (g) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of registrant as specified in its charter)

(Translation of registrant's name into English)

(Address of registrant's principal executive offices)

Securities to be registered pursuant to section 12(b) of the Act:

Title of each class to be registered	*Name of each exchange on which each class is to be registered*
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Securities to be registered pursuant to section 12(g) of the Act:

(Title of class)

(Title of class)

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1. General Information. (a) Name of the country under the laws of which the registrant was incorporated or organized.

(b) Date of incorporation of organization.

(c) Date of termination of charter.

(d) Date upon which fiscal year ends.

Item 2. Control of Registrant. State whether the registrant is directly or indirectly owned or controlled by another corporation or by any foreign government and, if so, give the name of such controlling corporation or government and describe briefly the nature of such control.

Item 3. History and Business. Describe briefly the general character of the business done by the registrant and its subsidiaries, and any substantial changes which may have occurred in the general character of the business within the past five years.

Item 4. Property. State briefly the general character and location of the principal plants and other important units of the registrant and its subsidiaries.

Item 5. Description of Capital Shares To Be Registered. For each class of capital shares which is to be registered hereunder, give the title of the class and furnish the following information:

(a) Outline briefly: (i) Dividend rights; (ii) limitations in any indentures or other agreements on the payment of dividends; (iii) voting rights; (iv) liquidation rights; (v) preemptive rights; (vi) subscription rights; (vii) conversion rights; (viii) redemption provisions applicable thereto; and (ix) liability to further calls.

(b) Submit a schedule indicating for a period of 3 fiscal years, the dividends paid per share.

Instructions. 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

2. If the rights evidenced by the securities to be registered hereunder are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 6. Description of Funded Debt To Be Registered. For each class of funded debt which is to be registered hereunder, give the title of the class and furnish the following information:

(a) Date of the issue.

(b) Names of paying agents and trustees.

(c) Outline briefly the amortization, sinking fund, redemption and retirement provisions.

(d) Outline briefly the terms of any conversion or voting rights.

(e) State whether secured by any lien and briefly describe the property subjected to such lien.

(f) If serial, give the plan of serial maturities.

(g) If additional securities of the same issue may be issued under the respective indenture, state the amount thereof and outline briefly the conditions on which such issue can be made.

(h) State the amount of other securities which may be issued and, if issued, will as to

security, rank ahead of, or pari passu with, the issue described.

(i) If substitution of any property securing the issue is permitted, outline briefly the principal provisions permitting such substitution, and state whether or not any notice is required in connection with any such substitution.

(j) If the obligation to pay interest is made dependent upon earnings or other special conditions, outline briefly the provisions applicable thereto.

(k) Outline briefly any provisions for the modification or amendment of the terms of the security or the indenture relating thereto by holders of part of the issue.

(l) State what percentage of security holders is necessary to require the trustee under the indenture (1) to accelerate the maturity of the issue and (2) to enforce the lien thereof. Outline briefly what indemnification the trustee is entitled to require before proceeding to enforce the lien. State what percentage of security holders must concur in order to be able to direct the trustee.

(m) State the currency or currencies in which payable; and if payable in two or more currencies, state the basis of determination for the currency conversion and at whose option.

(n) Outline briefly the provisions of any law or decree determining the extent to which the securities of the issue may be serviced.

(o) State briefly the circumstances concerning any failure to pay principal, interest, or any sinking fund or amortization installment.

Instructions. 1. The instructions to Item 5 shall apply to this item.

2. If the securities to be registered hereunder are guaranteed, state the name of the guarantor and outline briefly the contract of guarantee.

Item 7. Description of Other Securities To Be Registered. For each class of securities of the registrant, other than capital shares or funded debt, which is to be registered hereunder, give the title of the class and outline briefly the rights evidenced thereby.

Instructions. 1. The instructions to Item 5 shall apply to this item.

2. If the securities to be registered hereunder are guaranteed, state the name of the guarantor and outline briefly the contract of guarantee.

Item 8. Limitations Affecting Security Holders. (a) Outline briefly the provisions of any law or decree determining the extent to which dividends or other payments upon any class of securities to be registered hereunder may be paid to foreign holders.

(b) As to each class of securities to be registered hereunder, state whether there are any limitations, either by the law of the country under which the registrant is organized or in the charter or other constituent document of the registrant, on the right of foreigners to hold or vote the securities. Outline briefly any such limitations.

Items 9. Securities of Other Issuers Guaranteed by Registrant. If the registrant has guaranteed securities of any other issuer (other than notes, drafts, bills of exchange, or banker's acceptances having a maturity at the time of issuance of not exceeding 1 year), state the name of such issuer and the title and amount of securities guaranteed and outline briefly the contract of guarantee.

Item 10. Exchange Control. State whether any exchange control has been established by the country in which the registrant was organized.

Item 11. Directors and Officers of Registrant. Furnish the following information as to all directors and officers of the registrant.

Name ----------
Address ----------
Positions with registrant----------

Item 12. Remuneration of Directors and Officers. State the aggregate amount of remuneration paid by the registrant and its subsidiaries during the registrant's last fiscal year to all directors and officers as a group, without naming them, for services in all capacities.

Item 13. Amount Set Aside for Pension, Retirement and Similar Benefits. State the aggregate amount set aside by the registrant and its subsidiaries during the last fiscal year of the registrant to provide pension, retirement or similar benefits for directors and officers of the registrant.

Item 14. Options To Purchase Securities From Registrants or Subsidiaries. Furnish the following information as to all options to purchase securities from the registrant or any of its subsidiaries, which are outstanding as of a specified date within 30 days prior to the date of filing the registration statement:

(a) State (1) the title and total amount of securities called for by the options; (2) the purchase price of the securities called for; and (3) the expiration dates of the options.

(b) State the total amount of securities called for by all such options held by directors and officers of the registrant as a group, without naming them.

Instruction. The term "option" as used in this item includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis.

Item 15. Financial Statements and Exhibits. List all financial statements and exhibits filed as a part of the registration statement.

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of Section 12 of the Securities Exchange Act of 1934, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)

By ----------
(Signature)[1]

Date ----------

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

1. Every issuer registering securities on this form shall file as a part of its registration statement the financial statements, schedules and accountants' certificates which would be required to be filed if the registration statement were filed on Form 10. Any material variation in accounting principles or practices from the form and content of financial statements prescribed in Regulation S–X (17 CFR Part 210) shall be disclosed and, to the extent practicable, the effect of each such variation given.

2. The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more generally accepted auditing standards or procedures or the substitution of other appropriate auditing standards or procedures.

INSTRUCTIONS AS TO EXHIBITS

The following exhibits shall be filed as a part of the registration statement. Such exhibits shall be appropriately designated by numbers or letters for convenient reference.

1. Copies of the charter, articles of association, or other constituent instruments of organization of the registrant, as amended, and by-laws, if any, as amended. (Statuts, Gesellschaftsvertrag, etc.)

2. Copies of all indentures and amendments thereto relating to the authorized funded debt of the registrant which is to be registered hereunder.

3. If the registrant has funded debt other than that which is to be registered hereunder, on has subsidiaries with funded debt, an agreement by the registrant to furnish or cause to be furnished to the Commission upon request, copies of any indentures or amendments thereof relating to such funded debt.

4. A copy of any law or decree outlined in answer to Item 8.

5. If the registrant has guaranteed securities of other issuers, as specified in Item 9, an agreement by the registrant to furnish or cause to be furnished to the Commission upon request copies of any constituent instruments defining the rights of the holders of such securities.

6. Copies (specimens if available) of all securities to be registered hereunder.

(Secs. 12 and 23; 48 Stat. 892 and 901, as amended; 15 U.S.C. 78*l* and 78w)

[F.R. Doc. 67–5973; Filed, May 29, 1967; 8:46 a.m.]

[1] Print the name and title of the signing officer under his signature.

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 67-EA-49]

AIRWORTHINESS DIRECTIVE

Fairchild Hiller Type F-27 and FH-227 Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an amendment applicable to Fairchild Hiller Type F-27 and FH-227 Airplanes. There have been numerous findings of elongated and double drilled rivet holes in the inner fuselage skin and along stringer 109 and 149 contiguous to the chine or floor line between stations 510 through 528 and 637 through 655. Since the condition is likely to exist in other airplanes of the same type, the proposed amendment would require an inspection and corrective action if appropriate.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

FAIRCHILD. Applies to Type F-27 Airplanes, Serial Numbers 108 through 123, inclusive, and FH-227 Airplanes, Serial Numbers 503, 506 through 518, 520 through 535, and 538.

Due to numerous elongated and double-drilled rivet holes found in the fuselage skin, accomplished the following within the next 150 hours' time in service after the effective date of this AD unless already accomplished.

(a) For F-27 Airplanes, comply with the Accomplishment Instructions of Fairchild Hiller Service Bulletin No. 53-49 (F-27), dated April 14, 1967, and for FH-227 Airplanes, comply with the Accomplishment Instructions of Fairchild Hiller Service Bulletin No. 53-7 (FH-227), dated April 14, 1967, or later FAA-approved revisions, or FAA-approved equivalent modification.

(b) Equivalent inspections may be approved by an FAA maintenance inspector. Equivalent parts, Service Bulletin revisions, and modifications, must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Issued in Jamaica, N.Y., on May 19, 1967.

WAYNE HENDERSHOT,
Acting Director.

[F.R. Doc. 67-5976; Filed, May 29, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket 66-EA-107]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Pittsburgh, Pa. (Greater Pittsburgh), control zone and transition area.

The cancellation of the VOR/DME No. 1 and ILS-10R and authorized change in the ADF instrument procedures requires changes in the control zone and 700-foot floor transition area. Generally, the cancellations permit elimination of the transition area extension based on the localizer west course; reduction in the transition area extention protecting the ADF procedure and cancellation of the control zone extension based on the 292° Imperial VORTAC radial.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications, received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Pittsburgh, Pa. (Greater Pittsburgh), proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Pittsburgh, Pa. (Greater Pittsburgh), control zone all after the words "west course, extending from the 6-mile radius zone" and before "and within 2 miles" and insert in lieu thereof the words "to Creek, Pa., RBN".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete from the 700-foot floor Pittsburgh, Pa., transition area the words beginning with "10-R-ILS localizer west course" through "8 miles west of the OM" and insert in lieu thereof "10-L-ILS localizer west course extending from the 8-mile radius area to the Creek, Pa., RBN".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on May 9, 1967.

WAYNE HENDERSHOT,
Acting Director.

[F.R. Doc. 67-5977; Filed, May 29, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-50]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-66 from Raleigh-Durham, N.C., 1,200 feet AGL direct to Franklin, Va., 12 AGL INT Franklin 087° and Norfolk, Va., 226° radials; 1,200 feet AGL Norfolk.

This action would provide a numbered airway along a frequently requested short route between Raleigh-Durham

and Norfolk, and would reduce the present airway mileage between these points. V-66 would be designated via the alignment of V-266, between Franklin and Norfolk, considered in Airspace Docket No. 66-EA-99 and effective May 25, 1967.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on May 22, 1967.

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

[F.R. Doc. 67-5978; Filed, May 29, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-62]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate to V-181 from Sioux Falls, S. Dak., to Watertown, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

A straight in recovery procedure for jet aircraft at Joe Foss Field has been established from the Ramona DME FIX (FSD 327° magnetic radial, 28 nautical miles from the VOR). This radial providing the straight in approach is separated from V-181 by only 013°, which is insufficient clearance to allow simultaneous operations along the airway and use of the straight in recovery approach. It is proposed to designate a standard east alternate to V-181 which would provide the necessary separation for simultaneous operations.

V-181 is designated in part from Sioux Falls, 29 miles, 12 AGL, 27 miles, 30 MSL, 12 AGL Watertown. The floor of control area between Sioux Falls and Watertown is predominately set at 1,200 feet AGL. Designation of a higher floor on the airway segment serves no useful purpose. Accordingly, action is proposed herein to alter V-181 between Sioux Falls, and Watertown, by designating an east alternate and establishing airway floors for both the main and alternate airway segments at 1,200 feet AGL.

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

Issued in Washington, D.C., on May 22, 1967.

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

[F.R. Doc. 67-5979; Filed, May 29, 1967; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[Docket No. 67-34; General Order 13]

COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF UNITED STATES

Exemptions

Notice is hereby given that the Federal Maritime Commission is considering the promulgation of a rule which would exempt certain carriers from the tariff filing requirements of section 18(b) of the Shipping Act, 1916.

There appears to be little reason to regulate the activities of certain carriers whose vessels carry no property other than vehicles, under circumstances whereby the carrier neither issues a bill of lading nor otherwise takes responsibility for delivery of property, and makes a flat charge per vehicle of specified length (notwithstanding the contents of the vehicle), provides no loading or unloading service, and does not participate in any joint rate agreement.

It is therefore proposed that carriers meeting this description be exempted from the tariff filing requirements of section 18(b) of the Shipping Act, 1916, inasmuch as such exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory or be detrimental to commerce.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 18(b), 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 833(a), and 841(a)), Part 536 of Title 46 CFR is proposed to be amended by the addition of a new § 536.14 reading as follows:

§ 536.14 Exemptions.

Vessels in foreign commerce are exempt from the requirements of section 18(b) of the Shipping Act, 1916, where (a) the vessel's undertaking with respect to the transportation of property is limited to carrying vehicles and is unrelated to the contents of the vehicle; (b) such transportation is performed in accordance with uniform published tolls based solely on the distance carried and the length of the vehicle; (c) the vessel does not participate in any joint rate agreements; and (d) such transportation does not include responsibility for moving the vehicles on or off the vessel.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 26, 1967, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the purposes of sections 18(b), 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 833(a), and 841(a)).

The Federal Maritime Commission, Bureau of Compliance, Office of Hearing Counsel shall participate in the proceeding and shall file Reply to Comments on or before July 11, 1967, by serving an original and 15 copies on the Federal Maritime Commission and one copy on each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before July 25, 1967.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-6008; Filed, May 29, 1967; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 257]

POSTAL SAVINGS SYSTEM

Payment on Account of Deposits

Public Law 89-377 discontinued the Postal Savings System as of April 27, 1966; authorized the Postmaster General to wind up the affairs of the System, and directed the transfer on July 1, 1967, of the total amount of unpaid deposits to a trust fund deposit account on the books of the Treasury to remain available for payments whenever proper claims are received. On page 6380 of the FEDERAL REGISTER for April 27, 1966, the Post Office Department published a Notice of Discontinuance of the System. Therefore, as of July 1, 1967, all payments on account of deposits in the Postal Savings System will be made by the Treasury Department.

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that the Secretary of the Treasury is considering the adoption of regulations, pursuant to 5 U.S.C. 301, to govern payment to depositors in the Postal Savings System. The regulations would constitute a new part, designated Part 257, entitled as above, of Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations, reading as follows:

Sec.
257.1 Scope of regulations.
257.2 Application for withdrawals.
257.3 Payments to depositors.

AUTHORITY: The provisions of this Part 257 issued under 5 U.S.C. 301.

§ 257.1 Scope of regulations.

The regulations in this part govern payment by the Treasury Department to depositors in the Postal Savings System from the total amount of unpaid deposits transferred to the Secretary of the Treasury. The Postal Savings System as such was discontinued, and the unpaid deposits transferred to the Secretary on July 1, 1967, by section 1 of Public Law 89-377 (39 U.S.C. 5225(a) and 5228).

§ 257.2 Application for withdrawals.

(a) Depositors should continue to make application for withdrawals of their deposits in the Postal Savings System to their local post office depositories, on the forms and supported by the evidence set forth in existing Post Office Department regulations. Those regulations are set forth in 39 CFR Part 173, as amended at 32 F.R. 3294 and supplemented by Postal Bulletin 20590 of May 18, 1967.

(b) Application for withdrawals from those deposit accounts for which no deposits or withdrawals have been made for more than 20 years may be made to a local post office depository or the Investments Branch, Bureau of Accounts, Treasury Department, Washington, D.C. 20226. That Branch will supply application forms on request and will be guided by the Post office Department regulations designated in paragraph (a) of this section in its requirements for supporting evidence.

§ 257.3 Payment to depositors.

On and after July 1, 1967, all payments to depositors from Postal Savings System accounts will be made by the Investments Branch. Applications by depositors for withdrawals made to local post office depositories will be forwarded by those depositories to the Investments Branch, and, therefore, no specific application for payment to that Branch will be required from such depositors.

Amendments. At such time as the Post Office Department regulations designated in § 257.2(a) are revoked, the regulations in Part 257 will be amended to include necessary portions thereof.

Prior to the adoption of the proposed regulations set forth above, consideration will be given to any relevant data, views, or arguments submitted in writing to the Commissioner of Accounts, Treasury Department, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: May 25, 1967.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 67-6050; Filed, May 29, 1967; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 911, 915]

[Docket Nos. AO-267-A3, AO-254-A4]

HANDLING OF LIMES AND AVOCADOS GROWN IN FLORIDA

Notice of Hearing With Respect To Proposed Amendments to Marketing Agreements, as Amended, and Orders, as Amended

Correction

In F.R. Doc. 67-5908, appearing at page 7715 of the issue for Friday, May 26, 1967, the headings should read as set forth above.

Packers and Stockyards Administration

[9 CFR Part 201]

LIVESTOCK

Purchase by Packers on Carcass Grade, Carcass Weight, or Carcass Grade and Weight Basis

Notice is hereby given that pursuant to section 407(a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228), the Packers and Stockyards Administration proposes to amend the regulations (9 CFR 201.1 et seq.), under such Act by adding a new § 201.99 dealing with the purchase of livestock by packers on a carcass grade, carcass weight, or carcass grade and weight basis.

Statement of considerations. The method of marketing livestock on the basis of carcass grade, carcass weight, or carcass grade and weight has increased substantially during the past several years in the United States. In some trade areas this has become the dominant method of marketing livestock. The Department has received numerous requests from all segments of the industry for the establishment of guidelines and regulations governing this method of marketing.

Generally, when livestock are purchased on a live-weight basis, the seller or his representative observes the sorting, weighing, etc., of his livestock. However, when a packer purchases livestock on a carcass grade, carcass weight, or carcass grade and weight basis, the grade, weight, and condemnations and bruise trimming required are determined within the physical facilities of the packing plant. These determinations are usually conducted beyond the personal observation and verification of the seller or his representative.

A survey was made by the Department of a large segment of the meat packing industry which procures livestock on a carcass grade, carcass weight, or carcass grade and weight basis. This survey showed that frequently livestock was purchased on such a basis with no clear agreement between the packer and the seller as to the basic elements of the purchase contract, such as price, date of slaughter, grading, etc., and no accounting showing these elements was rendered to the seller. In some instances serious discrepancies were found to exist between the grade, weight, and condemnations of carcasses as accounted for to the seller and the actual grade, weight, and condemnations of such carcasses.

The Department has held conferences with all segments of the livestock and meat packing industries to discuss the feasibility of, and the areas to be included within, a regulation governing this method of marketing. The Department is now considering the desirability of promulgating a regulation setting forth certain requirements to be followed by packers in the purchase of livestock on a carcass grade, carcass weight, or carcass grade and weight basis. Such a regulation would assist in the administration of the Act by providing minimum safeguards for producers selling livestock by this method of marketing. Provisions necessary to implement the regulation, such as inspection of records and property of persons subject to the Act, are already contained in § 201.95 of the regulations (9 CFR 201.95) under the Act.

Therefore, it is proposed to add a new § 201.99 to the Packers and Stockyards Act regulations, to read as follows:

§ 201.99 Purchase of livestock by packers on a carcass grade, carcass weight, or carcass grade and weight basis.

(a) Each packer purchasing livestock on a carcass grade, carcass weight, or carcass grade and weight basis shall, prior to such purchase, make known to the seller the details of the purchase

contract. Such details shall include, when applicable, expected date and place of slaughter, carcass price, condemnation terms, style of dressing, grading to be used, accounting, and any special conditions.

(b) Each packer purchasing livestock on a carcass grade, carcass weight, or carcass grade and weight basis, shall maintain the identity of each seller's livestock and the carcasses therefrom and shall, after determination of the amount of the purchase price, transmit or deliver to the seller, or his duly authorized agent, a true written account of such purchase showing the number, weight, and price of the carcasses of each grade (identifying the grade) and of the ungraded carcasses, an explanation of any condemnations, and any other information affecting final accounting. Packers purchasing livestock on such a basis shall maintain sufficient records to substantiate the settlement of each transaction, and shall, upon request from the seller or his duly authorized agent, make available for their inspection all such substantiating records which affect final accounting.

