

# FEDERAL REGISTER

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Agencies in this issue—

Agency for International Development  
Agricultural Research Service  
Agricultural Stabilization and  
Conservation Service  
Agriculture Department  
Automotive Agreement Adjustment  
Assistance Board  
Civil Service Commission  
Commodity Credit Corporation  
Comptroller of the Currency  
Consumer and Marketing Service  
Customs Bureau  
Economic Opportunity Office  
Federal Aviation Administration  
Federal Communications Commission  
Federal Home Loan Bank Board  
Federal Housing Administration  
Federal Maritime Commission  
Federal Open Market Committee  
Federal Power Commission  
Federal Register Administrative  
Committee  
Federal Reserve System  
Federal Trade Commission  
Fiscal Service  
Foreign Claims Settlement Commission  
General Services Administration  
Interior Department  
Internal Revenue Service  
Interstate Commerce Commission  
National Aeronautics and Space  
Administration  
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National Labor Relations Board  
Post Office Department  
Securities and Exchange Commission  
Small Business Administration  
Social Security Administration  
Tariff Commission  
Treasury Department  
Wage and Hour Division

Detailed list of Contents appears inside.



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## CODE OF FEDERAL REGULATIONS

(As of January 1, 1967)

Title 7—Agriculture (Part 52) (Revised) \$2.00

Title 19—Customs Duties (Revised) \$2.00

Title 32—National Defense (Parts 1-39)  
(Revised) \$2.75

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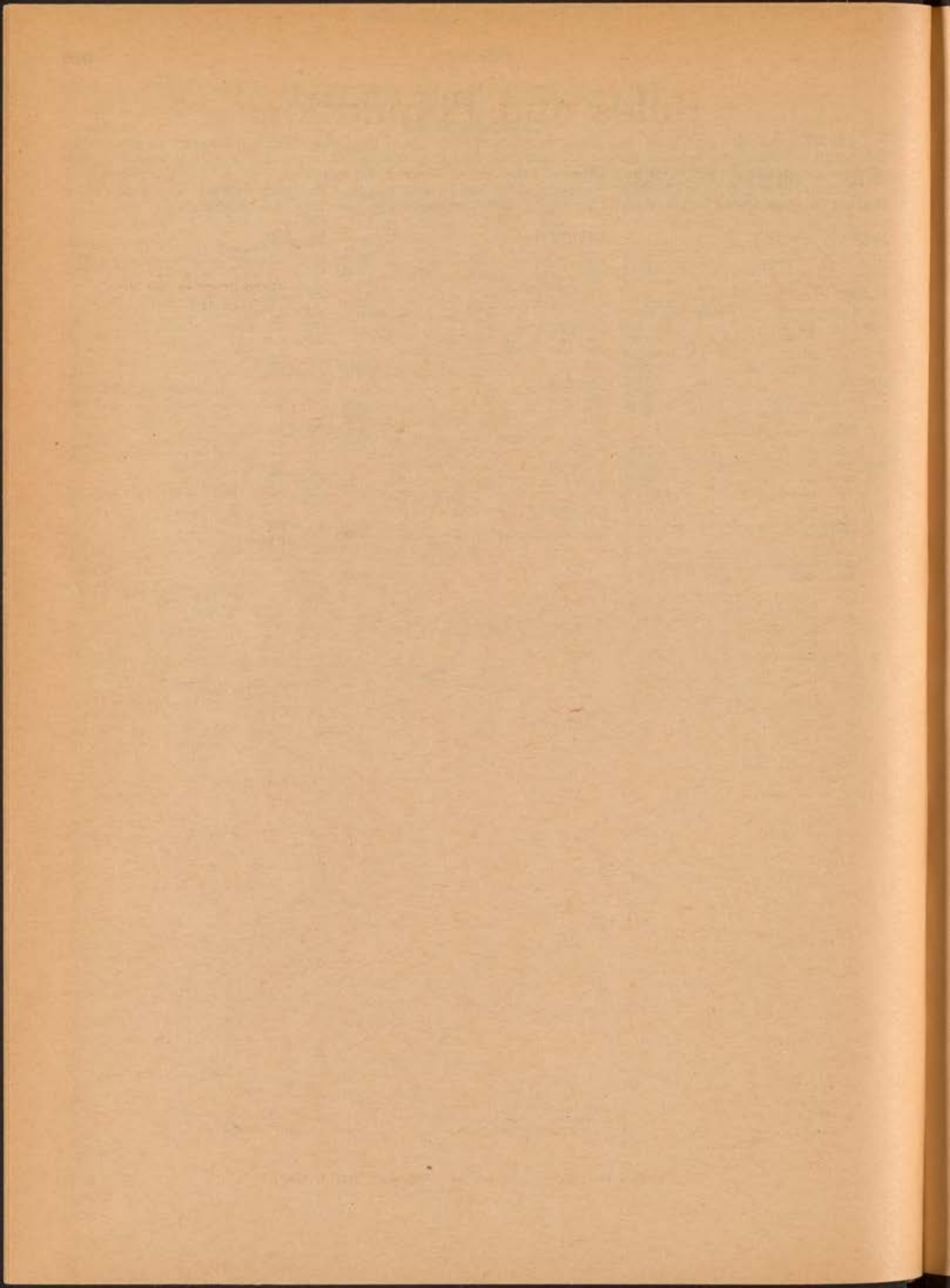
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(Codification Guide)

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

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

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# Rules and Regulations

## Title 1—GENERAL PROVISIONS

### Chapter I—Administrative Committee of the Federal Register

#### CFR CHECKLIST

##### 1967 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1967. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

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

CFR Unit (as of Jan. 1, 1967):	Price
3 1966 Compilation	\$1.00
4 (Rev.)	.40
5 (Supp.)	1.00
6 [Vacated; Reserved]	
7 Parts:	
0-45 (Rev.)	1.75
46-51 (Rev.)	1.00
52 (Rev.)	2.00
53-209 (Rev.)	2.00
900-944 (Rev.)	1.00
945-980 (Rev.)	.65
981-999 (Rev.)	.65
1000-1029 (Rev.)	1.00
1030-1059 (Rev.)	1.00
1060-1089 (Rev.)	.75
1090-1119 (Rev.)	.70
1120-1199 (Rev.)	1.00
1200-1499 (Rev.)	2.00
8 (Rev.)	.60
9 (Rev.)	1.25
12 Parts 1-399 (Rev.)	1.50
13 (Rev.)	.65
14 Parts:	
1-59 (Rev.)	1.75
60-199 (Rev.)	1.50
200-end (Rev.)	1.75
16 Parts:	
0-149 (Rev.)	1.75
150-end (Rev.)	1.25
18 (Rev.)	2.50
19 (Rev.)	2.00
20 (Rev.)	2.00
21 Parts:	
1-119 (Rev.)	1.00
120-129 (Rev.)	1.00
130-146e (Rev.)	1.75
147-end (Rev.)	1.00
22 (Rev.)	1.00
23 (Rev.)	.25
24 (Rev.)	1.00
25 (Rev.)	1.25
26 Parts:	
1 (§§ 1.0-1-1.300) (Rev.)	2.00
1 (§§ 1.301-1.400) (Rev.)	.65
1 (§§ 1.401-1.500) (Rev.)	1.00
1 (§§ 1.501-1.640) (Rev.)	.70
1 (§§ 1.641-1.850) (Rev.)	1.00

CFR Unit (as of Jan. 1, 1967):	Price
1 (§§ 1.851-1.1200) (Rev.)	\$1.25
1 (§§ 1.1201-1.6000) (Rev.)	1.50
1 (§§ 1.6001-end) to Part 19 (Rev.)	.70
20-29	(*)
30-39 (Rev.)	.75
40-169 (Rev.)	1.75
170-299 (Rev.)	2.25
300-499 (Supp.)	.50
500-599 (Supp.)	.35
600-end (Supp.)	.45
27 (Supp.)	.30
28 (Rev.)	.65
29 Parts:	
0-499 (Rev.)	.70
500-899 (Rev.)	2.00
900-end (Rev.)	.75
30 (Rev.)	1.00
31 (Rev.)	1.75
32 Parts:	
1-39 (Rev.)	2.75
40-399 (Rev.)	1.25
400-589 (Rev.)	1.50
590-699 (Supp.)	.50
700-799 (Rev.)	2.00
800-999 (Rev.)	1.25
1000-1199 (Rev.)	1.25
1200-1599 (Rev.)	1.25
1600-end (Rev.)	.55
32A (Rev.)	1.00
33 Parts:	
1-199 (Rev.)	1.00
200-end (Rev.)	1.75
34 [Reserved]	
36 (Rev.)	.75
37 (Rev.)	4.00
38 (Rev.)	2.25
39 (Rev.)	2.00
40 [Reserved]	
41 Chapters:	
1 (Rev.)	2.00
2-4 (Rev.)	1.00
5-5D (Rev.)	.60
6-17 (Rev.)	2.00
18 (Rev.)	2.00
19-100 (Rev.)	.60
101-end (Rev.)	1.25
42 (Supp.)	1.00
44 (Rev.)	.40
45 (Rev.)	1.75
46 Parts:	
146-149 (Rev.)	2.50
150-199 (Rev.)	1.25
200-end (Rev.)	2.00
47 Parts:	
0-19 (Rev.)	1.00
20-69 (Rev.)	1.50
70-79 (Rev.)	1.00
80-end (Rev.)	1.50
48 (Rev.)	.60
49 Parts:	
0-70 (Rev.)	1.25
71-90 (Rev.)	2.25
91-164 (Rev.)	1.50
165-end (Supp.)	.65
50 (Rev.)	.75

\*NOTE: No amendments to this volume were promulgated during 1966. The cumulative pocket supplement issued as of Jan. 1, 1966, should be retained.

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Department of the Navy

Section 213.3108 is amended to show that the Schedule A authority covering positions when occupied by U.S. citizens who were serving under excepted or overseas limited appointment at the Naval Base at Guantanamo Bay, Cuba, during October 1962 has been extended for 6 months until December 31, 1967, and has been reduced in coverage from 16 to two positions. Effective on publication in the FEDERAL REGISTER, subparagraph (6) of paragraph (a) of § 213.3108 is amended as set out below.

##### § 213.3108 Department of the Navy.

(a) *General.* \* \* \*

(6) Until December 31, 1967, not to exceed two positions when occupied by U.S. citizens who were serving under excepted or overseas limited appointment at the Naval Base at Guantanamo Bay, Cuba, during October 1962.

(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. 67-7605; Filed, June 30, 1967; 8:50 a.m.]

#### PART 294—AVAILABILITY OF OFFICIAL INFORMATION

A new Part 294 is added to Chapter I to provide the regulations necessary to implement section 552 of title 5, United States Code.

##### Subpart A—General Provisions

Sec.	Purpose.
294.101	Purpose.
294.102	Definitions.
294.103	General policy.
294.104	Service charges for information.
294.105	Places where information may be obtained.
294.106	Time for obtaining information.
294.107	Identification of information requested.
294.108	Custody of information; subpoenas.

##### Subpart B—The Public Information Function

294.201 Public information policy.

##### Subpart C—Commission Operations

294.301 Policy and interpretations.

##### Subpart D—Medical Information

294.401 Medical information.

**Subpart E—Examinations and Related Subjects**

Soc.  
294.501 Examinations.

**Subpart F—Investigations**

294.601 Investigative reports.

**Subpart G—Official Personnel Folder**

294.701 Coverage.  
294.702 Availability of information.  
294.703 Access to folder.

**Subpart H—Appeals**

294.801 Agency administrative appeals.  
294.802 Commission appeals.

**Subpart I—Retirement**

294.901 Retirement.

**Subpart J—Classified Information**

294.1001 Classified information.

**AUTHORITY:** The provisions of this Part 294 issued under 5 U.S.C. 552, 1104.

**Subpart A—General Provisions****§ 294.101 Purpose.**

The purpose of this part is to set forth the basic policies of the Commission in regard to the availability or disclosure of information in the possession of or controlled by the Commission.

**§ 294.102 Definitions.**

In this part:

(a) "Information" means books, papers, manuals, records, photographs, and other documentary materials, regardless of physical form or characteristics, made in or received by or under the control of the Commission in pursuance of law or in connection with the discharge of official business;

(b) "Information available to the public" means information which, on request, may be examined or copied, or of which copies may be obtained in accordance with this part by the public or representatives of the press regardless of interest and without specific justification; and

(c) "Disclose" or "disclosure" means making information available, on request, for examination or copying, or furnishing a copy thereof.

**§ 294.103 General policy.**

Because the major functions of the Commission relate to the internal personnel rules and practices of the Government the disclosure of information relative to these functions is exempted from the disclosure requirements in section 552 of title 5, United States Code, by subsection (b) of that section. Notwithstanding this exemption, it is the general policy of the Commission to make information available to the public unless the disclosure thereof would constitute a clearly unwarranted invasion of personal privacy or is prohibited under law or Executive order or relates to internal memoranda, letters, or manuals the disclosure of which would interfere with the performance of the functions of the Commission. The Commission reserves the right to make exceptions to the general policy in a particular instance giving due weight to the right of the public to know and the particular governmental or individual interest involved.

**§ 294.104 Service charges for information.**

(a) The Commission furnishes a member of the public free of charge reasonable quantities of information that has been printed or otherwise reproduced for the purpose of making it available to the public without charge.

(b) The Commission furnishes to a member of the public free of charge information that is requested and is not restricted from disclosure when the information is readily available and can be furnished by the Commission either without cost or at nominal cost.

(c) The Federal Personnel Manual and any other Commission publication or information that is offered for sale may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(d) When a request for information not provided under paragraphs (a) through (c) of this section is received, the Commission furnishes a copy of it at a fair and equitable fee when it is available to the public. In determining the fair and equitable fee under this paragraph the Commission ascertains all costs necessary to recover the full cost to the Government including, but not limited to, costs of employee services relating to research, reproduction, assembly, and authentication. The fee will be based on these costs. The Commission will not undertake to furnish copies of information under this paragraph until the fee for the information is paid, except when the fee cannot be determined in advance in which case an estimated fee shall be paid with appropriate adjustment at time of delivery. A fee shall be paid by check or money order payable to the U.S. Treasury.

**§ 294.105 Places where information may be obtained.**

(a) A request for information should be directed to the bureau or staff office of the Commission, 1900 E Street NW., Washington, D.C. 20415, which is responsible for the subject matter concerned as indicated in this paragraph:

<i>Subject matter</i>	<i>Bureau of staff office</i>
Policy and interpretations.	Bureau of Policies and Standards.
Medical information.	Medical Division, Bureau of Retirement and Insurance.
Examinations and related subjects.	Bureau of Recruiting and Examining.
Investigations	Bureau of Personnel Investigations.
Official Personnel Folder.	Bureau of Policies and Standards.
Appeals	Do.
Retirement, Health Benefits, and Insurance.	Bureau of Retirement and Insurance.

The bureau or staff office concerned will advise where information that may be disclosed can be examined or copied or copies thereof obtained. A request for information on a subject matter not specifically referred to in this paragraph should be directed to the Public Information Office, 1900 E Street NW., Washington, D.C. 20415, which will assist the press and advise other inquirers where

contact for the information should be made.

(b) In the event of a difference between an employee of the Commission and a member of the public concerning the availability or disclosure of information under this part, the matter shall be referred by the head of the bureau or staff office concerned, through the Public Information Officer, to the Executive Director. The decision of the Executive Director shall be in writing and shall state the reasons for the decision. That decision is the only administrative appeal within the Commission and the obtaining of that decision constitutes the exhaustion of the administrative remedy within the Commission.

(c) Information available to the public is, as far as practical considerations permit, available from each of the following regional and branch offices of the Commission:

**REGIONAL OFFICES**

Atlanta Merchandise Mart, 240 Peachtree Street NW., Atlanta, Ga. 30303.  
Post Office and Courthouse Building, Boston, Mass. 02109.  
Main Post Office Building, 433 West Van Buren Street, Chicago, Ill. 60607.  
1114 Commerce Street, Dallas, Tex. 75202.  
Building 20, Denver Federal Center, Denver, Colo. 80225.  
News Building, 220 East 42d Street, New York, N.Y. 10017.  
Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.  
302 Federal Office Building, First Avenue and Madison Street, Seattle, Wash. 98104.  
Federal Building, Post Office Box 36010, 450 Golden Gate Avenue, San Francisco, Calif. 94102.  
1256 Federal Building, 1520 Market Street, St. Louis, Mo. 63103.

**BRANCH OFFICES**

Room 802, Federal Building South, 600 South Street, New Orleans, La. 70112.  
Federal Office Building, Anchorage, Alaska 99501.  
714 West Olympic Boulevard, Los Angeles, Calif. 90015.  
Veterans Administration Building 57, Fort Snelling, Minn. 55111.

**§ 294.106 Time for obtaining information.**

A request for information under this part may be made in writing or orally during business hours on a regular business day. When information to be furnished is not readily available, the employee responsible for obtaining the information shall make it available within a reasonable time.

**§ 294.107 Identification of information requested.**

A member of the public who requests information under this part shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. Information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information may be declined. A member of the public who requests information from an appeal or complaint file under Subpart H of this part must identify by name the individual from



whose appeal or complaint file the information is sought.

**§ 294.108 Custody of information; subpoenas.**

(a) The Executive Assistant to the Commissioners has official custody of the official records of the Commission. A subpoena or other judicial order for an official record from the Commission should be served on the Executive Assistant to the Commissioners, 1900 E Street NW., Washington, D.C. 20415.

(b) If a subpoena or other judicial order for an official record is served on an employee of the Commission other than the Executive Assistant to the Commissioners, the employee shall immediately inform the General Counsel of the Commission who shall advise the employee accordingly.

(c) (1) If a subpoena or other judicial order for information contained in an Official Personnel Folder in the physical custody of a Government agency other than the Commission is served on a Government employee responsible for the Folder, he shall disclose such information as is allowed under this part. However, he should retain custody of the information and, as necessary, request permission of counsel or the court to furnish a certified copy for inclusion in the court record.

(2) In an unusual situation or a situation in which information not available under this part is sought, the Government employee who received the subpoena shall immediately forward it and the Official Personnel Folder containing the information sought to the General Counsel, U.S. Civil Service Commission, Washington, D.C. 20415. When this is done, the Government employee shall inform the person who applied for the subpoena that the subpoena and the information sought have been sent to the Commission pursuant to this subparagraph and, if necessary, request a postponement of the scheduled appearance.

**Subpart B—The Public Information Function**

**§ 294.201 Public information policy.**

(a) In addition to the basic policies of the Commission relative to the disclosure of information when requested by a member of the public, the Commission has a positive public information policy under which, on its own initiative, the Commission brings information to the attention of the public. Under this policy the Commission will bring to the attention of the public, through news releases, publications of the Commission, or other methods, information concerning the operations of the merit system and the functions of the Commission as a Federal agency; employment opportunities in Government; the contributions of persons employed by the Government to good and efficient Government operations; and an accounting of the developments in, and an explanation of the policies regarding, the programs administered by the Commission.

(b) The Public Information Officer is responsible for the furtherance of the

public information policy of the Commission. In addition, each employee of the Commission shall cooperate in carrying out this policy in accordance with the Administrative Manual of the Commission.

**Subpart C—Commission Operations**

**§ 294.301 Policy and interpretations.**

(a) Statements of Commission policy and interpretations of the laws and regulations administered by the Commission which have been adopted by the Commission, whether or not published in the Federal Personnel Manual or the FEDERAL REGISTER, are information available to the public.

(b) Memoranda, correspondence, opinions, data, staff studies, information received in confidence, and similar documentary material prepared for the purpose of internal communication within the Commission or between the Commission and other organizations or persons generally are not information available to the public.

(c) Administrative manuals and other instructions for the staff of the Commission are not information available to the public when they contain confidential instructions to the staff of the Commission which must be protected from disclosure in order to be effective in carrying out the work of the Commission.

**Subpart D—Medical Information**

**§ 294.401 Medical information.**

(a) Medical information about an applicant, employee, or annuitant is not made available to the public by the Commission or other Government agency.

(b) Medical information about an applicant, employee, or annuitant may be disclosed by the Commission or other Government agency to the applicant, employee, or annuitant, or a representative designated in writing, except that medical information concerning a mental or other condition of such a nature that a prudent physician would hesitate to inform a person suffering from it of its exact nature and probable outcome may be disclosed only to a licensed physician designated in writing for that purpose by the individual or his designated representative.

**Subpart E—Examinations and Related Subjects**

**§ 294.501 Examinations.**

(a) The Commission makes information available to the public that will assist members of the public in understanding the purpose of, and in preparing for, civil service examinations. It makes information available to the public relative to the types of questions and the categories of knowledge or skill pertinent to a particular examination. Test material is not available to the public. The test papers of a competitor may be disclosed to him only during his examination. Each employee entrusted with test material has a positive duty to protect the confidentiality of that material and to assure that it is released only as re-

quired to conduct an examination authorized by the Commission.

(b) The names of applicants for civil service positions or eligibles on civil service registers or their ratings or relative standings are not information available to the public. However, information of that type may be disclosed to Members of Congress and the press under the specific conditions prescribed in the Administrative Manual of the Commission.

**Subpart F—Investigations**

**§ 294.601 Investigative reports.**

(a) The Commission or other Government agency will disclose to the parties concerned any report of investigation under its control in a proceeding under Part 352, 353, 771, or 772 of this chapter and the report of investigation or the written summary thereof in a proceeding under Part 713 of this chapter, except when the disclosure would constitute a clearly unwarranted invasion of personal privacy or violate the proscription against the disclosure of medical information in § 294.401. For the purpose of this paragraph, the "parties concerned" means the Government employee or former Government employee involved in the proceeding, his representative designated in writing, and the representative of the agency involved in the proceeding.

(b) The Commission, in suitability rating actions under Part 731 of this chapter, will disclose to an applicant, eligible, or appointee, or a representative designated in writing, such information from reports of investigation as the Commission determines is sufficient to enable him to respond to an interrogatory or other question without revealing the source of information given in confidence. The Commission will furnish a report of investigation to the Government agency concerned.

(c) The Commission or other Government agency does not make a report of investigation or information from a report under its control available to the public, to witnesses, or, except as provided in paragraphs (a) and (b) of this section, to the parties concerned in the investigation.

**Subpart G—Official Personnel Folder**

**§ 294.701 Coverage.**

This subpart applies to the disclosure of information contained in the Official Personnel Folder established under Subpart B of Part 293 of this chapter. Information disclosed under this subpart may be made available by the Commission or a Federal agency having custody of the Folder.

**§ 294.702 Availability of information.**

(a) The name, position title, grade, salary, and duty station of a Government employee is information available to the public, except when:

(1) The release of that information is prohibited under law or Executive order in the interest of national defense or foreign policy;

(2) The information is sought for the purpose of commercial or other solicitation; or

(3) There is reason to believe that the information is sought for purposes which may violate the political activity prohibitions in subchapter III of chapter 73 of title 5, United States Code, or which may violate other law.

(b) In addition to the information that may be made available under paragraph (a) of this section, the following information may be made available to a prospective employer of a Government employee or former Government employee:

- (1) Tenure of employment;
- (2) Civil service status;
- (3) Length of service in the agency and the Government; and
- (4) When separated, the date and reason for separation shown on the Notification of Personnel Action, Standard Form 50.

#### § 294.703 Access to folder.

(a) The Official Personnel Folder of a Government employee or former Government employee shall be disclosed to him, or to his representative designated in writing, in the presence of a representative of the agency having physical custody of the Folder. However, before disclosure the following information shall be removed from the folder:

- (1) Medical information the disclosure of which is proscribed by § 294.401;
- (2) Test material the disclosure of which is proscribed by § 294.501; and
- (3) Investigative reports the disclosure of which is proscribed by § 294.601.

(b) On official request, an Official Personnel Folder shall be disclosed to a Member of Congress, a representative of a Congressional committee, or an official of the legislative or judicial branch or of the government of the District of Columbia. However, before disclosure all material that relates to loyalty or security under Executive Order 9835 or 10450 or any other authority shall be removed from the folder.

(c) An Official Personnel Folder shall be disclosed to an official of the executive branch who has a need for the information in the performance of his official duties.

#### Subpart H—Appeals

##### § 294.801 Agency administrative appeals.

(a) An appeal file established under § 771.208 of this chapter or a complaint file established under § 713.220 of this chapter shall be disclosed to the parties concerned, subject to the proscription against the disclosure of medical information in § 294.401. For the purpose of this section, "the parties concerned" means the Government employee or former Government employee involved in the proceeding, his representative designated in writing, and the representatives of the agency or the Commission involved in the proceeding.

(b) The agency having custody of an appeal or complaint file, upon a request which identifies the individual from whose file the information is sought,

shall disclose the following information from such a file to a member of the public, except when the disclosure would constitute a clearly unwarranted invasion of personal privacy:

(1) Confirmation of the name of the individual from whose file the information is sought and the names of the other parties concerned;

- (2) The status of the case;
- (3) The decision on the case;
- (4) The nature of the action appealed or the subject of the complaint; and
- (5) With the consent of the parties concerned, other specifically identified information from the file.

(c) The agency having custody of an appeal or complaint file may fix reasonable times and places for disclosure under this section.

##### § 294.802 Commission appeals.

(a) The Commission will make the following information available to the public:

(1) The record in a proceeding under chapter 15 of title 5, United States Code, concerning the political activity of certain State and local employees; and

(2) The record in a proceeding involving a hearing examiner under section 7521 of title 5, United States Code, except when the disclosure would constitute a clearly unwarranted invasion of personal privacy or violate the proscription against the disclosure of medical information in § 294.401.

(b) The Commission will disclose to the parties concerned the information contained in an appeal or complaint file in proceedings under Part 352, 353, 713, or 772 of this chapter, except when the disclosure would constitute a clearly unwarranted invasion of personal privacy or violate the proscription against the disclosure of medical information in § 294.401. For the purpose of this section, "the parties concerned" means the Government employee or former Government employee involved in the proceeding, his representative designated in writing, and the representative of the agency or the Commission involved in the proceeding.

(c) The Commission, upon a request which identifies the individual from whose file the information is sought, shall disclose the following information from an appeal or complaint file to a member of the public, except when the disclosure would constitute a clearly unwarranted invasion of personal privacy:

(1) Confirmation of the name of the individual from whose file the information is sought and the names of the other parties concerned;

- (2) The status of the case;
- (3) The decision on the case;
- (4) The nature of the action appealed or the subject of the complaint; and
- (5) With the consent of the parties concerned, other specifically identified information from the file.

#### Subpart I—Retirement

##### § 294.901 Retirement.

The Commission will disclose information from retirement files and records

in accordance with § 831.106 of this chapter.

#### Subpart J—Classified Information

##### § 294.1001 Classified information.

The Commission will not disclose information classified under Executive Order 10501 of November 5, 1953, as amended or other Executive order, except to individuals authorized access to it under the terms of that authority.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[P.R. Doc. 67-7496; Filed, June 30, 1967; 8:46 a.m.]

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Witchweed

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 80 relating to the witchweed and regulations supplemental to said quarantine (7 CFR 301.80, 301.80-1, 301.80-2, 301.80-3 through 301.80-10), are hereby revised to read as follows:

##### QUARANTINE AND REGULATIONS

Sec.	QUARANTINE AND REGULATIONS
301.80	Quarantine; restriction on interstate movement of specified regulated articles.
301.80-1	Definitions.
301.80-2	Authorization for Director to list regulated areas and articles which are exempt from certification and permit requirements.
301.80-3	Conditions governing the interstate movement of regulated articles from quarantined States.
301.80-4	Issuance and cancellation of certificates and permits.
301.80-5	Compliance agreements; and cancellation thereof.
301.80-6	Assembly and inspection of regulated articles.
301.80-7	Attachment and disposition of certificates or permits.
301.80-8	Inspection and disposal of regulated articles and pests.
301.80-9	Movement of witchweed.
301.80-10	Nonliability of the Department.

**AUTHORITY:** The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 P.R. 16210, as amended, 30 P.R. 5799, as amended.

§ 301.80 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of section 8 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 150ee), the

Secretary of Agriculture heretofore determined, after public hearing, that it was necessary to quarantine the States of North Carolina and South Carolina, in order to prevent the spread of witchweed (*Striga* spp.), a parasitic plant which causes a dangerous disease of corn, sorghum, and other crops of the grass family, not theretofore widely prevalent or distributed within and throughout the United States, and accordingly quarantined said States. Under the authority of said provisions, the Secretary hereby continues such quarantine in effect with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restriction on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.80-1 (1) as regulated articles), except in accordance with the conditions prescribed in this subpart:

- (1) Soil, compost, decomposed manure, humus, muck and peat, separately or with other things; sand; and gravel;
- (2) Plants with roots;
- (3) Grass sod;
- (4) Plant crowns and roots for propagation;
- (5) True bulbs, corms, rhizomes and tubers, of ornamental plants;
- (6) Root crops, except those from which all soil has been removed;
- (7) Peanuts in shells and peanut shells, except boiled or roasted peanuts;
- (8) Small grains and soybeans;
- (9) Hay, straw, fodder and plant litter of any kind;
- (10) Seed cotton, cotton lint, cotton linters and gin trash;
- (11) Stumpwood;
- (12) Long green cucumbers, cantaloupes, peppers, squash, tomatoes, and watermelons, except those from which all soil has been removed;
- (13) Pickling cucumbers, string beans, and field peas;
- (14) Cabbage, except firm heads with loose outer leaves removed;
- (15) Leaf tobacco, except flue-cured leaf tobacco;
- (16) Ear corn, except shucked ear corn;
- (17) Used crates, boxes, burlap bags, and cotton-picking sacks and other used farm products containers;
- (18) Used farm tools and implements;
- (19) Used *m e c h a n i z e d* cultivating equipment and used harvesting machinery;
- (20) Used mechanized soil-moving equipment;
- (21) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) through (20) of this paragraph, when it is determined by an inspector that they present a hazard of spread of witchweed, and the person in possession thereof has been so notified.

#### § 301.80-1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Division as applicable to the operations of such person.

(c) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Infestation.* The presence of the witchweed or the existence of circumstances that make it reasonable to believe that the witchweed is present.

(e) *Inspector.* Any employee of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or other person, authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(f) *Interstate.* From any State into or through any other State or Territory or District of the United States (including Puerto Rico).

(g) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(h) *Mechanized cultivating equipment; mechanized soil-moving equipment.* Mechanized equipment used for cultivating purposes—e.g., turning or disc plows; or to move or transport soil—e.g., draglines, bulldozers, road scrapers, and dumptrucks.

(i) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(j) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(k) *Regulated area.* Any quarantined State, or any portion thereof, listed as a regulated area in § 301.80-2a by the Director in accordance with § 301.80-2(a).

(l) *Regulated articles.* Any articles described in § 301.80(b).

(m) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement to a specified destination of regulated articles for other than scientific purposes.

(n) *Scientific permit.* A document issued by the Director to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(o) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Witchweed Quarantine" issued March 21, 1966, and the "Fumigation Procedures Manual" issued March 5, 1965, as amended. (A pamphlet containing such provisions is available upon request to the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.)

(p) *Witchweed.* Parasitic plants of the genus *Striga* and any reproductive parts thereof, including seeds.

#### § 301.80-2 Authorization for Director to list regulated areas and articles which are exempt from certification and permit requirements.

The Director shall publish and amend from time to time as the facts warrant, the following lists:

(a) *List of regulated areas.* The Director shall list as regulated areas in a supplemental regulation designated as § 301.80-2a, the quarantined States or portions of such States in which witchweed has been found, or in which there is reason to believe that witchweed is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, provided that less than an entire quarantined State will be designated as a regulated area only if the Director is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and,

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the witchweed.

(b) *List of articles which are exempt from certification and permit requirements.* The Director may, in a supplemental regulation designated as § 301.80-2b, list regulated articles which shall be exempt from the certification and permit requirements of § 301.80-3 under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

**§ 301.80-3 Conditions governing the interstate movement of regulated articles from quarantined States.<sup>1</sup>**

(a) Any regulated articles may be moved interstate from any quarantined State to any destination, if

(1) They are accompanied by a certificate or permit; or

(2) They are exempt from certification or permit requirements under § 301.80-2b.

(b) Any regulated articles may be moved interstate from any regulated area in any quarantined State to any contiguous regulated area without further restriction under this subpart.

(c) Any regulated articles that originated outside of the regulated areas in the quarantined States or in a nonquarantined State may be moved interstate from any quarantined State if the point of origin of such articles is clearly indicated on the shipping document which accompanies the shipment and if, in the case of articles moved through any regulated area, they are determined by an inspector as having been safeguarded against infestation while in the regulated area in a manner satisfactory to him.

**§ 301.80-4 Issuance and cancellation of certificates and permits.**

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated area; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles, not eligible for a certificate, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the witchweed.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles not eligible for certification under all applicable Federal domestic plant quarantines, to any destination permitted under all such quarantines.

(d) Scientific permits may be issued by the Director to allow the interstate movement of regulated articles for scientific purposes under such conditions as may be prescribed in each specific case by the Director.

<sup>1</sup> Requirements under all other applicable Federal domestic plant quarantines must also be met.

(e) Certificate, limited permit and restricted destination permit forms may be issued by an inspector to any person for use by the latter provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to duplicate such forms on shipping containers or otherwise. Any such person may use the certificate forms, or duplicates of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made one of the determinations specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or duplicates of such forms, for interstate movement of regulated articles to specific destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or duplicates of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

**§ 301.80-5 Compliance agreements; and cancellation thereof.**

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Director or any inspector.

(b) Any compliance agreement may be cancelled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

**§ 301.80-6 Assembly and inspection of regulated articles.**

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or duplicates thereof, under § 301.80-4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

**§ 301.80-7 Attachment and disposition of certificates or permits.**

(a) If a certificate or permit is required for the interstate movement of

regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

**§ 301.80-8 Inspection and disposal of regulated articles and pests.**

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and witchweed, as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd) in accordance with instructions issued by the Director.

**§ 301.80-9 Movement of witchweed.**

Regulations requiring a permit for, and otherwise governing the movement of, the witchweed in interstate or foreign commerce are contained in the Federal Plant Pest regulations in Part 330 of this chapter. Applications for the movement of the pest may be made to the Director.

**§ 301.80-10 Nonliability of the Department.**

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections required under the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

The primary purposes of this revision are to simplify and clarify the witchweed quarantine and regulations. The only substantive changes made are as follows:

The list of regulated articles has been revised to specifically include certain articles which may disseminate the witchweed and which were heretofore covered by general language. The revision contains provisions with respect to compliance agreements with persons handling regulated articles. A requirement is added for persons moving regulated articles from portions of quarantined States not included within the "regulated areas" to provide proof of origin in connection with such shipments. Provisions are also added under which certificates will not be issued or authorized to be issued for regulated articles unless the articles are certifiable under all applicable Federal domestic plant quarantine requirements; the restricted destination permits are authorized; and all certificates or permits are required to be surrendered to the consignee at the destination of the shipments.

In most respects, the revision does not make more stringent requirements than are presently applied. To the extent that it does impose more strict requirements, it should be made effective as soon as possible in order to prevent the inter-

state spread of the witchweed in the public interest.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure with respect to the revision are impracticable and unnecessary, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

This revision shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of June 1967.

[SEAL] E. P. REAGAN,  
Acting Deputy Administrator,  
Agricultural Research Service.

[F.R. Doc. 67-7517; Filed, June 30, 1967;  
8:48 a.m.]

**PART 301—DOMESTIC QUARANTINE NOTICES**

**Subpart—Witchweed**

**REGULATED AREAS**

Under the authority of § 301.80-2 of the Witchweed Quarantine regulations, 7 CFR 301.80-2, as amended, 32 F.R. 9497, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.80-2a, as follows:

**§ 301.80-2a Regulated areas.**

The civil divisions, parts of civil divisions, and premises, described below, and all highways and roadways abutting thereon, in the quarantined States, are designated as witchweed regulated areas within the meaning of the provisions in this subpart:

**NORTH CAROLINA**

*Anson County.* The Matthew Morris farm located on the east side of State Highway 742 at the junction of said highway with State Secondary Road 1105.

*Bladen County.* The entire county.

*Brunswick County.* The N. L. Babson farm located on the west side of State Secondary Road 1321 and 0.4 mile south of its junction with State Highway 130.

The D. M. Frink farm located on the north side of State Secondary Road 1145 at its junction with State Secondary Road 1147.

The Luther H. Hughes farm located at the end of a farm road on the west side of State Highway 130, which farm road junctions with State Highway 130 at a point 1.1 miles south of the junction of State Highway 130 and State Secondary Road 1321.

The Frank D. Inman farm located on the west side of State Secondary Road 1333 and 0.1 mile north of its junction with State Secondary Road 1328.

The A. M. Register farm located at the end of a dirt road, 0.4 mile west of the junction of said dirt road with State Highway 130, said junction being 1.1 miles northwest of Ash.

The W. C. Register farm located on the south side of State Secondary Road 1147 and 0.3 mile east of the junction of said road and State Secondary Road 1143.

The John R. Russ farm located on both sides of State Secondary Road 1308 and 1 mile west of the junction of said road with State Highway 904 at Longwood.

The W. V. Simmons farm located on the west side of State Secondary Road 1333 and on the north side of its junction with State Secondary Road 1328.

The B. Coda Smith farm located on the west side of a dirt road and 0.6 mile north of its junction with State Secondary Road 1322, said junction being 0.1 mile west of the junction of State Secondary Road 1322 and State Secondary Road 1321.

The Jessie O. Smith farm located on the north side of State Highway 904 and its junction with State Secondary Road 1321.

The Newman Smith farm located on the south side of State Secondary Road 1322 at its junction with State Secondary Road 1321.

The N. G. Ward farm located on the southwest side of State Secondary Road 1300, 0.5 mile west of the junction of said road with U.S. Highway 17.

*Columbus County.* That part of the county lying north and west of a line beginning at a point where Livingston Creek junctions with the Cape Fear River and extending south along said creek to its intersection with the Seaboard Air Line Railroad, thence west along said railroad to its intersection with State Secondary Road 1740, thence west and south along said road to its junction with U.S. Highways 74 and 76, thence west along said highways to their intersection with Bogue Swamp, thence south along said swamp to its junction with the Waccamaw River and continuing south along said river to its junction with White Marsh Swamp, thence north and northwest along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

The Hickman Brothers farm located on the south side of State Highway 904 at the junction of said road with State Secondary Road 1129.

The Ernest H. Long farm located on the northeast side of State Secondary Road 1934, and 0.1 mile north of its junction with State Secondary Road 1935.

The A. J. Norris farm located on both sides of State Secondary Road 1134 and 1 mile south of its junction with State Secondary Road 1005.

The J. Carl Prince farm located on both sides of State Secondary Road 1119 and 2.2 miles west of its junction with State Secondary Road 1103.

The Jennings L. Prince farm located at the junction of State Secondary Road 1108 and State Secondary Road 1109.

The Lacy Suggs farm located at the end of a dirt road, 0.5 mile southeast of the junction of said road with State Secondary Road 1108, said junction being 0.7 mile northeast of the junction of State Secondary Road 1106 and State Secondary Road 1118.

The Gaddle Watts farm located on the southwest side of State Highway 904 at a point 135 yards southeast of the junction of said road with State Secondary Road 1127.

*Craven County.* The Tommy Smith Farm located on the north side of State Secondary Road 1400 and 1.3 miles west of the junction of said road with State Secondary Road 1440.

The Harold Stilley farm located on the north side of State Secondary Road 1003, and

0.8 mile east of its junction with State Secondary Road 1623.

*Cumberland County.* All of Cumberland County excluding the Fort Bragg Military Reservation, the area within the corporate limits of the city of Fayetteville and the unincorporated communities of East Fayetteville and Bonnie Doone.

*Duplin County.* That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Duplin-Sampson County line, thence north along said county line to its intersection with State Secondary Road 1337, thence northeast along said road to its junction with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1355, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence north along said road to its junction with State Highway 403, thence northeast along said highway to its junction with State Secondary Road 1368, thence south along said road to its junction with State Secondary Road 1367, thence southeast along said road to its junction with State Secondary Road 1365, thence northeast along said road to its junction with State Secondary Road 1004, thence southeast along said road to its junction with State Secondary Road 1503, thence northeast along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its intersection with State Secondary Road 1507, thence north along said road to its junction with State Secondary Road 1526, thence northeast along said road to its junction with State Secondary Road 1519, thence southeast along said road to its intersection with State Secondary Road 1502, thence south along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its junction with State Secondary Road 1306, thence west along said road to its intersection with State Secondary Road 1004, thence south along said road to its junction with State Highway 11, thence northeast along said highway to its junction with State Secondary Road 1700, thence southeast along said road to its intersection with the Northeast Cape Fear River, thence south along said river to its junction with Grove Creek, thence west along said creek to its junction with the Kenansville city limits, thence southwest along said city limits to its intersection with State Highway 11, thence south along said highway to its junction with State Secondary Road 1922, thence southwest along said road to its junction with State Secondary Road 1909, thence south along said road to its junction with State Secondary Road 1912, thence west along said road to its intersection with the Magnolia city limits, thence south, west and north along said city limits to its intersection with State Secondary Road 1003, thence southwest along said road to its junction with State Secondary Road 1104, thence northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1702 intersects State Highway 24, thence east along said highway to its junction with State Secondary Road 1962, said junction being 0.7 mile west of Beulaville, thence south along State Secondary Road 1962 to its junction with State Secondary Road 1724, thence southwest along said road to its junction with State Secondary Road 1800, thence northwest along said road to its junction with State Secondary Road 1961, thence west along said road to its junction with State Secondary Road 1702 at Hallsville, thence north along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1002 intersects the Duplin-Lenoir County line, thence southeast along said county line to its intersection with State Highway 11, thence west along said highway to its junction with State Highway 111, thence west and north along said highway to its junction with State Secondary Road 1002 at Albertson, thence north along said road to the point of beginning, excluding the town of Albertson.

The Paisly Bonham farm located on the north side of State Secondary Road 1977 and 1 mile west of Pin Hook.

The P. J. Bostic farm located on the west side of State Highway 50, at the junction of said highway and State Secondary Road 1730.

The David O. Byrd farm located on the north side of State Secondary Road 1003 and the east side of State Secondary Road 1100 at the junction of said road.

The T. C. Crow farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The I. R. Falson farm located on the east side of State Secondary Road 1301 and 1.4 miles north of its junction with State Secondary Road 1335.

The Janie Mae Hall farm located on the south side of State Secondary Road 1100 and 0.1 mile west of the junction of said road and State Secondary Road 1120.

The John Hall farm located at the junction of State Secondary Roads 1100 and 1120, on both sides of State Secondary Road 1100.

The Emmitt Jackson farm located on the east side of State Secondary Road 1301 and 1.3 miles north of its junction with State Secondary Road 1335.

The C. M. Johnson farm located on the southwest side of State Secondary Road 1139 and 0.6 mile northwest of the junction of said road with State Secondary Road 1133.

The J. A. Jones farm located on the south side of State Secondary Road 1703 and 0.4 mile west of the junction of said road with State Secondary Road 1732.

The J. N. Kalmar farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Owen Kennedy farm located on the east side of State Secondary Road 1726 and the southeast side of State Secondary Road 1702 at the junction of said roads.

The Henry Kissner farm located on the southwest side of State Secondary Road 1139 and 0.7 mile northwest of its junction with State Secondary Road 1133.

The Ethel Kornegay farm located 0.2 mile east of State Secondary Road 1501 at a point 0.6 mile south of the intersection of said road with State Secondary Road 1519.

The Freeman J. Marshburn farm located on the northeast side of State Secondary Road 1128 and 0.5 mile southeast of the intersection of said road and State Secondary Road 1129.

The Myra Maxwell farm located on the southeast side of State Secondary Road 1306 and 0.1 mile northeast of the intersection of said road and State Highway 111.

The E. W. Melvin farm located at the end of a farm road 0.3 mile north of the junction of said farm road with State Secondary Road 1130, said junction being 0.3 mile east of the intersection of State Secondary Road 1130 and the Duplin-Sampson County line.

The Herbert C. Mercer farm located on the south side of State Secondary Road 1703 and 0.7 mile west of the junction of said road with State Secondary Road 1732.

The Maggie T. Norris farm located on the south side of State Secondary Road 1700 and 1.4 miles east of Sarecta.

The H. J. Page farm located on the west side of State Secondary Road 1128 and on the

north side of State Secondary Road 1129 at the intersection of said roads.

The Mrs. Frank Parrott, Jr., farm located on the south side of State Secondary Road 1703 and 0.4 mile east of the intersection of said road and State Secondary Road 1704.

The W. C. Peterson farm located on the north side of State Secondary Road 1130 and 0.2 mile east of the intersection of said road with the Duplin-Sampson County line.

The Lucion Rhodes farm located on the south side of State Secondary Road 1003 and 0.5 mile east of the intersection of said road and State Secondary Road 1100.

The George W. Rivenbark farm located on the northwest side of State Secondary Road 1131 and 0.4 mile southwest of the junction of said road with State Secondary Road 1128.

The Oliver Summerlin farm located on the south side of State Highway 403 and 0.1 mile east of the corporate limits of the town of Faison.

The J. R. Thomas farm located on the north side of State Secondary Road 1700 and 1.5 miles east of Sarecta.

The Lumas Turner farm located on the south side of State Secondary Road 1703 and 0.5 mile west of the junction of said road with State Secondary Road 1732.

The Joseph Westbrook farm located 0.7 mile west of State Highway 11 at a point 0.2 mile southwest of the junction of said highway with State Secondary Road 1501.

The Fate Williams Heirs farm located on the south side of State Secondary Road 1003 and 0.5 mile east of its intersection with State Secondary Road 1100.

The Lewis Williams farm located on the northeast side of State Secondary Road 1100 and 0.7 mile southeast of its intersection with State Secondary Road 1003.

**Harnett County.** That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1209 intersect and extending southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its intersection with the Harnett-Cumberland County line, thence west along said county line to its junction with the Harnett-Moore County line, thence northwest along said county line to its junction with the Harnett-Lee County line, thence northeast along said county line to the point of beginning.

The Everett Barnes farm located on both sides of State Secondary Road 1532 and 0.4 mile west of the junction of said road with State Secondary Road 1547.

The Clarence J. Blalock farm located at the end of a dirt road and 0.4 mile northwest of the junction of said road with State Secondary Road 1540, said junction being 0.4 mile northeast of the junction of said secondary road with State Secondary Road 1542.

The P. P. Blalock farm located on the northeast side of State Highway 55 and 0.3 mile northwest of the intersection of said highway with State Secondary Road 1006.

The Charles Edwards farm located on the north side of State Secondary Road 1128 and 0.9 mile southwest of the junction of said road with State Secondary Road 1130.

The Luke Harrington farm located on both sides of State Highway 27 and 0.4 mile west of the junction of said highway with State Secondary Road 1242.

The Redin Harrington farm located at the end of a dirt road and 0.8 mile north of the junction of said road with State Highway 27,

said junction being 1 mile west of the junction of said highway with State Secondary Road 1242.

The Cecil Jenkins farm located on both sides of State Secondary Road 1251 and 1 mile south of the junction of said road with State Secondary Road 1291.

The Carl McLeod farm located on both sides of State Highway 27 and 0.8 mile west of the junction of said highway and State Secondary Road 1242.

The Robert Morgan farm located on the south side of State Secondary Road 1291 and 0.4 mile east of the junction of said road with State Secondary Road 1251.

The E. O. Parker farm located on the north side of State Secondary Road 2034 and 0.7 mile west of the junction of said road with U.S. Highway 401.

The Eddie L. Parrish farm located on both sides of State Secondary Road 1532 and 0.1 mile west of the junction of said road with State Secondary Road 1547.

The W. L. Wagner farm located on both sides of State Highway 55 and 0.2 mile northwest of the intersection of said highway and State Secondary Road 1006.

**Hoke County.** All of Hoke County lying south and west of the Fort Bragg Military Reservation.

Game Preserve Plot No. 16 located on the east side of King Road and 0.7 mile northwest of its junction with Plank Road, lying within the Fort Bragg Military Reservation.

**Johnston County.** That area bounded by a line beginning at a point where State Secondary Road 1116 and State Highway 50 intersect and extending southeast along said highway to its intersection with the Johnston-Sampson County line, thence west along said county line to its intersection with State Highway 242, thence north along said highway to its intersection with State Secondary Road 1116, thence east along said road to the point of beginning.

The Wade H. Barefoot farm located on a farm road and 0.4 mile south of its junction with State Secondary Road 1144 and 0.4 mile west of the intersection of said road with State Secondary Road 1145.

The Hugh Beasley farm located on the east side of State Secondary Road 1009, at its junction with State Secondary Road 1197.

The Rufus P. Beasley farm located on the west side of State Secondary Road 1138, and 0.4 mile south of its junction with Secondary Road 1144.

The Price Hudson Estate farm located on a farm road and 0.4 mile north of its junction with State Secondary Road 1008, said junction being 0.8 mile northeast of the intersection of State Secondary Road 1008 with U.S. Highway 701.

The Wade Johnson farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Margaret McArthur farm located on a farm road and 1.4 miles north of its junction with State Secondary Road 1199 and 0.9 mile west of the junction of said road with State Secondary Road 1008.

The right-of-way of State Secondary Road 1144 beginning 1.4 miles west of its junction with U.S. 701 and extending west for one-fourth mile from this point.

The Adam Worley farm located on the southeast side of the junction of State Secondary Road 2540 with State Secondary Road 2372.

**Jones County.** That area bounded by a line beginning at a point where State Secondary Road 1117 intersects the Jones-Onslow County line, and extending northwest along said road to its junction with State Secondary Road 1116, thence east and southeast along said road to its junction with State Secondary Road 1118, thence

southwest along said road to its intersection with the Jones-Onslow County line, thence northwest and west along said county line to the point of beginning.

The Eugene Eubanks farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1124.

The R. T. Johnson farm located on the northwest side of State Secondary Road 1132 and 0.3 mile southwest of the junction of said road with State Secondary Road 1131.

The W. F. McDaniel farm located on the south side of State Secondary Road 1122 at a point 0.8 mile southwest of the junction of said road and State Highway 58, said junction being 1.2 miles northwest of Olive Cross Roads.

The Leah Smith property located in the town of Trenton on the south side of Jones Street at a point 0.5 mile west of the junction of said street and Webber Street.