(c) When livestock is purchased by a packer on a carcass weight, or carcass grade and weight basis, purchase and settlement therefor shall be on the basis of carcass price. This paragraph does not apply to purchases of livestock by a packer on a guaranteed yield basis.

(d) Settlement and final payment for livestock purchased by a packer on a carcass weight, or carcass grade and weight basis shall be on actual (hot) carcass weights determined before shrouding. The hooks, rollers, and gambrels or other similar equipment used at a packing establishment in connection with the weighing of carcasses of the same species of livestock shall be uniform in weight. The tare weight shall include only the weight of such equipment.

(e) Settlement and final payment for livestock purchased by a packer on a USDA carcass grade shall be on an official (final—not preliminary) grade. If settlement and final payment are based upon any grades other than official USDA grades, such other grades shall be set forth in detailed written specifications which shall be made available to the seller or his duly authorized agent. For purposes of settlement and final payment, carcasses shall be final graded within 72 hours after slaughter: *Provided, however,* That when such 72-hour period expires on a weekend or holiday, carcasses shall be final graded not later than the close of the next work day following such weekend or holiday.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days from the publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 24th day of May 1967.

DONALD A. CAMPBELL,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 67-5957; Filed, May 29, 1967; 8:45 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Parts 1501, 1502, 1503]

SHIP REPAIRING, SHIPBUILDING, AND SHIPBREAKING

Proposed Safety and Health Regulations

Pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), Safety and Health Regulations for Ship Repairing, 29 CFR Part 1501, Safety and Health Regulations for Shipbuilding, 29 CFR Part 1502, and Safety and Health Regulations for Shipbreaking, 29 CFR Part 1503 have been promulgated. Reexamination of these regulations and experience in their administration and enforcement have indicated a need for certain editorial and substantive revisions. Accordingly, under authority provided in 33 U.S.C. 941 and Secretary's Order No. 12-66 (31 F.R. 12620) notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 553(a)) that I propose to amend 29 CFR Parts 1501, 1502, and 1503 as hereinafter set forth, under authority granted in section 41 of the Longshoremen's and Harbor Workers' Compensation Act as amended.

In order that interested persons may have opportunity to participate in the rule making process, notice is also given that oral data, views, and arguments of interested persons will be received by a duly assigned Hearing Examiner on August 9, 1967, beginning at 10 a.m., in Room 404 at Railway Labor Building, First and D Streets NW., Washington, D.C.

Any interested person desiring to participate orally shall file a notice of intention with the Director, Bureau of Labor Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., not later than 10 days before the scheduled date. The notice of intention shall state the name and address of the person who is to appear, specify his interest, the amount of time he requires for such purpose, and identify his counsel or other representative, if any. Written material which is supplemental to an oral presentation must be filed in quadruplicate with the Hearing Examiner at the time of presentation.

Interested persons, in lieu of personal appearance, may submit written data, views, and argument in quadruplicate to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, not later than 5 days before the above specified date. Such written submissions, timely received, will be transmitted to the Hearing Examiner for incorporation into the record of proceedings.

The oral proceedings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the proposal. He shall have discretion to keep the record open for a reasonable stated time to receive written proposals and supporting reasons, or additional data, views, and arguments from persons who have participated.

Upon completion of the oral proceedings the transcript thereof, together with the exhibits, written submissions and all posthearing proposals and supporting reasons shall be certified by the Hearing Examiner to me. I will give careful consideration to all relevant matter thus presented, together with such other information as may be available, and will thereafter issue appropriate regulations by publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 22d day of May 1967.

NELSON M. BORTZ,
Director,
Bureau of Labor Standards.

The proposed changes would read as follows:

PART 1501—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

Subpart A—General Provisions

1. Section 1501.5 is amended to read as follows:

§ 1501.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, Subpart B § 1501.13(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart B, § 1501.12 (b) and (f); Subpart C, §§ 1501.24(b)(7), 1501.25(a)(4); Subpart H, § 1501.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1-1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1501.42(a)(6).

United States of America Standard Safety Code for Portable Metal Ladders, A14.2-1956, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1501.42(a)(4).

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, §§ 1501.81(a)(1), 1501.83(b).

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, American Society of Mechanical Engineers, 29 West 39th Street, New York, N.Y. 10018, Subpart K, § 1501.101 (a).

Threshold Limit Values, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart B, § 1501.11(a)(6); Subpart C, § 1501.21(b).

United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1964, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart H, § 1501.74(c).

2. The title to Subpart B is amended to read as follows:

Subpart B—Explosive and Other Dangerous Atmospheres

3. In § 1501.10 paragraphs (a)(1), (c)(1), and (c)(3) are amended to read as follows:

§ 1501.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B, C, D, and H of this part, except for § 1501.24(b)(8), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts B, C, D, and H of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

* * * * *

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts B, C, D, and H of this part, except those referred to in § 1501.24(b)(8), are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form MAR–9, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

* * * * *

(3) A copy of any certificate issued in accordance with § 1501.13 and of any instructions issued by the National Fire Protection Association Certified Marine Chemist shall be kept on file with the log for a period of at least 3 months from the date of the completion of the job. The certificate and instructions issued by the person doing the fumigation referred to in § 1501.11(a)(3)(ii) shall also be kept on file for a period of at least 3 months from the date of the completion of the job.

* * * * *

4. Section 1501.11 is amended to read as follows:

§ 1501.11 Precautions before entering.

(a) *Flammable or toxic atmospheres and residues.* (1) Before employees are initially permitted to enter any cargo space or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, and spaces immediately adjacent to these spaces, the atmosphere within such spaces shall be tested by a competent person to determine the concentration of flammable vapors or gases in the atmosphere within the spaces.

(2) If the atmosphere within a ship's space contains flammable vapors or gases, the space shall be ventilated to reduce the concentration below 10 percent of the lower explosive limit. If necessary the provisions of subparagraph (6) of this paragraph shall be applied.

(3) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) and (ii) of this subparagraph, the atmosphere within such spaces shall be tested and the spaces inspected by a Marine Chemist, Industrial Hygienist or other person qualified to make these tests and inspections, for toxic atmospheric contaminants and the presence of toxic or corrosive residues.

(i) Cargo spaces or other spaces containing or having last contained bulk liquids, gases, or solids of a toxic, corrosive, or irritant nature, and spaces immediately adjacent to these spaces.

(ii) Spaces that have been fumigated.

(4) If the atmosphere within a ship's space contains toxic contaminants, the space shall be ventilated to reduce the concentration below the level immediately dangerous to life, defined in § 1501.82(b)(1). If necessary, the provisions of subparagraph (6) of this paragraph shall be applied.

(5) Where tests indicate that no flammable or toxic contaminants are present in the atmosphere, the persons required to conduct the tests shall test the atmosphere to insure that it contains at least 16.5 percent oxygen.

(6) If the atmosphere within a ship's space is found to contain a concentration of contaminants below the level immediately dangerous to life, defined in § 1501.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1501.82 (a) and (c), (d), or (e), whichever is applicable.

(7) The person qualified to make the tests and inspections referred to in subparagraph (3) of this paragraph shall make a record of the tests, inspections, and instructions pertaining to subparagraphs (4) and (6) of this paragraph on U.S. Department of Labor Form MAR–9, which shall be available for inspection and kept on file in accordance with § 1501.10(c)(2).

(8) If, in an emergency, involving peril to life, time does not allow ventilation required by subparagraphs (2) and (4) of this paragraph to be applied, an exception is allowed, provided employees are protected by respiratory protective equipment and life lines in accordance with the requirements of § 1501.82 (a) and (b).

(b) *Oxygen deficient atmospheres.* (1) Before employees are permitted to enter compartments which have been sealed, spaces which have been coated and closed up, or nonventilated compartments which have been freshly painted, the atmosphere within the spaces shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains at least 16.5 percent oxygen.

(2) If the oxygen content is less than 16.5 percent, the space shall be ventilated until tests indicate an oxygen content above this level.

(3) If, in an emergency, involving peril to life, time does not allow ventilation required by subparagraph (2) of this paragraph to be applied, an exception is allowed, provided employees are protected by respiratory equipment and lifelines in accordance with the requirements of § 1501.82 (a) and (b).

5. In § 1501.12 paragraph (b) and (d) are amended, and paragraph (e), (f), and (g) are added to read as follows:

§ 1501.12 Cleaning and other cold work.

* * * * *

(b) Only approved explosion-proof, self-contained, battery-fed, portable lamps shall be used in spaces described in paragraph (a) of § 1501.13 before the spaces have been certified as "Safe for Men." Battery-fed, portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

* * * * *

(d) The metallic parts of air moving devices, including fans, blowers, jet-type air movers, and duct work shall be electrically bonded to the vessel's structure.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Air ducts shall be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) In spaces described in paragraph (a) of § 1501.13 which have been certified "Safe for Men," either battery lamps or explosion-proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used, provided the lights are mounted to the space openings from the exterior, or suspended within the space with the cables so led as to protect them from injury.

(g) In spaces certified "Safe for Fire" nonexplosion proof lights may be used.

6. In § 1501.13 paragraphs (b) and (c) are amended to read as follows:

§ 1501.13 Certification before hot work is begun.

* * * * *

(b) In dry cargo holds for which a Marine Chemist's certificate is not required by paragraph (a)(2)(ii) of this section, hot work may be performed only

after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

(c) Before hot work is performed in engine room and boiler room spaces of any vessel for which a Marine Chemist's certificate is not required by the provision of paragraph (a) of this section or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

7. In § 1501.14 paragraphs (c) and (d) are amended to read as follows:

§ 1501.14 Maintaining gas free conditions.

* * * * *

(c) The employer shall inform masters and chief engineers of vessels of the provisions of this section and shall confirm that they are aware of their responsibilities for seeing that their crews understand and obey all warning signs, tags, and the limitations stated on the marine chemist's certificates.

(d) When conditions in a tank are such that there is a possibility of hazardous vapor being released from residues or other sources after a marine chemist's certificate has been issued, a competent person shall make tests to insure that the gas-free condition is maintained irrespective of whether hot work is being performed in the tank. When the competent person finds that atmospheric conditions have altered, work shall be stopped and a new marine chemist's certificate in accordance with the requirements of § 1501.13(a) shall be obtained before work is resumed.

Subpart C—Surface Preparation and Preservation

8. Section 1501.21 is amended to read as follows:

§ 1501.21 Toxic cleaning solvents.

(a) When toxic solvents are used, the employer shall employ one or more of the following measures to safeguard the health of employees exposed to these solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(3) Employees shall be protected against toxic vapors by suitable respiratory protective equipment in accordance with the requirements of § 1501.82 (a) and (c), and, where necessary, against exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(b) The principles in the threshold limit values to which attention is directed in § 1501.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of air contaminants.

(c) When flammable solvents are used, precautions shall be taken in accordance with the requirements of § 1501.25.

9. In § 1501.23 paragraph (c)(1)(iv) is added to read as follows:

§ 1501.23 Mechanical paint removers.

* * * * *

(c) *Abrasive blasting*—(1) *Equipment.* * * *

(iv) *Dead man control.* A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cutoff or to signal the pot tender by means of a visual and audible signal to cut off the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

* * * * *

10. In § 1501.24 paragraphs (a)(4), (b)(5), (13), and (14) are amended to read as follows:

§ 1501.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* * * *

(4) The metallic parts of air moving devices, including fans, blowers, jet-type air movers, and duct work shall be electrically bonded to the vessel's structure.

(b) *Paints and tank coatings dissolved in highly volatile, toxic, and flammable solvents.* * * *

(5) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

* * * * *

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of § 1501.82(a) and by suitable protective clothing. Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of § 1501.82 (a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of § 1501.82 (a) and (e) and by suitable protective clothing.

Subpart D—Welding, Cutting, and Heating

11. In § 1501.31 paragraph (a)(1)(vi) is amended to read as follows:

§ 1501.31 Ventilation and protection in welding, cutting, and heating.

(a) *Mechanical ventilation; requirements.* (1) * * *

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, or for blowing dust or dirt from clothing.

* * * * *

12. In § 1501.32 paragraph (e) is amended and paragraphs (h) and (i) are added to read as follows:

§ 1501.32 Fire prevention.

* * * * *

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed and for a sufficient period of time after completion of the work to insure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

* * * * *

(h) Vaporizing liquid extinguishers shall not be used in enclosed spaces.

(i) Except when the contents are being removed or transferred, drums, pails, and other containers which contain or have contained flammable liquids shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations, or open flames.

13. In § 1501.35 paragraph (a)(9), titles to paragraphs (e) and (g), and paragraphs (e) (1), (2), and (3) are amended, and paragraphs (e) (4) and (5) and (g) (2) and (3) are added to read as follows:

§ 1501.35 Gas welding and cutting.

(a) *Transporting, moving, and storing compressed gas cylinders.* * * *

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

* * * * *

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

* * * * *

(g) *Torches.* (1) * * *

(2) Torches shall be inspected at the beginning of each shift for leaking shutoff valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

* * * * *

* * * * *

14. In § 1501.36 paragraph (a)(2) is amended to read as follows:

§ 1501.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) * * *

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

* * * * *

Subpart E—Scaffolds, Ladders, and Other Working Surfaces

15. In § 1501.41 paragraphs (a)(6), (i) (2) and (3) are amended to read as follows:

§ 1501.41 Scaffolds or staging.

(a) *General requirements.* * * *

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

* * * * *

(i) *Backrails and toeboards.* (1) * * *

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1501.84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1501.84(a).

* * * * *

16. In § 1501.42 paragraphs (a) (4) and (6) are amended to read as follows:

§ 1501.42 Ladders.

(a) *General requirements.* * * *

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

* * * * *

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

* * * * *

17. In § 1501.43 title to section is amended and paragraphs (c), (d), (e), and (f) are added to read as follows:

§ 1501.43 Guarding of deck openings and edges.

* * * * *

(c) When employees are exposed to unguarded edges of decks, platforms, flats, and similar flat surfaces, more than 5 feet above a solid surface, the edges shall be guarded by adequate guardrails meeting the requirements of § 1501.41(i) (1) and (2), unless the nature of the work in progress or the physical conditions prohibit the use or installation of such guardrails.

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by buoyant work vests, meeting the requirements of § 1501.84(a).

(e) Sections of bilges from which floor plates or gratings have been removed shall be guarded by guardrails except where they would interfere with work in progress. If these open sections are in a walkway at least two 10-inch planks placed side by side, or equivalent, shall be laid across the opening to provide a safe walking surface.

(f) Gratings, walkways, and catwalks, from which sections or ladders have been removed, shall be barricaded with adequate guardrails.

18. In § 1501.45 title to section is amended and paragraph (g) is added to read as follows:

§ 1501.45 Access to and guarding of drydocks and marine railways.

* * * * *

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1501.41(i) (1) and (2).

19. In § 1501.47 the paragraph designation (a) is assigned to the first paragraph and paragraphs (b), (c), and (d) are added to read as follows:

§ 1501.47 Working surfaces.

(a) When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

(b) When employees are working aloft, or elsewhere at elevations more than 5 feet above a solid surface, either scaffolds or a sloping ladder, meeting the requirements of this subpart, shall be used to afford safe footing, or the employees shall be protected by safety belts and lifelines meeting the requirements of § 1501.84(b). Employees visually restricted by blasting hoods, welding helmets, and burning goggles shall work from scaffolds, not from ladders.

(c) For work performed in restricted quarters, such as behind boilers and in between congested machinery units and piping, work platforms at least 20 inches wide meeting the requirements of § 1501.41(h)(1) shall be used. Backrails may be omitted if bulkheading, boilers, machinery units, or piping afford proper protection against falling.

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by buoyant work vests meeting the requirements of § 1501.84(a).

Subpart F—General Working Conditions

20. In §1501.51 paragraph (a) is amended to read as follows:

§ 1501.51 Housekeeping.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or dry docks shall be kept clear of all tools, materials, and equipment except that which is in use, and all debris such as welding rod tips, bolts, nuts, and similar material. Hose and electric conductors shall be elevated over or placed under the walkway or working surfaces or covered by adequate crossover planks.

* * * * *

21. In § 1501.52 paragraph (b)(2) is amended to read as follows:

§ 1501.52 Illumination.

* * * * *

(b) * * *

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cable are permitted.

* * * * *

22. In § 1501.53 paragraph (c)(1) is added to read as follows:

§ 1501.53 Utilities.

* * * * *

(c) *Infrared electrical heat lamps.* (1) All infrared electrical heat lamps shall be equipped with guards that surround the lamps with the exception of the face, to minimize accidental contact with the lamps.

23. In § 1501.57 paragraphs (a), (b), and (c) are changed to (e), (f), and (g), and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 1501.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; structural material, such as cadmium or zinc coated steel or plastic materials; or process material, such as welding filler metals, shall

be used until the employer ascertains the potential fire and toxic hazards which may be encountered in the handling, application, or utilization of these materials.

(b) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(c) The employer shall provide all necessary controls, and the employees shall be protected against the hazards referred to in paragraph (a) and those hazards for which specific precautions are required in Subparts B, C, and D, by suitable personal protective equipment.

(d) Paragraphs (a), (b), and (c) of this section shall take effect 180 days after the effective date of this amendment.

* * * * *

24. In § 1501.58 paragraph (d) is amended to read as follows:

§ 1501.58 First aid.

* * * * *

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring the patient to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

25. In § 1501.64 paragraph (d) is added to read as follows:

§ 1501.64 Chain falls and pull-lifts.

* * * * *

(d) Scaffolding shall not be used as a point of attachment for lifting devices, such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

26. In § 1501.65 paragraphs (a) and (c) are changed to (b) and (e), paragraphs (b) (1) and (2) are changed to (c) (1) and (2), paragraph (b)(3) is amended and changed to paragraph (d), and new paragraph (a) is added to read as follows:

§ 1501.65 Hoisting and hauling equipment.

(a) *Derrick and crane certification.* (1) Derricks and cranes which are part of, or regularly placed aboard barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in 29 CFR, Part 1505, by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

* * * * *

(c) *Mobile crawler or truck cranes used on a vessel.* (1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) *Marine railways.* (1) * * *

* * * * *

27. In § 1501.66 paragraph (m) is amended, paragraphs (n) and (o) are changed to (o) and (p), and new paragraph (n) is added to read as follows:

§ 1501.66 Use of gear.

* * * * *

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped so that it cannot be displaced by accident.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

(o) * * *

(p) * * *

28. In § 1501.68 title to section is added and Table G–6 is amended to read as follows:

§ 1501.68 Tables.

* * * * *

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips		Minimum spacing, inches
	Drop forged	Other material	
*	-----	-----	-----
5/16	3	4	3
3/8	3	4	3½
7/16	4	5	4½
1/2	4	5	5¼
1	4	6	6
1 1/8	5	6	6¾
1 1/4	5	7	7½
1 3/8	6	7	8¼
1 1/2	6	8	9

*Three clips shall be used on wire size less than ½ inch diameter.

* * * * *

29. In § 1501.71 paragraph (a) is amended and paragraphs (f), (g), and (h) are added to read as follows:

§ 1501.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

* * * * *

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

30. In § 1501.72 paragraph (a) is amended to read as follows:

§ 1501.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters' Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

* * * * *

31. In § 1501.74 introduction to paragraph (c) is amended to read as follows:

§ 1501.74 Abrasive wheels.

* * * * *

(c) Cup type wheels use for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

* * * * *

32. Section 1501.76 is added to read as follows:

§ 1501.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines, furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combustion engines on vehicles, such as forklifts and mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require

to ensure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 100 parts per million (0.01%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

33. In § 1501.81 paragraph (c)(1) is amended to read as follows:

§ 1501.81 Eye protection.

* * * * *

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c)(2) of this section.

* * * * *

34. In § 1501.83 paragraph (b) is amended to read as follows:

§ 1501.83 Head, foot, and body protection.

* * * * *

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

* * * * *

35. In § 1501.84 sense of paragraph (a)(1) is transferred to § 1501.43(d) and § 1501.47(c), paragraph (b)(1) to § 1501.47(b), and paragraph (b)(2) to § 1501.11(b)(3); paragraphs (b)(2) and (3), and (c)(4) are amended; and new paragraphs (a) (1) and (2), and (b)(1) are added to read as follows:

§ 1501.84 Lifesaving equipment.

(a) *Buoyant work vests.* (1) Buoyant work vests shall not meet the requirements of these regulations unless approved by the U.S. Coast Guard.

(2) Prior to each use, buoyant work vests shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective buoyant work vests shall not be used.

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to ensure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

* * * * *

(c) *Liferings and ladders.* * * *

(4) In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Subpart J—Ship's Machinery and Piping Systems

36. In § 1501.91 paragraph (a) introductory text and subparagraphs (1) and (2) are amended to read as follows:

§ 1501.91 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of a boiler where employees may be subject to injury from the direct escape of a high temperature medium, such as steam, or water, oil, or other medium at a high temperature entering from an interconnecting system, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, blanked, and tagged indicating that employees are working in the boiler. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boiler, or until the work in the boiler is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

* * * * *

37. In § 1501.92 paragraph (a) introductory text and subparagraphs (1) and (2) are amended to read as follows:

§ 1501.92 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system where employees may be subject to injury from the direct escape of steam, or water, oil, or other medium at a high temperature, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, blanked, and tagged indicating that employees are working on the systems. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

Subpart L—Electrical Machinery

38. Section 1501.111 is amended to read as follows:

§ 1501.111 Electrical circuits and distribution boards.

(a) Before an employee is permitted to work on an electrical circuit, except when the circuit must remain energized for testing and adjusting, the circuit shall be deenergized and checked at the point at which the work is to be done to insure that it is actually deenergized. When testing or adjusting an energized circuit a rubber mat, duck board, or other suitable insulation shall be used underfoot where an insulated deck does not exist.

(b) Deenergizing the circuit shall be accomplished by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch, or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized until it is definitely determined that the work on the circuit has been completed.

(c) When work is performed immediately adjacent to an open-front energized board or in back of an energized board, the board shall be covered or some other equally safe means shall be used to prevent contact with any of the energized parts.

PART 1502—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

Subpart A—General Provisions

39. Section 1502.5 is amended to read as follows:

§ 1502.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, Subpart B, § 1502.10(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart C §§ 1502.24(b)(7), 1502.25(a)(4); Subpart H, § 1502.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1 1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1502.42(a)(6).

United States of America Standard Safety Code for Portable Metal Ladders, A14.2–1956, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1502.42(a)(4).

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, §§ 1502.81(a)(1), 1502.83(b).

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, section VIII, Rules for Construction of Unfired Pressure Vessels, American Society of Mechanical Engineers, 29 West 39th Street, New York, N.Y. 10018, Subpart K, § 1502.101(a).

Threshold Limit Values, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart C § 1502.21(b).

United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1964, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart H, § 1502.74(c).

40. The title to Subpart B is amended to read as follows:

Subpart B—Explosive and Other Dangerous Atmospheres

41. In § 1502.10 paragraphs (a)(1) and (c)(1) are amended to read as follows:

§ 1502.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts C, D, and H of this part, except for § 1502.24(b)(8), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts C, D, and H of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

* * * * *

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts C, D, and H of this part, except those referred to in § 1502.24(b)(8), are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form MAR–9, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

* * * * *

Subpart C—Surface Preparation and Preservation

42. Section 1502.21 is amended to read as follows:

§ 1502.21 Toxic cleaning solvents.

(a) When toxic solvents are used, the employer shall employ one or more of the following measures to safeguard the health of employees exposed to these solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(3) Employees shall be protected against toxic vapors by suitable respiratory protective equipment in accordance with the requirements of § 1502.82 (a) and (c), and, where necessary, against exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(b) The principles in the threshold limit values to which attention is directed in § 1502.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of air contaminants.

(c) When flammable solvents are used, precautions shall be taken in accordance with the requirements of § 1502.25.

43. In § 1502.23 paragraph (c)(1)(iv) is added to read as follows:

§ 1502.23 Mechanical paint removers.

(c) *Abrasive blasting*—(1) *Equipment.* * * *

(iv) *Dead man control.* A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cut off or to signal the pot tender by means of a visual and audible signal to cutoff the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

* * * * *

44. In § 1502.24 paragraphs (a)(4), (b)(5), (13), and (14) are amended to read as follows:

§ 1502.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* * * *

(4) The metallic parts of air moving devices, including fans, blowers, jet-type air movers, and duct work shall be electrically bonded to the vessel's structure.

(b) *Paints and tank coatings dissolve in highly volatile, toxic, and flammable solvents.* * * *

(5) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

* * * * *

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of § 1502.82(a) and by suitable protective clothing. Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of § 1502.82 (a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of § 1502.82 (a) and (e) and by suitable protective clothing.

Subpart D—Welding, Cutting, and Heating

45. In § 1502.31 paragraph (a)(1)(vi) is amended to read as follows:

§ 1502.31 Ventilation and protection in welding, cutting, and heating.

(a) *Mechanical ventilation; requirements.* (1) * * *

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, or for blowing dust or dirt from clothing.

* * * * *

46. In § 1502.32 paragraph (e) is amended and paragraphs (h) and (i) are added to read as follows:

§ 1502.32 Fire prevention.

* * * * *

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed and for a sufficient period of time after completion of the work to insure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

* * * * *

(h) Vaporizing liquid extinguishers shall not be used in enclosed spaces.

(i) Except when the contents are being removed or transferred, drums, pails, and other containers which contain or have contained flammable liquids shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations, or open flames.

47. In § 1502.35 subparagraph (a)(9), titles to paragraphs (e) and (g), and subparagraphs (e)(1), (2), and (3) are amended, and subparagraphs (e)(4) and (5) and (g)(2) and (3) are added to read as follows:

§ 1502.35 Gas welding and cutting.

(a) *Transporting, moving, and storing compressed gas cylinders.* * * *

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

* * * * *

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall

not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

* * * * *

(g) *Torches.* (1) * * *

(2) Torches shall be inspected at the beginning of each shift for leaking shut-off valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

* * * * *

48. In § 1502.36 paragraph (a)(2) is amended to read as follows:

§ 1502.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) * * *

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

* * * * *

Subpart E—Scaffolds, Ladders, and Other Working Surfaces

49. In § 1502.41 paragraphs (a)(6), (i)(2) and (3) are amended to read as follows:

§ 1502.41 Scaffolds or staging.

(a) *General requirements.* * * *

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

* * * * *

(i) *Backrails and toeboards.* (1) * * *

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1502.84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1502.84(a).

* * * * *

50. In § 1502.42 subparagraphs (a)(4) and (6) are amended to read as follows:

§ 1502.42 Ladders.

(a) *General requirements.* * * *

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

* * * * *

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

* * * * *

51. In § 1502.43 title to section is amended and paragraphs (c), (d), (e), and (f) are added to read as follows:

§ 1502.43 Guarding of deck openings and edges.

* * * * *

(c) When employees are exposed to unguarded edges of decks, platforms, flats, and similar flat surfaces, more than 5 feet above a solid surface, the edges shall be guarded by adequate guardrails meeting the requirements of § 1502.41(i)(1) and (2), unless the nature of the work in progress or the physical conditions prohibit the use or installation of such guardrails.

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by buoyant work vests, meeting the requirements of § 1502.84(a).

(e) Section of bilges in which floor plates or gratings have not been installed shall be guarded by guardrails except where they would interfere with the work in progress. If these open sections are in a walkway at least two 10-inch planks placed side by side, or equivalent, shall be laid across the opening to provide a safe walking surface.

(f) Gratings, walkways, and catwalks, in which sections of gratings and ladders have not been installed shall be barricaded with adequate guardrails.

52. In § 1502.45 title to section is amended and paragraph (g) is added to read as follows:

§ 1502.45 Access to and guarding of drydocks and marine railways.

* * * * *

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1502.41(i)(1) and (2).

53. In § 1502.47 the paragraph designation (a) is assigned to the first paragraph and paragraphs (b), (c), and (d) are added to read as follows:

§ 1502.47 Working surfaces.

(a) When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

(b) When employees are working aloft, or elsewhere at elevations more than 5 feet above a solid surface, either scaffolds or a sloping ladder, meeting the requirements of this subpart, shall be used to afford safe footing, or the employees shall be protected by safety belts and lifelines meeting the requirements of § 1502.84(b). Employees visually restricted by blasting hoods, welding helmets, and burning goggles shall work from scaffolds, not from ladders.

(c) For work performed in restricted quarters, such as behind boilers and in between congested machinery units and piping, work platforms at least 20 inches wide meeting the requirements of § 1502.41(h)(1) shall be used. Backrails may be omitted if bulkheading, boilers, machinery units, or piping afford proper protection against falling.

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by buoyant work vests meeting the requirements of § 1502.84(a).

Subpart F—General Working Conditions

54. In § 1502.51 paragraph (a) is amended to read as follows:

§ 1502.51 Housekeeping.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or drydocks shall be kept clear of all tools, materials, and equipment except that which is in use, and all debris such as welding rod tips, bolts, nuts, and similar material. Hose and electric conductors shall be elevated over or placed under the walkway or working surfaces or covered by adequate crossover planks.

* * * * *

55. In § 1502.52 paragraph (b)(2) is amended to read as follows:

§ 1502.52 Illumination.

* * * * *

(b) * * *

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cable are permitted.

56. In § 1502.53 paragraph (c)(1) is added to read as follows:

§ 1502.53 Utilities.

* * * * *

(c) *Infrared electrical heat lamps.* (1) All infrared electrical heat lamps shall be equipped with guards that surround the lamps with the exception of the face, to minimize accidental contact with the lamps.

57. In § 1502.57 paragraphs (a) and (b) are changed to (e) and (f), and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 1502.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; structural material, such as cadmium or zinc coated steel or plastic materials; or process material, such as welding filler metals, shall be used until the employer ascertains the potential fire and toxic hazards which may be encountered in the handling, application, or utilization of these materials.

(b) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(c) The employer shall provide all necessary controls, and the employees shall be protected against the hazards referred to in paragraph (a) of this section and those hazards for which specific precautions are required in Subparts C and D, by suitable personal protective equipment.

(d) Paragraphs (a), (b), and (c) of this section shall take effect 180 days after the effective date of this amendment.

* * * * *

58. In § 1502.58 paragraph (d) is amended to read as follows:

§ 1502.58 First aid.

* * * * * *

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring the patient to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

59. In § 1502.64 paragraph (d) is added to read as follows:

§ 1502.64 Chain falls and pull-lifts.

* * * * *

(d) Scaffolding shall not be used as a point of attachment for lifting devices, such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

60. In § 1502.65 paragraphs (a) and (c) are changed to (b) and (e), paragraphs (b) (1) and (2) are changed to (c) (1) and (2), paragraph (b)(3) is amended and changed to paragraph (d), and new paragraph (a) is added to read as follows:

§ 1502.65 Hoisting and hauling equipment.

(a) *Derrick and crane certification.* (1) Derricks and cranes which are part of, or regularly placed aboard, barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in 29 CFR, Part 1505, by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

* * * * *

(c) *Mobile crawler or truck cranes used on a vessel.* (1) The maximum manufacturer's rated safe workingloads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) *Marine railways.* (1) * * *

* * * * *

61. In § 1502.66 paragraph (m) is amended, paragraphs (n) and (o) are changed to (o) and (p), and new paragraph (n) is added to read as follows:

§ 1502.66 Use of gear.

* * * * * *

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

(o) * * *

(p) * * *

62. In § 1502.68 Table G–6, is amended to read as follows:

§ 1502.68 Tables.

* * * * * *

TABLE G–6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips		Minimum spacing, inches
	Drop forged	Other material	
*	*	*	*
1/2	3	4	3
5/8	3	4	3 1/4
3/4	4	5	4 1/2
7/8	4	5	5 1/4
1	4	6	6
1 1/8	5	6	6 3/4
1 1/4	5	7	7 1/2
1 3/8	6	7	8 1/4
1 1/2	6	8	9

*Three clips shall be used on wire size less than 1/2 inch diameter.

* * * * *

63. In § 1502.71 paragraph (a) is amended and paragraphs (f), (g), and (h) are added to read as follows:

§ 1502.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps, shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

* * * * *

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

64. In § 1502.72 paragraph (a) is amended to read as follows:

§ 1502.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters' Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

* * * * *

65. In § 1502.74 introduction to paragraph (c) is amended to read as follows:

§ 1502.74 Abrasive wheels.

* * * * *

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

* * * * *

66. Section 1502.76 is added to read as follows:

§ 1502.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines, furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combustion engines on vehicles, such as forklifts and

mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require to insure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 100 parts per million (0.01%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

67. In § 1502.81 paragraph (c)(1) is amended to read as follows:

§ 1502.81 Eye protection.

* * * * *

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c)(2) of this section.

* * * * *

68. In § 1502.83 paragraph (b) is amended to read as follows:

§ 1502.83 Head, foot, and body protection.

* * * * *

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

* * * * *

69. In § 1502.84 sense of paragraph (a)(1) is transferred to § 1502.43(d) and § 1502.47(c), paragraph (b)(1) to § 1502.47(b), and paragraph (b)(2) to § 1502.11(b)(3); paragraphs (b) (2) and (3), and (c)(4) are amended; and new paragraphs (a) (1) and (2), and (b)(1) are added to read as follows:

§ 1502.84 Life saving equipment.

(a) *Buoyant work vests.* (1) Buoyant work vests shall not meet the requirements of these regulations unless approved by the U.S. Coast Guard.

(2) Prior to each use, buoyant work vests shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective buoyant work vests shall not be used.

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to insure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

* * * * *

(c) *Liferings and ladders.* * * *

(4) In the vicinity of each vessel afloat on which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Subpart J—Ship's Machinery and Piping Systems

70. In § 1502.91 paragraph (a) introductory text and subparagraphs (1) and (2) are amended to read as follows:

§ 1502.91 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of a boiler where employees may be subject to injury from the direct escape of a high temperature medium, such as steam, or water, oil, or other medium at a high temperature entering from an interconnecting system, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, blanked, and tagged indicating that employees are working in the boiler. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boiler, or until the work in the boiler is completed. Where valves are welded instead of bolted at least tw- isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

* * * * *

71. In § 1502.92 paragraph (a) introductory text and subparagraphs (1) and (2) are amended to read as follows:

§ 1502.92 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system where employees may be subject to injury from the direct escape of steam, or water, oil, or other medium at a high temperature, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, blanked, and tagged indicating that employees are working on the system. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

Subpart L—Electrical Machinery

72. Section 1502.111 is amended to read as follows:

§ 1502.111 Electrical circuits and distribution boards.

(a) Before an employee is permitted to work on an electrical circuit, except when the circuit must remain energized for testing and adjusting, the circuit shall be deenergized and checked at the point at which the work is to be done to insure that it is actually deenergized. When testing or adjusting an energized circuit, a rubber mat, duck board, or other suitable insulation shall be used underfoot where an insulated deck does not exist.

(b) Deenergizing the circuit shall be accomplished by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch, or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized until it is definitely determined that the work on the circuit has been completed.

(c) When work is performed immediately adjacent to an open-front energized board or in back of an energized board, the board shall be covered or some other equally safe means shall be used to prevent contact with any of the energized parts.

PART 1503—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

Subpart A—General Provisions

73. Section 1503.5 is amended to read as follows:

§ 1503.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, Subpart B § 1503.13(b).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart B, § 1503.12(b) and (f); Subpart H, § 1503.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1503.42(a)(6).

United States of America Standard Safety Code for Portable Metal Ladders, A14.2–1956, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, § 1503.42(a)(4).

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, §§ 1503.81(a)(1), 1503.83(b).

Threshold Limit Values, American Conference of Governmental Industrial Hygenists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart B, § 1503.11(a)(6).

74. The title to Subpart B is amended to read as follows:

Subpart B—Explosive and Other Dangerous Atmospheres

75. In § 1503.10 paragraphs (a)(1) and (c)(3) are amended to read as follows:

§ 1503.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B and D of this part one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts B and D of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

* * * * *

(c) *Logging of inspections and tests.* * * *

(3) A copy of any certificate issued in accordance with § 1503.13 and of any instructions issued by the National Fire Protection Association Certified Marine Chemist shall be kept on file with the log for a period of at least 3 months from the date of the completion of the job.

* * * * *

76. Section 1503.11 is amended to read as follows:

§ 1503.11 Precautions before entering.

(a) *Flammable or toxic atmospheres and residues.* (1) Before employees are initially permitted to enter any cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, and spaces immediately adjacent to these spaces, the atmosphere within such spaces shall be tested by a competent person to determine the concentration of flammable vapors or gases in the atmosphere within the spaces.

(2) If the atmosphere within a ship's space contains flammable vapors or gases, the space shall be ventilated to reduce the concentration below 10 percent of the lower explosive limit. If necessary the provisions of subparagraph (6) of this paragraph shall be applied.

(3) Before employees are initially permitted to enter any of the ship's spaces designated in subdivision (i) of this subparagraph, the atmosphere within such spaces shall be tested and the spaces inspected by a Marine Chemist, Industrial Hygienist or other person qualified to make these tests and inspections, for toxic atmospheric contaminants and the presence of toxic or corrosive residues.

(i) Cargo spaces or other spaces containing or having last contained bulk liquids, gases, or solids of a toxic, corrosive, or irritant nature, and spaces immediately adjacent to these spaces.

(4) If the atmosphere within a ship's space contains toxic contaminants, the space shall be ventilated to reduce the concentration below the level immediately dangerous to life, defined in § 1503.82(b)(1). If necessary, the provisions of subparagraph (6) of this paragraph shall be applied.

(5) Where tests indicate that no flammable or toxic contaminants are present in the atmosphere, the persons required to conduct the tests shall test the atmosphere to insure that it contains at least 16.5 percent oxygen.

(6) If the atmosphere within a ship's space is found to contain a concentration of contaminants below the level immediately dangerous to life, defined in § 1503.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1503.82 (a) and (c), (d), or (e), whichever is applicable.

(7) The person qualified to make the tests and inspections referred to in subparagraph (3) of this paragraph shall make a record of the tests, inspections, and instructions pertaining to subparagraphs (4) and (6) of this paragraph on U.S. Department of Labor Form MAR–9, which shall be available for inspection and kept on file in accordance with § 1503.10(c)(2).

(8) If, in an emergency, involving peril to life, time does not allow ventilation required by subparagraphs (2) and (4) of this paragraph to be applied, an exception is allowed, provided employees are protected by respiratory protective equipment and lifelines in accordance with the requirements of § 1503.82 (a) and (b).

(b) *Oxygen deficient atmospheres.* (1) Before employees are permitted to enter compartments which have been sealed, spaces which have been coated and closed up, or nonventilated compartments which have been freshly painted, the atmosphere within the spaces shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains at least 16.5 percent oxygen.

(2) If the oxygen content is less than 16.5 percent, the space shall be ventilated until tests indicate an oxygen content above this level.

(3) If, in an emergency, involving peril to life, time does not allow ventilation required by subparagraph (2) of this paragraph to be applied, an exception is allowed, provided employees are protected by respiratory equipment and lifelines in accordance with the requirements of § 1503.82(a) and (b).

77. In § 1503.12 paragraphs (b) and (d) are amended, and paragraphs (e), (f), and (g) are added to read as follows:

§ 1503.12 Cleaning and other cold work.

* * * * *

(b) Only approved explosion-proof, self-contained, battery-fed, portable lamps shall be used in spaces described in paragraph (b) of § 1503.13 before the spaces have been certified as "Safe for Men." Battery-fed, portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

* * * * *

(d) The metallic parts of air moving devices, including fans, blowers, jet-type air movers, and duct work shall be electrically bonded to the vessel's structure.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Air ducts shall be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) In spaces described in paragraph (b) of § 1503.13 which have been certified "Safe for Men," either battery lamps or explosion-proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissable by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used, provided the lights are mounted to the space openings from the exterior, or suspended within the space with the cables so led as to protect them from injury.

(g) In spaces certified "Safe for Fire" nonexplosion proof lights may be used.

78. In § 1503.13 paragraphs (b) (3) and (4) are amended to read as follows:

§ 1503.13 Certification before hot work is begun.