The Mary L. Taylor farm located on the east side of State Secondary Road 1142 and 0.8 mile south of the junction of said road with State Secondary Road 1130.

The Garland Whiley farm located on the east side of State Secondary Road 1142 and 0.6 mile south of the junction of said road with State Secondary Road 1130.

The Garland Whiley farm located on the east side of State Secondary Road 1146 and 0.5 mile south of the Jones-Lenoir County line.

The Roscoe Williams farm located on the north side of State Secondary Road 1116 and 3.2 miles west of the junction of said road with State Secondary Road 1115.

*Lee County.* The Wilbert Battle farm located on the north side of State Secondary Road 1188 and 0.3 mile east of the junction of said road with State Secondary Road 1001.

The C. N. Castleberry farm located on the north side of State Secondary Road 1162 and 0.7 mile northwest of the junction of said road and State Secondary Road 1001.

Mrs. Lena Dickens farm located on both sides of State Secondary Road 1174 and 0.7 mile northeast of the junction of said road with State Secondary Road 1173.

The Grady C. Douglass farm located in the northeast quadrant of the junction of State Secondary Roads 1188 and 1001.

The Grady C. Douglass farm located on both sides of State Secondary Road 1188 and 0.5 mile east of the junction of said road with State Secondary Road 1001.

The Aquilla McGilvray farm located north of State Secondary Road 1188 and 0.6 mile east of the junction of said road with State Secondary Road 1001.

The James McIntyre farm located on both sides of State Secondary Road 1188 and 0.4 mile east of the junction of said road with State Secondary Road 1001.

*Lenoir County.* That area bounded by a line beginning at a point where State Secondary Road 1311 and State Secondary Road 1002 junction, and extending northeast along State Secondary Road 1311 to its junction with State Secondary Road 1309, thence north along said road to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1331, thence north along said road to its junction with State Secondary Road 1332, thence east along said road to its junction with State Secondary Road 1333, thence north along said road to its junction with State Secondary Road 1330, thence east along said road to its junction with State Secondary Road 1336, thence southeast along said road to its junction with State Secondary Road 1324, thence southwest along said road to Whitelace Creek, thence east and south along said creek to the Neuse River, thence west along said river to Dallys Creek, thence south and west along

said creek to its intersection with State Highway 55, thence west along said highway to State Secondary Road 1002, thence north along said road to the point of beginning.

The Roland Carter farm located on the east side of State Highway 11 and the south side of State Secondary Road 1113 at the junction of said roads.

The Eugene Chambers farm located on the northeast side of the junction of State Secondary Road 1167 and State Secondary Road 1143.

The Earl R. Davis farm located on the south side of State Secondary Road 1143 and 0.8 mile west of the town of Deep Run.

The Kate Edwards farm located on the southeast side of the junction of State Secondary Roads 1143 and 1145.

The J. D. Grady farm located on the south side of State Secondary Road 1143 and the east side of State Secondary Road 1154 at Wootens Crossroads.

The W. Clifton Grady farm located on the west side of State Secondary Road 1154 and the south side of State Secondary Road 1143 at Wootens Crossroads.

The Ben D. Herring farm located on the north side of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Clarence Howard farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The W. L. Measley farm located on the east side of State Secondary Road 1327 and 0.2 mile northeast of its intersection with State Secondary Road 1519.

The Hugh Nobles farm located on both sides of State Secondary Road 1120 and 0.7 mile west of its junction with U.S. Highway 258.

The Nick Smith farm located on the south side of State Secondary Road 1163 and 0.1 mile west of its junction with State Secondary Road 1111.

The Marietta Whitfield farm located on the northwest side of State Secondary Road 1154, at its junction with State Secondary Road 1155.

*Montgomery County.* The Therese Edward Glover farm located at the end of a dirt road and 0.1 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Colon Hoover farm located at the end of a dirt road and 0.1 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Walter Lane farm located at the end of a dirt road and 0.3 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 1 mile northwest of the intersection of said secondary road with the Montgomery-Moore County line.

The Frank Poole Estate located on the northeast side of State Secondary Road 1524 and 0.8 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Haywood N. Thomas farm located on the southwest side of State Secondary Road 1524 and 0.8 mile northwest of the intersection of said road with the Montgomery-Moore County line.

*Moore County.* That area bounded by a line beginning at a point where State Secondary Road 2075 and State Highway 211 junction and extending west along State Highway 211 to its intersection with State Secondary Road 2063, thence north and northwest along said road to its junction with State Highway 5, thence northeast along said highway to its junction with State

Secondary Road 2042, thence northeast along said road to its junction with State Secondary Road 2074, thence east along said road to its intersection with State Secondary Road 2075, thence south and southwest along said road to the point of beginning.

The T. M. Baker farm located on both sides of State Secondary Road 2026 and 0.7 mile east of the junction of said road with U.S. Highway 1.

The M. C. Bass farm located at the end of a dirt road and 0.1 mile south of the junction of said road and State Secondary Road 2005, said junction being 0.7 mile east of the junction of said road and State Secondary Road 1001.

The R. P. Beasley farm located on the east side of U.S. Highway 1 and 0.7 mile northeast of the junction of said highway with U.S. Highway 1A.

The Walter Black farm located at the end of State Secondary Road 1289 and 0.4 mile north of the junction of said road with State Secondary Road 1216.

The R. E. Bryant farm located on both sides of State Secondary Road 1815 and 0.5 mile southwest of the junction of said road with U.S. Highway 15-601.

The Florence Burnette farm located on the northeast side of State Secondary Road 1825 and 0.2 mile northwest of the intersection of said road with State Secondary Road 2005.

The Sam Burwell farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road with State Secondary Road 1853.

The Wilbur Currie farm located on the east side of State Secondary Road 1806 and 0.3 mile south of the junction of said road with State Secondary Road 1805.

The Elijah Paulk farm located at the end of State Secondary Road 2016 and 0.4 mile east of the junction of said road with State Secondary Road 2014.

The N. W. Hardy farm located on both sides of State Secondary Road 2007 and 0.2 mile southeast of the junction of said road with State Secondary Road 2005.

The J. G. Henning's Estate farm located on both sides of State Secondary Road 2017 and 0.4 mile north of the intersection of said road with State Secondary Road 1001.

The Martin Jones farm located on the north side of State Secondary Road 2016 and 0.2 mile east of its junction with State Secondary Road 2014.

The Herman Kelley farm located on the west side of State Secondary Road 1229 and 0.4 mile south of the intersection of said road and State Secondary Road 1239.

The William A. Laton farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1113.

The E. M. Marks farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

The Conner Martin farm located on both sides of State Secondary Road 1802 and 0.9 mile southeast of the intersection of said road with State Secondary Road 1853.

The Grover McGrimmon farm located at the end of State Secondary Road 2028 and 1 mile southeast of the junction of said road with State Secondary Road 2026.

The Lena Bell McNeill farm located on the northwest side of State Secondary Road 2077 and 0.5 mile southwest of the junction of said road with State Highway 211.

The Jack Page farm located on the south side of State Secondary Road 2026 and 0.9 mile east of the junction of said road with U.S. Highway 1.

The W. R. Robinson farm located on the south side of State Secondary Road 1113 and 0.9 mile east of the intersection of said road with State Secondary Road 1004.

The F. L. Smith farm located on both sides of State Secondary Road 1814 and 1 mile northwest of the junction of said road with State Secondary Road 1661.

The M. L. Smith farm located on the east side of State Secondary Road 1004 and 0.8 mile north of the intersection of said road with State Secondary Road 1113.

The A. C. Vaughn farm located on the west side of State Secondary Road 1210 and 0.4 mile south of the intersection of said road with State Secondary Road 1229.

*Onslow County.* The Ira Bryant farm located on the north side of State Secondary Road 1425, 0.8 mile west of its junction with State Secondary Road 1434.

The John E. Freeman farm located on the southwest side of State Secondary Road 1434 and 1.1 miles northwest of its junction with State Secondary Road 1425.

The Bill Henderson farm located on the east side of State Secondary Road 1528 and on the north side of State Secondary Road 1518 at the junction of said roads.

The Charles Henderson farm located on the east side of State Secondary Road 1528 and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Leo E. Morton farm located on the south side of State Secondary Road 1435 and 0.6 mile west of its junction with State Secondary Road 1434.

*Pender County.* That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, thence east along said river to its junction with Colvins Creek, thence north and northwest along said creek to its intersection with State Secondary Road 1201, thence east along said road to its intersection with the Atlantic Coast Line Railroad, thence southeast along said railroad to its intersection with State Secondary Road 1125, thence northeast along said road to its intersection with Moores Creek, thence northeast and northwest along said creek to its intersection with State Secondary Road 1128, thence southwest along said road to its junction with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1208, thence west along said road to its junction with State Secondary Road 1206, thence northeast along said road to its intersection with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1209, thence east along said road to its intersection with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1113, thence southwest along said road to its intersection with the Atlantic Coast Line Railroad, thence northwest along said railroad to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517 junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with State Secondary Road 1412, thence east along said road to its junction with State Secondary Road 1411, thence southwest along said road to its intersection with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary

Road 1517, thence west along said road to the point of beginning.

The Willie Armstrong farm located 0.5 mile west of State Secondary Road 1408 and 0.3 mile south of the junction of said road with State Highway 210.

The Cecil Eakins farm located on the northwest side of State Secondary Road 1217 and 0.2 mile north of the junction of said road with State Secondary Road 1209.

The W. D. Pridgen farm located on the southwest side of State Secondary Road 1103 and 0.7 mile southeast of the junction of said road with State Secondary Road 1104.

The Katy Shaw farm located on the east side of State Secondary Road 1520 and 3.6 miles north of the junction of said road and State Highway 210.

The G. S. Taylor farm located on the northwest side of State Secondary Road 1408 and 0.2 mile southwest of the junction of said road and State Highway 210.

The John H. Williams and Heirs farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

*Pitt County.* The Allen Garris farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

The J. D. Hice farm located on the northeast side of State Secondary Road 1401 and 0.5 mile northwest of its junction with State Secondary Road 1402.

The R. E. Roger farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

*Richmond County.* The J. H. Autry farm located on the north side of State Secondary Road 1803 and 0.7 mile east of Osborne.

The Ethel David farm located on both sides of State Secondary Road 1803, on the west side of the intersection of said road with State Secondary Road 1825.

The Dornie Dial farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Charity Elizhbugar farm located on the northeast side of State Secondary Road 1003 and 2 miles northwest of its junction with State Secondary Road 1475.

The Annie Halley farm located on the north side of State Secondary Road 1475 and 1.7 miles west of its junction with U.S. Highway 1.

The Maria Halley farm located on the southwest side of State Secondary Road 1440 and 0.3 mile southeast of its junction with State Secondary Road 1433.

The Hamlet Gin and Supply Company farm located on both sides of State Secondary Road 1803 and on the east side of the intersection of said road and State Secondary Road 1825.

The Will Harrington farm located on the south side of State Secondary Road 1803 and 0.8 mile east of Osborne.

The Ed Haywood farm located on the southwest side of State Secondary Road 1148 and 0.5 mile northwest of the junction of said road with State Secondary Road 1157.

The Rome Ingram farm located on the southwest side of State Secondary Road 1003 and 1.8 miles northwest of its junction with State Secondary Road 1475.

The Dewey Jenkins farm located on a dirt road 0.2 mile southwest of its junction with State Secondary Road 1803, said junction being 0.8 mile east of Osborne.

The George W. Jenkins farm located on the southwest side of State Secondary Road 1486 and 1.3 miles northwest of its junction with U.S. Highway 1.

The W. R. Jones farm located on the south side of State Secondary Road 1607 and 0.8

mile west of the intersection of said road and State Secondary Road 1608.

The E. D. Layton farm located in the southwest corner of the junction of State Secondary Road 1003 with State Secondary Road 1468.

The John Little farm located on the southeast side of State Secondary Road 1442 and at the junction of said road with State Secondary Road 1476.

The H. A. Long farm located on the northwest side of State Highway 177 and 0.5 mile northeast of the junction of said road and State Secondary Road 1607.

The Leonard McDonald farm located on the north side of State Secondary Road 1607 and 0.9 mile west of the intersection of said road and State Secondary Road 1608.

The Etta McLaurin farm located on the southwest side of State Secondary Road 1803 and 0.3 mile southeast of the intersection of said road and State Secondary Road 1825.

The Dalton McNeill farm located on the southwest side of State Secondary Road 1003 and 1.9 miles northwest of its junction with State Secondary Road 1475.

The Charlie Mabe farm located on both sides of State Secondary Road 1607 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1608.

The Lizzie Mathews farm located in the southwest quadrant of the intersection of State Secondary Roads 1108 and 1971.

The Mrs. A. W. Porter farm located on the northeast side of State Secondary Road 1999 and 1 mile east of the intersection of said road with U.S. Highway 1.

The Douglas Quick farm located in the northwest quadrant of the intersection of State Secondary Roads 1802 and 1800.

The Julius Quick farm located on the northeast side of State Secondary Road 1992 and 0.6 mile northwest of its junction with State Secondary Road 1994.

The James Rush farm located on the southeast side of State Secondary Road 1442 and 0.7 mile northeast of its junction with State Secondary Road 1480.

The Marvin Strong farm located on the north side of State Secondary Road 1803 and 1.3 miles southwest of the intersection of said road and State Secondary Road 1825.

The Robert Teal farm located on the northwest side of State Secondary Road 1802 and 0.3 mile southwest of the intersection of said road and State Secondary Road 1800.

The Walter Thomas farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The A. M. Waddell farm located on both sides of U.S. Highway 1 and on both sides of State Secondary Road 1103 and on both sides of State Secondary Road 1971 at the intersection of said highway and said roads at Diggs.

The Talley Wallace farm located on both sides of State Secondary Road 1800 and 1.2 miles northwest of the intersection of said road and State Secondary Road 1802.

The Mosby Watkins farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

*Robeson County.* The entire county.

*Sampson County.* The entire county.

*Scotland County.* That area bounded by a line beginning at a point where U.S. Highway 15-401 intersects the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highway 15A-401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15-401, thence southwest along said highway to its intersection with State Secondary Road



1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 15-501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning, excluding the area within the corporate limits of the city of Laurinburg and the town of East Laurinburg.

The Archie W. Bunch farm located at the intersection of State Secondary Roads 1323 and 1001.

The Luther Butler farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The L. E. Calhoun farm located on the south side of State Highway 79 and 0.3 mile west of its junction with State Secondary Road 1118.

That area on the Camp Mackall Military Reservation (Fort Bragg Military Reservation) known as the Game Reserve Plot located on the west side of the Rhine-Luzon Jump Zone.

The J. Lloyd King farm located on the northwest side of State Secondary Road 1128 and 0.3 mile southwest of its junction with State Secondary Road 1101.

The J. D. Morgan farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Peter F. Newton farm located at the intersection of State Secondary Roads 1334, 1336, and 1345.

The Hobson Odums farm located on both sides of State Secondary Road 1108 and 0.4 mile west of its junction with State Secondary Road 1100.

The J. D. Steele farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

**Wake County.** The Leonard Dean farm located on the south side of State Secondary Road 2501 and 0.2 mile west of the intersection of said road and State Secondary Road 1003.

**Wayne County.** That area bounded by a line beginning at a point where U.S. Highway 70 and the Wayne-Lenoir County line intersect and extending south along said county line to its junction with the Wayne-Duplin County line, thence southwest and west along said county line to its intersection with State Secondary Road 1937, thence north on said road to its intersection with Buck Swamp Creek, thence westward along said creek to its intersection with U.S. Highway 117, thence northward along said highway to its junction with State Secondary Road 1929, thence east on said road to its junction with State Secondary Road 1930, thence east along said road to its junction with State Secondary Road 1927, thence east on said road to its junction with State Secondary Road 1933, thence northeast along said road to its junction with State Secondary Road 1915, thence south on said road to its junction with State Secondary Road 1120, thence east along a line projected from a

point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where U.S. Highway 13 and State Secondary Road 1006 intersect, and extending south along said road to its junction with State Secondary Road 1108, thence west along said road to its junction with State Secondary Road 1109, thence west along said road to its junction with State Secondary Road 1105, thence south along said road to its intersection with the Wayne-Sampson County line, thence northwest along said county line to its intersection with State Secondary Road 1009, thence north along said road to its junction with State Secondary Road 1103, thence north along said road to its junction with State Secondary Road 1101, thence east along said road to its intersection with State Secondary Road 1105, thence north along said road to its intersection with U.S. Highway 13, thence east along said highway to the point of beginning.

The Emma E. Casey farm located 7 miles east of Goldsboro on the north side of U.S. Highway 70 and 0.4 mile east of the junction of State Secondary Road 1721 and said highway.

The J. B. Daly farm located on the west side of State Highway 111 and 0.6 mile south of the junction of said highway with State Secondary Road 1730.

The L. A. Dawson farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The George E. Ham farm located southeast of Seymour Johnson Air Base on the south side of State Secondary Road 1909, and 0.7 mile west of the junction of said road with State Secondary Road 1910.

The Thel Herring farm located on the west side of State Secondary Road 1711, and 0.4 mile north of its junction with U.S. Highway 70A.

The J. D. Hines farm located on both sides of State Secondary Road 1236, and 0.8 mile east of the intersection of said road with State Highway 581.

The R. J. Hollamon farm located on the northwest corner of State Secondary Road 1125 and 0.7 mile north of the junction of said road and State Secondary Road 1123.

The D. Virgil Hollowell farm located on the southeast side of State Secondary Road 1008 and 0.2 mile northeast of the junction of said road with State Secondary Road 1214.

The H. M. and J. C. Hollowell farm located at the northwest end of State Secondary Road 1240.

The Mrs. Mattie Hollowell farm located on the east side of State Secondary Road 1214 and 0.4 mile south of its junction with State Secondary Road 1008.

The M. Duffey Lane farm located on the north side of State Secondary Road 1007 and 0.1 mile west of its intersection with the Southern Railway.

The C. L. Lofton Estate located on the southwest side of State Secondary Road 1003 and 0.4 mile southeast of the junction of said road and State Secondary Road 1720.

The George A. McClenny farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The Berry Mitchell farm located on the southwest side of State Secondary Road 1928 and 0.8 mile southeast of the junction of said road with State Secondary Road 1918.

The D. D. Montague farm located on the southwest side of State Secondary Road 1928

and 0.3 mile southeast of the junction of said road with State Secondary Road 1918.

The D. J. Murray farm located north of and at the junction of State Secondary Roads 1120 and 1122.

The N. E. Neal farm located on both sides of State Secondary Road 1008 and 0.5 mile east of the junction of State Secondary Road 1211 with said road.

The F. L. Odom farm located on the east side of State Secondary Road 1927 at the junction of said road and State Secondary Road 1929.

The H. H. Ollver farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The M. L. Parker farm located on the north side of State Secondary Road 1929 and 0.4 mile east of its junction with State Secondary Road 1926.

The Worth Parker farm located on the west side of State Secondary Road 1130 and 1 mile south of the intersection of said road with U.S. Highway 13.

The Joe D. Perkins farm located on the northwest side of State Secondary Road 1711 and 0.2 mile southwest of the intersection of said road and U.S. Highway 70 Bypass.

The Charlie Rogers farm located on both sides of State Secondary Road 1710 and 0.9 mile southwest of the junction of said road with U.S. Highway 70A.

The John Tart farm located on the north side of U.S. Highway 13 and 0.1 mile east of the junction of said highway and State Secondary Road 1207.

The Brantley Uzzell farm located on the north side of U.S. Highway 70 and 0.8 mile east of the intersection of said highway and State Secondary Road 1719.

The James Weston Whitfield farm located on the north side of U.S. Highway 70 and 0.7 mile east of the intersection of said highway and State Secondary Road 1719.

The Maude and Sarah Whitley farm located on State Hospital farm road 1.2 miles west and north of its junction with State Secondary Road 1008, said junction being 1.3 miles southwest of the junction of State Highway 581 and State Secondary Road 1008.

The Eddie Williams farm located on the north side of State Highway 581 and the east side of State Secondary Road 1236 at the junction of said roads.

#### SOUTH CAROLINA

**Chesterfield County:** The Coyt J. Campbell farm located on the south side of a dirt road and 0.6 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The C. S. Chapman farm located on the west side of U.S. Highway 52 and 0.4 mile north of its junction with State Secondary Highway 335.

The Jule Evans farm located on the south side of a dirt road and 0.4 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Abraham Punderburk farm located on the east side of a dirt road and 0.2 mile south of its junction with State Secondary Highway 115, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 114.

The Fuller Griggs farm located on the west side of a dirt road and 0.4 mile north of its intersection with a second dirt road, said intersection being 0.6 mile north of the intersection of said dirt road and State Secondary Highway 149, said intersection being 1.6 miles northwest of the intersection of said highway and State Primary Highway 102.

The Alton Holdbrook farm located on the north side of State Secondary Highway 22, and 1.5 miles east of its intersection with State Secondary Highway 20.

The James Earle Howle farm located on the north side of a dirt road and 1 mile east of the intersection of said dirt road and State Secondary Highway 81, said intersection being 1 mile south of the intersection of State Secondary Highway 149 and State Secondary Highway 81.

The Clyde Johnson farm located on the north side of a dirt road and 1 mile west of its junction with State Primary Highway 102, said junction being 1.5 miles north of the intersection of State Primary Highway 102 and State Secondary Highway 22.

The Julius Keith farm located on the east side of a dirt road and 0.5 mile north of its junction with a second dirt road, said junction being 0.1 mile north of the junction of the latter dirt road and State Secondary Highway 114, said second junction being 0.1 mile north of the junction of State Secondary Highways 114 and 115.

The Elise J. Parker farm located on the south side of State Secondary Highway 61 and 0.1 mile east of its intersection with State Secondary Highway 348.

The R. D. Rainwater farm located on the east side of State Secondary Highway 113 and 0.5 mile northeast of its intersection with State Secondary Highway 20.

**Clarendon County.** The J. W. Hodge farm located on the south side of State Secondary Highway 211 and 1.5 miles west of its junction with State Secondary Highway 50.

**Darlington County.** That area bounded by a line beginning at a point where the Atlantic Coast Line Railroad and State Secondary Highway 29 intersect and extending east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence south along a line projected due south from said junction to the intersection of the projected line and State Primary Highway 34, thence west along said highway to its intersection with a dirt road, said intersection being 0.9 mile east of Mechanicville, thence south along said dirt road to its intersection with the Darlington-Florence County line, thence west and south along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 228, thence northwest along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the point of beginning.

The Minnie C. Barr farm located on the north side of State Secondary Highway 179 and 1.7 miles east of its intersection with State Secondary Highway 35.

The Robert Cooper farm located 0.1 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The William Cooper farm located 0.25 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The County Prison Farm located on the south side of State Primary Highway 34 and 1 mile west of the junction of said highway and State Secondary Highway 42.

The Sarah Daly farm located on the south side of a dirt road and 0.8 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The William M. Flowers farm located on the north side of State Secondary Highway

14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The M. L. Green farm located on the east side of State Secondary Highway 133 and 0.1 mile north of the junction of said highway and State Secondary Highway 29.

The Bobby Griggs farm located on the northwest side of State Secondary Highway 23 and 1 mile northeast of its intersection with State Primary Highway 102.

The Mrs. Minnie W. Ham farm located on both sides of State Secondary Highway 355 and 0.9 mile west of the junction of said highway with State Secondary Highway 44.

The McLendon Jackson farm located on the west side of U.S. Highway 52 and 0.2 mile south of its junction with State Secondary Highway 397.

The William Johnson farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 2 miles south of the intersection of said highway and State Secondary Highway 41.

The Jessie K. Jordan farm located on the west side of a dirt road and 0.2 mile northeast of its junction with a second dirt road, said junction being 0.1 mile northeast of the junction of said second dirt road and State Secondary Highway 44, said second junction being 0.3 mile northeast of the junction of said highway and State Primary Highway 403.

The James and J. W. Pickett farm located on the north side of State Secondary Highway 179 and 1.5 miles east of its intersection with State Secondary Highway 35.

The Liston J. Pickett farm located on the west side of a dirt road and 0.2 mile north of its junction with State Secondary Highway 179, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 35.

The Charlie Robinson farm located on the east side of a dirt road and 0.6 mile southeast of its intersection with State Primary Highway 34, said intersection being 0.9 mile northeast of State Secondary Highway 35 and State Primary Highway 34.

The Rebecca F. Sanderson farm located on the north side of State Secondary Highway 14 and 1.2 miles east of its intersection with State Secondary Highway 13.