* * * * *

(b) *Hot work below decks.* * * *

(3) In dry cargo holds for which a Marine Chemist's certificate is not required by paragraph (b)(2)(ii) of this section, hot work may be performed only after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

(4) Before hot work is performed in engine room and boiler room spaces of any vessel for which a Marine Chemist's certificate is not required by the provision of paragraph (b) (1) and (2) of this section or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed

within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

79. In § 1503.14 paragraph (b) is amended to read as follows:

§ 1503.14 Maintaining gas free conditions.

* * * * *

(b) *Hot work below decks.* (1) When conditions in spaces below decks described in § 1503.13(b) (1) and (2) are such that there is a possibility of hazardous vapors being released from residues or other sources, after a Marine Chemist's certificate has been issued, a competent person shall make tests to ensure that the gas free condition is maintained irrespective of whether hot work is being performed in or on the aforementioned spaces. When the competent person finds that the atmospheric conditions have altered, work shall be stopped and a new Marine Chemist's certificate in accordance with § 1503.13(b) (1) and (2) shall be obtained, before work is resumed.

Subpart D—Welding, Cutting, and Heating

8. In § 1503.31 paragraph (a) (1) (vi) is amended to read as follows:

§ 1503.31 Ventilation and protection in welding, cutting, and heating.

(a) *Mechanical ventilation; requirements.* (1) * * *

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, or for blowing dust or dirt from clothing.

* * * * *

81. In § 1503.32 paragraph (b) is amended to read as follows:

§ 1503.32 Fire prevention.

* * * * *

(b) In all cases suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. Personnel assigned to contain fires within controllable limits shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

82. In § 1503.35 paragraph (a) (9), titles to paragraphs (e) and (g), and paragraphs (e) (1), (2), and (3) are amended, and paragraphs (e) (4) and (5) and (g) (2) and (3) are added to read as follows:

§ 1503.35 Gas welding and cutting.

(a) *Transporting, moving, and storing compressed gas cylinders.* * * *

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

* * * * *

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

* * * * *

(g) *Torches.* (1) * * *

(2) Torches shall be inspected at the beginning of each shift for leaking shutoff valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

* * * * *

83. In § 1503.36 paragraph (a) (2) is amended to read as follows:

§ 1503.36 Arc welding and cutting.

(a) *Manual electrode holders* (1) * * *

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

* * * * *

Subpart E—Scaffolds, Ladders, and Other Working Surfaces

84. In § 1503.41 paragraphs (a) (6), (e) (2) and (3) are amended to read as follows:

§ 1503.41 Scaffolds or staging.

(a) *General requirements.* * * *

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

* * * * *

(e) *Backrails and toeboards.* (1) * * *

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and lifelines meeting the requirements of § 1503.84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1503.84(a).

* * * * *

85. In § 1503.42 paragraphs (a) (4) and (6) are amended to read as follows:

§ 1503.42 Ladders.

(a) *General requirements.* * * *

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

* * * * *

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

* * * * *

86. In § 1503.45 title to section is amended and paragraph (g) is added to read as follows:

§ 1503.45 Access to and guarding of drydocks and marine railways.

* * * * *

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1503.41(e) (1) and (2).

87. Section 1503.47 is added to read as follows:

§ 1503.47 Working surfaces.

(a) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by buoyant work vests meeting the requirements of § 1503.84(a).

Subpart F—General Working Conditions

88. In § 1503.52 paragraph (b) (2) is amended to read as follows:

§ 1503.52 Illumination.

* * * * *

(b) * * *

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cables are permitted.

* * * * *

89. In § 1503.57 paragraphs (a), (b), and (c) are changed to (e), (f), and (g), and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 1503.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; structural material, such as cadmium or zinc coated steel or plastic materials; or process material, such as welding filler metals,

shall be used until the employer ascertains the potential fire and toxic hazards which may be encountered in the handling, application, or utilization of these materials.

(b) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(c) The employer shall provide all necessary controls, and the employees shall be protected against the hazards referred to in paragraph (a) and those hazards for which specific precautions are required in Subparts B and D, by suitable personal protective equipment.

(d) Paragraphs (a), (b), and (c) of this section shall take effect 180 days after the effective date of this amendment.

* * * * *

90. In § 1503.58 paragraph (d) is amended to read as follows:

§ 1503.58 First aid.

* * * * *

(d) There shall be available for each vessel one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring to patients to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

91. In § 1503.64 paragraph (d) is added to read as follows:

§ 1503.64 Chain falls and pull-lifts.

* * * * *

(d) Scaffolding shall not be used as a point of attachment for lifting devices, such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

92. In § 1503.65 paragraphs (a) and (c) are changed to (b) and (e), paragraphs (b) (1) and (2) are changed to (c) (1) and (2), paragraph (b) (3) is amended and changed to paragraph (d), and new paragraph (a) is added to read as follows:

§ 1503.65 Hoisting and hauling equipment.

(a) *Derrick and crane certification.* (1) Derricks and cranes which are part of, or regularly placed aboard, barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in 29 CFR, Part 1505, by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

* * * * *

(c) *Mobile crawler or truck cranes used on a vessel.* (1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) *Marine railways.* (1) * * *

* * * * *

93. In § 1503.66 paragraph (m) is amended, and paragraph (n) is added to read as follows:

§ 1503.66 Use of gear.

* * * * *

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

94. In § 1503.68 Table G–6 is amended to read as follows:

§ 1503.68 Tables.

* * * * *

TABLE G–6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips		Minimum spacing, inches
	Drop forged	Other material	
*	------	------	-------
1/2	3	4	3
5/8	3	4	3 1/4
3/4	4	5	4 1/2
7/8	4	5	5 1/4
1	4	6	6
1 1/8	5	6	6 3/4
1 1/4	5	7	7 1/2
1 3/8	6	7	8 1/4
1 1/2	6	8	9

*Three clips shall be used on wire size less than 1/2 inch diameter.

* * * * *

95. In § 1503.71 paragraph (a) is amended and paragraphs (f), (g), and (h) are added to read as follows:

§ 1503.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

* * * * *

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

96. In § 1503.72 paragraph (a) is amended to read as follows:

§ 1503.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters' Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

97. In § 1503.74 introduction to paragraph (c) is amended to read as follows:

§ 1503.74 Abrasive wheels.

* * * * *

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

* * * * *

98. Section 1503.76 is added to read as follows:

§ 1503.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines, furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combustion engines on vehicles, such as forklifts and mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require to ensure that dangerous concentrations do not

develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 100 parts per million (0.01%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

99. In § 1503.81 paragraph (c)(1) is amended to read as follows:

§ 1503.81 Eye protection.

* * * * *

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c)(2) of this section.

* * * * *

100. In § 1503.83 paragraph (b) is amended to read as follows:

§ 1503.83 Head, foot, and body protection.

* * * * *

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

* * * * *

101. In § 1503.84 sense of paragraph (a)(1) is transferred to § 1503.43(d) and 1503.47(c), paragraph (b)(1) to § 1503.47(b), and paragraph (b)(2) to § 1503.11(b)(3); paragraphs (b) (2) and (3) and (c)(4) are amended; and new paragraphs (a) (1) and (2), and (b)(1) are added to read as follows:

§ 1503.84 Life saving equipment.

(a) *Buoyant work vests.* (1) Buoyant work vests shall not meet the requirements of these regulations unless approved by the U.S. Coast Guard.

(2) Prior to each use, buoyant work vests shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective buoyant work vests shall not be used.

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to insure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

* * * * *

(c) *Life rings and ladders.* * * *

(4) In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

(Sec. 41, 44 Stat. 1444; Sec. 1, 72 Stat. 835; 33 U.S.C. 941, Secretary's Order 12-66 (31 F.R. 12620))

[F.R. Doc. 67-5855; Filed, May 29, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing Plat of Survey

MAY 23, 1967.

In the FEDERAL REGISTER, Vol. 32 No. 91, Page 7135 of the issue for Thursday, May 11, 1967, the descriptions under Alaska T. 1 S., R. 2 E. (Group 49), Sec. 24, All should read Sec. 28, All.

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

[F.R. Doc. 67-5966; Filed, May 29, 1967; 8:45 a.m.]

WYOMING

Modification of Certain Grazing Districts

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with the authority delegated in 235 DM 1.1, it is ordered as follows:

1. The exterior boundaries of Grazing District No. 2 established by Departmental Order approved October 31, 1936, are hereby extended to include the following described lands, which lands are hereby excluded from Wyoming Grazing District No. 4, established October 31, 1936:

SIXTH PRINCIPAL MERIDIAN

T. 28 N., R. 99 W.,
Secs. 4 to 9 inclusive;
Secs. 16 to 18 inclusive;
Sec. 19, N½, N½S½;
Sec. 20, N½, N½S½;
Sec. 21, N½, SW¼, N½SE¼, SW¼SE¼.
T. 28 N., R. 100 W.,
Secs. 1 to 3 inclusive;
Sec. 4, lot 1, SE¼NE¼;
Sec. 9, SE¼NE¼, NE¼SE¼, S½SE¼;
Secs. 10 to 15 inclusive;
Sec. 16, S½, NE¼, S½NW¼; NE¼NW¼;
Sec. 17, SE¼NE¼, E½SE¼;
Sec. 20, E½NE¼;
Secs. 21 to 24 inclusive;
Sec. 25, N½NW¼, SW¼NW¼;
Sec. 26, NE¼;
Sec. 27, N½NW¼;
Sec. 28, N½NE¼, NE¼NW¼.
T. 29 N., R. 99 W.,
Secs. 28 to 33 inclusive.
T. 29 N., R. 100 W.,
Secs. 9 and 16;
Sec. 17, S½NE¼, S½NW¼, NE¼NW¼;
Sec. 18, S½NE¼, SE¼, E½SW¼, SW¼SW¼;
Secs. 19 to 21 inclusive;
Secs. 25 to 26 inclusive;
Sec. 27, N½, NE¼SE¼;
Sec. 28, N½N½, S½NE¼;
Sec. 29, N½N½, SW¼NW¼;
Sec. 30, N½N½, SE¼NE¼;
Secs. 35 to 36 inclusive.
T. 29 N., R. 101 W.,
Sec. 24, SE¼NE¼, NE¼SE¼.

2. The exterior boundaries of Grazing District No. 4 established by Departmental Order approved October 31, 1936, and amended November 10, 1954, are hereby extended to include the following described lands, which lands are hereby excluded from Wyoming Grazing District No. 3, established October 31, 1936, and amended November 10, 1954.

SIXTH PRINCIPAL MERIDIAN

T. 14 N., R. 96 W.,
Sec. 5, lots 3 and 4, S½NW¼, and SW¼;
Sec. 6;
Sec. 7, lots 1 and 2, E½NW¼, and NE¼;
Sec. 8, NW¼.
T. 14 N., R. 97 W.,
Secs. 1 to 10 inclusive;
Sec. 11, N½, NW¼SE¼, N½SW¼, and SW¼SW¼;
Sec. 12, N½;
Sec. 15, NW¼NE¼, NW¼, N½SW¼, and SW¼SW¼;
Secs. 16 to 17 inclusive;
Sec. 18, lots 1 and 2, E½NW¼, NE¼, N½, SE¼, SE¼SE¼, and NE¼SW¼;
Sec. 20, N½NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 21, NW¼NE¼, N½NW¼, and SW¼NW¼.
T. 14 N., R. 98 W.,
Secs. 1 to 2 inclusive;
Secs. 11 to 12 inclusive;
Sec. 13, N½NE¼, SE¼NE¼, and NE¼NW¼.
T. 15 N., R. 96 W.,
Secs. 1 to 21, inclusive;
Sec. 22, N½, NW¼SE¼, N½SW¼, and SW¼SW¼;
Sec. 23, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 28, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 29, N½, NW¼SE¼, N½SW¼, and SW¼SW¼;
Secs. 30 to 31, inclusive.
T. 15 N., R. 97 W.,
Sec. 1;
Secs. 11 to 15, inclusive;
Secs. 19 to 36, inclusive;
T. 15 N., R. 98 W.,
Secs. 24 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 16 N., R. 96 W.,
Secs. 33 to 36, inclusive.
T. 17 N., R. 97 W.,
Secs. 1 to 18, inclusive.
T. 17 N., R. 98 W.,
Secs. 1 to 5, inclusive;
Sec. 6, lots 3, 4, 5, 8 and 9, S½NE¼, and SE¼NW¼;
Sec. 8, NE¼;
Secs. 9 to 15, inclusive;
Sec. 16, E½ and NW¼;
Sec. 21, E½;
Secs. 22 to 24, inclusive;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½.
T. 18 N., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 18 N., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 19 N., R. 97 W.,
Secs. 5 to 8, inclusive;
Sec. 17, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 18;
Sec. 19, lot 1, NE¼NW¼, and NW¼NE¼.
T. 19 N., R. 98 W.,
Secs. 1 to 22, inclusive;
Sec. 23, N½, NW¼SE¼, and N½SW¼;
Sec. 24, NW¼ and N½NE¼;
Sec. 27, NW¼NW¼;
Sec. 28, N½NE¼ and NW¼;
Sec. 29, N½, N½SW¼, and NW¼SE¼;
Sec. 30, lots 5, 6, 7 and 8, E½W½, NE¼, N½SE¼, and SW¼SE¼.
T. 20 N., R. 97 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20 inclusive;
Secs. 29 to 32, inclusive.
T. 20 N., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 21 N., R. 97 W.,
Secs 1 to 36, inclusive.
T. 21 N., R. 98 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 22 N., R. 97 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 36, inclusive.
T. 22 N., R. 98 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive;
T. 23 N., R. 97 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 24 N., R. 97 W.,
Secs. 1 to 7, inclusive;
Sec. 8, N½ and SW¼;
Sec. 9, N½;
Sec. 10, N½;
Sec. 11, N½;
Sec. 12, N½;
Sec. 17, W½;
Secs. 18 to 19, inclusive;
Sec. 20, W½;
Sec. 29, W½;
Secs. 30 to 32, inclusive.
T. 25 N., R. 96 W.,
Sec. 30, lots 1, 2, 3, 4, and 5, SW¼NW¼, and S½SW¼;
Sec. 31, all except NE¼NE¼.
T. 25 N., R. 97 W.,
Secs. 6, lots 5, 6 and 7, SE¼SW¼;
Sec. 7, lots 1, 2, 3 and 4, E½W½, SE¼, and SW¼NE¼;
Sec. 8, S½;
Sec. 9, W½SW¼, SE¼SW¼, and SE¼SE¼;
Sec. 14, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 15, S½, NW¼, and S½NE¼;
Secs. 16 to 23, inclusive;
Sec. 24, W½NW¼, SW¼, and SW¼SE¼;
Secs. 25 to 36, inclusive.
T. 25 N., R. 98 W.
Secs. 1 to 36, inclusive.
T. 26 N., R. 98 W.,
Sec. 4, lots 2, 3 and 4, S½NW¼, SW¼NE¼, and S½;
Secs. 5 to 8, inclusive;
Sec. 9, W½, N½NE¼, and SW¼NE¼;
Sec. 16, W½NW¼;
Secs. 17 to 20, inclusive;
Secs. 29 to 35, inclusive;
Sec. 36 W½NW¼, SE¼NW¼, SW¼, and SW¼SE¼.
T. 27 N., R. 98 W.,
Sec. 5, W½SW¼;
Secs. 6 to 7, inclusive;
Sec. 8, W½NW¼, SE¼NW¼, and SW¼;

Sec. 17, W½, SW¼NE¼, and W½SE¼;
Secs. 18 to 19, inclusive;
Sec. 20, W½, W½NE¼, and SE¼;
Sec. 28, W½NW¼, W½SW¼, and SE¼SW¼;
Secs. 29 to 32, inclusive;
Sec. 33, W½ and SW¼SE¼.

3. The exterior boundaries of Grazing District No. 4 established by Departmental Order approved October 31, 1936, and amended February 7, 1967, are hereby extended to include the following described lands, which lands are hereby excluded from Wyoming Grazing District No. 5, established October 31, 1936, and amended February 7, 1967:

SIXTH PRINCIPAL MERIDIAN

T. 27 N., R. 108 W.,
Sec. 5;
Sec. 6;
Sec. 7.
T. 28 N., R. 108 W.,
Sec. 32, S½NE¼, NE¼SW¼, SE¼SW¼, SE¼;
T. 27 N., R. 112 W.,
Sec. 9, lots 2 and 3.
T. 25 N., R. 115 W.,
Sec. 6, lot 2.

4. The exterior boundaries of Grazing District No. 5 established by Departmental Order approved October 31, 1936, and amended February 7, 1967, are hereby extended to include the following described lands, which lands are hereby excluded from Wyoming Grazing District No. 4, established October 31, 1936, and amended February 7, 1967:

SIXTH PRINCIPAL MERIDIAN

T. 27 N., R. 112 W.,
Sec. 10, lots 2 and 3.
T. 25½ N., R. 115W.,
Sec. 31, lot 1.

These boundary modifications will become effective upon publication in the FEDERAL REGISTER.

J. R. BEIRNE,
Acting Associate Director.

MAY 23, 1967.

[F.R. Doc. 67-5967; Filed, May 29, 1967; 8:45 a.m.]

[Nevada 067288]

NEVADA

Notice of Partial Termination of Public Sale

MAY 22, 1967.

F.R. Doc. 66-11700, appearing at page 13809, Volume 31, No. 209, published Thursday, October 27, 1966, offered, among other lands, the following described lands for sale under the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427):

Tract No.	*Legal Description*
	T. 21 S., R. 61 E., MD Mer.
	SEC. 17
1	S½NE¼NW¼SW¼NW¼.
	SEC. 29
18	S½SE¼SW¼NW¼.
	SEC. 32
46	SW¼NE¼NW¼NW¼.
47	NE¼SW¼NW¼NW¼.
48	E½SW¼SW¼NW¼NW¼.
49	E½SE¼SW¼NW¼NW¼.
50	NW¼SE¼NW¼NW¼.
51	W½SW¼SE¼NW¼NW¼.
52	E½SE¼SE¼NW¼NW¼.

The parcels described above total 18.75 acres. The tracts have not been sold. The offer of these tracts at sale and the classification of the land for sale are hereby terminated effective upon the date of publication of this notice.

A. JOHN HILLSAMER,
Acting Manager, Nevada Land Office.

[F.R. Doc. 67-5968; Filed, May 29, 1967; 8:45 a.m.]

[Wyoming 6227]

WYOMING

Proposed Classification of Public Lands for Multiple Use Management

Correction

In F.R. Doc. 67-5513, appearing at page 7404 of the issue for Thursday, May 18, 1967, the words "to 1 p.m." in the last paragraph should read "at 1 p.m.".

[Wyoming 6228]

WYOMING

Proposed Classification of Public Lands for Multiple Use Management

Correction

In F.R. Doc. 67-5548, appearing at page 7405 of the issue for Thursday, May 18, 1967, the coordinates in the 21st line of the third column on page 7407 reading "SWS¼SE¼" should read "SW¼SE¼".

Bureau of Mines

[Bureau of Mines Manual—Delegation Series]

ASSISTANT DIRECTOR, ADMINISTRATION ET AL.

Delegation of Authority

.1 *Formerly Advertised Contracts.* The following official is authorized to enter into formally advertised contracts for supplies, equipment, and nonpersonal services (including construction):

Assistant Director—Administration.

The following officials are authorized to enter into formally advertised contracts for supplies, equipment and nonpersonal services (including construction), in amounts not to exceed $100,000 for any one contract:

Associate Director—Health and Safety.
Assistant Director—Helium.
Assistant Director—Mineral Resource Development.
Assistant Director—Minerals Research.
Assistant Director—Planning.

The authority delegated herein shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines.

* * * * *

4. *Negotiated Contracts.* The authority to enter into negotiated contracts under sections 302(c) (1) through (10) and (13) through (15) of the Federal Property and Administrative Services Act of 1949, as amended, provided that any one contract negotiated under section 302(c) (1) shall not exceed $25,000, is redelegated to:

Assistant Director—Administration.

The authority to enter into negotiated contracts under sections 302(c) (1) through (5), (10), (13), and (14) of the Federal Property and Administrative Services Act of 1949, as amended, in amounts not to exceed $100,000 for any one contract except that any one contract negotiated under section 302(c) (1) shall not exceed $25,000, is redelegated to the following officials:

Associate Director—Health and Safety.
Assistant Director—Helium.
Assistant Director—Mineral Resource Development.
Assistant Director—Minerals Research.
Assistant Director—Planning.

The authority delegated herein shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines.

This authority may be redelegated within the limitations of 205 DM 11.4 A, B, C, and D.

* * * * *

WALTER R. HIBBARD, Jr.,
Director,
Bureau of Mines.

MAY 19, 1967.

[F.R. Doc. 67-5969; Filed, May 29, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA

Designation of Area for Emergency Loans

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

SOUTH DAKOTA

Butte.	Meade.
Haakon.	Perkins.
Harding.	Washabaugh.
Jackson.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-6047; Filed, May 29, 1967; 8:52 a.m.]

AGRICULTURAL RESEARCH SERVICE

Delegation of Functions

The functions and authorities delegated to the Agricultural Research Service in 30 F.R. 5801, as amended, are hereby further amended by adding a new subparagraph (8) to paragraph b of section 115 to read as follows:

(8) Administration of the Act of August 24, 1966, relating to Laboratory Animal Welfare. P.L. 89-544, 80 Stat. 350-353, 7 U.S.C. 2131-2154.

This amendment shall be effective upon publication in the FEDERAL REGISTER. However, all rules, regulations, licenses, and other official documents relating to the administration of this Act which have been issued by the Administrator of the Agricultural Research Service prior to the publication of this amendment shall continue to be effective according to their terms, until modified or revoked.

Done at Washington, D.C., this 25th day of May 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-6048; Filed, May 29, 1967; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

INSTITUTE OF MARINE SCIENCE, UNIVERSITY OF MIAMI AND UNIVERSITY OF ARIZONA

Notice of Applications 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 No. 67-00033-55-83500. Applicant: Institute of Marine Science, University of Miami, 1 Rickenbacker Causeway, Virginia Key, Miami, Fla. 33149. Article: Deep Sea Reversing Thermometers, Type I—Protected, Type II—Unprotected. Manufacturer: Watanabe Keiki Manufacturing Co., Ltd., Tokyo, Japan. Intended use of article: Research studies to determine the properties of the environmental features of the ocean will be conducted with this article. Application received by Commissioner of Customs: April 12, 1967.

Docket No. 67-00081-65-46040. Applicant: University of Arizona, Department of Metallurgy, Tucson, Ariz. Article: Electron Microscope, Model HU-200 with accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in research and teaching at the university level primarily in the field of metal science. Study will be conducted in metallurgy with emphasis on changes occurring during temperature extremes. Internal structure delineations will be obtained through transmission microscopy techniques on thin films. Studies of precipitation and phase changes, cold worked materials and faulted structures will be conducted. Application received by Commissioner of Customs: May 18, 1967.

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

[F.R. Doc. 67-5958; Filed, May 29, 1967; 8:45 a.m.]

HARVARD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Articles

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00003-33-46040. Applicant: Harvard University, Cambridge, Mass. Article: Electron microscope, Model HU-11C with resolution of 4.5 Angstroms. Manufacturer: Hitachi, Ltd., Tokyo, Japan. Intended use of article: Research and instruction for elucidation of cell fine structure. Comments: Comments were received from one domestic manufacturer, Radio Corporation of America (RCA), which alleged inter alia that it is currently manufacturing and offering for sale an instrument scientifically equivalent to the foreign article for the purposes for which the applicant intends to use the article. These comments were given full consideration. Decision: Application approved. No instrument or apparatus of equivalent scientific value to such article, for the purpose for which such article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article offers a guaranteed resolution of 5 Angstroms under specified conditions of vibration and of stray magnetic field that can be met routinely in the research laboratory. The domestic instrument, alleged to be of equivalent scientific value, offers a guaranteed resolution of 8 Angstroms. Although the domestic manufacturer indicated that better resolution has been achieved under certain conditions, it does not guarantee that the instrument it could supply would provide a resolution of 5 Angstroms or less. Techniques which have been described by the applicant institution exist for the preparation of biological materials which allow resolution down to 5 Angstroms to be achieved. The performance of the electron microscope is thus a limiting factor unless it has equivalent resolving capabilities. In addition to resolving capabilities, other differences between the foreign article and domestic instrument are significant from the standpoint of achieving the research objectives of the applicant institution. One is the fineness of the focus adjustability. The foreign article provides focusing increments of 100 Angstroms per step, whereas 300 Angstroms is the smallest focusing step offered by the domestic instrument. The 300 Angstrom focusing increment of the domestic instrument would significantly limit the consistent achievement of resolutions on the order of 5 Angstroms in routine use. A second significant difference relates to accelerating voltages. The foreign article offers intermediate accelerating voltages of 25 kilovolts and 75 kilovolts. These are not offered by the domestic instrument. The intermediate accelerating voltages could disclose details not otherwise observable.

For the foregoing reasons, the domestic instrument is not of equivalent scientific value to the foreign article for the

purposes for which the article is intended to be used.

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

[F.R. Doc. 67-6049; Filed, May 29, 1967; 8:52 a.m.]

Office of the Secretary

LUMBER STANDARDS

Notice of Hearing

A public hearing will be held on questions concerning softwood lumber standards before a three-member panel on June 19 at the Department of Commerce. At this hearing, the Department will receive the views and recommendations of interested persons on the following questions:

(1) Whether there should be withdrawal of the softwood lumber standard, SPR 16-53, which is currently published under the Department's Voluntary Product Standards Program; and

(2) Whether the Department of Commerce should recommend to the Congress legislation authorizing the issuance of mandatory lumber standards.

The Department of Commerce announced early in 1966 its intention to withdraw the existing voluntary lumber standard for the reason that it was considered to be inadequate or otherwise not in the public interest. Action on withdrawal of the presently published voluntary standard has been postponed several times pending the efforts of the industry to agree on a revised standard.

Within the past 3 years, the Department of Commerce has, on two occasions, upon recommendation of the American Lumber Standards Committee, submitted to the industry for acceptance or rejection a proposed revision of the lumber standard. In each instance, the proposed revision did not receive a general concurrence of support from the industry.

After the public hearing, the Department will decide (1) whether the existing voluntary lumber standard should be withdrawn from publication by the Department of Commerce under its procedures and, if so, the effective date of withdrawal; and (2) whether the Department of Commerce should recommend to Congress legislation authorizing a Federal Department or Agency to promulgate mandatory lumber standards.

All interested persons who wish to make an oral presentation at the June 19th hearing are requested to file their names with the Department on or before June 5th and to file with the Department a written statement of their views on or before June 12th. Those who do not wish to make an oral presentation may still file a written statement on or before June 12th.

All written statements should adhere to the following format:

I. Withdrawal of existing lumber standard.

a. The present lumber standard should (should not) be withdrawn. (See sec. 1010 of Department's procedures for voluntary standards concerning withdrawal, Part 10, Title 15, Code of Federal Regulations, and Volume 30, FEDERAL REGISTER No. 238, Dec. 10, 1967.)

Give reasons and explanation for above conclusion.

b. The withdrawal of the present lumber standard should be made effective on or about (date). (Complete b. If position in a. is affirmative.)

Give reasons and explanation for above conclusion.

II. Legislation regarding promulgation of lumber standards.

a. Legislation on promulgation of lumber standards should (should not) be recommended to the Congress.

b. Legislation recommended to the Congress (if position on a. is affirmative) should include the following principal features (list).

c. Give reasons and explanation for position stated above.

Dated this 25th day of May 1967.

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 67-5959; Filed, May 29, 1967; 8:45 a.m.]

OFFICE OF STANDARDS REVIEW

Establishment and Redelegation of Authority

SECTION 1 Purpose. The purpose of this directive is to establish an Office of Standards Review under the Assistant Secretary of Commerce for Science and Technology (hereafter referred to as "Assistant Secretary") and to assign functions to such office. This directive also redelegates to the Director, National Bureau of Standards, certain authority under sections 5 (d) and 5 (e) of the Fair Packaging and Labeling Act of 1966 (hereafter called the "Act,") and provides direction for the Director, National Bureau of Standards, with respect to his responsibilities regarding the Department's voluntary standards program.

SEC. 2 *Establishment of Office of Standards Review.* a. In accordance with authority granted to the Assistant Secretary of Commerce for Science and Technology by Department Order 177, as amended, the Office of Standards Review is hereby established as a constituent operating unit of the Department of Commerce. This office shall be under the direct supervision of the Assistant Secretary.

b. The functions of this office are as follows:

(1) To serve as secretariat for the Assistant Secretary with respect to all determinations which he makes in accordance with sections 5 (d) and (e) of the Act, and all determinations which he makes under the Department's voluntary standards program.

(2) To provide analysis and advice to the Assistant Secretary with respect to all determinations he is required to make under sections 5 (d) and (e) of the Act.

(3) To provide for the distribution of a proposed standard in accordance with section 10.5 of the Procedures for the Development of Voluntary Product Standards.

(4) To provide for the analysis of responses received by the Department with respect to acceptance or rejection of a proposed voluntary standard and to report to the Assistant Secretary whether the proposed standard appears to be supported by a concensus and whether its publication would be otherwise consistent with all applicable provisions of the Procedures for the Development of Voluntary Product Standards.

(5) To provide analysis and to report to the Assistant Secretary regarding withdrawal of a published voluntary standard in accordance with applicable provisions of the Procedures for the Development of Voluntary Product Standards.

SEC. 3. *Delegation to Director, National Bureau of Standards, Under the Act.* There is hereby redelegated to the Director of the National Bureau of Standards the following authority and responsibility under the Act:

a. To conduct inquiries in accordance with applicable procedures for the purpose of ascertaining facts and views concerning the existence of undue proliferation of the weights, measures, or quantities of a consumer commodity as specified in the Act.

b. Upon completion of an inquiry, to make a report and recommendation to the Assistant Secretary as to whether there is or is not undue proliferation within the meaning of the Act.

c. To provide reports to the Assistant Secretary as to whether or not a voluntary standard will be proposed for distribution to determine acceptance or rejection in those instances where a determination of undue proliferation has been made.

d. To provide timely reports to the Assistant Secretary in the event that a voluntary standard published pursuant to the provisions of the Act is not being observed.

e. To provide policy advice and assistance to the Assistant Secretary regarding the Department's functions under the Act.

SEC. 4 *Voluntary Standards Program, National Bureau of Standards.* In accordance with the authority vested in the Assistant Secretary under Department Order 90-A and Department Order 177, as amended, the Director, National Bureau of Standards, will recommend to the Assistant Secretary all proposed voluntary standards, proposed revisions of voluntary standards, or proposed withdrawals of existing voluntary standards, for determination as to publication or withdrawal in accordance with applicable Department procedures and other provisions of this directive.

Dated: May 24, 1967.

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 67-6011; Filed, May 29, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ARCHER DANIELS MIDLAND CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2160) has been filed by Archer Daniels Midland Co., Post Office Box 532, Minneapolis, Minn. 55440, proposing an amendment to § 121.2557 *Defoaming agents used in coatings* to provide for the safe use of marine fats, oils, and fatty acids, and salts and methyl esters of such fatty acids, as defoaming agents in coatings intended for food-contact use.

Dated: May 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6013; Filed, May 29, 1967; 8:49 a.m.]

DEPARTMENT OF THE ARMY

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7M2172) has been filed by the Department of the Army, U.S. Army Natick Laboratories, Natick, Mass. 01762, proposing an amendment to § 121.2543 *Packaging materials for use in radiation preservation of prepackaged foods* to provide for the use of kraft paper in the packaging of flour to be irradiated with gamma radiation from cobalt 60 or cesium 137 for insect control in the prepackaged flour.

Dated: May 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6014; Filed, May 29, 1967; 8:50 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization and Delegations of Authority

Section 8.20 of Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), as amended, is amended to read as follows:

SEC. 8.20. *Functions.* (a) Except as provided in paragraph (b) of this section and sections 2.30 and 8.30 of this statement, the Commissioner of Social Security shall exercise:

(1) The functions vested in the Secretary under Title II of the Social Security Act, as amended (42 U.S.C. 401–427); under Titles VII and XI of the Act, as amended (42 U.S.C. 902–907, 1301–1318), except insofar as the provisions of such Titles pertain to the Mission of the Welfare Administration as described in section 9.00 of this statement; under Title XVIII of the Act (42 U.S.C. 1395–1395*ll*), with appropriate advice from and consultation with the Public Health Service and Welfare Administration; section 1110 of the Social Security Act, as amended (42 U.S.C. 1310), insofar as such section pertains to the Mission of the Social Security Administration as described in section 8.00 of this statement; and under sections 1402(h), and 3121 (k) and (l) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 1402(h), and 3121 (k) and (l)).

(2) The functions vested in the Secretary relating to the Mission of the Social Security Administration, as described in section 8.00 of this statement, under the Social Security Act which are not contained in the Act but which are contained in the Acts cited in Exhibit X8.00.1.

(3) The functions vested in the Secretary by section 5(k)(2) of the Railroad Retirement Act as amended (45 U.S.C. 228e), having to do with the determination and certification for the transfer of funds between the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Railroad Retirement Account.

(4) Authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended, insofar as this authority pertains to the Mission of the Social Security Administration as described in section 8.00 of this statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(5) Authority vested in the Secretary by section 4 of Public Law 86–610, approved July 12, 1960 (74 Stat. 364), with respect to responsibilities relating to the Mission of the Social Security Administration as described in section 8.00 of this statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(b) In accordance with applicable rules and regulations, the Appeals Council, its members, and Hearing Examiners in the Bureau of Hearings and Appeals, shall exercise all duties, powers, and functions of the Secretary relating to the holding of hearings, the administration of oaths and affirmations, the issuances of subpoenas, the examination of witnesses, the receipt of evidence, the rendition of decisions, and the review of decisions in connection with administrative appeals: (1) By individuals from determinations made under Title II of the Social Security Act, as amended, and affecting their rights to benefits, lump sum payments, earnings credited to accounts, and disability determinations; (2) By individuals from determinations made under Title XVIII of the Social Security Act and affecting their rights to, and amounts of, benefits; (3) By institutions or agencies from determinations described in section 1869(c) of the Social Security Act; and (4) By independent laboratories from determinations made pursuant to section 1861 (s) of the Social Security Act, as amended, that they do not meet the conditions for the coverage of their services.

(c) The functions, powers, and duties of the Bureau of Federal Credit Unions under the Federal Credit Union Act, as amended (Public Law 86–354; 12 U.S.C. 1751–1772), shall be exercised by the Director of the Bureau of Federal Credit Unions under the general direction and supervision of the Commissioner of Social Security.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Approved: May 23, 1967.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-5996; Filed, May 29, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18255; Order E-25193]

AIR CARRIER DISCUSSIONS

Order Approving Discussions Regarding Commodity-Description and Numbering System

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1967.

By joint petition filed March 9, 1967, 17 air carriers,[1] which are participants in Official Air Freight Specific Commodity Tariff No. 5–B (Tariff),[2] request authority from the Board to hold discussions jointly, as a group or through committees or subgroups, of the commodity-description and numbering system to be incorporated in the tariff, when reissued, in lieu of the commodity-descriptions and numbers presently contained therein. Petitioners request such authority to be effective for a period of not less than 180 days from the date of the Board's order, or from June 1, 1967, whichever is later.

In support of their petition, petitioners state they have been making plans for

[1] Airlift International, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pacific Air Lines, Inc., Pacific Northern Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., and Western Air Lines, Inc.

[2] Airline Tariff Publishers, Inc., Agent, CAB No. 12.

the reissuance of the tariff, in order to improve its format and increase its convenience and usability by shippers and other tariff users; that one of the major improvements petitioners plan to make in the tariff is the incorporation of a new commodity-description and numbering system based on the Standard International Trade Classification (SITC), which will closely conform to the adaptation of SITC which is now being prepared by the International Air Transport Association (IATA) for the use of its member carriers, and would supersede Agreement CAB No. 14766–A6;[2] that adoption for domestic tariff purposes of a commodity-description and numbering system based on SITC is in the public interest and consistent with the objectives of the Board; and that joint participation by petitioners is essential to safeguard the integrity of the new system and expedite the reissuance of the tariff.

The Board has concluded that intercarrier discussions of a standard commodity-description and numbering system should be permitted. Such a uniform system should facilitate the interline movement of air freight and the accumulation of statistical data by commodity, result in a simplification of air carrier tariffs, and be of benefit to both the carriers and the shipping public. We will therefore authorize the carriers to discuss a standard commodity-description and numbering system: *Provided, however*, That such authorization shall not extend to any discussion of rates or rate levels. Our authorization shall be conditioned further to provide for the attendance of Board observers, the filing of the minutes of the discussions, and any agreement which may be reached shall not be implemented unless and until approved by the Board.

Under these circumstances, and subject to these conditions, the Board does not find the intercarrier discussions requested herein to be adverse to the public interest or in violation of the Act.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof: *It is ordered*, That:

1. Airlift International, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pacific Air Lines, Inc., Pacific Northern Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., and Western Air Lines, Inc. are authorized to engage in discussions of a new commodity-description and numbering system (which they contemplate will be incorporated into the Official Air Freight Specific Commodity Tariff No. 5–B, Airline Tariff Publishers, Inc., Agent, CAB No. 12, when reissued) from June 1, to December 1, 1967;

2. A notice of any meeting called pursuant to this order shall be filed with the Board in this Docket and mailed to the air carriers petitioning herein at least 10 calendar days prior to such meeting;

3. The Civil Aeronautics Board reserves the right to have one or more observers in attendance at these meetings;

4. Complete and accurate minutes shall be kept of all discussions by the carriers, and a true copy thereof filed with the Board not later than 15 days (excluding Saturdays and Sundays) after the conclusion of each meeting;

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being placed in effect; and

6. This order will be served upon Airlift International, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pacific Air Lines, Inc., Pacific Northern Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–6004; Filed, May 29, 1967; 8:49 a.m.]

[Docket No. 18293]

ALASKA-CORDOVA MERGER CASE

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding previously assigned to be held on May 29, 1967, is postponed to June 21, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., May 25, 1967.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 67–6005; Filed, May 29, 1967; 8:49 a.m.]

[Docket No. 18238, etc.; Order E–25189]

CITY OF ALBUQUERQUE AND GREATER ALBUQUERQUE CHAMBER OF COMMERCE

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of May 1967.

Application and petition of city of Albuquerque and Greater Albuquerque Chamber of Commerce, Docket 18238, for new air service and an investigation with respect to points in Florida and California; Southern Tier Competitive Nonstop Investigation, Docket 18257; Service to Albuquerque Case, Docket 18586.

The Board instituted the Southern Tier Competitive Nonstop Investigation, Docket 18257, in order to determine whether long-haul and other restrictions should be removed from existing authorizations, and whether competitive authorizations should be awarded, in certain southern transcontinental markets now receiving single-carrier air service.[1] The Board stated that it desired to "focus attention on those markets where additional unrestricted authority may be justified" and therefore limited "the scope of the case to designated markets rather than institute an area-type proceeding." The Board further indicated that "another advantage of limiting the proceeding * * * is that it will permit us to consider in a separate proceeding or proceedings service proposals involving other markets in the same geographic area covered by this investigation."

Albuquerque, N. Mex., is within the general geographic area covered by the Southern Tier case. On March 3, 1967 the city of Albuquerque and the Greater Albuquerque Chamber of Commerce (Albuquerque parties) submitted an application and petition requesting that the Board authorize new and improved air service on a southern transcontinental routing[2] and that the Board institute an investigation to determine the need for new services both to points where no direct and one-carrier service exists as well as the question of competitive services that may be required on existing routes serving Albuquerque. On March 30, 1967, the Albuquerque parties petitioned the Board to reconsider the order instituting the Southern Tier case so as to include Albuquerque on a southern transcontinental route.

We have carefully examined Albuquerque's service needs and have concluded that the city should not be considered in the Southern Tier case for the reasons hereinafter set forth.[3] On the other hand, we have determined that five relatively large city markets involving Albuquerque now served exclusively by one carrier should be investigated to determine the need for first competitive service. These are between Albuquerque, on the one hand, and San Francisco/Oakland, Las Vegas, Los Angeles/Long Beach, Dallas/Fort Worth, and Chicago, on the other hand.

Continental alone operates nonstop services in the Albuquerque-Dallas/Fort Worth market and TWA is the exclusive carrier in the other markets. In 1966 these markets generated about 100 local and connecting passengers a day with the exception of Los Angeles-Albuquerque and Chicago-Albuquerque which generated approximately 200 passengers a

[2] IATA's SITC is currently referred to as "Standard Master Item Numbering and Description List" (SMINDL).