**Dillon County.** The entire county.

**Florence County.** That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, thence along a line projected due east from said junction to its intersection with the Great Pee Dee River, thence south along said river to its junction with Barfield's Old Mill Creek, thence northwest and west along said creek to its intersection with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 893, thence west and southwest along State Secondary Highway 893 to its junction with State Secondary Highway 70, thence northwest along said highway to its junction with State Secondary Highway 897, thence southwest and south along said highway to its junction with State Primary Highway 51, thence west and northwest along said highway to its intersection with State Primary Highway 327, thence northwest and west along said highway to its junction with State Secondary Highway 552, thence north along said highway to its junction with State Secondary Highway 551, thence northwest along a dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, thence northeast along said second dirt road to its junction with State Secondary Highway 57, thence southeast along said highway to its intersection with the Seaboard Air Line Railroad, thence northwest along said railroad to its

intersection with State Secondary Highway 13, thence east along said highway to its junction with State Secondary Highway 918, thence north and northeast along said highway to its junction with State Primary Highway 327, thence north along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 925, thence north along said highway to the point of beginning, excluding the area within the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, thence northeast along said highway to its intersection with State Secondary Highway 34, thence southeast along said highway to its junction with State Secondary Highway 360, thence northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, thence southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, thence southwest along said dirt road to its junction with State Secondary Highway 34, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its junction with State Secondary Highway 47, thence northwest and west along said highway to the corporate limits of the town of Scranton, thence north and west along the east and north perimeter of said corporate limits to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the corporate limits of the town of Coward, thence north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, thence northeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Air Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its intersection with Deep Creek, thence southwest along said creek to its junction with Lynchies River, thence west along said river to its junction with Little Swamp, thence north along said swamp to its intersection with State Secondary Highway 66, thence east along said highway to the point of beginning.

The A. A. Alford farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Mary Hart Bacot farm located on the east side of State Secondary Highway 26 and 2.1 miles northeast of its intersection with Black Creek.

The Willie Benjamin farm located on the south side of a dirt road and 0.6 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Elnoreah Braddy farm located on the west side of State Secondary Highway 633 and 0.15 mile south of its intersection with State Secondary Highway 58.

The Corine Cherry Burch farm located on the north side of a dirt road and 0.9 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Hattie Carroway farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Luther Carroway farm located on both sides of State Primary Highway 51 and 0.1

mile northwest of the intersection of said highway and State Secondary Highway 46.

The R. L. Edwards farm located on the east side of State Primary Highway 51 and 1.1 miles northwest of its junction with State Secondary Highway 86.

The L. J. Gause farm located on the south side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Luther Gause farm located on the north side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Ralph Ham farm located on the east side of a dirt road and 1.7 miles northwest of its junction with U.S. Highway 301, said junction being 0.7 mile northeast of the junction of said highway and State Secondary Highway 45.

The Bert Hannah farm located on the south side of a dirt road and 1 mile west of its junction with State Secondary Highway 633, said junction being 0.1 mile south of the junction of said highway and State Secondary Highway 58.

The W. Max Hill farm located on the east side of State Secondary Highway 136 and 1 mile north of its intersection with State Secondary Highway 35.

The Henry Holliday farm located on the west side of State Primary Highway 51 and 1.6 miles north of its intersection with State Secondary Highway 86.

The Melvin Hyman farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Jimmy Langston farm located on the west side of a dirt road and 0.7 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Mamie Lyde farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 704.

The R. F. McPherson farm located on the south side of State Secondary Highway 57 and 1.5 miles southeast of the intersection of said highway and State Primary Highway 51.

The Ed Nowlin farm located on the north side of a dirt road and 0.8 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Mrs. J. J. Poston farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

The V. A. Turner farm located on the west side of State Secondary Highway 633 and 0.1 mile south of its junction with State Secondary Highway 58.

The S. L. Yarborough farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of Sardis.

*Georgetown County.* The Lela Powers farm located on both sides of State Primary Highway 261 and 0.1 mile southeast of its junction with State Secondary Highway 126.

*Horry County.* That area bounded by a line beginning at a point where State Secondary Highway 33 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 306, thence west along said highway to its intersection with State Secondary Highway 142, thence south along said highway to its junction with State Primary Highway 9, thence northwest along said highway to its intersection with State Secondary Highway 59, thence southwest and south along said highway to its junction with State Primary Highway 917, thence southwest along said

highway to its intersection with State Secondary Highway 19, thence south and southeast along said Highway 19 to its intersection with U.S. Highway 701 at Allbrook, thence northeast along said highway to its intersection with State Primary Highway 9, thence east along said highway for 7 miles to its intersection with the west prong of Buck Creek and its junction with a dirt road, thence south along said dirt road to its junction with a second dirt road, thence southwest along said second dirt road to its junction with State Secondary Highway 347, thence southeast along said highway 0.2 mile to its intersection with Cowpen Swamp, thence south along said swamp to its intersection with a dirt road, thence southeast along said dirt road to its junction with State Primary Highway 905, thence southwest along said highway to its intersection with Simpson Creek, thence south along said creek to its junction with the Waccamaw River, thence east along said river to Star Bluff Ferry landing, thence south along a dirt road to its intersection with another dirt road, thence southwest and west along said second dirt road, known as Telephone Road, to its end, thence northwest along a projected line for 1.9 miles, to its junction with Jones Big Swamp, thence northwest along said swamp to its junction with the Waccamaw River, thence west along said river to its intersection with Stanley Creek, thence north along said creek 1.6 miles, thence northwest along said creek 2.8 miles, thence north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State Primary Highway 905, thence southwest along said highway to its junction with State Secondary Highway 19, thence north along said highway 2.4 miles to its junction with a dirt road, thence southwest along said road to its intersection with Maple Swamp, thence north along said swamp to its intersection with State Secondary Highway 65, thence southwest along said highway to its junction with U.S. Highway 701, thence south along said highway to its intersection with U.S. Highway 501, thence northwest along said highway to its junction with State Secondary Highway 591, thence north along said highway to its intersection with State Secondary Highway 97, thence east 0.2 mile to its intersection with a dirt road, thence north along said dirt road to its junction with State Primary Highway 319, thence northwest along said highway to its junction with State Secondary Highway 131, thence east and north along said highway to its intersection with Loozing Swamp, thence west and northwest along said swamp to its intersection with State Secondary Highway 45, thence southwest along said highway to its junction with State Secondary Highway 129, thence northwest along said highway to its junction with U.S. Highway 501, thence northwest along the latter highway to its intersection with the Little Pee Dee River, thence northwest along said river to its junction with the Lumber River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along said State line to the point of beginning, excluding the area within the corporate limits of the towns of Conway and Loris.

The Alex Alford farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Henry Arnett and D. C. Arnett farm located on both sides of a dirt road and 2.5 miles east of its junction with State Secondary Highway 33, said junction being 2.5

miles north of the junction of said highway and State Primary Highway 410.

The John A. Atkinson farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Edgar Barnhill farm located on both sides of a dirt road and 0.4 mile east of its junction with State Primary Highway 90, said junction being 0.1 mile northeast of the junction of said highway and State Secondary Highway 377.

The Orilla Bellemy farm located at the end of a dirt road and 0.9 mile south of its junction with State Secondary Highway 468, said junction being 0.7 mile northeast of Chestnut Crossroads.

The Willie Bowens farm located at the end of a field road and 0.6 mile south of its junction with State Secondary Highway 319, said junction being 0.4 mile east of Aynor Post Office.

The Emma Brown farm located on both sides of a dirt road and 0.5 mile northwest of the junction of said dirt road with State Secondary Highway 57, said junction being at Brooksville.

The Lewis Brown farm located on the north side of a dirt road and 0.5 mile west of the junction of said dirt road and U.S. Highway 501, said junction being in the Brown Swamp Community.

The James E. Cooper farm located on the south side of a dirt road and 0.5 miles east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Nina L. Edge farm located on the west side of a dirt road and 0.8 mile southeast of its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The John G. Floyd farm located on the south side of a dirt road and 1 mile north of the intersection of said dirt road and State Secondary Highway 548, said intersection being 2 miles west of the intersection of said highway and U.S. Highway 501.

The Jennie Bell Fowler farm located at the end of a farm road which junctions with a county road, said junction being 0.5 mile east of the Oakdale Baptist Church.

The O. R. Fowler farm located on both sides of a dirt road and 0.1 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The F. T. Frank farm located at the end of a dirt road and 0.9 mile south of its junction with State Secondary Highway 468, said junction being 0.7 mile northeast of Chestnut Crossroads.

The L. C. Frye farm located on the south side of a dirt road and 1 mile west of the junction of State Secondary Highways 24 and 62, said junction being in the Dog Bluff Community.

The Lawson Gore farm located on the north side of U.S. Highway 17 and 2.5 miles east of the intersection of said highway and State Primary Highway 9, said intersection being called Nixon's Crossroads.

The Sumpter Gore farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Bud Neals Graham farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road, said junction being 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Holliday Brothers farm located on the south side of a dirt road and 0.8 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Ed Hucks farm located on the north side of a dirt road and 0.4 mile east of the junction of said dirt road with State Secondary Highway 29, said junction being 2 miles southwest of the junction of said highway and State Secondary Highway 135.

The Rosetta Inman farm located on the northwest side of a junction of two dirt roads, said junction being 1.4 miles northwest of the intersection of the dirt road running northwest from State Secondary Highway 57 and Brooksville.

The A. L. James farm located on the southeast side of a dirt road and 0.5 mile south of its junction with U.S. Highway 501, said junction being 1.4 miles northwest of the junction of said highway and State Secondary Highway 548.

The J. E. Jordan farm located on the north side of a dirt road and being 0.7 mile west of the junction of said dirt road and U.S. Highway 501, said junction being in the Brown Swamp Community.

The W. L. Jordan farm located on the south side of a dirt road and 0.9 mile southwest of its junction with U.S. Highway 501, said junction being 1.4 miles northwest of the junction of said highway and State Secondary Highway 548.

The Boyd Lewis farm located on the north side of a dirt road and 0.75 mile west of the intersection of said dirt road and State Secondary Highway 24, said intersection being in the Dog Bluff Community.

The J. T. Lewis farm located on the south side of State Secondary Highway 100, and 1.9 miles west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Tommy Lewis farm located on both sides of State Secondary Highway 50, and 1.6 miles north of the intersection of State Secondary Highway 50 and U.S. Highway 17, said intersection being at Little River.

The Maceo Livingston farm located on the east side of a dirt road and 0.75 mile north of its intersection with State Primary Highway 90, said intersection being 1.7 miles west of the junction of said highway and State Secondary Highway 57.

The Floyd Long farm located on the south side of a dirt road and being 0.2 mile west of the junction of said dirt road and State Secondary Highway 111, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 57.

The Daniele E. Martin farm located on the east side of State Primary Highway 90 and 0.9 mile northeast of the junction of said highway and State Secondary Highway 377.

The O. L. Milligan farm located on both sides of a dirt road and 0.1 mile southwest of its junction with the South Carolina-North Carolina State line, said junction being 1.6 miles northeast of a second junction with said dirt road and State Secondary Highway 420.

The Cordie Page farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Mattie C. Page farm located on the north side of a dirt road and 0.2 mile east of the junction of said dirt road and State Secondary Highway 129, said junction being 0.3 mile southeast of the intersection of said highway and State Secondary Highway 130.

The Dick Reynolds farm located on the south side of a dirt road and 0.4 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of

the junction of said highway and State Secondary Highway 129.

The Talmage Richardson farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Ida B. Sarvis farm located on the northwest side of State Secondary Highway 109 and 1.5 miles northeast of its junction with State Secondary Highway 79.

The Ida B. Sarvis farm located on the southwest side of a dirt road and 0.1 mile northwest of its junction with State Secondary Highway 109, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 79.

The O. R. Shelley farm located on the east side of a dirt road and 0.8 mile northeast of the junction of said dirt road and State Secondary Highway 306, said junction being 1.1 miles west of the intersection of State Secondary Highway 306 and the South Carolina-North Carolina State line.

The E. B. Skipper farm located on the southeast side of State Secondary Highway 391 and 0.2 mile southwest of its junction with U.S. Highway 501.

The Mary E. Vereen farm located on the north side of a dirt road and 1 mile west of its junction with State Secondary Highway 57, said junction being 1 mile southwest of Stephens Crossroads.

The Vide Williamson farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Lee County. The Hattie Evans farm located on the south side of State Secondary Highway 168 and 0.3 mile east of its junction with State Primary Highway 58.

The Clark W. Thomas farm located on the north side of State Secondary Highway 168 and 1.1 miles east of its junction with State Primary Highway 58.

The E. W. Thomas farm located on the north side of State Secondary Highway 168 and 1.4 miles east of its junction with State Primary Highway 58, said farm being immediately north of the Clark W. Thomas farm.

Marion County. The entire county. Mariboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the area within the corporate limits of the towns of Bennettsville, McCall, and Tatum.

The Nettie Bell farm located on the south side of the South Carolina-North Carolina State line and 0.4 mile east of its intersection with State Primary Highway 177.

The Gus Bowen farm located on the south side of the junction of State Secondary Highways 22 and 48, said junction being 2.9 miles northwest of Tatum.

The C. C. Caulk farm located on the north side of State Secondary Highway 283 and 0.3 mile east of the junction of said highway and State Primary Highway 38.

The Dewey Chavis farm located on the northwest side of State Secondary Highway 209 and 0.1 mile northeast of its intersection with State Primary Highway 9.

The Graham Lee Chavis farm located on the northwest side of State Secondary Highway 209 and 0.2 mile northeast of its intersection with State Primary Highway 9.

The Homer Chavis farm located in the north corner of the intersection of State Secondary Highway 209 with State Primary Highway 9.

The Hossie Conwell farm located on both sides of a dirt road and 1.3 miles northeast from the junction of said dirt road and State Secondary Highway 30, said junction being

0.5 mile northwest from the intersection of said State Secondary Highway 30 and State Secondary Highway 165.

The Oscar J. Fletcher farm located on the southwest side of State Secondary Highway 28 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Lois P. Hamer farm located on both sides of a dirt road and 0.1 mile north of the junction of said dirt road and U.S. Highway 15, said junction being 0.1 mile northwest of the intersection of U.S. Highway 15 and State Secondary Highway 22 at Tatum.

The T. H. Holmes farm located on the south side of the South Carolina-North Carolina State line and 0.5 mile east of its intersection with State Primary Highway 177.

The James Joseph farm located on the southeast side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The D. D. McColl Estate farm located on the northeast side of State Primary Highway 9 and 0.6 mile southeast of its junction with State Secondary Highway 383.

The Lula McEachern farm located on the north side of U.S. Highway 15 at the intersection of said highway and the South Carolina-North Carolina State line.

The Cleveland McKay farm located on the north side of State Secondary Highway 54 and the west side of State Secondary Highway 30 at the intersection of said highways.

The Mable N. McQueen farm located on the northwest side of State Secondary Highway 48 and 0.2 mile southwest of the junction of said highway and State Secondary Highway 22.

The Ina Odom farm located on the northwest side of a dirt road and 0.4 mile northeast of its junction with State Secondary Highway 30, said junction being 0.3 mile northeast of the intersection of said highway and State Secondary Highway 54.

The D. M. Parker farm located on the northeast side of State Secondary Highway 28 and 0.2 mile northwest of its junction with U.S. Highway 15.

The Archie Pearson farm located on the east side of a dirt road and 0.5 mile southwest of the junction of said dirt road and State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The D. C. Rainwater farm located on the west side of State Primary Highway 79 at the junction of said highway and State Secondary Highway 345.

The John B. Rogers farm located on both sides of State Secondary Highway 48 and 1.4 miles northeast of its intersection with State Secondary Highway 47.

The Tony Rosser farm located on the east side of a dirt road and 0.6 mile northeast of the junction of said dirt road and State Secondary Highway 30, said junction being 0.3 mile north of the junction of said highway and State Secondary Highway 54.

The James Tyson Smith farm located on the northwest side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The Pauline Steel farm located on the north side of State Secondary Highway 63 and the east side of Crooked Creek at the intersection of said highway and creek.

The Marvin Strong farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its intersection with State Primary Highway 177.

The B. F. Talbert farm located on the north side of the intersection of State Primary Highway 9 and State Secondary Highway 165.

The R. W. Walker farm located on the southeast side of State Secondary Highway

17 and 0.7 mile northeast of its intersection with State Primary Highway 70.

**Williamsburg County.** The Ernest V. Carter farm located on the north side of a dirt road and 1.8 miles west of its junction with State Secondary Highway 51, said junction being 0.8 mile south of the junction of said highway and State Primary Highway 261.

The S. Wayne Gamble farm located on both sides of State Primary Highway 375 and 2 miles southeast of its intersection with U.S. Highway 52.

The Laurie McCrea farm located on both sides of a dirt road and 0.1 mile southeast of its junction with State Secondary Highway 455, said junction being 2 miles northeast of the junction of said highway and State Primary Highway 261.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee; 29 P.R. 16210, as amended; 7 CFR 301.80-2. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

The Director of the Plant Pest Control Division has determined that witchweed infestation has been found or there is reason to believe it exists, in the civil divisions, parts of civil divisions, and premises, in the quarantined States listed above.

The purpose of this regulation is to include additional farms within the regulated areas infested with witchweed in the following 15 counties: Brunswick, Craven, Johnston, Lee, Lenoir, Montgomery, Moore, Onslow, Richmond, and Wayne, in North Carolina; and Darlington, Florence, Horry, Marlboro, and Williamsburg, in South Carolina.

To the extent that this regulation includes additional regulated areas, it should be made effective as soon as possible in order to prevent the interstate spread of witchweed in the public interest. To the extent that it does not change present requirements, it does not affect the rights of any person.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure with respect to the regulation are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the regulation effective less than 30 days after publication in the FEDERAL REGISTER.

This regulation shall become effective upon publication in the FEDERAL REGISTER, when it shall supersede the administrative instructions contained in 7 CFR 301.80-2a (P.P.C. 627, 9th revision) effective March 19, 1966.

Done at Hyattsville, Md., this 28th day of June 1967.

[SEAL] D. R. SHEPHERD,  
Director,  
Plant Pest Control Division.

[F.R. Doc. 67-7516; Filed, June 30, 1967; 8:48 a.m.]

**PART 301—DOMESTIC QUARANTINE NOTICES**

**Subpart—Witchweed**

**EXEMPTIONS**

Under authority of § 301.80-2 of the Witchweed Quarantine regulations (7 CFR 301.80-2, as amended, 32 F.R. —),

a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.80-2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

**§ 301.80-2b Exempted articles.**

(a) The following articles are exempt<sup>1</sup> from the certification and permit requirements of § 301.80-4 if they meet the applicable conditions prescribed in subparagraphs (1) through (7) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Small grains, if such grains and any containers for the grains did not come in contact with the soil during harvesting; or, if they have been cleaned at a designated facility;<sup>2</sup>

(2) Soybeans, if such beans and any containers for the beans did not come in contact with the soil during harvesting, and if such beans are moving forthwith to a designated oil mill or facility<sup>2</sup> for crushing or cleaning; or, if they have been cleaned with an air-blast cleaner having a capacity of 2,500 cubic feet per minute;

(3) Pickling cucumbers, string beans and field peas, if washed free of soil with water under pressure of 60 pounds per square inch;

(4) Ear corn in the shuck, if harvested without coming in contact with the soil;

(5) Root crops, such as turnips, carrots and sweetpotatoes, if moving to a designated processing plant;<sup>2</sup>

(6) Used farm tools and implements, if cleaned free of soil;

(7) Used mechanized cultivating equipment, used harvesting machinery and used mechanized soil-moving equipment, if cleaned and repainted.

(b) The following articles are exempt from the certification and permit requirements of § 301.80-4 under the applicable conditions prescribed in subparagraphs (1) and (2) of this paragraph:

(1) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory located within the conterminous United States in accordance with a compliance agreement with the shipper pertaining to such consignments;

(2) Seed cotton, if moving to a designated gin.<sup>3</sup>

<sup>1</sup> The articles hereby exempted remain subject to applicable restrictions under other quarantines.

<sup>2</sup> Information as to designated facilities, gins, oil mills, and processing plants may be obtained from the inspector. Any facility, gin, oil mill, or processing plant in a quarantined State is eligible for designation under this subpart if the operator thereof enters a compliance agreement (as defined in § 301.80-1(b)), including agreement to apply any required treatments of regulated articles in accordance with the treatment manual (as defined in § 301.80-1(o)).

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 P.R. 16210, as amended, 30 F.R. 5799, as amended; 7 CFR 301.80-2)

This list of exempted articles supersedes the list of exempted articles in 7 CFR 301.80a (PPC 628, 1st Revision), which became effective March 15, 1966.

The principal purpose of this document is to add to the list of exempted articles certain vegetables when handled in a specified manner, and used mechanized cultivating equipment, harvesting machinery and soil-moving equipment if cleaned and repainted. The document also makes nonsubstantive changes in the listing of previously exempted articles. Flue-cured tobacco, shucked ear corn, and soil-free root crops formerly exempted, are not now regulated under the provisions of the recently revised witchweed quarantine.

This document relieves restrictions which are not deemed necessary to prevent the interstate spread of the witchweed, and should be made effective as soon as possible in order to be of maximum benefit to persons subject to such restrictions. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this document are impracticable and unnecessary, and it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 28th day of June 1967.

[SEAL] D. R. SHEPHERD,  
Acting Director,  
Plant Pest Control Division.

[F.R. Doc. 67-7515; Filed, June 30, 1967; 8:48 a.m.]

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

**SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS**

**PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE**

**Correction**

In F.R. Doc. 67-7114, appearing at page 9069 of the issue for Tuesday, June 27, 1967, the following corrections are made:

1. In § 718.5(f)(2), "0.9 acre" should read "0.09 acre".

2. In § 718.27(b), in item (1)(iii) under California, the names "Schachapi and Sembior" should read "Tehachapi and Temblor".

3. In § 718.27(b), in item (2)(ii) under Michigan, the name "Missaukee" should read "Missaukee".

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

[Grapefruit Reg. 65]

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

**Limitation of Shipments**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 21, 1967, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of

the persons subject thereto which cannot be completed by the effective time hereof.

**§ 905.493 Grapefruit Regulation 65.**

(a) *Order.* (1) Grapefruit Regulation 64 (31 F.R. 15189, 32 F.R. 6930, 8234, 8705, 9081) is hereby terminated July 3, 1967.

(2) During the period July 3, 1967, through September 10, 1967, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than  $3\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in the production area, which are smaller than  $3\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said U.S. Standards for Florida Grapefruit.

(3) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Grapefruit (7 CFR 51.750-51.783).

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

Dated: June 30, 1967.

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

[F.R. Doc. 67-7675; Filed, June 30, 1967; 11:30 a.m.]

[Valencia Orange Reg. 209]

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

**Limitation of Handling**

**§ 908.509 Valencia Orange Regulation 209.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon

the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 29, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 2, 1967, through July 8, 1967, are hereby fixed as follows:

(i) District 1: 180,000 cartons;

(ii) District 2: 420,000 cartons;

(iii) District 3: Unlimited Movement.

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

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

Dated: June 30, 1967.

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

[F.R. Doc. 67-7674; Filed, June 30, 1967; 11:30 a.m.]

[Lemon Reg. 274]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA****Limitation of Handling****§ 910.574 Lemon Regulation 274.**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 27, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 2, 1967, through July 8, 1967, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 348,750 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "hand-

led," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: June 29, 1967.

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

[F.R. Doc. 67-7596; Filed, June 30, 1967; 8:50 a.m.]

[1980.1; Amdt. 4]

**PART 980—VEGETABLES: IMPORT REGULATIONS****Irish Potatoes**

Pursuant to the requirements of section 608e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), § 980.1 *Import regulations; Irish potatoes* (7 CFR Part 980) is hereby amended in the following respects:

1. Subparagraph (1)(iii) of paragraph (a) is deleted and in lieu thereof a new subdivision (iii) is substituted as follows:

(iii) The marketing of Irish potatoes can be reasonably distinguished by the several seasonal categories, i.e., winter, early spring, late spring, early summer, late summer and fall. The bulk of the fall crop is harvested and placed in storage in the fall and marketed over a period of several months extending into the following summer. But potatoes harvested from the other seasonal crops are generally marketed as the potatoes are harvested. The marketing seasons for these crops overlap.

2. Subparagraphs (2) (i), (ii) and (iii) of paragraph (a) are deleted and in lieu thereof new subparagraphs (2) (i) and (ii) are substituted as follows:

(i) Imports of red skinned, round type potatoes during the months of September through the following June are in most direct competition with the marketing of the same type potatoes produced in Area No. 2, Colorado (San Luis Valley) covered by Order No. 948, as amended (Part 948 of this chapter); and during the months of July and August the marketing of the same type potatoes is in most direct competition with the same type as produced in the area covered by Order No. 946 (Part 946 of this chapter).

(ii) Imports of all other round type potatoes during the period June 15 through July 31 are in most direct competition with the marketing of the same type potatoes produced in the South-eastern States covered by Order No. 953 (Part 953 of this chapter); and during the period August 1 through June 14 of the following year they are in most direct competition with all other round type potatoes produced in Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended (Part 948 of this chapter).

3. Subparagraph (2)(iv) of paragraph (a) is renumbered as subparagraph (2)(iii) of paragraph (a).

4. Subparagraphs (1) and (2) of paragraph (b) are deleted and new subparagraphs (1), (2), and (3) in lieu thereof are substituted as follows:

(1) For the period September 1 through the following June of each marketing year, the grade, size, quality, and maturity requirements of Area No. 2, Colorado (San Luis Valley) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) applicable to potatoes of the red skinned round type; and for the months of July and August each marketing year the grade, size, quality, and maturity requirements of Marketing Order No. 946 (Part 946 of this chapter) shall be the respective grade, size, quality, and maturity requirements for imported red skinned round type potatoes.