[1] Order E–24847, adopted Mar. 10, 1967.

[2] Such authority would permit single-plane service between Albuquerque on the one hand, and Miami/Fort Lauderdale, St. Petersburg-Clearwater, Tampa, Dallas-Fort Worth, New Orleans, Atlanta, as well as points in California, on the other hand.

[3] Accordingly, we will deny Albuquerque's petition for reconsideration.

day.[4] At present, TWA serves Albuquerque on flights originating or terminating at distant points and it is clear from the schedules provided that a large number of flow passengers are on board these flights. Both TWA and Continental hold certificate authority at Albuquerque on the basis of grandfather rights under which the carriers provided, or were authorized to provide, service prior to 1938. In these circumstances, the Board considers it appropriate to examine these markets in order to determine whether competitive service is required.

In order to limit the scope of the present proceeding with a view toward an early hearing and decision by the Board, and to focus the proceeding on the need of Albuquerque to receive service as a terminal point rather than an intermediate on a long linear segment, we will prescribe, as a pretrial condition, that new authority in each of the five markets shall be awarded as a separate segment. This restriction will necessarily mean that the proceeding will not overlap southern transcontinental issues in the Southern Tier case, since effective southern transcontinental authority would not be possible because of the number of required stops. In addition, and for the same reasons, we will provide as a pretrial restriction that flights serving the Dallas/Fort Worth-Albuquerque segment must originate or terminate in Dallas/Fort Worth.

We recognize that these pretrial restrictions will effectively prevent Albuquerque from receiving new and improved single-plane service originating or terminating in Florida, Atlanta and New Orleans and that to this extent we will not hear a portion of Albuquerque's application. We have made this determination because of the limited traffic moving between Albuquerque and the points in question.[5]

Interested applicants may file applications consistent with the scope of the investigation within the time for filing as hereinafter established. In order to avoid confusion the Board will direct that only new applications will be heard in this proceeding and that portions of applications already pending will not be consolidated.

Accordingly, it is ordered, That:

1. An investigation designated the Service to Albuquerque Case be and it hereby is instituted in Docket 18586 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 the alteration, amendment or modification of carrier authorizations so as to authorize nonstop service in respect to the following four markets: (1) Albuquerque, N. Mex.-San Francisco/Oakland, Calif.; (2) Albuquerque, N. Mex.-Los Angeles/Long Beach, Calif.; (3) Albuquerque, N. Mex.-Las Vegas, Nev.; (4) Albuquerque, N. Mex.-Dallas/Fort Worth, Tex.; and (5) Albuquerque, N. Mex.-Chicago, Ill.

2. In the event a carrier is awarded new certificate authority in any of the markets at issue, the authority will be granted in the form of a separate segment to the carrier's existing certificate;

3. The issues of this proceeding shall be subject to the pretrial restrictions that flights operated over the Albuquerque-Dallas/Fort Worth segment under any new authority awarded herein may not be operated as single-plane services beyond Dallas/Fort Worth to any other point;

4. Motions to consolidate, applications, motions, or petitions seeking modification or reconsideration of this order, be filed no later than 20 days after the date of service of this order and that answers to such pleadings be filed no later than 10 days thereafter;

5. The joint application and petition of the city of Albuquerque and the Greater Albuquerque Chamber of Commerce be, and hereby is, denied except to the extent granted herein;

6. The petition for reconsideration of Order E-24847 submitted by the city of Albuquerque and the Greater Albuquerque Chamber of Commerce in Docket 18257, dated March 30, 1967, be, and hereby is, denied;

7. This proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

8. A copy of this order be served upon the following carriers: American Airlines, Inc., Bonanza Air Lines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Central Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pacific Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., and jointly upon the city and Chamber of Commerce of Albuquerque, N. Mex.; and upon the cities of San Francisco, Calif., Oakland, Calif., Los Angeles, Calif., Long Beach, Calif., Las Vegas, Nev., Dallas and Fort Worth, Tex., 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. 67-6006; Filed, May 29, 1967; 8:49 a.m.]

[4] Estimated traffic as reported in Competition Among Domestic Air Carriers for the first two quarters of 1966.

[5] On the other hand, Albuquerque could receive improved connecting service at Dallas/Fort Worth as a result of the awards made in the present proceeding and in the Southern Tier case.

[Docket No. 18283]

TACA INTERNATIONAL AIRLINES, S.A.

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 21, 1967, at 10 a.m., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 18, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 24, 1967.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-6007; Filed, May 29, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Supp. No. 4]

FM BROADCAST STATIONS, CANADA-U.S.A.

Allocation

MAY 25, 1967.

Pursuant to exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A of the FM Working Arrangement has been amended as follows:

City	Channel No.	
	Delete	Add
Maniwaki, Quebec	----	253A

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6018; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17407, 17408; FCC 67M-853]

ALJIR BROADCASTING CO., INC., AND SOUTH KANE-KENDALL BROADCASTING CORP.

Order Rescheduling Hearing

In re applications of Aljir Broadcasting Co., Inc., Aurora, Ill., Docket No. 17407, File No. BPCT-3818; South Kane-Kendall Broadcasting Corp., Aurora, Ill., Docket No. 17408, File No. BPCT-3896; for construction permit for new television broadcasting station (Channel 60).

As a result of a discussion held at a prehearing conference on this date: *It is ordered*, That the date for commence-

ment of hearing is changed from June 20, 1967, to July 11, 1967.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6017; Filed, May 29, 1967; 8:50 a.m.]

[Docket No. 17433; FCC 67M-863]

BRAUN BROADCASTING CO., INC. (KOAD)

Order Scheduling Hearing

In re application of Braun Broadcasting Co., Inc. (KOAD), Lemoore, Calif., Docket No. 17433, File No. BP-16899; for construction permit.

It is ordered, That Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 12, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 13, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 16, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6019; Filed, May 29, 1967; 8:50 a.m.]

[Docket No. 16070; FCC 67M-857]

COMMUNICATIONS SATELLITE CORPORATION

Order Continuing Prehearing Conference

In the matter of Communications Satellite Corporation, Docket No. 16070; charges, practices, classifications, rates and regulations for and in connection with the leasing of voice grade and television channels to common carriers authorized by the Federal Communications Commission, between Andover, Maine, and a communications-satellite in connection with the establishment of communication paths between points in the United States and Europe for the transmission and reception of voice, record, data, telephoto, facsimile, television, and other signals.

The Hearing Examiner having under consideration an unopposed "Motion To Reschedule Prehearing Conference" filed by Communications Satellite Corporation on May 15, 1967, and

It appearing, that the motion is well grounded and will cause no delay in the conclusion of this matter,

It is ordered, That the motion is granted and that, accordingly, the prehearing conference now scheduled for May 29, 1967 is hereby rescheduled to commence at 10:30 a.m., July 13, 1967, in the Commission's offices in Washington, D.C.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6020; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17373, 17374; FCC 67M-859]

DESERT EMPIRE TELEVISION CORP. AND OASIS BROADCASTING CORP.

Order Continuing Hearing

In re applications of Desert Empire Television Corp., Palm Springs, Calif., Docket No. 17373, File No. BPCT-3848; Oasis Broadcasting Corp., Palm Springs, Calif., Docket No. 17374, File No. BPCT-3877; for construction permit for new television broadcast station.

Pursuant to the agreements reached at the prehearing conference held May 18, 1967;

It is ordered, That:

(1) All exhibits to be offered in the direct affirmative presentations shall be exchanged on July 3, 1967;

(2) Notification of witnesses to be called for cross-examination shall be given on July 10, 1967;

It is further ordered, That the hearing presently scheduled for June 19, 1967 is continued to July 17, 1967 commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6021; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17444, 17445; FCC 67M-855]

J. W. FURR (WMBC) AND JAMES W. EATHERTON

Order Scheduling Hearing

In re applications of J. W. Furr (WMBC), Macon, Miss., Docket No. 17444, File No. BP-16794; James W. Eatherton, Macon, Miss., Docket No. 17445, File No. BP-17085; for construction permits.

It is ordered, That Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 18, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 21, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6022; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17449, 17450; FCC 67M-866]

GALA BROADCASTING CO. AND INLAND BROADCASTING CO.

Order Scheduling Hearing

In re applications of Charles F. Grisham, Tine W. Davis, Aaron Aronov and Bryghte D. Godbold, doing business as Gala Broadcasting Co., Columbus, Ga., Docket No. 17449, File No. BPCT-3891; Inland Broadcasting Co., Columbus, Ga., Docket No. 17450, File No. BPCT-3904; for construction permit for new television broadcast station.

It is ordered, That Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 17, 1967, at 10 a.m.; and that a prehearing confernce shall be held on June 21, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 22, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6023; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17499, 17450; FCC 67-600]

GALA BROADCASTING CO. AND INLAND BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Charles F. Grisham, Tine W. Davis, Aaron Aronov and Bryghte D. Godbold doing business as Gala Broadcasting Co., Columbus, Ga., Docket No. 17449, File No. BPCT-3891; Inland Broadcasting Co., Columbus, Ga., Docket No. 17450, File No. BPCT-3904; for construction permit for new television broadcast station.

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 38, Columbus, Ga.

2. Since Federal Aviation Administration approval has not been obtained for either applicant's antenna structure, air menace issues have been specified and the Federal Aviation Administration has been made a party to the proceeding with respect to both applications.

3. There appears to be a significant disparity in the proposed Grade B contours of the applicants. 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. Except as indicated by the issues specified below, both applicants are 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.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower heights and locations proposed by the applicants would constitute a menace to air navigation.

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, if either, of the applications should be granted.

It is further ordered, That the Federal Aviation Administration is made a party to this proceeding with respect to both applications.

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.

Adopted: May 17, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6024; Filed, May 29, 1967; 8:50 a.m.]

[1] Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

[2] Commissioners Bartley and Loevinger absent.

[Docket Nos. 17405, 17406; FCC 67M-871]

HARTFORD COUNTY BROADCASTING CORP. AND CENTRAL CONNECTICUT BROADCASTING CO.

Order Following Prehearing Conference

In re applications of Hartford County Broadcasting Corporation, New Britain, Connecticut, Docket No. 17405, File No. BPH-5488; The Central Connecticut Broadcasting Company, New Britain, Connecticut, Docket No. 17406, File No. BPH-5489; for construction permits.

Pursuant to agreement reached at the prehearing conference held on May 23, 1967: *It is ordered*, That the following procedural schedule will govern the future course of the proceeding:

PROCEDURE AND DATE
Preliminary exchange of proposed engineering exhibits, July 5, 1967.
Final exchange of proposed engineering exhibits, July 21, 1967.
Exchange of other proposed exhibits under present issues, July 28, 1967.
Commencement of hearing, September 12, 1967 (postponed from July 5, 1967).

It is further ordered, On the Hearing Examiner's own motion, that notifications as to witnesses desired for cross-examination shall be given to counsel concerned by September 1, 1967.

Issued: May 23, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6025; Filed, May 29, 1967, 8:50 a.m.]

[Docket Nos. 17243-17250; FCC 67M-868]

KITTYHAWK BROADCASTING CORP. ET AL.

Order Rescheduling 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.

As a result of a discussion held at a prehearing conference on May 19, 1967: *It is ordered*, That the date for commencement of hearing is changed from July 6, 1967, to July 13, 1967.

Issued: May 23, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6026; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17446-17448; FCC 67M-865]

ST. ANTHONY TELEVISION CORP. (KHMA-TV) AND DELTA TELERADIO CORP.

Order Scheduling Hearing

In reapplications of St. Anthony Television Corp. (KHMA-TV), Houma, La., Docket No. 17446, File No. BMPCT-6125; for extension of time within which to construct; St. Anthony Television Corp. (KHMA-TV), Houma, La., Docket No. 17447, File No. BMPCT-6196; for modification of construction permit; St. Anthony Television Corp. (KHMA-TV) (Assignor), Houma, La., and Delta Teleradio Corp., Panama City, Fla. (Assignee), Docket No. 17448, File No. BAPCT-375; for assignment of construction permit.

It is ordered, That Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 12, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 21, 1967, commencing at 10 a.m.: *And, it is further ordered*, that all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 22, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6028; Filed, May 29, 1967; 8:51 a.m.]

[Docket No. 17198; FCC 67M-867]

SAN FERNANDO BROADCASTING CO. (KSFV)

Order Scheduling Hearing

In re application of Joseph M. Arnoff and Maurice H. Gresham doing business as San Fernando Broadcasting Co. (KSFV), Docket No. 17198, File No. BLH-2397; for license to cover construction permit authorizing a new FM broadcast station at San Fernando, Calif.

Pursuant to agreements reached at the further prehearing conference held on May 23, 1967: *It is ordered*, That the further prehearing conference scheduled for June 5, 1967 is canceled;

It is further ordered, That the evidentiary hearing in the above-entitled pro-

ceeding is hereby scheduled to begin on July 3, 1967, in San Fernando, Calif.

Issued: May 23, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6029; Filed, May 29, 1967; 8:51 a.m.]

[Docket Nos. 17409, 17410; FCC 67M-864]

SHURTLEFF-SCHORR BROADCASTING CORP. AND CORNBELT BROADCASTING CORP.

Order Rescheduling Hearing

In re applications of Shurtleff-Schorr Broadcasting Corp., Lincoln, Nebr., Docket No. 17409, File No. BPH-5106; Cornbelt Broadcasting Corp., Lincoln, Nebr., Docket No. 17410, File No. BPH-5424; for construction permits.

A prehearing conference having been held on May 23, 1967, whereat certain agreements were reached and certain rulings were made;

It is ordered, That:

(1) The applicants' direct cases shall be presented entirely in the form of sworn, written exhibits;

(2) Copies of the said exhibits shall be exchanged on or before June 19, 1967;

(3) In the event any party wishes to call for cross-examination any witness sponsoring another party's exhibit, notification thereof shall be given on or before June 23, 1967; and

(4) Hearing shall commence on June 28, 1967, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: May 23, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6030; Filed, May 29, 1967; 8:51 a.m.]

[Docket Nos. 17454, 17455; FCC 67M-854]

NEW YORK UNIVERSITY AND FAIRLEIGH DICKINSON UNIVERSITY

Order Scheduling Hearing

In re applications of New York University, New York, N.Y., Docket No. 17454, File No. BPED-742; Fairleigh Dickinson University, Teaneck, N.J., Docket No. 17455, File No. BPED-751; for construction permits.

It is ordered, That Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 24, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 23, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6027; Filed, May 29, 1967; 8:50 a.m.]

[Docket No. 17442; FCC 67M-856]

VALLEY VISION, INC.

Order Scheduling Hearing

In re cease and desist order to be directed against the following CATV operation: Valley Vision, Inc., operator of community antenna television systems at Jackson and Sutter Creek, Calif. Docket No. 17442.

It is ordered, That Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 26, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 8, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6031; Filed, May 29, 1967; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

ASIA SELATAN ENTERPRISES, LTD., AND ORIENT OVERSEAS LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. K. W. Schmolze, Vice President, Thor Eckert & Co., Inc., 19 Rector Street, New York, N.Y. 10006.

Agreement 9630 between Asia Selatan Enterprises, Ltd. (ASE), and Orient Overseas Line (OOL) covers the transportation of rubber on through bills of lading from ports in the Republic of Indonesia served by ASE to ports on the Atlantic and Gulf Coasts of the United States served by OOL with transshipment at Singapore and Malaysia under terms and conditions as set forth in the agreement.

Dated: May 25, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5960; Filed, May 29, 1967; 8:45 a.m.]

KIMBRELL-LAWRENCE TRANSPORTATION, INC., AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Raymond J. Petersen, Attorney for Kimbrell-Lawrence Transportation, Inc., Kumm, Maxwell, Petersen & Lee, 1505 Norton Building, Seattle, Washington 98104

Agreement No. DC-25 dated May 15, 1967, between Kimbrell-Lawrence Transportation, Inc. (KLTI), and Alaska Steamship Co. (ASSCO) provides for a bare boat charter of a C1-M-AV1 type vessel by ASSCO to KLTI for a period of 3 years and annually thereafter. The agreement will eliminate duplication of service to areas served both by KLTI and ASSCO.

Under the proposed charter KLTI will pay ASSCO a "minimum" rental charge as reimbursement for costs incurred in outfitting the vessel for KLTI's use; and

an "additional" rent based on one-half of the annual calendar year "net profit" of KLTI.

Agreement No. DC–25 is proposed to become effective upon approval by the Federal Maritime Commission under section 15, Shipping Act, 1916. Time for filing comments is reduced to 15 days in view of the approaching peak season of navigation.

Dated: May 25, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67–5961; Filed, May 29, 1967; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–2595 etc.]

LESH CO. ET AL.

Findings and Orders After Statutory Hearing

MAY 19, 1967.

Lesh Co. (successor to Barron Kidd and C. R. Smith) and other Applicants listed herein, Docket Nos. G–2595, et al.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, reinstating rate schedules, making successor co-respondent, redesignating proceeding, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add, or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of New Mexico are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468–A.

Kewanee Oil Co., Applicant in Docket No. CI63–1582, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Warren American Oil Co. FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65–224 and Applicant has submitted an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made co-respondent in said proceeding, the proceeding will be redesignated accordingly and the agreement and undertaking will be accepted for filing.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 11, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI67–1298 should be canceled and that the application filed therein should be processed as a petition to amend the certificate issued herein in Docket No. CI67–1282.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that certificates of public convenience and necessity should be issued in Docket Nos. CI67–1198, CI67–1250, CI67–1277, CI67–1278, and CI67–1279, authorizing Sunset International Petroleum Corp. to continue the sales of natural gas heretofore made by Wolfson Oil Co. pursuant to the small producer certificate in Docket No. CS66–62; and such authorization should not be construed to relieve Wolfson Oil Co. of any refund obligations which may be ordered in Docket Nos. RI61–270, RI65–247, and RI65–248 by Opinion No. 468.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Wolfson Oil Co. FPC Gas Rate Schedule Nos. 1 through 5 should be reinstated as of October 1, 1966, and redesignated as set forth in the tabulation herein.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–2595, G–3709, G–3793, G–3794, G–3795, G–3796, G–3797, G–3798, G–8476, G–11864, G–12994, G–16139, CI60–448, CI63–234, CI63–459, CI63–726, CI63–1414, CI63–1582, CI64–437, CI65–262, CI66–856, CI66–1343, CI67–90, and CI67–381 should be amended as hereinafter ordered and conditioned.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
G–8493	CI67–1276
CI62–106	CI67–1290
CI63–1054	CI67–1260
CI64–575	CI67–1260
CI64–679	CI67–1260
CI65–837	CI67–1282

(10) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI65–

186[1] should be terminated only insofar as it pertains to Phillips Petroleum Co.'s FPC Gas Rate Schedule No. 338.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Kewanee Oil Co. should be a co-respondent in the proceeding pending in Docket No. RI65–224, that said proceeding should be redesignated accordingly and that the agreement and undertaking submitted by Kewanee in said proceeding should be accepted for filing.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 8 and 16 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. CI67–1198, CI67–1250, CI67–1277, CI67–1278, and CI67–1279 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicant in Docket Nos. CI67–1198, CI67–1250, CI67–1277, CI67–1278, and CI67–1279 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Certificates are issued herein in Docket Nos. CI67–1262 and CI67–1263 authorizing Applicant to continue the sales of natural gas being rendered on June 7, 1954.

(H) A certificate is issued herein in Docket No. CI67–1260 conditioned upon Applicant's filing of a billing statement reflecting the 12.5-cent rate at 14.65 p.s.i.a.

(I) The initial rate for the sale authorized in Docket No. CI67–1276 shall be 14.0 cents per Mcf at 15.025 p.s.i.a., applicable to sales made from the acreage acquired from Sinclair Oil & Gas Co. in Docket No. G–8493.

(J) A certificate is issued herein to Lester Wilkonson, in Docket No. CI67–1235,[2] authorizing Applicant to continue the sale of natural gas previously covered by the certificate issued to Northern Pump Co. (Operator) et al., in Docket No. G–8476.

(K) The certificate heretofore issued in Docket No. G–8476 is amended by deleting therefrom the interest of Lester Wilkonson.

(L) Docket No. CI67–1298 is canceled.

(M) Certificates are issued herein in Docket Nos. CI67–1198, CI67–1250, CI67–1277, CI67–1278, and CI67–1279, authorizing Sunset International Petroleum Corp. to continue the sales of natural gas heretofore made by Wolfson Oil Co. pursuant to the small producer certificate in Docket No. CS66–62; and such authorization shall not be construed to relieve Wolfson Oil Co. of any refund obligations which may be ordered in Docket Nos. RI61–270, RI65–247, and RI65–248 by Opinion No. 468.

(N) Wolfson Oil Co. FPC Gas Rate Schedule Nos. 1 through 5 are reinstated as of October 1, 1966, and redesignated as set forth in the tabulation herein.

(O) The certificates heretofore issued in Docket Nos. G–11864, G–12994, G–16139, CI63–234, CI64–437, CI66–856, CI67–90, and CI67–381 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(P) The certificate heretofore issued in Docket No. CI63–459 is amended to include the sale of natural gas from the additional acreage subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R–200.

(Q) The certificate heretofore issued in Docket No. CI63–726 is amended to include the sale of natural gas from the additional acreage subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R–200.

(R) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
G–8493	CI67–1276
CI62–106	CI67–1290
CI63–1054	CI67–1260
CI64–575	CI67–1260
CI64–679	CI67–1260
CI65–837	CI67–1282

(S) The certificates heretofore issued in Docket Nos. G–2595, G–3709, G–3793, G–3794, G–3795, G–3796, G–3797, G–3798, CI60–448, CI63–1414, CI63–1582, CI65–262, and CI66–1343 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(T) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications are granted.

(U) Permission for and approval of the abandonment in Docket No. CI67–905 shall not be construed to relieve Applicant of any refund obligation which may be ordered in Docket No. RI65–640.

(V) Permission for and approval of the abandonment in Docket No. CI67–1269 shall not be construed to relieve Applicant of any refund obligation which may be ordered in Docket No. G–20405 by Opinion No. 468.

(W) The certificates heretofore issued in Docket Nos. G–4299, G–6448, G–7455, G–14356, G–17223, G–19402, CI61–1310, and CI62–701 are terminated.

[1] Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61–1 et al., 34 FPC 424.

[2] Said sale is authorized at the rate of 11.0 cents per Mcf at 14.65 p.s.i.a., the rate at which said sale was made pursuant to the Operator's certificate and rate schedule.

(X) The rate suspension proceeding pending in Docket No. RI65–186 is terminated only insofar as it pertains to Phillips Petroleum Co.'s FPC Gas Rate Schedule No. 338.

(Y) Kewanee Oil Co. shall be a corespondent in the proceeding pending in Docket No. RI65–224, said proceeding is redesignated accordingly,[3] and the agreement and undertaking submitted by Kewanee in said proceeding is accepted for filing.

(Z) Kewanee Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking submitted by Kewanee in said proceeding is accepted for filing.

(AA) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[3] Warren American Oil Co. and Kewanee Oil Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-2595 E 2-27-67	Lesh Co. (successor to Barron Kidd and C. R. Smith).	Natural Gas Pipeline Co. of America, Amargosa Field, Jim Wells County, Tex.	Barron Kidd and C. R. Smith, FPC GRS No. 1.	2	
			Supplement Nos. 1-10	2	1-10
			Notice of succession (undated).		
			Assignment 12-15-66 [1]	2	11
			Assignment 2-7-67 [2]	2	12
			Effective date: 12-31-66		
G-3709 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	Warren American Oil Co., FPC GRS No. 2.	59	
			Supplement Nos. 1-10	59	1-10
			Notice of succession (undated).		
			Assignment 1-11-67 [2]	59	11
			Effective date: 8-1-66		
G-3793 E 3-10-67	do	do	Warren American Oil Co., FPC GRS No. 5.	62	
			Supplement Nos. 1-11	62	1-11
			Notice of succession (undated).		
			Assignment 1-11-67 [2]	62	12
			Effective date: 8-1-66		
G-3794 E 3-10-67	do	do	Warren American Oil Co., FPC GRS No. 8.	65	
			Supplement Nos. 1-13	65	1-13
			Notice of succession (undated).		
			Assignment 1-11- 7 [2]	65	14
			Effective date: 8-1-66		
G-3795 E 3-10-67	do	do	Warren American Oil Co., FPC GRS No. 3.	60	
			Supplement Nos. 1-14	60	1-14
			Notice of succession (undated).		
			Assignment 1-11-67 [2]	60	15
			Effective date: 8-1-66		
G-3796 E 3-10-67	do	Arkansas Louisiana Gas Co., Willow Springs Field, Gregg County, Tex.	Warren American Oil Co., FPC GRS No. 4.	61	
			Supplement Nos. 1-11	61	1-11
			Notice of succession (undated).		
			Assignment 1-11-67 [4]	61	12
			Effective date: 1-1-67		
G-3797 E 3-10-67	do	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	Warren American Oil Co., FPC GRS No. 7.	64	
			Supplement Nos. 1-10	64	1-10
			Notice of succession (undated).		
			Assignment 1-11-67 [2]	64	11
			Effective date: 8-1-66		
G-3798 E 3-10-67	do	do	Warren American Oil Co., FPC GRS No. 6.	63	
			Supplement Nos. 1-11	63	1-11
			Notice of succession (undated).		
			Assignment 1-11-67 [2]	63	12
			Effective date: 8-1-66		
G-11864 D 3-21-67	Mobil Oil Corp. (partial abandonment).	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	Notice of partial cancellation 3-20-67 [5] [6]	8	
G-12994 D 3-20-67	Wilhelmina duP. Ross (Operator) et al. (partial abandonment).	Texas Eastern Transmission Corp., South Hallsville Field, Harrison County, Tex.	Notice of partial cancellation 3-16-67 [5] [6]	1	12
G-16139 D 1-19-67	Gulf Oil Corp.	Transwestern Pipeline Co., acreage in Ochiltree County, Tex.	Amendatory agreement 11-28-66 [5] [7]	195	34
C160-448 E 3-13-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Transwestern Pipeline Co., Lipscomb Field, Lipscomb County, Tex.	Warren American Oil Co., FPC GRS No. 10.	67	
			Supplemental Nos. 1-2	67	1-2
			Notice of succession (Undated).		
			Assignment 1-11-67 [4]	67	3
			Effective date: 1-1-67		
CI63-234 C 3-14-67 [8]	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., South Quinton Field, Pittsburg County, Okla.	Letter agreement 2-10-67. [9]	333	11
CI63-234 D 3-21-67	do	Arkansas Louisiana Gas Co., Red Oak Field, Latimer County, Okla.	Amendatory agreement 1-31-67. [5] [7]	333	12
CI63-459 C 12-20-63 C 2-4-64 C 3-16-67 [8]	Gulf Oil Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	Amendatory agreement 11-14-63. [10]	243	4
			Amendment 11-20-63 [10]	243	5
			Amendatory agreement 12-12-66. [5] [10]	243	9
CI63-726 C 9-9-63	Davon Drilling Co., et al.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	Amendatory agreement 8-2-63.	[11] 2	3
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.	Warren American Oil Co., et al., FPC GRS No. 9.	66	
			Supplement Nos. 1-2	66	1-2
			Notice of succession (Undated).		
			Assignment 1-11-67 [4]	66	3
			Effective date: 1-1-67		

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	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
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.	Warren American Oil Co., FPC GRS No. 1.	58	
			Supplement No. 1	58	1
			Notice of succession (undated).		
			Assignment 1-11-67 [4]	58	2
			Effective date: 1-1-67		
CI64-637 D 3-22-67	Anadarko Production Co. (partial abandonment.)	Northern Natural Gas Co., Ivanhoe and Mocane-Laverne Fields, Beaver County, Okla.	Notice of partial cancellation 3-17-67 [5 6]	74	2
CI65-262 E 3-13-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Arkansas Louisiana Gas Co., Northwest Milton Field, Haskell County, Okla.	Warren American Oil Co., FPC GRS No. 12.	66	
			Supplement Nos. 1-6	66	1-6
			Notice of succession (undated).		
			Assignment 1-11-67 [4]	66	7
			Effective date: 1-1-67		
CI66-856 C 3-9-67 [5]	Oklahoma Natural Gas Co.	Arkansas Louisiana Gas Co., South Quinton Field, Latimer County, Okla.	Amendment 2-10-67 [5]	32	1
CI66-1343 E 1-23-67	Development Services Corp. (Operator) et al. (successor to H. L. M. Drilling Co. (Operator) et al.).	Mountain Fuel Supply Co., Pole Gulch Unit, Moffat County, Colo.	H. L. M. Drilling Co. (Operator) et al., FPC GRS No. 1.	1	
			Notice of succession 1-20-67.		
			Assignment 8-1-66 [7]	1	1
			Effective date: 8-1-66		
			Assignment 12-15-66 [8]	1	2
			Effective date: 12-15-66		
CI67-90 D 2-21-67	Amax Petroleum Corp.	Arkansas Louisiana Gas Co., Arkoma Basin, Latimer County, Okla.	Release Agreement 1-9-67 [9 10]	24	23
CI67-381 C 3-20-67 [5]	Tenneco Oil Co.	Northern Natural Gas Co., acreage in Ellis County, Okla.	Agreement 2-13-67 [5]	209	1
CI67-903 (G-6468) B 1-23-67	Rip C. Underwood	Colorado Interstate Gas Co., Keyes Dome Field, Texas and Cimarron Counties, Okla.	Notice of cancellation 1-19-67 [11]	[12] 2	6
CI67-1198 (CS66-62) F 3-1-67 [13]	Sunset International Petroleum Corp. (successor to Wolfson Oil Co.).	El Paso Natural Gas Co., Langlie Mattix Field, Lea County, N. Mex.	Wolfson Oil Co., FPC GRS No. 1 [14]	48	
			Supplement Nos. 1-5	48	1-5[P]
			Notice of succession (undated).		
			Assignment 10-25-66 [15]	48	6[P]
			Effective date: 10-1-66		
CI67-1235 A 3-6-67 [16] (G-6476)	Lester Wilkerson	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	Contract 12-27-34	3	
			Amendment 3-9-67 [6]	3	1
CI67-1250 (CS66-62) F 3-10-67 [13]	Sunset International Petroleum Corp. (Operator) et al. (successor to Wolfson Oil Co. (Operator) et al.).	Northern Natural Gas Co., Tubb and Blinebry Field, Lea County, N. Mex.	Wolfson Oil Co. (Operator) et al., FPC GRS No. 3 [14]	52	
			Supplement Nos. 1-4	52	1-4
			Notice of succession (Undated).		
			Assignment 10-25-66 [15]	52	5
			Effective date: 10-1-66		
CI67-1260 (CI63-1054) (CI64-575) (CI64-679) F 3-9-67	Exploration and Development, Inc. (successor to Frank Martin Porter Estate, Anadarko Production Co. and Livingston Oil Co.).	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	Contract 12-20-66 [5 17]	2	
CI67-1261 A 3-10-67 [16]	Bright & Schiff	Texas Eastern Transmission Corp., Texam, S. (Cole) Field, Live Oak County, Tex.	Contract 2-15-67	8	

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-1262 A 3-9-67 [16]	Homestead Oil & Gas Co., Inc.	The Manufacturers Light & Heat Co., Aleppo Township, Greene County, Pa.	Contract 12-9-66	1	
CI67-1263 A 3-9-67 [16]	do	do	Contract 6-10-67	2	
CI67-1264 A 3-15-67 [16]	TWM Petroleum, Inc., et al.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	Contract 6-28-66 [5]	1	
CI67-1265 A 3-16-67 [16]	Benco Drilling Co., Inc., et al.	Consolidated Gas Supply Corp., Otter District, Braxton County, W. Va.	Contract 11-9-66 [5]	4	
CI67-1266 A 3-16-67 [16]	Lock 3 Oil, Coal & Dock Co., et al.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	Contract 11-18-66 [5]	6	
CI67-1269 (G-17223) B 3-16-67	Phillips Petroleum Co.	El Paso Natural Gas Co., South Four Lakes Field, Lea County, N. Mex.	Notice of cancellation 3-13-67 [5 6]	[18] 338	5
CI67-1270 (CI63-1030) B 3-17-67	Pan American Petroleum Corp.	Texas Eastern Transmission Corp., East Muldon Field, Monroe County, Miss.	Notice of cancellation 3-15-67 [5 6]	367	8
CI67-1272 A 3-17-67 [16]	Salt Lick Corp., et al.	Consolidated Gas Supply Corp., Salt Lick and Other Districts, Braxton County; Glenville District, Gilmer County, W. Va.	Contract 6-21-66 [5]	1	
CI67-1274 (G-7455) B 3-20-67	Mountain Lumber Co.	Penova Interests, Laurel and Dutchman Runs, Murphy District, Ritchie County, W. Va.	Notice of cancellation 3-1-67 [5 6]	1	1
A CI67-1276 (G-5403) F 3-17-67 [5]	Despot, Inc.	United Gas Pipe Line Co., Bancroft Field, Beauregard Parish, La.	Contract 3-7-67 [19]	1	
CI67-1277 (CS66-62) F 3-17-67 [13]	Sunset International Petroleum Corp. (successor to Wolfson Oil Co.).	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	Wolfson Oil Co., FPC GRS No. 3 [14]	50	
			Supplement Nos. 1-5	50	1-5
			Notice of succession (undated).		
			Assignment 10-25-66 [15]	50	6
			Effective date: 10-1-66.		
CI67-1278 (CS66-62) F 3-17-67 [13]	Sunset International Petroleum Corp. (Operator) et al. (successor to Wolfson Oil Co. (Operator) et al.).	El Paso Natural Gas Co., North Skaggs Drinkard Field, Lea County, N. Mex.	Wolfson Oil Co. (Operator) et al., FPC GRS No. 2 [14]	49	
			Supplement Nos. 1-5	49	1-5
			Notice of succession (undated).		
			Amendatory agreement 5-6-6 [20]	49	6
			Amendatory agreement 12-8-64 [20]	49	7
			Assignment 10-25-66 [15]	49	8
			Effective date: 10-1-66.		
CI67-1279 (CS66-62) F 3-17-67 [13]	Sunset International Petroleum Corp. (successor to Wolfson Oil Co.).	do	Wolfson Oil Co., FPC GRS No. 4 [14]	51	
			Supplement Nos. 1-3	51	1-3
			Notice of succession (undated).		
			Amendatory agreement 5-6-65 [20]	51	4
			Amendatory agreement 12-8-64 [20]	51	5
			Assignment 10-25-66 [15]	51	6
			Effective date: 10-1-66.		
CI67-1280 A 3-17-67 [16]	Fire Oil & Gas Co.	United Fuel Gas Co., Laurel Hill District, Lincoln County, W. Va.	Contract 3-8-67 [5]	1	
CI67-1281 A 3-17-67 [16]	Frying Pan Oil & Gas Co.	do	Contract 3-10-67 [5]	2	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C167-1282 A 3-20-67 [8]	An-Son Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., Northeast Sampsel Field, Cimarron County, Okla.	Contract 11-2-66 [1]	28	
C167-1283 (C162-701) B 3-20-67	Skelly Oil Co.	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	Notice of cancellation (undated).[3 6]	174	1
C167-1284 (G-14356) B 3-20-67	Cities Service Oil Co.	Transcontinental Gas Pipe Line Corp., South Bourg Field, Terrebonne Parish, La.	Notice of cancellation 3-16-67.[3 6]	183	4
C167-1285 (G-19402) B 3-20-67	Skelly Oil Co.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Notice of cancellation (undated).[3 6]	155	2
C167-1287 (CI61-1310) B 3-20-67	Morris Cannan (Operator) et al.	Texas Eastern Transmission Corp., Kittie West Field, Live Oak County, Tex.	Notice of cancellation 3-1-67.[3 6]	2	1
C167-1288 (G-4299) B 3-20-67	Pan American Petroleum Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Witte Field, Victoria County, Tex.	Notice of cancellation 3-16-67.[3 6]	176	8
C167-1290 (CI62-106) F 3-16-67	Crystal Oil & Land Co. (Operator) et al. (successor to Harvey Broyles (Operator) et al.).	Texas Gas Transmission Corp., Ruston Field, Lincoln Parish, La.	Ratified agreement 1-27-67.[37] Contract 7-15-61	19 19	1
C167-1294 A 3-6-67 [16]	J. C. Baker & Son, Inc.	Cumberland & Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	Contract 1-13-67 [1]	3	
C167-1298 C167-1282 (C165-837) F 3-16-67 [33]	An-Son Corp. (Operator) et al. (successor to Cities Service Oil Co.).	Panhandle Eastern Pipe Line Co., Northeast Sampsel Field, Cimarron County, Okla.	Contract 1-22-65 [38] Assignment 6-24-66 [3 39]	29 29	1
C167-1300 A 3-22-67 [18]	Chandler & Associates, Inc. (Operator), et al.	Colorado Interstate Gas Co., Patrick Draw Field, Sweetwater County, Wyo.	Contract 12-6-66 [4]	1	

[1] Transfers properties to Wesland, Inc.
[2] Transfers properties from Wesland, Inc., to Lesh Co.
[3] Assignment from Warren American Oil Co. to Kewanee Oil Co.
[4] Conveyance and assignment: Part I—Assignment from Warren American Oil Co. to Kewanee Oil Co., Part II—Assignment from Warren American Oil Co. to Oat Development Co.
[5] Source of gas depleted.
[6] Effective date: Date of this order.
[7] Production of gas no longer economically feasible.
[8] July 1, 1967, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.
[9] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[10] Applicant states it is willing to accept authorization at 17.0 cents and a full percentage downward B.t.u. adjustment for the acreage added by the agreements dated Nov. 14, 1963, Nov. 20, 1963, and Dec. 12, 1966.
[11] Contract provides for initial price of 17.0 cents per Mcf plus B.t.u adjustment but Applicant has agreed to accept authorization conditioned as were the certificates issued in Opinion No. 350.
[12] Assigns interest in certain leases to Development Services Corp. (25 assignments dated Aug. 1, 1966).
[13] Assigns partial interest of Development Services in certain leases to Robert R. Brown, Jr. and Jack H. Vestal, and from Brown to Vestal (four assignments dated Dec. 15, 1966).
[14] Cost to connect is $27,400 for 1,077 MMMcf of reserves or $25,440/MMMcf which exceeds the contract provisions of $5,000/MMMcf of reserves.
[15] 17.0-cent rate effective subject to refund Nov. 28, 1965, in Docket No. RI65-640.
[16] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[17] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[18] Wolfson's rate schedules which were canceled concurrently with the issuance of the small producer certificate to Wolfson are being reactivated and designated as Sunset International Petroleum Corp.'s rate schedules.
[19] From Wolfson Oil Co. to Sunset International Petroleum Corp.
[20] Applicant is filing to cover his own interest in properties previously covered by the Operator's filings. (Northern Pump Co. (Operator) et al., FPC GRS No. 2 and certificate in Docket No. G-8476.)
[21] Supersedes in part: Frank Martin Porter Estate FPC GRS No. 1; Anadarko Production Co. FPC GRS No. 75; and Livingston Oil Co. FPC GRS No. 10.
[22] Sale being rendered on June 7, 1954.
[23] 17.06566-cent rate effective subject to refund in Docket No. G-20405 from June 1, 1960 to present. Rate of 18.06953 cents suspended in Docket No. RI65-186 but never made effective subject to refund; therefore, the rate suspension proceeding in Docket No. RI65-186 will be terminated only insofar as it pertains to Phillips Petroleum Co.'s FPC GRS No. 338.
[24] Contract covers new acreage as well as acreage presently dedicated to Sinclair Oil & Gas Co.'s FPC GRS No. 66 at 14.0 cents life of contract rate. Daily contract quantity is ratable with other producers in the field.
[25] Provides for seller to be paid a percentage of proceeds from the sale of liquids.
[26] Provides for buyer to be paid 2.0 cents per Mcf by seller for compressing gas.
[27] Adopts basic contract (Supp. No. 1) between Harvey Broyles, et al. and Texas Gas Transmission Corp. dated July 15, 1961; on file as Harvey Broyles (Operator) et al., FPC GRS No. 2 and covers acreage acquired through various assignments from Broyles et al., as well as previously undedicated acreage (Jan. 1, 1968, moratorium provided by Order No. 296, with respect to previously undedicated acreage).
[28] Application erroneously assigned Docket No. C167-1298 will be treated as a petition to amend the certificate in Docket No. C167-1282, as it covers the remaining 75 percent interest acquired by assignment in the Cavis Unit covered by Docket No. C167-1282, and Docket No. C167-1298 will be canceled.
[29] Between Cities Service Oil Co. and buyer; also on file as Cities Service Oil Co. FPC GRS No. 197.
[30] Assignment of acreage from Cities Service Oil Co. to An-Son Corp. (Operator) et al.