(2) During the period June 15 through July 31 of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 953 (Part 953 of this chapter) applicable to potatoes of the round type shall be the respective grade, size, quality, and maturity requirements for imports of other round type potatoes; and during the period August 1 through the following June 14 of each year the grade, size, quality, and maturity requirements of Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) shall be the respective grade, size, quality, and maturity requirements for imports of all other round type potatoes.

(3) Through the entire year the grade, size, quality, and maturity requirements of Marketing Order 945, as amended (Part 945 of this chapter) applicable to potatoes of all long types shall be the respective grade, size, quality, and maturity requirements for imported potatoes of all long types.

5. Subparagraph (3) of paragraph (b) is renumbered as subparagraph (4) of paragraph (b).

*Findings.* (a) It is hereby found and determined that during the period July 1 through August 31, 1967, round red skinned varieties of potatoes imported into the United States are in most direct competition with round red skinned varieties produced in the State of Washington production area and that import regulations during such period shall be based on regulations in effect for round red skinned varieties of potatoes regulated under Marketing Order No. 946 (7 CFR Part 946).

(b) It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that (1) the requirements of section 608e-1 of the act make this amendment mandatory; (2) compliance with this amendment on and after the effective date hereof will not

require any special preparation by importers which cannot be completed by the effective date hereof.

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

Dated June 27, 1967, to become effective July 1, 1967.

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

[P.R. Doc. 67-7479; Filed, June 30, 1967; 8:45 a.m.]

#### Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 73]

#### PART 1073—MILK IN WICHITA, KANS., 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 order regulating the handling of milk in the Wichita, Kans., marketing area (7 CFR Part 1073), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the month of July 1967:

In § 1073.51(a) that portion of the first sentence reading as follows: "subject to a supply-demand adjustment computed pursuant to subparagraphs (1) through (3) of this paragraph"; and subparagraphs (1), (2), and (3) relating to the supply-demand adjustment to the Class I price.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are 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 eliminate certain erratic movements of the supply-demand adjutor for July 1967 and improve Class I price alignment in this market. A Class I sales account to an outside market is no longer available and approximately 1.6 million pounds of milk is now being pooled locally thereby causing abnormal fluctuation in the supply-demand adjutor in this order.

(4) This suspension action was requested by producers at a public hearing held June 15, 1967, at Wichita, Kans. At the hearing a witness testified that emergency action in the form of a suspension order is necessary to obtain orderly marketing conditions in the area pending the time when an amended order can be issued. There was no opposition to the request. It is expected that the

time required for analysis of data in the record, preparation and issuance of recommended and final decisions and an amending order precludes the issuance of an amending order that could be effective for the month of July 1967.

Therefore, good cause exists for making this order effective July 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period July 1, 1967, through July 31, 1967.

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

Effective date: July 1, 1967.

Signed at Washington, D.C., on June 28, 1967.

GEORGE L. MEHREN,  
Assistant Secretary.

[P.R. Doc. 67-7534; Filed, June 30, 1967; 8:49 a.m.]

#### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

##### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

#### PART 1474—FARM STORAGE FACILITIES

##### Subpart—Farm Storage and Drying Equipment Loan Program Regulations

The regulations contained in the subpart of Part 1474, Subchapter B, Chapter XIV, Title 7 of the Code of Federal Regulations, relating to the Farm Storage Facility Loan and Dryer Loan Programs, are revised into a single program, "Farm Storage and Drying Equipment Loan Program," to read as follows:

##### Sec.

1474.1	General statement.
1474.2	Administration.
1474.3	Availability of loans.
1474.4	Eligible borrowers.
1474.5	Loans to purchase eligible storage or drying equipment.
1474.6	Term of loan.
1474.7	Security for loan.
1474.8	Amount of loan and loan application approvals.
1474.9	Downpayment.
1474.10	Repayment of loan and acceleration of maturity date.
1474.11	Taxes.
1474.12	Maintenance.
1474.13	Disbursement of loan.
1474.14	Service fee.
1474.15	Sale of security.
1474.16	Death, incompetency, or disappearance.

AUTHORITY: The provisions of this subpart issued under sec. 4 (d) and (h), 62 Stat. 1070, as amended, 15 U.S.C. 714 (b), (d) and (h).

##### § 1474.1 General statement.

This subpart sets forth the policies, procedures, and requirements governing loans by the Commodity Credit Corporation (hereinafter referred to as "CCC"), under the Farm Storage and Drying Equipment Loan Program, for the purchase and construction of either farm storage or drying equipment, or both.

Interested persons should also consider related implementing procedures and forms adopted by each State ASC Committee to permit compliance with State law, in order to take full advantage of the program.

##### § 1474.2 Administration.

(a) The Farmer Programs Division, Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS"), will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, ASCS, as designee of the Executive Vice President, CCC. The program will be carried out through Agricultural Stabilization and Conservation State and county committees (hereinafter referred to as "State committee" and "county committee," respectively).

(b) Forms will be available in ASCS county offices.

(c) State and county committees and employees thereof do not have authority to modify or waive any of the provisions of this subpart or any amendment thereto, except that procedures and forms may be modified or additional requirements imposed by State committees to the extent necessary to conform to any requirements of State law.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(e) Employees of the county committees shall execute instruments in accordance with delegations of authority published in 29 F.R. 2390.

##### § 1474.3 Availability of loans.

(a) *Time.* Loan applications may be submitted pursuant to this subpart beginning with the date of publication hereof.

(b) *Applications for loan.* An application for a loan shall be submitted to the county office of the county in which are maintained the records of the farm or farms to which the application relates. Upon request, the applicant shall furnish such information and documents as the State or county committee deem necessary to support the application. This may include but is not limited to financial statements, receipted bills, invoices, purchase orders, specifications, drawings, or plats. The county office will be responsible for taking appropriate action on the application. Loan disbursements will be made by sight drafts drawn on CCC by the county office.

##### § 1474.4 Eligible borrowers.

(a) *Definition.* An "eligible borrower" shall be any person who as landowner, landlord, tenant or sharecropper (1) produces one or more of the following commodities: Corn, oats, barley, grain sorghum, wheat, rye, soybeans, flaxseed, rice, dry edible beans, and peanuts (hereinafter called "price support commodities"), and (2) needs the proposed farm storage and drying equipment for



the storage or conditioning of one or more of such price support commodities. The term "person" shall mean any individual or individuals competent to enter into a binding contract, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof. If two or more eligible borrowers join together in the purchase and erection, installation, construction, or remodeling of eligible farm storage or drying equipment, each such borrower shall sign all documents and shall be liable jointly and severally with respect to the loan.

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of price support commodities produced on the farm(s) to which the loan application relates. For the purpose of this determination with respect to farm storage, the storage space needed by the applicant shall be the amount by which the capacity of the applicant's existing farm storage which is suitable for the storage of price support commodities is less than the storage capacity necessary to store 2 years' production of all price support commodities produced on the farm(s) to which the loan application relates (computed on the basis of estimated yields), except that production shall not be included from any acreage devoted to commodities subject to voluntary adjustment programs if the applicant fails to indicate an intention to participate in such programs. A loan for obtaining farm storage of a greater capacity than the storage space needed by the applicant may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8(b).

**§ 1474.5 Loans to purchase eligible storage or drying equipment.**

(a) *General.* Loans will be made only for the purchase, construction, erection, remodeling, or installation of farm storage and drying equipment meeting the eligibility requirements in paragraph (b) of this section. The term "farm storage" means new or newly constructed conventional storage structures (cribs, bins, or buildings), oxygen-free storage structures (silos, bins, or buildings), or used storage structures (including the real estate upon which located, if any) to be purchased from CCC. The term "drying equipment" means new mechanical dryers, dryers with wagons or trailers as integral parts thereof, air circulators, ventilators, tunnels, and power fans, or any combination thereof, or used drying equipment (including the real estate upon which located, if any) to be purchased from CCC. For purposes of remodeling, the terms "farm storage" and "drying equipment" shall also mean used farm storage and drying equipment owned by the applicant.

(b) *Eligibility requirements.* (1) If the farm storage or drying equipment is purchased from a vendor, when the loan is approved, such vendor must be ap-

proved under a Supplier's Agreement made on Form CCC-308.

(2) Farm storage must meet the requirements for approved farm storage under price support programs applicable to the price support commodities produced on the farm(s) to which the application for the loan relates.

(3) Farm storage or drying equipment shall not be delivered to the farm more than 30 days prior to the date of the application for the loan.

(4) Loans may be approved to cover the net cost of new materials and off-farm labor to be used in constructing new or remodeling existing storage or drying equipment.

(5) Loans may be approved for the purchase of used farm storage or drying equipment only from CCC.

(6) Farm storage shall not be of a type (such as bags, snow fences, etc.) which requires the weight of the commodity stored to maintain its shape.

(7) Farm storage must, in the opinion of the county committee, have a usable life of at least ten years.

(8) Farm storage or drying equipment may include (i) operating equipment, (ii) augers and other types of commodity handling equipment, and (iii) meters and other types of commodity testing equipment, when such operating, handling, or testing equipment is attached to or designed specifically for use in connection with the proposed farm storage or drying equipment.

(9) Farm storage or drying equipment must include such ladders and simple safety devices as the county committee may require.

(c) *Loan proceeds not available.* Loan proceeds shall not be available to provide storage or drying equipment for commercial use or the storing or drying of commodities which the borrower intends to purchase or to store or condition for others. Any farm storage or drying equipment which is located in working proximity to any commercial storing or drying operation shall be deemed to be a part of such operation. The foregoing does not preclude a borrower, who has qualified for a loan for drying equipment to dry his own commodities, from drying commodities for his neighbor.

**§ 1474.6 Term of loan.**

The maximum term of the loan shall be 5 years from the date of the note, except that the term of an individual loan may be extended and reextended for terms of not to exceed one year each if the approving State or county committee determines in writing that the borrower is unable to meet the current payment when due because of conditions beyond his control.

**§ 1474.7 Security for loan.**

(a) *Chattel mortgages.* All loans shall be secured, under applicable State law, by chattel mortgages or other security instruments covering the farm storage or drying equipment, which shall constitute the sole lien on such property, except for prior liens on realty which may attach if the collateral is or will become a fixture and which may be subor-

dated as hereinafter provided in this section. If any such prior lien on realty does attach, CCC may require that its security interest be protected as follows:

(1) If the lien is obtained by means of a security agreement and financing statement in States in which the Uniform Commercial Code is in effect, CCC may require that a disclaimer of or written consent to CCC's security interest in the farm storage or drying equipment as fixtures be obtained from each person having any interest in the real estate.

(2) If the lien is obtained by means of a chattel mortgage in States in which the Uniform Commercial Code is not in effect, CCC may require that a severance agreement or a consent and subordination agreement be obtained from the owner(s) of the land on which the property is to be placed, and from any other person having a lien on that land.

(3) Fees for filing or recording shall be paid by CCC.

(b) *First lien on real estate.* In addition, a first lien on real estate shall be required for any loan of \$10,000 or more, and may be required for any other loan at the discretion of the approving State or county committee. Such first lien shall be in the form of a real estate mortgage, deed of trust, or other security instrument, approved by CCC on the borrower's farm or other real estate on which the farm storage or drying equipment is to be located, or on such acreage thereof as will, in the judgment of the county committee, make the site easily accessible for use of other farmers, and, in the event of foreclosure, will constitute a salable unit.

(1) Where the real estate is subject to any other lien, the priority of CCC's lien must be obtained through a consent and subordination agreement which shall be filed or recorded with the lien on the real estate.

(2) Fees for filing or recording shall be paid by CCC.

**§ 1474.8 Amount of loan and loan application approvals.**

(a) *Definitions.* (1) "Net cost" means the actual cost to the applicant, after deduction of any discount or rebate, and may include the purchase price, local sales taxes payable by purchasers, and costs for transportation, delivery, and erection or installation of the farm storage or drying equipment. "Net cost" shall not include the cost of used or secondhand material to be used in the proposed construction of otherwise new farm storage or the remodeling of existing storage structures, or costs for labor performed by the applicant or other labor usually employed on the farm.

(2) "Aggregate outstanding balance" means the outstanding balances of all loans for farm storage or drying equipment made to the same applicant(s) under this or prior programs.

(3) "Needed farm storage" means the applicant's need for farm storage determined in accordance with § 1474.4(b).

(b) *Amount of loan.* The amount of any loan shall not result in an aggregate outstanding balance in excess of \$25,000

or exceed (1) 85 percent of the net cost of the applicant's needed farm storage and drying equipment, or (2) 50 cents per bushel times the applicant's needed farm storage for oxygen-free farm storage, or (3) the prorated cost for the applicant's needed farm storage when a farm storage structure has a larger bushel capacity than the applicant's needed farm storage.

(c) *Loan application approvals.* (1) The county committee may approve or disapprove loan applications for amounts less than \$5,000 without concurrence of the State committee: *Provided*, That no application may be so approved by the county committee if the amount thereof would create for the applicant an aggregate outstanding balance of \$10,000 or more.

(2) The State committee shall approve or disapprove all other loan applications.

(3) A loan application for \$10,000 or more shall not be approved unless the applicant owns the real estate on which the farm storage or drying equipment is to be located and will provide security in accordance with § 1474.7(b).

(4) A loan application shall not be approved where the approving authority determines that approval would not be in the best interest of the program.

(d) *Expiration of approvals.* If there has been no disbursement four months after the date of the loan approval, the approval shall become null and void unless it is extended in writing by the approving State or county committee for a stated period not to exceed an additional four months.

#### § 1474.9 Downpayment.

A minimum downpayment of the difference between the amount of the loan determined pursuant to § 1474.8(b) and the net cost of the farm storage or drying equipment shall be made by the loan applicant to the vendor or contractor before the loan is disbursed. The minimum downpayment shall be in cash except that a reasonable trade-in allowance for farm equipment or other tangible property may be considered as cash. If the reasonable trade-in allowance of such equipment or property is in excess of the required minimum downpayment, the amount of the loan shall be reduced by the amount of such excess. If the trade-in allowance is in excess of a reasonable market value, only the reasonable market value may be counted toward the minimum downpayment. Any additional amount required to equal the minimum downpayment shall be paid in cash by the applicant to the vendor or contractor before the loan is disbursed. A downpayment shall not include any discount, rebate, credit, deferred payment, post-dated check, or promissory note to the vendor or contractor.

#### § 1474.10 Repayment of loan and acceleration of maturity date.

The principal of the loan shall be repayable in equal annual installments with interest on the unpaid balance from date of disbursement or date of last repayment, at 34 cents for each whole unit of \$100 or fraction thereof (stated to the nearest tenth) for each calendar month or fraction thereof exclusive of

the calendar month of repayment. The first installment plus interest on the unpaid balance shall be payable during the 12-month period beginning on the first anniversary date of the note. A like installment shall be similarly payable during the 12 months following each anniversary date thereafter until the principal, together with the interest thereon, has been paid in full. Payment of each installment shall be by cash, check, money order, or by deduction from the amounts of any price support loans, incentive payments, resale storage payments, or payments for purchases by CCC which may be due the borrower; *Provided, however*, That any such deduction shall not be made until after service charges and amounts due prior lienholders have been deducted. Payment shall be applied first to accrued interest and then to principal. Each installment must be paid not later than the end of the applicable 12-month pay period. Upon failure to pay any installment by the end of such period, the loan may be declared delinquent and, at the option of the approving State or county committee, the loan may be called and the entire unpaid amount of the loan shall become immediately due and payable. Any delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture or any other agency of the United States. Upon breach by the maker of the note of any covenants, agreements, terms or conditions on his part to be performed under §§ 1474.1 to 1474.16 or under the loan application, promissory note, chattel mortgage or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the farm storage or drying equipment is used in connection with any commercial operation including, but not limited to, elevators, warehouses, dryers, or processing plants, during the life of the loan, CCC may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of a loan secured by a chattel mortgage or other security instrument, the county committee shall, upon request by the borrower, release, or obtain the release of, such instrument. The chairman of each county committee or the county office manager is authorized to act as agent of CCC in releasing or obtaining the release of such instruments.

#### § 1474.11 Taxes.

The borrower must covenant to pay all real and personal property taxes which may affect CCC's security interest in all collateral securing the note evidencing the loan. If CCC deems it desirable for the purpose of protecting its interests, it may pay any unpaid taxes and add the amount of such payments to the borrower's indebtedness and may provide in the loan instruments for increasing the lien on the collateral by the amount of such payments.

#### § 1474.12 Maintenance.

Until the loan has been repaid, the borrower shall be liable for all damages to or destruction of the farm storage or drying equipment and shall maintain it in condition and available for the storage or conditioning of one or more of the price support commodities named in § 1474.4(a).

#### § 1474.13 Disbursement of loan.

Disbursement will be made when the farm storage or drying equipment has been delivered, erected, constructed, assembled, or installed, and (at the option of the county committee), has been inspected and approved by the county committee or a representative of the county committee. Disbursement of the loan proceeds will be made only if the borrower furnishes satisfactory evidence of and certification as to the (a) total cost of the farm storage or drying equipment and (b) payment of all debts on the facility in excess of the amount of the loan. Disbursement of the loan proceeds shall be made jointly to the borrower and to the contractor(s) or vendor(s), provided that disbursement of the loan may be made to the borrower alone upon evidence satisfactory to the county committee that amounts due the contractor(s) or vendor(s) have been paid by him.

#### § 1474.14 Service fee.

A service fee of \$5 shall be paid by the loan applicant at the time the loan is disbursed.

#### § 1474.15 Sale of security.

The collateral securing a loan shall be sold by CCC when a loan has been called and not repaid or when the borrower requests the county committee to sell the collateral before repaying the loan.

#### § 1474.16 Death, incompetency, or disappearance.

If a person who is entitled to the payment of any sum due in connection with a farm storage or drying equipment loan dies, disappears, or is declared incompetent, either before CCC has issued a draft in payment thereof or after CCC has issued a draft in payment but before the draft is negotiated, payment shall be made to his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title, upon their proper application therefor to the office of the county committee which made the loan, on Form ASCS-325 in accordance with that part.

The reporting and record-keeping requirements contained herein have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 26, 1967.

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

[P.R. Doc. 67-7477; Filed, June 30, 1967; 8:45 a.m.]

## Title 12—BANKS AND BANKING

### Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

#### PART 4—DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

##### Miscellaneous Amendments

Effective July 4, 1967, Part 4 of the regulations of the Office of the Comptroller of the Currency (Part 4, Chapter I, Title 12 of the Code of Federal Regulations of the United States of America) is amended as follows:

PARAGRAPH 1. The heading of Part 4 is amended to read as set forth above. The table of contents is amended to read as follows:

Sec.	
4.1	Authority.
4.1a	Central and field organization; delegations.
4.1b	Regulations.
4.2	Organization of national bank.
4.3	Conversion of state bank into national bank.
4.4	Merger, consolidation, purchase, and assumption.
4.5	Establishment of branch banks and seasonal agencies.
4.6	Change of location of main or branch office.
4.7	Change of bank name.
4.8	Conversion of national bank into state bank.
4.9	Voluntary liquidation.
4.10	Receivership and conservatorship.
4.11	Supervision of bank operations.
4.12	Rules of general application.
4.13	Forms and instructions.
4.14	Publications available to public.
4.15	Orders, opinions, etc. available to public.
4.16	Other documents available to public; exceptions.
4.17	Obtaining access to public documents.
4.18	Other rules of disclosure.
4.19	Testimony and production of documents in court.

PAR. 2. Section 4.1 is amended to read as follows:

##### § 4.1 Authority.

This part is issued under the authority of the national banking laws (12 U.S.C., 1 et seq.). Portions of this part are issued pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 552).

PAR. 3. After § 4.1, insert the following new §§ 4.1a and 4.1b:

##### § 4.1a Central and field organization; delegations.

(a) *Central office*—(1) *Comptroller*. The Comptroller of the Currency is the head of the Office of Comptroller of the Currency. He is appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years. His office is in the Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220. He is assisted by the following officials who are responsible to him.

(2) *First Deputy Comptroller*. The First Deputy Comptroller of the Currency performs such duties as the Comptroller prescribes, including general supervision of all matters pertaining to all National Bank Regions. He is aided by an Assistant Chief National Bank Examiner. During a vacancy in the Office of the Comptroller or during the absence or disability of the Comptroller, he possesses the powers and performs the duties of the Comptroller.

(3) *Administrative Assistant*. The Administrative Assistant to the Comptroller performs such duties as the Comptroller prescribes, including general supervision of all internal administrative matters.

(4) *Chief Counsel*. The Chief Counsel is in charge of the Law Department. He advises and assists the Comptroller with respect to all legal matters concerning the functions, activities, and operations of the Office of Comptroller and all national banks.

(5) *Deputies Comptroller*. Two Deputies Comptroller of the Currency perform such duties as the Comptroller prescribes, including general supervision of all matters pertaining to the National Bank Regions for which each is responsible. Each such Deputy is aided by an Assistant Chief National Bank Examiner.

(6) *Chief National Bank Examiner*. The Chief National Bank Examiner performs such duties as the Comptroller prescribes, including general supervision of all examining personnel and of all matters pertaining to the National Bank Regions for which he is responsible. He is aided by an Assistant Chief National Bank Examiner.

(7) *Deputy Comptroller (Economics)*. The Deputy Comptroller for Economics performs such duties relating to matters of economic studies as the Comptroller prescribes, including supervision of the Department of Banking and Economic Research and the Division of Statistics and Data Processing.

(8) *Deputy Comptroller (Mergers and Branches)*. The Deputy Comptroller for Mergers and Branches performs such duties relating to branches, mergers, and other matters pertaining to the structure of the national banking system as the Comptroller prescribes.

(9) *Deputy Comptroller (Trusts)*. The Deputy Comptroller for Trusts performs such duties as the Comptroller prescribes, including supervision of the Trust Division and all trust examiners.

(10) *Deputy Comptroller (F.D.I.C. Affairs)*. The Deputy Comptroller for F.D.I.C. Affairs performs such duties relating to the Federal Deposit Insurance Corporation as the Comptroller prescribes.

(11) *Special Assistant (Congressional Affairs)*. The Special Assistant for Congressional Affairs performs such duties relating to Congressional liaison as the Comptroller prescribes.

(12) *Special Assistant (Public Affairs)*. The Special Assistant for Public Affairs performs such duties relating to press and similar matters as the Comptroller prescribes.

(13) *Special Assistant*. The Special Assistant to the Comptroller performs such duties as the Comptroller prescribes.

(14) *Bank Organization Director*. The Director, Bank Organization Division, has supervision over the Bank Organization Division.

(15) *International Director*. The Director, International Division, has supervision over the International Division and all national bank examiners—international.

(16) *Law Department*. The Law Department handles all legal matters in the Office of Comptroller, including interpretation of national banking laws, related statutes and proposed legislation, implementation and development of regulations and rulings applicable to operations of national banks, corporate organization of national banks, branching, mergers, capital changes, and other matters of national bank corporate functions. Generally, it assists the Department of Justice in litigation involving the Comptroller's Office. It, however, represents the Comptroller in bank merger litigation. The Chief Counsel is aided by a Deputy Chief Counsel and five Associate Chief Counsels.

(17) *Research Department*. The Department of Banking and Economic Research studies various banking problems and reports its findings to the Comptroller. It publishes the National Banking Review and, from time to time, monographs and books dealing with banking and monetary subjects.

(18) *Organization Division*. The Bank Organization Division processes applications for national bank charters, branches, mergers, consolidations, purchases of assets and assumption of liabilities, resulting in national banks, and capital changes. The Director is aided by an Assistant Director, Bank Organization Division, who is responsible for merger, consolidation, and purchase and assumption matters. The Division also has a New Bank Section, a Branch Section, and a Capital Increase Section.

(19) *International Division*. The International Division is responsible for the examination of national bank branch offices located overseas.

(20) *Trust Division*. The Trust Division is responsible for supervision and examination of trust departments of national banks. It processes applications for fiduciary powers and monitors common trust funds of state and national banks. The Deputy Comptroller for Trusts is aided by a Chief Representative in Trusts.

(21) *Administrative Activities*. The administrative activities of the Office of Comptroller of the Currency are under the charge of the Administrative Assistant to the Comptroller. He is aided by a Deputy Administrative Assistant (Fiscal Management) and a Deputy Administrative Assistant (Personnel).

(b) *Field offices*. (1) Fourteen National Bank Regions cover the United States and the Virgin Islands. The office address of and the geographic area covered by each is as follows:

Region No.	Area within region	Office address
1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island.	J. F. Kennedy, Federal Building, Room 1600, Boston, Mass. 02203.
2	New York, New Jersey.	33 Liberty St., Room 520, New York, N. Y. 10005.
3	Pennsylvania, Delaware.	925 Chestnut St., Philadelphia, Pa. 19107.
4	Indiana, Ohio, Kentucky.	1435 East Sixth St., Room 715, Cleveland, Ohio 44101.
5	West Virginia, Maryland, Virginia, North Carolina, District of Columbia.	Federal Office Building, 400 North Eighth St., Room 5209, Richmond, Va. 23240.
6	South Carolina, Georgia, Florida.	1315 Fulton National Bank Building, Atlanta, Ga. 30303.
7	Illinois, Michigan.	164 West Jackson Blvd., Room 715, Chicago, Ill. 60604.
8	Arkansas, Tennessee, Louisiana, Mississippi, Alabama.	167 North Main St., Memphis, Tenn. 38103.
9	North Dakota, South Dakota, Minnesota, Wisconsin.	20 South Washington Ave., Room 525, Minneapolis, Minn. 55401.
10	Nebraska, Kansas, Iowa, Missouri.	911 Main St., Suite 2616, Kansas City, Mo. 64105.
11	Oklahoma, Texas.	400 South Akard St., Room 646, Station K, Dallas, Tex. 75222.
12	Wyoming, Colorado, Utah, New Mexico, Arizona.	1575 Sherman St., Room 524, Denver, Colo. 80202.
13	Washington, Oregon, Idaho, Montana, Alaska.	813 Southwest Alder St., Room 501, Portland, Oreg. 97205.
14	California, Nevada, Hawaii.	256 Montgomery St., Room 401, San Francisco, Calif. 94104.

(2) A Regional Administrator of National Banks is in charge of each National Bank Region. He has general supervision over all matters pertaining to his region. He is assisted by one or more Deputy Regional Administrators, a Regional Economist, and, in some cases, a Regional Counsel.

(c) *Delegations.* The Comptroller of the Currency has delegated to each Regional Administrator final authority to approve (but not to disapprove)—

- (1) Capital increases through stock dividends or sales of additional common stock,
- (2) Cash dividends, and
- (3) Increases in investments in bank buildings and other fixed assets.

#### § 4.1b Regulations.

(a) *Public notice.* The Comptroller of the Currency publishes in the FEDERAL REGISTER, except as provided in paragraph (f) of this section, notices of proposed regulations. A notice states the terms or substance of a proposed regulation or a description of the subject or issue involved. It also refers to the authority under which the regulation is proposed and states the time, place, and nature of the public proceeding applicable thereto.

(b) *Public participation.* Interested persons are afforded an opportunity to participate in the making of a proposed regulation, except as provided in paragraph (f) of this section or otherwise excepted by law. Such participation consists of submission of written data, views, or arguments and, if the Com-

troller specifically provides, an opportunity for oral presentation.

(c) *Petition.* An interested person may seek issuance, amendment, or repeal of a regulation of the Comptroller. He should submit a written request which sets forth a complete and concise statement of his interest in the subject matter and the reason his request should be granted.

(d) *Formulation.* After consideration of all relevant matters, the Comptroller takes such action with respect to the proposed regulation as he deems appropriate. If a regulation is adopted, a concise general statement of its basis and purpose is set forth.

(e) *Effective date.* A regulation issued by the Comptroller is published not less than 30 days prior to the effective date thereof.

(f) *Exceptions.* If the Comptroller finds that notice of and public participation in a proposed regulation is impractical, unnecessary, or contrary to the public interest, or there is good cause why the effective date thereof should not be deferred for 30 days or any shorter period, the provisions of this section shall be inapplicable and any such regulation, when adopted, will incorporate such findings therein.

PAR. 4. Subparagraph (5) of § 4.11 (b) is amended to read as follows:

#### § 4.11 Supervision of bank operations.

(b) *Reports of banks.* \* \* \*

(5) *Reports of international operations.* The International Operations Regulation (Part 20 of this chapter) requires that a national bank notify the Comptroller before (i) the establishment of a foreign branch or other controlled international banking office and before (ii) the acquisition of a direct or indirect controlling interest in a foreign bank or in certain other corporations. The regulation requires that a national bank report to the Comptroller within 30 days after (iii) the relocation of such branch or office and after (iv) the acquisition of an interest in a foreign bank or other corporation which does not result in control.

PAR. 5. Section 4.13 is amended to read as follows:

#### § 4.13 Forms and instructions.

(a) *Numbered forms.* The following numbered forms of the Comptroller of the Currency are currently in use:

- (1) Form 6-C: Certificate of Payment; Additional Capital Stock.
- (2) Form 6-CA: Certificate of Payment; Additional Capital Stock (Assets).
- (3) Form 6-D: Certificate of Payment; Capital Debentures.
- (4) Form 6-P: Certificate of Payment; Preferred Stock.
- (5) Form 7-SD: Certificate; Declaration Stock Dividend.
- (6) Form 103: Trust Department Annual Report.
- (7) Form 1900: Joint Oaths of Directors.
- (8) Form 1901: Oath of Director.
- (9) Form 1902: Officers' Official Signatures.
- (10) Form 1903: Organization Certificate.

(11) Form 1904: Articles of Association.  
(12) Form 1904-A: Amended Articles of Association.

(13) Form 1904-B: Application for Capital Increase; Sale Additional Common Stock.

(14) Form 1904-C: Application for Capital Increase; Stock Dividend.

(15) Form 1904-E: Notice of Shareholders' Meeting.

(16) Form 1915: Authority for State Bank Conversion.

(17) Form 1918: Certificate of Payment; Capital Stock.

(18) Form 1919: Certificate of Capital Structure; State Bank Converting to National Bank.

(19) Form 1928: Application To Establish Branch.

(20) Form 1931: Application To Merge, Consolidate, Purchase.

(21) Form 1931-A: Information and Instructions; Application to Merge, Consolidate, Purchase.

(22) Form 1945: Articles of Association; Conversion.

(23) Form 1947: Organization Certificate; Conversion.

(24) Form 1951: Affidavit of Charter Publication.

(25) Form 1955: Application to Organize National Bank.

(26) Form 1955-1: Supplement; Application to Organize National Bank.

(27) Form 1955-2: Appointment of Agent; Application to Organize National Bank.

(28) Form 1957: Financial Report.

(29) Form 1957-1: Biographical Report.

(30) Form 1963: List of Directors.

(31) Form 1988: Application to Convert; State Bank into National Bank.

(32) Form 2008: Advice of Commencement of Business.

(33) Form 2054: Bylaws.

(34) Form 2129: Report of Income and Dividends.

(35) Form OR-1: Initial Statement; Beneficial Ownership of Securities.

(36) Form OR-2: Statement of Changes; Beneficial Ownership of Securities.

(37) Form TA-1: Application To Exercise Fiduciary Powers.

(38) Form TA-1C: Application To Exercise Fiduciary Powers; Converting Bank.

(b) *Unnumbered forms.* The following unnumbered forms of the Comptroller of the Currency are currently in use:

(1) Proxy for Shareholders' Meeting.

(2) Secretary's Certificate; Shareholders' Meeting.

(3) Instructions; Application to Organize National Bank.

(4) Secretary's Certificate; Stock Dividend and Change in Par Value.

(5) Secretary's Certificate; Stock Dividend.

(6) Certificate of Completed Changes Outstanding Capital Stock.

(7) Secretary's Certificate; Increase in Capital by Change in Par Value.

(8) Secretary's Certificate; Sale of Stock.

(9) Agreement to Purchase and Assume.

(10) Agreement of Consolidation.

(11) Application for Change in Location; Head Office or Branch Office.

(12) Summary of Information; Application to Establish Branch.

(13) Instructions; Incorporation of National Banks.

(14) Shareholders' Meeting Instructions.

(15) Summary of Information; Application to Organize National Bank.

(16) Application for Change in Title.

(17) Agreement to Merge.

(18) Instructions; Application to Exercise Fiduciary Powers.

(19) Instructions; Annual Financial Report of Collective Investment Funds.

(20) Common Trust Fund Survey.

(21) Report of Condition.

(c) *Public access.* The forms and instructions referred to in this section are available to the public upon request. A charge may be assessed with respect to certain forms or instructions or for any form and instruction requested in large quantities.

§ 4.14 [Redesignated]

PAR. 6. Section 4.14 is renumbered as § 4.19.

PAR. 7. After § 4.13, insert the following new §§ 4.14, 4.15, 4.16, 4.17, and 4.18:

§ 4.14 Publications available to public.

(a) *Federal Register.* In addition to the publication of this part, the Comptroller of the Currency publishes in the FEDERAL REGISTER, for the guidance of the public:

(1) Substantive rules and interpretations of general applicability and statements of general policy;

(2) Notices of public hearings in connection with some applications, including certain applications to merge, consolidate, or purchase.

(b) *Other publications.* The following publications of the Comptroller are available to the public, if in stock:

(1) "The Comptroller's Manual for National Banks."

(2) "The Comptroller's Manual for Representatives in Trusts."

(3) "The Comptroller's Policy Guidelines for National Bank Directors."

(4) "Instructions, Procedures, and Forms for National Bank Examiners."

(5) "Duties and Liabilities of Directors of National Banks."

(6) "World of Banking"—the challenges of a career as a national bank examiner.

(7) "The National Bank Examiner"—a monthly intraoffice newsletter.

(8) "Shareholders' Meeting Instructions."

(9) "Directory, Office of Comptroller of the Currency."

(10) "Summary of Actions"—a monthly summary of actions taken upon all applications for new national bank charters, branches, mergers, consolidations, purchase of assets, assumption of liabilities, change of name or location of head office or branch, and conversion from State to national bank.

(11) "Annual Report of the Comptroller of the Currency."

(12) "Years of Reform: A Prelude to Progress"—a reprint from the 1963 Annual Report.

(13) "The Banking Structure in Evolution: A Response to Public Demand"—a reprint from the 1964 Annual Report.

(14) "Banking Competition and the Banking Structure"—reprints of articles from the National Banking Review.

(15) "National Banks and the Future"—report of the first Advisory Committee on Banking to the Comptroller of the Currency, September 1962.

(16) "Banking and Monetary Studies: In Commemoration of the Centennial of the National Banking System (1863)."

(17) "The National Banking Review." The publications referred to in this paragraph are available for inspection at the office of each National Bank Region and at—

The Treasury Library, Room 5025, Main Treasury Building, Washington, D.C. 20220.

To purchase or otherwise obtain a copy of publication referred to in subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) of this section, write to—

The Comptroller of the Currency, Room 4116, Main Treasury Building, Washington, D.C. 20220.

To purchase or otherwise obtain a copy of a publication referred to in subparagraphs (11), (12), (13), (14), (15), and (16) of this section, write to—

The Comptroller of the Currency, Room 3124, Main Treasury Building, Washington, D.C. 20220.

To purchase or otherwise obtain a copy of the publication referred to in subparagraph (17) of this section, write to—

Editor, National Banking Review, Room 4116, Main Treasury Building, Washington, D.C. 20220.

§ 4.15 Orders, opinions, etc. available to public.

(a) The Comptroller of the Currency makes the following documents available to the public for inspection and copying:

(1) Final orders made in the adjudication of cases.

(2) Final opinions when made in the adjudication of cases.

(3) Statements of general policy and interpretations of general application not published in the FEDERAL REGISTER.

(4) Administrative staff manuals and instructions affecting any member of the public.

(5) The publications referred to in § 4.14(b).

(6) Annual reports to stockholders filed under part 10 of the Regulations of the Comptroller of the Currency (part 10 of this chapter) which serve as registrations under section 12(g) of the Securities Exchange Act of 1934, as amended.

(7) Proxy solicitation materials filed under part 11 of the Regulations of the Comptroller of the Currency (part 11 of this chapter) pursuant to sections 12(d), 14(a), and 14(c) of the Securities Exchange Act of 1934, as amended.

(8) Ownership reports filed under part 12 of the Regulations of the Comptroller of the Currency (part 12 of this chapter) pursuant to section 16 of the Securities Exchange Act of 1934, as amended.

(9) Registration statements and offering circulars filed under part 16 of the Regulations of the Comptroller of the Currency (part 16 of this chapter) pursuant to section 12 of the Securities Exchange Act of 1934, as amended.

(b) The Comptroller maintains and makes available to the public for inspection and copying a current index identifying the documents referred to in paragraph (a) of this section (other than subparagraphs (5), (6), (7), (8), and (9)

thereof), issued, adopted, or promulgated after July 4, 1967. Such index is located in the—

Treasury Library, Room 5025, Main Treasury Building, Washington, D.C. 20220.

(c) To the extent necessary to prevent an invasion of personal privacy, the Comptroller may delete identifying details from a document described in paragraph (a) of this section. In each case of such deletion, the justification therefor will be clearly explained in writing.

§ 4.16 Other documents available to public; exceptions.

(a) In addition to the documents referred to in § 4.15, all other documents of the Comptroller of the Currency are available to any person for inspection and copying, except as provided in paragraph (b) of this section.

(b) Except as specifically authorized by the Comptroller, the following documents, or portions thereof, are not available to the public:

(1) A document, or portion thereof, which is exempted from disclosure by statute or Executive order.

(2) A document, or portion thereof, containing or related to an examination operating, or condition report prepared by, on behalf of, or for the use of, the Comptroller, relating to the affairs of any bank or affiliate thereof, bank holding company or subsidiary thereof, broker, finance company, or any other person engaged, or proposing to engage, in the business of banking, extending credit, or managing or controlling banks.

(3) A document, or portion thereof, which is privileged or relates to the business, personal, or financial affairs of any person and is furnished in confidence.

(4) An investigatory file compiled for law enforcement purposes, including an investigatory file relating to a proceeding for the issuance of a cease-and-desist order or order of suspension or removal, under the Financial Institutions Supervisory Act of 1966, and the granting, withholding, or revocation of any approval, permission, or authority.

(5) A document, or portion thereof, relating solely to internal personnel rules and practices or other internal practices of the agency.

(6) A personnel, medical, or similar file (including a financial file), the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) An interoffice or interagency memorandum or letter that would not be routinely available by law to a private party in litigation, including, but not limited to, memoranda, reports, and other documents prepared by the Comptroller's staff, and records of deliberations and discussions at meetings of the Comptroller or of his staff.

§ 4.17 Obtaining access to public documents.

(a) *Central office.* A document of the Comptroller of the Currency, or a portion thereof, available under §§ 4.15 and 4.16 for public inspection and copying, may be inspected and copied during reg-

ular business hours on regular business days at the Washington office of the Comptroller. A person requesting access to such a document, or portion thereof, shall submit such request in writing to the Special Assistant for Public Affairs, Room 2206, Main Treasury Building, Washington, D.C. 20220. The request shall state the full name and address of the person requesting access to a document and a description of the document sought that is sufficient to permit its identification without undue difficulty.

(b) *Field office.* If a document of the Comptroller, or a portion thereof, available under §§ 4.15 and 4.16 for public inspection and copying, is located at the office of a Regional Administrator of National Banks, the person requesting access to the same may, if he requests permission, have access at such location. Such request shall be submitted in writing to the Special Assistant for Public Affairs, Room 2206 Main Treasury Building, Washington, D.C. 20220. If the Comptroller grants such request, the Regional Administrator will be instructed to permit access at his office.

(c) *Appeal.* Any person who is denied access to a document of the Comptroller of the Currency by any official or employee of the Comptroller's office may file with the First Deputy Comptroller a written request for a review of such denial.

(d) *Costs.* A person requesting access to a document of the Comptroller shall pay a fee of \$5 per hour for the cost of locating and preparing the document for inspection and copying. An additional fee of 10 cents per page will be charged for providing a copy of the document.

#### § 4.18 Other rules of disclosure.

(a) *Employees of the Comptroller.* Except as provided in this part or as otherwise authorized by the Comptroller of the Currency, no employee of the Comptroller shall in any manner disclose or permit disclosure of any confidential information to anyone other than an employee of the Comptroller properly entitled to such information for the performance of his official duties.

(b) *Government agencies.* When authorized by law, the Comptroller of the Currency may make available to the Board of Governors of the Federal Reserve System, to the Federal Deposit Insurance Corporation, and, in his sole discretion, to certain other Government agencies of the United States, copies of reports of examination and other documents, papers or information for their use, when necessary, in the performance of their official duties. All reports, documents and papers made available pursuant to this subdivision are the property of the Comptroller. No person, agency, or authority, or any director, officer, or employee thereof, shall disclose any such reports, documents, papers or information contained therein in any manner except as authorized by the Comptroller.

(c) *Financial institutions.* The Comptroller of the Currency makes available to each national bank and, in some cases, to holding companies thereof, a copy of the report of examination of such bank

or company. The report of examination is the property of the Comptroller and is loaned to the bank or holding company for its confidential use only. Under no circumstances shall the bank or holding company or any director, officer or employee thereof make public or disclose to any other banker or person in any manner the report of examination or any portion of the contents thereof.

Dated: June 28, 1967.

[SEAL] WILLIAM B. CAMP,  
Comptroller of the Currency.  
[F.R. Doc. 67-7529; Filed, June 30, 1967;  
8:49 a.m.]

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

#### PART 261—RULES REGARDING AVAILABILITY OF INFORMATION

1. Effective July 4, 1967, Part 261 is revised to read as follows:

Sec.	
261.1	Basis and scope.
261.2	Definitions.
261.3	Published information.
261.4	Records available to the public upon request.
261.5	Deferment of availability of certain information.
261.6	Exemptions from disclosure.
261.7	Subpoenas.

**AUTHORITY:** The provisions of this Part 261 issued under sec. 552, Title 5, United States Code.

##### § 261.1 Basis and scope.

This part is issued by the Board of Governors of the Federal Reserve System (the "Board") pursuant to the requirement of section 552 of Title 5 of the United States Code that every Federal agency shall publish in the FEDERAL REGISTER, for the guidance of the public, descriptions of the established places at which, the officers from whom, and the methods whereby, the public may obtain information, make submissions or requests, or obtain decisions.

##### § 261.2 Definitions.

(a) *Information of the Board.* For purposes of this part, the term "information of the Board" means all information coming into the possession of the Board or of any member thereof, or of any Federal Reserve Bank, or of any officer, employee, or agent of the Board or of any Federal Reserve Bank, in the performance of functions for or on behalf of the Board, including functions delegated by the Board pursuant to Part 265 of this chapter.

(b) *Records of the Board.* For purposes of this part, the term "records of the Board" means rules, statements, opinions, orders, memoranda, letters, reports, accounts, and other papers containing information of the Board that constitute part of the Board's official files.

##### § 261.3 Published information.

(a) *Federal Register.* To the extent required by sections 552 and 553 of Title

5 of the United States Code, and subject to the provisions of §§ 261.5 and 261.6, the Board publishes in the FEDERAL REGISTER for the guidance of the public, in addition to this part,

(1) Descriptions of its central and field organization;

(2) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Board;

(5) Every amendment, revision, or repeal of the foregoing; and

(6) General notices of proposed rule making.

The Board also publishes in the FEDERAL REGISTER notice of receipt of applications pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1842), orders and supporting statements issued by the Board with respect to such applications and applications under the Bank Merger Act (12 U.S.C. 1828(c)), and notices of formal hearings ordered by the Board.

(b) *Annual Report.* The Board's Annual Report to Congress pursuant to section 10 of the Federal Reserve Act (12 U.S.C. 247), which is made public immediately after its submission to Congress, contains a full account of the Board's operations during the year, an economic review of the year, and legislative recommendations to Congress. As required by law, the Annual Report includes (1) a complete record of the policy actions taken by the Board and the Federal Open Market Committee, showing the votes taken thereon and the reasons underlying such actions (12 U.S.C. 247a); (2) material pertaining to the administration of the Board's functions under the Bank Holding Company Act of 1956 (12 U.S.C. 1844); and (3) material pertaining to bank mergers approved by the Board under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)).

(c) *Federal Reserve Bulletin.* In the Federal Reserve Bulletin, which is issued monthly, the Board publishes economic and statistical information; special articles on subjects of economic interest; regulations, statements of general policy, and interpretations of laws and regulations of general interest to the public; notices of actions by the Board on certain types of applications, such as applications for membership in the Federal Reserve System; and orders and accompanying statements of the Board with respect to certain types of adjudications. Some material that is published in the Bulletin is released in advance of such publication, examples being certain regulations, interpretations, orders and opinions, a monthly summary of business conditions, the Board's index of

industrial production, and certain other statistical series.

(d) *Other published information.* As required by section 11(a) of the Federal Reserve Act (12 U.S.C. 248(a)), the Board issues weekly (1) a statement of the condition of the Federal Reserve Banks; (2) a statement listing certain applications received by or on behalf of the Board and actions on such applications by the Board, or on behalf of the Board pursuant to authority delegated under Part 264 of this chapter; and (3) a statement showing changes in the banking structure resulting from mergers and the establishment of branches. From time to time, the Board issues statements to the press regarding particular monetary and credit actions, regulatory actions, actions with respect to certain types of applications, and other matters. In addition, it issues various publications, the more important of which are listed in the monthly Federal Reserve Bulletin. Among such publications is a loose-leaf compilation of "Interpretations of the Board of Governors of the Federal Reserve System."

(e) *Obtaining published information.* Anyone may subscribe to the Federal Reserve Bulletin at the rate therein indicated. A copy of each issue of the Bulletin is sent without charge to each member bank. Current or back issues of the Bulletin, Annual Reports, rules, regulations, and certain other published information may be examined at the offices of the Board or any Federal Reserve Bank, and copies, if in stock, are supplied by the Board at prescribed charges or at no cost.

**§ 261.4 Records available to the public upon request.**

(a) *General rule.* All records of the Board, whether or not published under § 261.3, are made available to any person, upon request, for inspection and copying in accordance with the provisions of this section and subject to the limitations stated in §§ 261.5 and 261.6. Records falling within the exemptions from disclosure set forth in section 552(b) of Title 5 of the United States Code and in § 261.6 may nevertheless be made available in accordance with this section to the fullest extent consistent, in the Board's judgment, with the effective performance of the Board's statutory responsibilities and with the avoidance of injury to a public or private interest intended to be protected by such exemptions.

(b) *Opinions, orders, statements of policy, interpretations, and staff manuals and instructions.* Subject to the provisions of §§ 261.5 and 261.6, the Board makes available for inspection and copying (1) all final opinions (including concurring and dissenting opinions) and orders made in the adjudication of cases, including such opinions and orders made pursuant to authority delegated by the Board under Part 264 of this chapter; (2) statements of policy and interpretations adopted by the Board that are not published in the FEDERAL REGISTER; and (3) administrative staff manuals and instructions to staff that affect any

member of the public. However, to the extent required to prevent a clearly unwarranted invasion of personal privacy, the Board deletes identifying details in any material of the kinds above described; and in each such case the justification for such deletion is explained in writing. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public as to any material described in this paragraph which is issued, adopted, or promulgated after July 4, 1967.

(c) *Other records.* Subject to the provisions of §§ 261.5 and 261.6, records of the Board not covered by paragraph (b) of this section, including a record of the final votes of members of the Board in any Board proceeding, are made available for inspection and copying to any person upon request.

(d) *Obtaining access to records.* Records of the Board subject to this section are available for inspection and copying during regular business hours at the offices of the Board of Governors of the Federal Reserve System, Federal Reserve Building, 20th and Constitution Avenue, Washington, D.C. 20551, or, in the case of records containing information required to be disclosed under section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78), at the offices of the Federal Deposit Insurance Corporation or at any Federal Reserve Bank. Every request for access to records of the Board, other than those containing information required under section 12 of the Securities Exchange Act, shall be submitted in writing to the Secretary of the Board, shall state the name and address of the person requesting access to such records, and shall describe such records in a manner reasonably sufficient to permit their identification without undue difficulty; and such person shall pay a fee in an amount based upon \$5 per hour for the time required to locate such records and prepare them for inspection, plus 10 cents per standard page for any copying thereof.

**§ 261.5 Deferment of availability of certain information.**

(a) *Deferment of availability.* In some instances, certain types of information of the Board are not published in the FEDERAL REGISTER or made available for inspection and copying until after such period of time as the Board may determine to be reasonably necessary to avoid the effects described in paragraph (b) of this section. For example, such deferment of publication or availability of information to the public may occasionally be necessary with respect to information relating to the determination of monetary or credit policies, including but not limited to discount rates, reserve requirements of member banks, maximum interest rates payable by member banks on deposits, and margin requirements.

(b) *Reasons for deferment of availability.* Publication of, or public access to, certain information of the Board may be deferred because earlier disclosure of such information would

(1) Interfere with the accomplishment of the objectives of the Board's actions in the discharge of its statutory functions;

(2) Permit speculators and others to gain unfair profits or other unfair advantages by speculative trading in securities or otherwise;

(3) Interfere with the orderly execution of the objectives or policies of other Government agencies;

(4) Result in unnecessary or unwarranted disturbances in the securities markets; or

(5) Interfere with the orderly conduct of the foreign affairs of the United States.

**§ 261.6 Exemptions from disclosure.**

(a) *General rule.* Except as otherwise provided in this part or as may be specifically authorized by the Board, information in the records of the Board that is not available to the public through other sources will not be published in the FEDERAL REGISTER or made available for inspection and copying if such information

(1) Is exempted from disclosure by statute or Executive order;

(2) Is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of, the Board or a Federal Reserve Bank, relating to the affairs of any bank or affiliate thereof, bank holding company or subsidiary thereof, broker, finance company, or any other person engaged, or proposing to engage, in the business of banking, extending credit, or managing or controlling banks;

(3) Is privileged or relates to the business, personal, or financial affairs of any person and is furnished in confidence; *Provided, however,* That, following notice to the person furnishing such information, the Board may make any information furnished in confidence in connection with an application for Board approval of any transaction available to the public in accordance with § 261.4(c), and, to the extent it deems necessary and without prior notice to such person, the Board may comment on such information in any opinion or statement issued to the public in connection with a decision of the Board with respect to which such information is relevant;

(4) Is contained in investigatory files compiled for law enforcement purposes (except to the extent available by law to a private party), including information relating to proceedings for (i) the issuance of a cease-and-desist order, or order of suspension or removal, under the Financial Institutions Supervisory Act of 1966; (ii) the termination of membership of a State bank in the Federal Reserve System pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 337); (iii) the suspension of a bank from use of the credit facilities of the Federal Reserve System pursuant to section 4 of the Federal Reserve Act (12 U.S.C. 301); and (iv) the granting or revocation of any approval, permission, or authority, except to the extent provided in this Part and except as provided in Part 262 of this chapter concerning

bank holding company and bank merger applications.