[F.R. Doc. 67-5920; Filed, May 29, 1967; 8:45 a.m.]

[Docket No. CP67-337]

SOUTH TEXAS NATURAL GAS GATHERING CO. AND TRUNKLINE GAS CO.

Notice of Application

MAY 22, 1967.

Take notice that on May 12, 1967, South Texas Natural Gas Gathering Co. (Texas), Post Office Drawer 521, Corpus Christi, Tex. 78403, and Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, Tex. 77001 (Applicants), filed in Docket No. CP67-337 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the exchange of quantities of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants seek authorization to exchange up to 35,000 Mcf of natural gas per day pursuant to an agreement between them dated April 4, 1966. Trunkline will deliver up to 35,000 Mcf of natural gas per day to Texas at a mutually agreeable point on Trunkline's 4-inch pipeline in Brooks County, Tex., and at a mutually agreeable point on Trunkline's 10-inch pipeline in Hidalgo County, Tex., or at such other point or points on Trunkline's system south of its Premont Compressor Station as may be mutually agreeable. Texas will deliver equivalent quantities of natural gas to Trunkline at Trunkline's existing measuring facilities at the tailgate of the San Jacinto Gas Processing Corp. Egan Plant, Acadia Parish, La., at redelivery points in Beauregard and Jefferson Davis Parishes, La., at a proposed new delivery point in Cameron Parish, La., and at such other points of interconnection on Trunkline's facilities in South Louisiana as they may from time to time agree upon.

Trunkline also seeks authorization to construct and operate any measurement facilities necessary to deliver the quantities of natural gas to Texas.

Texas seeks authorization to construct and operate the following facilities for receipt of the exchange gas from Trunkline:

(1) Approximately 4 miles of 8⅝-inch O.D. connecting pipeline and a 500 BHP field compressor to receive natural gas at the Hidalgo County, Tex., delivery point, and

(2) Approximately 4 miles of 4½-inch connecting pipeline and a 120 BHP compressor to receive the natural gas at the Brooks County, Tex., delivery point.

Trunkline estimates the total cost of its proposed facilities at approximately

$18,077 and Texas estimates the total cost of its proposed facilities at approximately $273,200, said costs to be financed by the respective companies from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 19, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-5963; Filed, May 29, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

ANNAPOLIS BANKING AND TRUST CO.

Application for Exemption From Registration

Notice is hereby given that the Annapolis Banking and Trust Co., Annapolis, Md., a member State bank of the Federal Reserve System, has applied to the Board of Governors, pursuant to sections 12(h) and 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*), for exemption from the registration requirements of section 12(g) of said Act. The bank had previously been granted a temporary exemption from registration until June 30, 1967 (FEDERAL REGISTER of Aug. 12, 1965, 30 F.R. 10068).

In determining whether to grant such exemption, the Board is required by section 12(h) to consider whether, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the bank, income or assets of the bank, or otherwise, such action will be consistent with the public interest and the protection of investors.

Any interested person may, not later than 15 days after the publication of this notice in the FEDERAL REGISTER, (i) submit written comments and recommendations with respect to the application, (ii) request the holding of a hearing on the matter, stating the nature of his interest and the reason for such request, or (iii) request to be notified if the Board should order a hearing thereon. Such communication should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. At any time after the expiration of said 15 days, an order disposing of the application may be issued by the Board upon the basis of the information stated therein and other available information, unless an order for a hearing thereon shall have been issued.

Dated at Washington, D.C., this 23d day of May 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5964; Filed, May 29, 1967; 8:45 a.m.]

HUNTINGTON BANCSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Huntington Bancshares Inc., Columbus, Ohio, for approval of action to become a bank holding company through the acquisition of voting shares of the Washington Savings Bank, Washington Court House, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by Huntington Bancshares Inc., Columbus, Ohio, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 51 percent or more of the Washington Savings Bank, Washington Court House, Ohio. Huntington Bancshares presently owns a majority of the outstanding voting shares of the Huntington National Bank of Columbus, Columbus, Ohio.

As required by section 3(b) of the Act, notice of receipt of the application was given to, and views and recommendation requested of, the Acting Superintendent of Banks for the State of Ohio. The Acting Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 4, 1967 (32 F.R. 3753), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th day following the date of this order or (b) later than 3 months after the date of the order.

Dated at Washington, D.C., this 22d day of May 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5965; Filed, May 29, 1967; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governor Daane. Governor Sherrill did not participate in the Board's action in this matter.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-616]

J. J. NEWBERRY CO.

Order Suspending Trading

MAY 24, 1967.

The common stock, no par value, and the 3¾ percent cumulative preferred stock, $100 par value, of J. J. Newberry Co., being listed and registered on the New York Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the New York Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 24, 1967, through June 2, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67-6009; Filed, May 29, 1967; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within

15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41032—*Chlorine to Selma, Ala.* Filed by O. W. South, Jr., agent (No. A5033), for interested rail carriers. Rates on chlorine, in tank carloads, from Baton Rouge and Geismar, La., to Selma, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 6 to Southern Freight Association, agent, tariff ICC S-699.

FSA No. 41033—*Chlorine to Kingsport, Tenn.* Filed by O. W. South, Jr., agent (No. A5034), for interested rail carriers. Rates on chlorine, in tank carloads, from Baton Rouge, La., to Kingsport, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 6 to Southern Freight Association, agent, tariff ICC S-699.

FSA No. 41034—*Clay, kaolin, or pyrophyllite from Gulfport, Miss.* Filed by O. W. South, Jr., agent (No. A5035), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, from Gulfport, Miss., to specified points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Southern Freight Association, agent, tariff ICC S-438.

FSA No. 41035—*Petroleum and petroleum products from Marshall, Ill.* Filed by Illinois Freight Association, agent (No. 328), for interested rail carriers. Rates on petroleum and petroleum products, in carloads, from Marshall, Ill., to points in southern territory.

Grounds for relief—Grouping.

Tariff—Supplement 50 to Illinois Freight Association, agent, tariff ICC 1005.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-6032; Filed, May 29, 1967; 8:51 a.m.]

[Notice 394]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 25, 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 340), 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 61161 (Sub-No. 3 TA), filed May 22, 1967. Applicant: GILES EXPRESS, INC., Post Office Box 511, Bound Brook, N.J. 08805. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gloves*, plastic, in boxes, from Somerville, N.J., to Stamford, Conn.; for 150 days. Supporting shipper: Ethicon, Inc., Somerville, N.J. 08876. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 93393 (Sub-No. 12 TA), filed May 23, 1967. Applicant: EDWIN H. NELSON AND ALFRED S. NELSON, a partnership, doing business as NIGHTWAY TRANSPORTATION CO., 4106 South Emerald Avenue, Chicago, Ill. 60609. Applicant's representative: George C. Anderson, Suite 1625, The Connecticut Mutual Building, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods at or near La Porte, Ind., to points in Illinois, Michigan, and Ohio; for 180 days. Supporting shipper: American Home Foods, 685 Third Avenue, New York, N.Y. 10017. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 107496 (Sub-No. 564 TA), filed May 23, 1967. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Keosauqua Way at Third Street, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from Welcome, Minn., to points in Iowa, South Dakota, North Dakota, and Wisconsin; for 180 days. Supporting shipper: International Minerals & Chemical Corp., Administrative Center, Skokie, Ill. 60078. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 110841 (Sub-No. 12 TA), filed May 23, 1967. Applicant: PORT NORRIS EXPRESS CO., INC., Main Street, Port Norris, N.J. 08349. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Kershaw County, S.C., to points in Alabama, Florida, Kentucky, Mississippi, Tennessee, Virginia, and West Virginia; for 180 days. Supporting shipper: Whitehead Brothers Co., 60 Hanover Road, Florham Park, N.J. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 113678 (Sub-No. 279 TA), filed May 23, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products* (except bananas, and liquids in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in the New York, N.Y. commercial zone and Union County, N.J., to points in Colorado, Indiana (except points in the Chicago, Ill., commercial zone), Illinois (except points in the Chicago, Ill., commercial zone), Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, (except points in the Cleveland, Ohio, commercial zone), and West Virginia; (2) *food products* (except bananas, frozen foods, and liquids in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in the New York, N.Y., commercial zone, and Union County, N.J., to points in Kansas; and (3) *food products* (except bananas, and liquids in bulk, in tank vehicles), from points in Union County, N.J., to points in Nebraska; for 180 days. Supporting shippers: Schratter Import Co., 139 Reade Street, Manhattan, New York City, N.Y.; Lily Lake Cheese Co., 347 Greenwich Street, Manhattan, New York City, N.Y.; Barton's Candy Co., 80 De Kalb Avenue, Brooklyn, N.Y.; Otto Roth & Co., Inc., 177–179 Duane Street, New York City, N.Y.; Diamond Brokerage Co., 265 West 14th Street, New York, N.Y.; New York Loin Corp., 420 West 14th Street, New York City, N.Y; Hollander Trading Corp., 1 Liberty Street, New York City, N.Y.; Barricini, Inc., 22–19 41st Avenue, Long Island City, N.Y.; and Plumrose Inc., 66 Fadem Road, Springfield, N.J. 07081. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114958 (Sub-No. 3 TA), filed May 23, 1967. Applicant: GEORGE H. BROWN, doing business as OCEANWAY TRANSPORT, Post Office Box 747, Florence, Oreg. 97439. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) between points in Lincoln, Lane, and Douglas Counties, Oreg.; and (2) from points in said counties to Coos Bay and Portland, Oreg., and to Vancouver, Wash.;

for 180 days. Supporting shipper: Starr-Carter Lumber Sales, Post Office Box 1618, Eugene, Oreg. 97401. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 115162 (Sub-No. 148 TA), filed May 23, 1967. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Suite 2025–2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated homes*, knocked down or in sections and component parts, from the plantsite of Strucco, Inc., at or near Theodore, Ala., to points in Alabama, Georgia, Florida, Mississippi, and Louisiana; for 180 days. Supporting shipper: Strucco, Inc., Post Office Box 259, Theodore, Ala. 36582. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 116450 (Sub-No. 4 TA), filed May 22, 1967. Applicant: JUNIOR A. COLE AND RAYMOND C. COLE, doing business as COLE BROTHERS TRAILER TRANSPORT, 2485 U.S. Highway 6 and 50, Grand Junction, Colo. 81501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used house trailers*, between points within 120 miles of Grand Junction, Colo., on the one hand, and, on the other, points in Colorado, Utah, Wyoming, Arizona, and New Mexico; for 180 days. Supporting shippers: George E. Sloane, Carbondale, Colo.; H. H. Gilman, American Gilsonite Co., Gilsonite, Colo. 81521; Grand Junction Chamber of Commerce, Post Office Box 456, Grand Junction, Colo. 81501; Climax Uranium Co., Post Office Box 1629, Grand Junction, Colo. 81501; Chamber of Commerce, Glenwood Springs, Colo.; Moab Chamber of Commerce, 702 South Main, Moab, Utah 84532; and Holiday Haven, Inc., 400 North Fifth Street West, Moab, Utah 84532. Send protests to: James E. Henry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 20222 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 117375 (Sub-No. 1 TA), filed May 22, 1967. Applicant: BRANSON TRUCK LINE, INC., 1309 East Highway 56, Lyons, Kans. 67554. Applicant's representative: Leland M. Spurgeon, 308 Casson Building, Sixth and Topeka Boulevard, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Des Moines, Sergeant Bluff, Adel, Redfield, Fort Dodge, Ottumwa, and Oskaloosa, Iowa, and points within 10 miles of each, to points in Missouri and Kansas; for 180 days. Supporting shipper: Carter-Waters Corp., 2440 Pennway, Kansas City, Mo. 64108. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 118196 (Sub-No. 96 TA), filed May 22, 1967. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Highway 71 North, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than those in bulk, in tank vehicles), originating at the facilities of American Home Foods, Division of American Home Products Corp. at La Porte, Ind., to points in Louisiana, Minnesota, Texas, Wisconsin, and Missouri; for 180 days. Supporting shipper: American Home Foods, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124835 (Sub-No. 6 TA), filed May 23, 1967. Applicant: PRODUCERS TRANSPORT CO., a corporation, Post Office Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Charles G. Wilbur (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, from Nashville, Tenn., to points in Alabama and Kentucky (except the plantsites of Marquette Cement Manufacturing Co., and Dundee Cement Co.); for 180 days. Supporting shipper: Missouri Portland Cement Co., 7751 Carondelet Avenue, St. Louis, Mo. 63105. Send Protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 127689 (Sub-No. 6 TA), filed May 23, 1967. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Post Offic Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration equipment, walk-in type refrigeration units, parts, accessories, and assemblies for walk-in type refrigeration units*, from Laurel, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; for 180 days. Supporting shipper: Mid-South Industries, Inc., Laurel, Miss. (Wally Damlouji, Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 312–A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 129076 (Sub-No. 1 TA), filed May 23, 1967. Applicant: SPECIALIZED CARRIERS, INC., 928 South Pennsylvania Street, Indianapolis, Ind. 46204. Applicant's representatives: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind 46204, and Walter Jones, 1019 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum bridge railing and guard railing components, consisting of posts, rails, anchor systems, and other related miscellaneous parts*, from the plantsites of Howe Engineering Co., Inc., Indianapolis, Ind., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Missouri, and Tennessee; for 180 days. Supporting shipper: Howe Engineering Co., Inc., 5800 Massachusetts Avenue, Indianapolis, Ind. 46218. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 129095 TA, filed May 22, 1967. Applicant: A–1 VETERANS TRANSFER COMPANY, Athens, Ga. 30601. Applicant's representative: James Lamar Flemister, Suite 1026, Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in: (1) Clarke, Barrow, Oconee, Jackson, Madison, Morgan, Hart, Oglethorpe, Wilkes, Greene, Walton, Gwinnette, Banks, Franklin, Stephens, Hall, Elbert, Lumpkin, Habersham, Towns, De Kalb, Union, Rabun, Putnam, Baldwin, Washington, and Gilmer Counties, Ga.; and (2) Anderson, Abbeville, McCormick, Pickens, Oconee, Greenville, and Edgeville Counties, S.C.; restricted to shipments having a prior or subsequent movement in containers beyond said counties, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments over irregular routes; for 180 days. Supporting shipper: Navy Supply Corps School, Athens, Ga. 30601. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 129097 TA, filed May 23, 1967. Applicant: ELMER C. SCHICK, JR., doing business as GLOBAL MOVING & STORAGE, 1465 Miller Drive, Colton, Calif. 92324. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in San Bernardino, Riverside, San Diego, Orange, Imperial, Los Angeles, and Kern Counties, Calif., restricted to shipments having a prior or susbequent movement beyond said counties in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments; for 180 days. Supporting shippers: Allstates Van Lines, 350 Broadway, New York, N.Y. 10013; Continental Forwarders, Inc., Post Office Box 344, Canal Street Station, New York, N.Y. 10013; and Swift Home-Wrap, Inc., 105 Leonard

Street, New York, N.Y. 10013. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129099 TA, filed May 23, 1967. Applicant: MAY MOVING OF GOLDSBORO, INC., 507 South Center Street, Goldsboro, N.C. 27530. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to shipments moving on the through bill of lading of a forwarder operating under section 402(B)(2) exemption, and having an immediately prior or subsequent line haul movement by rail, motor, water, or air; the proposed service being limited to providing a local service for a forwarder of used household goods; for 180 days. Supporting shipper: Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. 31901. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

MOTOR CARRIER OF PASSENGERS

No. MC 129098 TA, filed May 23, 1967. Applicant: KANAB DEVELOPMENT CORPORATION, 40 East Center Street, Kanab, Utah 84741. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Passengers, their baggage and express*, between Kanab, Utah, and St. George, Utah; From Kanab, over U.S. Highway 89A to Fredonia, Ariz.; thence over Arizona Highway 389 to junction Arizona Highway 389 and Utah Highway 59, thence over Utah Highway 59 to Hurricane, Utah, thence over Utah Highway 17 to junction U.S. Highway 91 (Interstate Highway 15), thence over U.S. Highway 91 (Interstate Highway 15) to St. George, and return over the same route, serving all intermediate points; and (2) *passengers and their baggage*, in special and charter operations, between Kanab, Utah, and points within 150 miles thereof (except points in Utah east of Lake Powell and the Colorado River); for 180 days. Supporting shipper: Kanab Development Corp., Kanab, Utah, which consists of 27 different business establishments located in the general area of Kanab, Utah. Details available in the Salt Lake City offices of the Interstate Commerce Commission. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-6033; Filed, May 29, 1967; 8:51 a.m.]

[Notice 1525]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 25, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), 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. F.D.-24534. By order of May 23, 1967, the Transfer Board approved the transfer to Dailey Lighterage Co., Inc., Tarrytown, N.Y., of the amended water carrier certificate No. 34, issued to Stewart J. Dailey, doing business as Dailey Lighterage Co., Tarrytown, N.Y., authorizing the transportation of: Commodities generally, between ports and points within the area defined by the Commission in Ex parte No. 140, determination of the limits of New York Harbor and Harbors contiguous thereto, Connecticut, Rhode Island, portions of Massachusetts, and along Long Island Sound, and on the Hudson River. Edward L. P. O'Connor, 82 Bearer Street, New York, N.Y. 10005, attorney for applicants.

No. MC-FC-69609. By order of May 23, 1967, the Transfer Board approved the transfer to P. W. Lincoln Horse Transportation, Inc., North Attleboro, Mass., of certificates Nos. MC-46365 and MC-46365 (Sub-No. 1), issued January 9, 1943, and May 8, 1952, respectively, to Philip W. Lincoln, Seekonk, Mass., authorizing the transportation of race horses, show and saddle horses, and polo ponies, and stable supplies and equipment, stable dogs, and pets, personal effects of attendants in the same vehicle with such horses, over irregular routes, between points and places in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Delaware, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and horses, and equipment incidental to the transportation care, and display of such horses, between points in the above-named states and the District of Columbia, on the one hand, and, on the other, points in Maine, North Carolina, South Carolina, Ohio, Illinois, Michigan, and Tennessee, and Louisville and Lexington, Ky. Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, Charles E. Bennett, 21 Park Street, Attleboro, Mass. 02703, attorneys for applicants.

No. MC-FC-69613. By order of May 23, 1967, the Transfer Board approved the transfer to Tempco Transportation, Inc., Indianapolis, Ind., of certificate No. MC-118316, issued June 7, 1962, to McComb Truck Line, Inc., Indianapolis, Ind., (formerly Niles, Mich.), authorizing the transportation of bananas, over irregular routes, from Miami and Tampa, Fla., to Louisville, Ky., Chicago, Ill., and points in Indiana. Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-69627. By order of May 23, 1967, the Transfer Board approved the transfer to Santini Van Co., Inc., New York (Bronx), N.Y., of certificate No. MC-929, issued April 27, 1956, to James Johnson and Margaret Johnson, a partnership, doing business as Johnson's Moving Service, Brooklyn, N.Y., authorizing the transportation of household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Rhode Island, Delaware, Maryland, and the District of Columbia, and between New York, N.Y., on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

No. MC-FC-69635. By order of May 23, 1967, the Transfer Board approved the transfer to Los Angeles Turf Express, a corporation, Los Angeles, Calif., of certificate in Nos. MC-112098, MC-112098 (Sub-No. 7), MC-112098 (Sub-No. 9), MC-112098 (Sub-No. 10), and MC-112098 (Sub-No. 11), issued October 30, 1956, August 24, 1964, December 31, 1964, February 18, 1965, and May 24, 1965, respectively, to Jack Farnell, doing business as Los Angeles Turf Express, Los Angeles, Calif., authorizing the transportation of: Horses, other than ordinary, and in connection therewith, personal effects of attendants, equipment, supplies, and mascots used in the care and exhibition of such animals, between points as specified in Arizona, Arkansas, California, Colorado, Louisiana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington. R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-6034; Filed, May 29, 1967; 8:51 a.m.]

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296 7130

PROPOSED RULES:

103 ..... 7134, 7185, 7600

50 CFR

10 ..... 7497, 7713
32 7054
33 ..... 6685, 7024, 7131, 7394

PROPOSED RULES:

280 7776