(5) Relates solely to the internal personnel rules and practices or other internal practices of the Board;

(6) Is contained in personnel, medical, and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(7) Is contained in interagency or intraagency memoranda or letters that would not be routinely available by law to a private party in litigation with the Board, including but not limited to memoranda, reports, and other documents prepared by the staffs of the Board or of the Federal Reserve Banks, and records of deliberations and discussions at meetings of the Board or of any committee of the Board or of the Board's staff.

(b) *Information available to supervised institutions and other Government agencies.* A copy of each report of examination of each State member bank and of each bank holding company is made available by the appropriate Federal Reserve Bank to the bank or company examined. Such reports and other appropriate information relating to such a bank or company are made available, upon request, by the Director of the Board's Division of Examinations to the Comptroller of the Currency and the Federal Deposit Insurance Corporation, and by the appropriate Federal Reserve Bank to the Regional Comptroller of the Currency, the regional representative of the Federal Deposit Insurance Corporation, and the State governmental authority having general supervision of such bank or company. Such reports and other information may be made available by the Board to other agencies of the United States for use where necessary in the performance of their official duties. All reports or other information made available pursuant to this paragraph shall remain the property of the Board and, except as otherwise provided in this part, no person, agency, or authority to whom the information is made available, or any officer, director, or employee thereof, shall disclose any such information except in published statistical material that does not disclose the affairs of any individual or corporation.

(c) *Prohibition against disclosure.* Except as provided in this part, no officer, employee, or agent of the Board or of any Federal Reserve Bank shall disclose or permit the disclosure of any unpublished information of the Board to anyone (other than an officer, employee, or agent of the Board or of a Federal Reserve Bank properly entitled to such information for the performance of his official duties), whether by giving out or furnishing such information or a copy thereof or by allowing any person to inspect or copy such information or copy thereof, or otherwise. Notwithstanding the foregoing, unpublished economic, statistical, or similar information or unpublished information regarding interpretations by the Board of statutory or regulatory provisions may be disclosed,

orally or in writing, by any officer, employee, or agent of the Board or of any Federal Reserve Bank who has knowledge of the subject matter to any person who, in the judgment of such officer, employee, or agent, has a proper interest therein, subject, however, to the restrictions stated in § 261.5 and this § 261.6.

(d) *Appeal from denial of access to information.* Any person who is denied access to records of the Board may, within 5 days thereafter, file with the Board a written request for review of such action; and such review shall not be subject to the procedure prescribed in § 265.3 of this chapter with respect to review of actions taken pursuant to authority delegated by the Board.

#### § 261.7 Subpoenas.

(a) *Advice by person served.* If any person, whether or not an officer, employee, or agent of the Board or of a Federal Reserve Bank, has information of the Board that may not be disclosed under this part and in connection therewith is served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of documents or information in any proceeding, he should promptly inform the Secretary of the Board of such service and of all relevant facts, including the documents and information requested and any facts which may be of assistance to the Board in determining whether such documents or information should be made available; and he should take action at the appropriate time to inform the court or tribunal that issued the process and the attorney for the party at whose instance the process was issued, if known, of the substance of these rules.

(b) *Appearance by person served.* Unless the Board has authorized disclosure of the relevant information, or except as provided in 18 U.S.C. 1906, any person having information of the Board that may not be disclosed under this part who is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and decline to disclose such information or give any testimony with respect thereto, basing his refusal upon this part. If the court or other body orders the disclosure of such information or the giving of such testimony, the person having such information of the Board shall continue to decline to disclose such information and shall promptly report the facts to the Board for such action as the Board may deem appropriate.

2.a. This action is pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C., this 23d day of June 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,  
Secretary.

[P.R. Doc. 67-7521; Filed, June 30, 1967; 8:49 a.m.]

#### SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

#### PART 271—RULES REGARDING AVAILABILITY OF INFORMATION

#### PART 272—RULES OF PROCEDURE

1. Effective July 4, 1967, Part 271 is revised to read as follows:

#### Sec.

- 271.1 Basis and scope.
- 271.2 Definitions.
- 271.3 Published information.
- 271.4 Records available to the public on request.
- 271.5 Deferment of availability of certain information.
- 271.6 Information not disclosed.
- 271.7 Subpoenas.

AUTHORITY: The provisions of this Part 271 issued under sec. 552, Title 5, United States Code.

#### § 271.1 Basis and scope.

This part is issued by the Federal Open Market Committee (the "Committee") pursuant to the requirement of section 552 of Title 5 of the United States Code that every agency shall publish in the FEDERAL REGISTER for the guidance of the public descriptions of the established places at which, the officers from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

#### § 271.2 Definitions.

(a) *"Information of the Committee"*. For purposes of this part, the term "information of the Committee" means all information coming into the possession of the Committee or of any member thereof or of any officer, employee, or agent of the Committee, the Board of Governors of the Federal Reserve System, or any Federal Reserve Bank, in the performance of duties for, or pursuant to the direction of, the Committee.

(b) *"Records of the Committee"*. For purposes of this part, the term "records of the Committee" means rules, statements, opinions, orders, memoranda, letters, reports, accounts, and other papers containing information of the Committee that constitute a part of the Committee's official files.

#### § 271.3 Published information.

(a) *Federal Register.* To the extent required by sections 552 and 553 of the United States Code, and subject to the provisions of §§ 271.5 and 271.6, the Committee publishes in the FEDERAL REGISTER, in addition to this part,

- (1) A description of its organization;
- (2) Statements of the general course and method by which its functions are channeled and determined;



## (3) Rules of procedure:

(4) Substantive rules of general applicability, and statements of general policy and interpretations of general applicability formulated and adopted by the Committee;

(5) Every amendment, revision, or repeal of the foregoing; and

(6) General notices of proposed rule making.

(b) *Policy record.* In accordance with section 10 of the Federal Reserve Act (12 U.S.C. 247a), each annual report made to Congress by the Board of Governors of the Federal Reserve System includes a complete record of the actions taken by the Committee during the preceding year upon all matters of policy relating to open market operations, showing the votes taken and the reasons underlying such actions.

(c) *Other published information.* From time to time, other information relating to open market operations of the Federal Reserve Banks is published in the Federal Reserve Bulletin, issued monthly by the Board of Governors of the Federal Reserve System, in such Board's annual report to Congress, and in announcements and statements released to the press. Copies of issues of the Bulletin and of annual reports of the Board may be obtained upon request.

#### § 271.4 Records available to the public on request.

(a) *Records available.* Records of the Committee are made available to any person, upon request, for inspection or copying in accordance with the provisions of this section and subject to the limitations stated in §§ 271.5 and 271.6. Records falling within the exemptions from disclosure set forth in section 552 (b) of Title 5 of the United States Code and in § 271.6 may nevertheless be made available in accordance with this section to the fullest extent consistent, in the Committee's judgment, with the effective performance of the Committee's statutory responsibilities and with the avoidance of injury to a public or private interest intended to be protected by such exemptions.

(b) *Place and time.* In general, the records of the Committee are held in the custody of the Board of Governors of the Federal Reserve System, but certain of such records, or copies thereof, are held in the custody of one or more of the Federal Reserve Banks. Any such records subject to this section will be made available for inspection or copying during regular business hours at the offices of the Board of Governors of the Federal Reserve System in the Federal Reserve Building, 20th and Constitution Avenue, Washington, D.C. 20551, or, in certain instances as provided in paragraph (c) of this section, at the offices of one or more designated Federal Reserve Banks.

(c) *Obtaining access to records.* Any person requesting access to records of the Committee shall submit such request in writing to the Secretary of the Board of Governors of the Federal Reserve System. In any case in which the records requested, or copies thereof, are available at a Federal Reserve Bank, the Sec-

retary of the Board may so advise the person requesting access to the records. Every request for access to records of the Committee shall state the full name and address of the person requesting them and shall describe such records in a manner reasonably sufficient to permit their identification without undue difficulty; and such person shall pay a fee in an amount based upon \$5 per hour for the time required to locate such records and prepare them for inspection plus 10 cents per standard page for any copying thereof.

#### § 271.5 Deferment of availability of certain information.

(a) *Deferred availability of information.* In some instances, certain types of information of the Committee are not published in the FEDERAL REGISTER or made available for public inspection or copying until after such period of time as the Committee may determine to be reasonably necessary to avoid the effects described in paragraph (b) of this section or as may otherwise be necessary to prevent impairment of the effective discharge of the Committee's statutory responsibilities. For example, the Committee's current economic policy directive adopted at each meeting of the Committee is published in the FEDERAL REGISTER approximately 90 days after the date of its adoption; and no information in the records of the Committee relating to the adoption of any such directive is made available for public inspection or copying before it is published in the FEDERAL REGISTER.

(b) *Reasons for deferment of availability.* Publication of, or access to, certain information of the Committee may be deferred because earlier disclosure of such information would

(1) Interfere with the orderly execution of policies adopted by the Committee in the performance of its statutory functions;

(2) Permit speculators and others to gain unfair profits or to obtain unfair advantages by speculative trading in securities, foreign exchange, or otherwise;

(3) Result in unnecessary or unwarranted disturbances in the securities market;

(4) Make open market operations more costly;

(5) Interfere with the orderly execution of the objectives or policies of other Government agencies concerned with domestic or foreign economic or fiscal matters; or

(6) Interfere with, or impair the effectiveness of, financial transactions with foreign banks, bankers, or countries that may influence the flow of gold and of dollar balances to or from foreign countries.

#### § 271.6 Information not disclosed.

Except as may be authorized by the Committee, information of the Committee that is not available to the public through other sources will not be published or made available for inspection, examination, or copying by any person if such information

(a) Is exempted from disclosure by statute or executive order;

(b) Relates solely to internal personnel rules or practices or other internal practices of the Committee;

(c) Relates to trade secrets or commercial or financial information obtained from any person and privileged or confidential;

(d) Is contained in interagency or intraagency memoranda or letters, including records of deliberations and discussions at meetings of the Committee and reports and documents filed by members or staff of the Committee that would not be routinely available to a private party in litigation with the Committee;

(e) Is contained in personnel, medical, or similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(f) Is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

Except as provided by or pursuant to this part, no person shall disclose, or permit the disclosure of, any information of the Committee to any person, whether by giving out or furnishing such information or copy thereof, by allowing any person to inspect, examine, or reproduce such information or copy thereof, or by any other means, whether the information is located at the offices of the Board of Governors of the Federal Reserve System, any Federal Reserve bank, or elsewhere, unless such disclosure is required in the performance of duties for, or pursuant to the direction of, the Committee. Any person who may be denied access to records of the Committee may, within 5 days thereafter, file with the Committee a written request for review of such action.

#### § 271.7 Subpoenas.

(a) *Advice by person served.* If any person, whether or not an officer or employee of the Committee, of the Board of Governors of the Federal Reserve System, or of a Federal Reserve Bank, has information of the Committee that may not be disclosed by reason of § 271.5 or § 271.6 and in connection therewith is served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of documents or information upon any proceeding, he should promptly inform the Secretary of the Committee of such service and of all relevant facts, including the documents and information requested and any facts that may be of assistance in determining whether such documents or information should be made available; and he should take action at the appropriate time to inform the court or tribunal that issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of this part.

(b) *Appearance by person served.* Except as disclosure of the relevant information is authorized pursuant to this part, any person who has information of

the Committee and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and decline to disclose such information or give any testimony with respect thereto, basing his refusal upon this part. If, notwithstanding, the court or other body orders the disclosure of such information, or the giving of such testimony, the person having such information of the Committee shall continue to decline to disclose such information and shall promptly report the facts to the Committee for such action as the Committee may deem appropriate.

2. Effective July 4, 1967, Part 272 is amended in the following respects:

a. Section 272.1 is amended to read as follows:

§ 272.1 Basis and scope.

This part is issued by the Federal Open Market Committee (the "Committee") pursuant to the requirement of section 552 of Title 5 of the United States Code that every agency shall publish in the FEDERAL REGISTER its rules of procedure.

b. Section 272.3 is amended to read as follows:

§ 272.2 Notice and public procedure.

There ordinarily will be no published notice of proposed action by the Committee or public procedure thereon, as described in section 553 of Title 5 of the United States Code, because such notice and procedure are impracticable, unnecessary, or contrary to the public interest.

§ 272.5 [Repealed]

c. Section 272.5 is repealed.

3.a. This action is pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C., this 20th day of June 1967.

By order of the Federal Open Market Committee.

ROBERT C. HOLLAND,  
Secretary.

[F.R. Doc. 67-7522; Filed, June 30, 1967;  
8:49 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER A—GENERAL

[No. 20,681]

PART 505—RULES REGARDING AVAILABILITY OF INFORMATION

JUNE 26, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of considera-

tion by it of the advisability of amending Part 505 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 505), to implement the provisions of Public Law 90-23, approved June 5, 1967 (81 Stat. 54; 5 U.S.C. 552), and for the purpose of effecting such amendment hereby revises said Part 505 to read as follows, effective July 4, 1967:

Sec.

- 505.1 Basis and scope.
- 505.2 Definitions.
- 505.3 Published information.
- 505.4 Access to records.
- 505.5 Deferment of availability of certain information.
- 505.6 Information not disclosed.
- 505.7 Subpoenas.
- 505.8 Appeals.

**AUTHORITY:** The provisions of this Part 505 issued under 5 U.S.C. 552; sec. 17, 47 Stat. 735, as amended, sec. 5, 48 Stat. 132, as amended, sec. 402, 48 Stat. 1256, as amended; 12 U.S.C. 1437, 1464, 1725; Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp.

§ 505.1 Basis and scope.

This part is issued by the Federal Home Loan Bank Board pursuant to the requirement of section 552 of Title 5 of the United States Code, that every Federal agency shall publish in the FEDERAL REGISTER for the guidance of the public descriptions of the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions.

§ 505.2 Definitions.

(a) "Information of the Board"—for purposes of this part, the term "information of the Board" means all information coming into the possession of the Board or of any member thereof, of the Federal Savings and Loan Insurance Corporation, or of any Federal Home Loan Bank, or of any officer, employee, or agent of the Board or of any Federal Home Loan Bank, in the performance of duties for or on behalf of the Board, whether located at the offices of the Board or of a Federal Home Loan Bank, or elsewhere, including any examination report or related information in connection with examinations made by examiners selected or approved by the Board.

(b) "Records of the Board"—For purposes of this part, the term "records of the Board" means rules, statements, opinions, orders, memoranda, interpretations, letters, reports, accounts, and other papers that contain information of the Board.

(c) "Member institution" shall have the meaning set forth in § 511.735-2(f) of this subchapter.

§ 505.3 Published information.

(a) **FEDERAL REGISTER:** As required by sections 552 and 553 of Title 5 of the United States Code, and subject to the provisions of §§ 505.5 and 505.6, the Board publishes in the FEDERAL REGISTER for the guidance of the public, in addition to this part:

- (1) Descriptions of its central and field organization;
- (2) Statements of the general course and method by which its functions are

channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Board;

(5) Every amendment, revision, or repeal of the foregoing; and

(6) General notices of proposed rule making.

(b) **Annual Report:** The Board's Annual Report to Congress, made pursuant to section 17(b) of the Federal Home Loan Bank Act (12 U.S.C. 1437(b)), which is published after its submission to Congress, contains a report of the Board's operations during the year. It also contains an economic review of the savings and loan industry for the year.

(c) **Federal Home Loan Bank Board Digest:** In the Federal Home Loan Bank Board Digest, which is issued monthly, the Board publishes brief summaries of economic and statistical information; special articles on subjects of economic interest; brief summaries of regulations, statements of general policy, and interpretations of general interest to the public; notices of actions by the Board on certain types of applications, such as applications for membership in the Federal Home Loan Bank System; and a directory which includes a listing of new insured members of the Federal Home Loan Bank System, new Federal associations, and new branch offices of Federal associations.

(d) **Other published information:** From time to time, the Board issues statements to the press regarding particular dividend and credit actions, regulatory actions, statements of policy, actions with respect to certain types of applications, and other matters. In addition, it issues various publications, among which is an annual compilation of statistics relating to the savings and loan industry called the "Combined Financial Statements". Compilations of the various statutes under which the Board operates, and the regulations, rulings and statements of policy which it promulgates, are published in looseleaf form and are from time to time brought up-to-date by supplements.

(e) The publications referred to in paragraphs (b), (c) and (d) of this section may be examined, and in many instances copies thereof are available, at the offices of the Board, at the address set forth in paragraph (d) of § 505.4.

§ 505.4 Access to records.

(a) **General rule.** All records of the Board are made available to any person for inspection and copying in accordance with the provisions of this section and subject to the limitations stated in §§ 505.5 and 505.6. It is the policy of the Board to disclose its records to the public, even though such records may, in the Board's discretion, be exempted from disclosure by section 552 of Title 5 of the

United States Code or by § 505.6, whenever such disclosure can be made without resulting in injury to a public or private interest intended to be protected by the foregoing statute or in a significant interference with the statutory responsibilities of the Board and the national interest.

(b) *Opinions, orders, statements of policy, interpretations, and staff manuals and instructions.* Subject to the provisions of §§ 505.5 and 505.6, the Board makes available for inspection and copying (1) all final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases; (2) statements of policy and interpretations adopted by the Board that are not published in the FEDERAL REGISTER; and (3) administrative staff manuals and instructions to staff that affect any member of the public. However, to the extent required to prevent a clearly unwarranted invasion of personal privacy, the Board may delete identifying details in any material of the kinds above described; and in each such case the justification for such deletion will be fully explained in writing. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public as to any material described in this paragraph which is issued, adopted, or promulgated after July 4, 1967.

(c) *Other records.* Subject to the provisions of §§ 505.5 and 505.6, a record of the final votes of each member of the Board in any proceeding of the Board is available for public inspection.

(d) *Obtaining access to records.* Records of the Board subject to this section are available for public inspection or copying during regular business hours on regular business days at the offices of the Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552. Any person requesting access, or copying of, such records shall submit such request in writing to the Secretary of the Board. The request shall state the full name and address of the person requesting access to, or copying of, such records and a description of the records sought that is reasonably sufficient to permit their identification without undue difficulty. Wherever possible requests should be submitted in advance of the date inspection or copying is desired, preferably by mail. A person requesting access to or copies of particular records shall pay a prescribed fee based upon the estimated cost of locating, preparing for inspection, or copying such records.

#### § 505.5 Deferment of availability of certain information.

(a) *Deferment of availability.* In some instances, certain types of information of the Board are not published in the FEDERAL REGISTER or made available for public inspection or copying until after such period of time as the Board may determine to be reasonably necessary to avoid the effects described in paragraph (b) of this section or as may otherwise be necessary to prevent impairment of the effective discharge of the Board's statutory responsibilities. For example,

such deferment of publication or availability of information to the public may be necessary with respect to information relating to the determination of dividend and credit policies, including but not limited to advance rates, reserve and liquidity requirements of member institutions, and maximum interest or dividend rates payable by member institutions on withdrawable accounts.

(b) *Reasons for deferment of availability.* Publication of, or public access to, information of the kinds described in paragraph (a) of this section may be deferred because earlier disclosure of such information would:

(1) Interfere with the accomplishment of the objectives of the Board's actions in the discharge of its statutory responsibilities;

(2) Interfere with the orderly execution of the objectives or policies of other Government agencies concerned with economic or fiscal matters; or

(3) Result in unnecessary and unwarranted disturbances in the savings and loan industry.

#### § 505.6 Information not disclosed.

(a) *General rule.* Except as otherwise provided in this part or as may be specifically authorized by the Board, information of the Board that has not been published in accordance with § 505.3 and is not available to the public through other sources will not be made available to the public or otherwise disclosed if such information:

(1) Is exempted from disclosure by statute or Executive order;

(2) Is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of, the Board or a Federal Home Loan Bank, relating to the affairs of any member institution or affiliate thereof, or any other person engaged, or proposing to engage, in the savings and loan business;

(3) Is privileged or relates to the business, personal, or financial affairs of any person and is furnished in confidence;

(4) Is contained in investigatory files compiled for law enforcement purposes (except to the extent available by law to a private party), including, but not limited to, information relating to matters involving: (i) The issuance of a cease-and-desist order, or order of suspension or removal, under the Financial Institutions Supervisory Act of 1966 (P.L. 89-695); (ii) the termination of insurance under section 407 of the National Housing Act, as amended (12 U.S.C. 1730); (iii) the termination of membership in a Federal Home Loan Bank pursuant to section 6(l) of the Federal Home Loan Bank Act (12 U.S.C. 1426); (iv) appointments of conservators and receivers under section 5(d) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464); and section 406 of the National Housing Act, as amended (12 U.S.C. 1729); (v) the application of section 408 of the National Housing Act (12 U.S.C. 1730a) to holding companies; and (vi) the granting or revocation of any approval, permission, or authority, except to the extent provided in this part;

(5) Relates solely to the internal personnel rules or other internal practices of the Board;

(6) Is contained in personnel, medical, and similar files (including financial files), the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(7) Is contained in interagency and intraagency memoranda or letters that would not be routinely available by law to a private party in litigation with the Board, including but not limited to memoranda, reports, and other documents prepared by the Board's staff or by the staffs of the Federal Home Loan Banks, and records of deliberations and discussions at meetings of the Board or of the Board's staff.

(b) *Information available to insured institutions and to State and Federal agencies.* A copy of each report of examination of each insured institution is made available by the President of the appropriate Federal Home Loan Bank, in his capacity as Supervisory Agent of the Board, to the institution examined. Each such report of examination and other information relating to State-chartered insured institutions is made available, upon request, by the Director of the Board's Office of Examinations and Supervision to the State governmental authority having general supervision of such State-chartered insured institutions. Reports of examination and other information may be made available by the Board to other agencies of the United States or a State for use where necessary in the performance of their official duties. All reports or other information made available pursuant to this paragraph shall remain the property of the Board and, except as otherwise provided in this part, no person, agency, or authority to whom the information is made available, or any officer, director, or employee thereof, shall disclose any such information except in published statistical material that does not disclose the affairs of any individual or corporation.

(c) *Prohibition against disclosure.* Except as provided in this part, no officer, employee, or agent of the Board or of any Federal Home Loan Bank shall disclose or permit the disclosure of any unpublished information of the Board to anyone (other than an officer, employee, or agent of the Board or of a Federal Home Loan Bank properly entitled to such information for the performance of his official duties), whether by giving out or furnishing such information or a copy thereof or by allowing any person to inspect, examine, or copy such information or copy thereof, or otherwise. Notwithstanding the foregoing, unpublished economic, statistical or similar information or unpublished information regarding interpretations by the Board of statutory or regulatory provisions may be disclosed, orally or in writing, by any officer, employee, or agent of the Board or of any Federal Home Loan Bank, acting in his capacity as agent of the Board, who has knowledge of the subject matter to any person

who, in the judgment of such officer, employee, or agent, has a proper interest therein, subject, however, to the restrictions stated in § 505.5 and this § 505.6.

#### § 505.7 Subpoenas.

(a) *Advice by person served.* If any person, whether or not an officer or employee of the Board or of a Federal Home Loan Bank, has information of the Board that may not be disclosed under this part and in connection therewith is served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of documents or information in any proceeding, he shall promptly advise the Board of such service and of all relevant facts, including the documents and information requested and any facts which may be of assistance to the Board in determining whether such documents or information should be made available; and he shall take action at the appropriate time to advise the court or tribunal which issued the process and the attorney for the party at whose instance the process was issued, if known, of the substance of these rules.

(b) *Appearance by person served.* Except as the Board has authorized disclosure of the relevant information, or except as authorized by law, any person who has information of the Board that may not be disclosed under this part and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce such information or give any testimony with respect thereto, basing his refusal upon this part. If, notwithstanding, the court or other body orders the disclosure of such information or the giving of such testimony, the person having such information of the Board shall continue respectfully to decline to produce such information and shall promptly report the facts to the Board for such action as the Board may deem appropriate.

#### § 505.8 Appeals.

Any person who believes himself aggrieved by the denial to him of any information or record of the Board pursuant to this part may make written application, stating the grounds thereof, to the General Counsel of the Board for redress. Within 5 business days of receipt of such application, the General Counsel shall advise the applicant of his determination as to the disposition of the application. The applicant may appeal the determination of the General Counsel to the Board for review, by written application addressed to the Office of the Secretary at the address set forth in § 505.4(d). The Board shall act upon such application within 10 business days of receipt thereof (except for good cause made promptly known to the applicant) and shall promptly notify the applicant of its determination, which shall be final.

Resolved further that, since the foregoing amendment is designed to implement the requirements of 5 U.S.C. 552, effective July 4, 1967, the Board finds that notice and public procedure on said amendment are impracticable under the

provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and 5 U.S.C. 553.3(b), and for the same reason, the Board hereby finds that deferral of the effective date of the said amendment pursuant to the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is impracticable, and the Board provides that the said amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,  
Assistant Secretary.

[F.R. Doc. 67-7476; Filed, June 30, 1967;  
8:45 a.m.]

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Rev. 1]

#### PART 102—DISCLOSURE OF INFORMATION

Public Law 89-487, 80 Stat. 250, approved July 4, 1966 (popularly known as the Freedom of Information Act or Public Information Act), substantially revised 5 U.S.C. 552, formerly section 3 of the Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. 1002 (1964 Ed.), to clarify and protect the right of the public to obtain information from Federal agencies. To clarify and protect the right of the public to information from the Small Business Administration pursuant to Public Law 90-23, 5 U.S.C. 552, which subsequently codified and repealed Public Law 89-487, Part 102 of Chapter I of Title 13 of the Code of Federal Regulations is revised to read as follows:

- Sec.
- 102.1 Purpose and policy.
  - 102.2 Scope.
  - 102.3 Information and records available to the public and exempt from disclosure.
  - 102.4 Public access to information and records.
  - 102.5 Administrative appeal of refusal to disclose.
  - 102.6 Fees.
  - 102.7 Appearances and testimony by SBA officers and employees.

AUTHORITY: The provisions of this Part 102 issued under sec. 5, 72 Stat. 385; 15 U.S.C. 634.

#### § 102.1 Purpose and policy.

(a) This part establishes policy and procedures governing public access to information contained in the files, documents, and records of the Small Business Administration (SBA). In keeping with the spirit as well as the letter of Public Law 90-23, which codified and repealed Public Law 89-487, amending 5 U.S.C. 552, formerly section 3 of the Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. 1002 (1964 Ed.), it reflects SBA

policy that disclosure is the general rule rather than the exception. It is in addition a recognition that this policy in favor of disclosure extends in many instances to information technically exempt from disclosure under the law where such disclosure would not adversely affect some legitimate public or private interest intended to be protected by law, would not otherwise violate law or other authority, and would not impose an unreasonable burden upon SBA.

(b) This part is also a recognition that the soundness of many SBA programs, e.g., loans, licensing and financing of small business investment companies, and the issuance of certificates of competency as to the capacity and credit of small business concerns to perform Government contracts, depends in large measure upon the reliability of commercial, technical, financial and business information relating to the affairs of applicants for SBA assistance. Since the release of such information would jeopardize the credit and competitive business position of an applicant it is essential that applicants be assured that the information is considered to be submitted to SBA in confidence and will not be disclosed to the public. Thus applicants will be encouraged to make complete disclosure of material bearing upon an application and SBA decisions on whether financial or other assistance should be approved will be made with greater assurance that the interests of the United States will be protected.

#### § 102.2 Scope.

(a) This part applies to all files, documents, records, and information obtained or produced by officers and employees of SBA in the course of their official duties as well as all files, documents, records, and other information in the custody or control of any SBA officer or employee. It does not purport to describe or set forth every Agency file, document, record, or item of information which may or may not be disclosed or to incorporate every exemption from disclosure provided by law. Material described is illustrative rather than exclusive.

(b) Moreover, this part deals with the availability of information to the public, including parties involved in litigation affecting the Agency. It does not apply to the disclosure of information to persons, organizations, or institutions participating in SBA programs or activities, or to other activities in the executive and legislative branches of the Federal Government.

#### § 102.3 Information and records available to the public and exempt from disclosure.

(a) *General.* (1) All SBA information and records in existence which are not exempt by law are available for public inspection and copying in, or through, facilities described in § 102.4. In addition, certain materials technically qualifying for exemption from disclosure are to be made available where disclosure would not adversely affect some legitimate public or private interest, would not otherwise violate law or other authority, and

would not impose an unreasonable burden on SBA. Reasonable requests for material not in existence may also be honored where their compilation will not unduly interfere with SBA activities and programs.

(2) SBA National Directive 1250-2, "Disclosure of Information," which is available in the facilities described in § 102.4, sets forth in detail the information, records, and other data which are, or may be, available to the public as well as those exempt from disclosure. Specific examples of information routinely available in SBA facilities are listed in § 102.4. Examples of information and other materials, available and exempt, in which there should be general interest are discussed in succeeding paragraphs of this section.

(b) *Information and records relating to SBA assistance programs.* (1) Although SBA assistance programs typically involve the consideration of material constituting in large part trade secrets, commercial or financial information, information submitted in confidence, or information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, the following kinds of information are nevertheless available to the public:

(i) Names of recipients of loans, small business investment company licenses, certificates of competency, grants, and other assistance.

(ii) The kind and amount of assistance.

(iii) The purpose of the approved assistance in general terms.

(iv) The extent of outside participation, if any.

(v) Statistical data on assistance programs.

(vi) Decisions, rulings, and records showing Agency actions in specific factual situations where identifying details exempt from disclosure may be effectively deleted.

(2) Information which is not available to the public includes:

(i) Information other than statistical on declined, withdrawn, or canceled applications for assistance.

(ii) Financial or other confidential information about applicants or borrowers obtained from any source.

(iii) Individual case files relating to such activities as loans, licenses, size determinations, facilities inventory, prime and subcontracting, and Service Corps of Retired Executives (SCORE).

(iv) Internal Agency communications showing, for example, recommendations on applications for assistance.

(v) Information concerning losses, delinquencies and defaults in individual cases.

(vi) Names of participating lending institutions without their consent.

(vii) Information regarding the character of applicants, borrowers, or other persons.

(viii) Financial reports of small business investment companies.

(ix) Examination, audit, investigation, and litigation reports.

(c) *Opinion digest*—(1) *Description.* This Digest which is available for inspection

and copying in the facilities described in § 102.4, is largely a compilation of selected advisory legal opinions involving specific facts and specific parties. As such they do not necessarily reflect final Agency opinions, interpretations, or decisions in any given cases. Moreover, the opinions are based on authority in effect at the time the opinions were rendered and such authority may no longer be controlling because of a change in law, regulation, or other directive pertaining to the matter. They do, however, provide guides to the reasoning utilized in analyzing given problems and questions which may have widespread implications and are made available to the public primarily on this basis rather than as authoritative statements of continuing precedent.

(2) *Identifying details omitted.* Identifying details have been omitted in most cases to avoid the possibility of violations of 18 U.S.C. 1905 which imposes criminal penalties for the disclosure of trade secrets, financial data, and other confidential information. Also avoided is the disclosure of other information exempt from disclosure, for example, information submitted to the Agency in confidence or which would constitute a clearly unwarranted invasion of privacy. Absence of identifying details has no bearing or effect on the general public and does not affect the validity of the opinion disclosed.

(d) *Size decisions.* Agency determinations of the size status of business concerns resulting from appeals to the Size Appeals Board, as provided in Part 121 of this chapter, have been summarized and indexed on cards available for inspection and copying in the facilities described in § 102.4. Complete decisions will be available on request but, in cases which contain trade secrets, commercial or financial information, or other confidential information, after deletion of identifying details.

(e) *Minutes of the Loan Policy Board.* These are available for inspection and copying in the Washington reading room as provided in § 102.4. The Loan Policy Board was terminated by Reorganization Plan No. 4 of 1965, effective July 27, 1965, and its functions transferred to the SBA Administrator. Despite the Board's abolition, policies adopted by the Board remain in effect until affirmative action by the Administrator changes them. The minutes provide guides to the reasons for such policies. Part 120 of this chapter contains a statement of SBA's loan policies.

(f) *Personnel and similar files.* The names, position titles, grades, salaries, and duty stations of SBA employees are public information but their home addresses are not so considered. The disclosure of private or personal information contained in other Agency files, for example, in the files relating to members of SBA advisory boards, committees, or councils and Service Corps of Retired Executives (SCORE) and to applicants for SBA assistance would normally amount to a clearly unwarranted invasion of privacy and thus would be considered exempt.

(g) *Agency staff directives and other instructions to staff.* All directives are considered public information except those relating to audits and investigations, internal financial management and fiscal operations, and portions of directives containing confidential standards and instructions, as, for example, instructions concerning negotiations or bargaining in connection with the disposition and liquidation of loans and loan collateral held by SBA.

(h) *Litigation materials.* Copies of pleadings, motions, orders, transcripts of testimony, and documentary evidence introduced in pending or closed litigation are available once such items are a matter of public record.

(i) *Internal communications.* Inter-agency or intra-agency communications not routinely available to a party to litigation with SBA are exempt from disclosure. These would include, among other things, drafts, memoranda between officials or agencies, opinions and interpretations prepared by SBA attorneys and other staff members or consultants for use of the Agency (except as made available in the Opinion Digest referred to in paragraph (c) of this section), research studies performed internally or under contract for internal management purposes, and internal management reports.

#### § 102.4 Public access to information and records.

(a) *Facilities.* SBA facilities are available to the public during normal business hours for requesting, inspecting and copying information and records. Reproduction machines will also be available in, or through, such facilities.

(1) *Washington Office.* A public reading room is located in Room 100, 1441 L Street NW., Washington, D.C.

(2) *Area and regional offices.* The reception areas in SBA field offices will be utilized for public information requests. A list of these offices is included in Part 101 of this chapter or may be obtained by writing to the Small Business Administration, Washington, D.C. 20416.

(b) *Materials available in Washington reading room and field office reception area facilities.* (1) For the convenience of the public certain Agency materials will be maintained and readily available in these facilities. These will include:

(i) All SBA directives and manuals not exempt from disclosure.

(ii) SBA Rules and Regulations (including Interpretations).

(iii) Opinion Digest.

(iv) Size Index Cards which contain a summary of decisions resulting from appeals of small business size decisions to SBA's Size Appeals Board.

(v) Index of Agency materials, including lists of directives, forms, and reports.

(2) The Washington reading room will, in addition to the above, have normally available, among other things:

(i) Minutes of the Loan Policy Board.

(ii) Management and technical assistance publications issued on a free or for-sale basis, as listed on SBA Forms 115 A and B.

(iii) SBA's Annual Report to the President and the Congress.

(iv) SBIC Digest and policy and procedural releases sent to all small business investment companies.

(v) Press releases.

(vi) Final SBA decisions in formal administrative hearings.

(vii) Routine statistical reports on Agency activities.

(viii) Names of recipients of SBA assistance and related information not exempt from disclosure.

(ix) Pamphlets describing SBA programs.

(x) Blank SBA forms.

(c) *Other materials.* Requests for information, records, and other materials not readily available in the Washington reading room or field office reception areas may be requested through such facilities. Requests will be referred to the proper SBA office and the person making the request will be notified of the availability of the material and any charges involved. If the material requested is the exclusive concern of another agency, the request will be referred to that agency. If the material is of concern to more than one agency, the request will be referred to the agency whose interest is paramount for a decision to disclose or withhold the material.

(d) *Forms for requesting information.*

(1) SBA Form 774, "Request for SBA Forms, Documents, Records and Other Information" is used for processing requests. Any person desiring information or records may be asked to complete Part I of the form identifying the material requested and the copies, if any, desired. If requests are received by mail or telephone, Part I will be completed by SBA.

(2) SBA Form 778 is a form letter or notice which will advise the requester of the availability of the material, any charges involved, or the referral of the request to another office or agency.

(3) SBA Form 772 will be used to record transactions involving charges and a copy thereof will serve as a receipt to the purchaser.

#### § 102.5 Administrative appeal of refusal to disclose.

(a) *Who may appeal.* Any person whose request for information or records has been denied shall be entitled to submit a written appeal to the Agency.

(b) *Form of appeal.* While no particular form is prescribed, the letter or other written statement utilized for such purpose shall contain a description of the information or record requested, the name and place of employment of the SBA official or employee who denied the request, the reason, if any, given for the denial, and such other pertinent facts and statements as the appellant may deem appropriate. SBA may request additional details where the information submitted is insufficient to support a decision.

(c) *Where to appeal.* Appeals shall be addressed to the Assistant Administrator for Administration, Small Business Administration, Washington, D.C. 20416.

(d) *Agency decision.* Final Agency decision on appeals from refusals to disclose information or records shall be made by the Assistant Administrator for Administration. He shall promptly review each appeal and provide appellant and other interested parties, if any, with a written notification of the decision. If the decision upholds the refusal to disclose, the notification shall contain a statement sufficiently explaining the reasons for the refusal.

#### § 102.6 Fees.

(a) *Basis.* Factors taken into account in establishing fees for reproducing copies of documents, records search, and compilation of materials include reproduction cost, average salary of employees involved, and overhead cost.

(b) *Method of payment.* Remittances shall be in the form of cash or cashier's check, money order or other guaranteed remittance made payable to the Small Business Administration. Payment shall normally be due at the time the service is rendered. However, where extensive record searches or compilations are involved the person requesting the service shall pay whatever fee is estimated by SBA to be appropriate before any search or compilation is undertaken. Fees paid in advance shall be held in suspense pending completion of the search or compilation and adjusted when final charges have been determined.

(c) *Prices.* (1) For documents available in the Washington reading room and in reception areas in SBA field offices, the charge for reproduction will be 25 cents per page.

(2) For requests requiring a search of SBA records but no compilation, there will be a minimum charge of \$2 plus the regular charge of 25 cents per page for reproduction. In addition, the total charge will include a charge based upon employees' time required for the search.

(3) For information which has to be compiled the charge will include the cost of employees' time, cost of computer runs or other equipment use, and other overhead expense. Since there is no obligation on the part of the Agency to compile records or data, requests for compilations must be reasonable and not unduly interfere with normal SBA operations or program activities.

(4) Persons may inspect and copy documents by their own means in the SBA facilities without charge except for search or compilation charges which may be otherwise payable.

#### § 102.7 Appearances and testimony by SBA officers and employees.

Whenever an officer or employee of SBA is served with a subpoena demanding the disclosure of the information or the production of files, documents, and records described in this part, or is requested by any court, committee or other body to disclose such information, the officer or employee shall promptly inform his superior of the requirements of the subpoena or request and shall ask for instructions from the Assistant Administrator for Administration with respect thereto. Such officer or employee

shall appear before the court, committee or body and, if the Assistant Administrator for Administration has not authorized disclosure, the employee shall respectfully decline to disclose the information or produce the files, documents and records demanded or requested, basing such refusal upon this part.

Effective date: July 4, 1967.

ROBERT C. MOOT,  
Acting Administrator.

[F.R. Doc. 67-7514; Filed, June 30, 1967;  
8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter V—National Aeronautics and Space Administration

#### PART 1201—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

##### 1. Part 1201 added.

##### Subpart 1—Introduction

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1201.101	Purpose.
1201.102	Functions.
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##### Subpart 2—NASA Headquarters

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##### Subpart 3—NASA Field Installations

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1201.400	Jet Propulsion Laboratory.
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##### Subpart 6—Boards and Committees

1201.600	Boards and committees.
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##### Subpart 7—General Information

1201.700	NASA procurement program.
1201.701	Federal Region Report Centers.

AUTHORITY: The provisions of this Part 1201 issued pursuant to 5 U.S.C. 552, as amended by P.L. 90-23.

##### Subpart 1—Introduction

#### § 1201.100 Creation and authority.

The National Aeronautics and Space Administration was established by the National Aeronautics and Space Act of 1958 (72 Stat. 426, 42 U.S.C. 2451 et seq.), as amended (hereafter called the "Act").

#### § 1201.101 Purpose.

It is the purpose of the National Aeronautics and Space Administration under the Act to carry out the declared policy of the United States that aeronautical and space activities sponsored by the

United States shall be the responsibility of, shall be directed by, and shall be under the control of a civilian agency, except to the extent that aeronautical and space activities are determined by the President to be peculiar to or primarily associated with the development of weapons systems, military operations, or the defense of the United States, which activities shall be the responsibility of the Department of Defense.

#### § 1201.102 Functions.

In order to carry out the purposes of the Act, NASA is authorized to conduct research into the problems of flight within and outside the earth's atmosphere; to develop, construct, test, and operate aeronautical and space vehicles for research purposes; and to perform such other activities as may be required for the exploration of space. The term "aeronautical and space vehicles" means aircraft, missiles, satellites, and other space vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

#### § 1201.103 Administration.

(a) NASA is headed by an Administrator, who is appointed from civilian life by the President by and with the consent of the Senate. The Administrator is responsible under the supervision and direction of the President, for exercising all powers and discharging all duties of NASA and has authority and control over all personnel and activities of the agency.

(b) NASA also has a Deputy Administrator, who is appointed from civilian life by the President by and with the consent of the Senate. The Deputy Administrator serves on a day-to-day basis as the Agency's general manager, under delegations of authority and responsibility from the Administrator, and, in his absence, the Deputy Administrator serves as Acting Administrator.

#### § 1201.104 Organization.

Overall planning, coordination, and control of NASA programs are vested in NASA Headquarters, located in Washington, D.C. Directors of NASA field installations and other component installations are responsible for execution of NASA's programs, largely through contracts with research, development, and manufacturing enterprises. Certain types of research and development activities are conducted in NASA field installations and other component installations by Government-employed scientists, engineers, and technicians. NASA's basic organization consists of the Headquarters, 10 field installations, the Jet Propulsion Laboratory (a contractor-operated facility), and several component installations which report to heads of field installations or Headquarters offices.

### Subpart 2—NASA Headquarters

#### § 1201.200 Headquarters.

NASA Headquarters is comprised of (a) the Office of the Administrator; (b) four Program Offices, responsible for planning and directing NASA research and development programs; (c) the Of-

fice of Organization and Management, responsible for agencywide management and administrative processes; (d) 12 Functional Offices, which provide agencywide leadership in certain administrative and specialized areas; and (e) an Executive Secretariat.

#### § 1201.201 Office of the Administrator.

(a) The Office of the Administrator consists of the Administrator, Deputy Administrator, and the Associate Deputy Administrator.

(b) The authority and responsibilities exercised by the Administrator and Deputy Administrator are set forth in § 1201.103.

(c) The Associate Deputy Administrator serves as a principal assistant to the Administrator and Deputy Administrator on matters requiring special emphasis or attention, and in the coordination and general supervision of activities of certain of the Assistant Administrators reporting to the Administrator and Deputy Administrator.

#### § 1201.202 Headquarters Program Offices.

(a) *General.* The four Headquarters Program Offices are headed by Associate Administrators, who are responsible for planning and directing NASA's research and development programs in these respective areas of interest. Three of these offices also have overall management responsibility for the field installations, the Jet Propulsion Laboratory, or component installations, that are engaged primarily in programs coming under the direction of the cognizant Program Office.

(b) *Office of Advanced Research and Technology.* (1) The Office of Advanced Research and Technology, headed by the Associate Administrator for Advanced Research and Technology, is responsible for NASA programs to provide technological knowledge for future aeronautical and space vehicle design, including research and advance technological development in aeronautics, spacecraft, and launch vehicle technology, nuclear and other propulsion systems, electronics, and supporting technological research. This Office coordinates NASA's total research program to insure its overall adequacy and to avoid undesirable duplication.

(2) This Office also exercises overall management responsibility over (1) the Ames Research Center (§ 1201.300(b)(1)); (2) the Electronics Research Center (§ 1201.300(b)(2)); (3) the Flight Research Center (§ 1201.300(b)(3)); (4) the Langley Research Center (§ 1201.300(b)(6)); (5) the Lewis Research Center (§ 1201.300(b)(7)); and (6) the Space Nuclear Propulsion Office (§ 1201.500(j)).

(c) *Office of Manned Space Flight.* (1) The Office of Manned Space Flight, headed by the Associate Administrator for Manned Space Flight, is responsible for directing NASA's efforts to develop and apply a manned space flight capability, including the development of large launch vehicles and spacecraft, and the launch, operational, logistic, life support, and related systems required for man to perform missions in space.

(2) This Office also exercises overall management responsibility over (1) the John F. Kennedy Space Center (§ 1201.300(b)(5)); (2) the Manned Spacecraft Center (§ 1201.300(b)(8)); (3) the George C. Marshall Space Flight Center (§ 1201.300(b)(9)); and (4) the NASA-Daytona Beach Operation (§ 1201.500(a)).

(d) *Office of Space Science and Applications.* (1) The Office of Space Science and Applications, headed by the Associate Administrator for Space Science and Applications, is responsible for NASA programs relating to scientific explorations of space, and for communications meteorological, and related peaceful applications of space systems technology.

(2) This Office also exercises overall management responsibility over (1) the Goddard Space Flight Center (§ 1201.300(b)(4)); (2) the Wallops Station (§ 1201.300(b)(10)); and (3) the Jet Propulsion Laboratory (§ 1201.400). In addition, the Voyager Project Office, located in Pasadena, Calif., reports directly to the Voyager Program Office within the Office of Space Science and Applications.

(e) *Office of Tracking and Data Acquisition.* The Office of Tracking and Data Acquisition, headed by the Associate Administrator for Tracking and Data Acquisition, is responsible for the development, availability, and operation of tracking and data acquisition facilities, systems, equipment, and instrumentation necessary to acquire, record, process, and transmit technical and scientific data for NASA programs. It is also responsible for management of NASA long-line communication system and for management and coordination of agencywide automatic data processing requirements.

#### § 1201.203 Office of Organization and Management.

(a) *General.* The Office of Organization and Management, headed by the Associate Administrator for Organization and Management, has the principal responsibility for evaluating and strengthening agencywide management practices and policies related to NASA's programs and activities that are carried out within NASA or through industrial or university elements. In this connection, the Associate Administrator for Organization and Management is responsible to the Administrator for leadership and supervision in the areas of Administration, Industry Affairs, Technology Utilization, University Affairs, and other offices on which NASA operations depend for effectiveness.

(b) *Office of Administration.* The Office of Administration, headed by the Assistant Administrator for Administration, has agencywide responsibility (1) to achieve the most effective allocation and utilization of resources, such as funds, manpower, and capital facilities; and (2) to provide effective management support and services to technical program activities in such areas as management systems, budget formulation and execution, personnel management, safety, security, transportation, and logistics, occupational medicine, and ac-

counting. The Assistant Administrator establishes policies and standards applicable to activities for which he has agencywide responsibility and supervises and evaluates the conduct of such activities by other NASA elements.

(c) *Office of Industry Affairs.* The Office of Industry Affairs, headed by the Assistant Administrator for Industry Affairs, is responsible for developing relationships between NASA and the industrial sector which will facilitate accomplishment of NASA objectives. The Assistant Administrator carries out these responsibilities by establishing agencywide policies pertaining to procurement, labor relations, reliability and quality assurance, and cost reduction programs and by promoting a maximum decentralization of contract negotiation and award and related industrial activities to NASA field installations and component installations under close monitoring and review by the Office of Industry Affairs. For additional information on the NASA procurement program, see § 1201.700.

(d) *Office of Special Contracts Negotiation and Review.* The Office of Special Contracts Negotiation and Review, headed by the Assistant Administrator for Special Contracts Negotiation and Review, is responsible for reviewing the totality of relationships between NASA and private contractors in special cases designated by the Administrator. It may, when so designated, assume leadership for supervising agency negotiations with designated contractors.

(e) *Office of Technology Utilization.* The Office of Technology Utilization, headed by the Assistant Administrator for Technology Utilization, is responsible for facilitating practical uses and applications of the scientific and technological innovations resulting from NASA's research and development activities by all segments of the economy. This includes responsibility for the development and application of techniques and processes by NASA and its contractors to identify and make available an extensive array of scientific, technical, and related practical information. Such information is provided to industry and other groups or individuals directly by NASA and through geographically dispersed Federal Regional Report Centers. For the location of Federal Regional Report Centers, see § 120.701.

(f) *Office of University Affairs.* The Office of University Affairs, headed by the Assistant Administrator for University Affairs, is responsible for establishing an agencywide pattern of relationships with universities and other educational nonprofit institutions that will facilitate accomplishment of NASA objectives in such a manner as to promote successful implementation of NASA programs and strengthen the capabilities of the institutions involved to perform their traditional functions. This includes responsibility for planning and executing the NASA Sustaining University Program through which grants are awarded and administered for constructing special laboratory and research facilities, for supporting institutionally sponsored research, and for graduate training in

scientific and engineering fields. This Office also assists other NASA elements in acquiring from universities basic research services related to programs and projects for which they are responsible.

(g) *Audit Division.* The Audit Division, headed by the Director of Audits, carries out directly and through elements of the Department of Defense a comprehensive agency program for audit of agency activities performed by NASA personnel, contractors, grantees, and other Government agencies. The Director is authorized to report directly to the Administrator or Deputy Administrator when requested or when, in his judgment, the interests of NASA will best be served.

(h) *Headquarters Administration Office.* The Headquarters Administration Office, headed by the Director of Headquarters Administration, provides support and services agencywide in the areas of administrative services, civil rights and equal employment opportunity, and emergency readiness planning, and, at Headquarters, in the areas of personnel, procurement, security, and budgeting. This Office is also responsible for general management of the Western Support Office at Santa Monica, Calif.

(i) *Inspections Division.* The Inspections Division, headed by the Director of Inspections, conducts agencywide activities designed to prevent and detect illegal or unethical conduct of NASA employees. The Director is authorized to report directly to the Administrator or Deputy Administrator when requested or when, in his judgment, the interests of NASA will best be served.

(j) *Organization and Management Planning Division.* The Organization and Management Planning Division, headed by the Director of Organization and Management Planning, provides advice and assistance to NASA management officials on basic managerial policies and organization plans, including assignments of functions and responsibilities.

#### § 1201.204 Other Headquarters Functional Offices.

(a) *General.* Seven other Headquarters Offices, each headed by an Assistant Administrator or the General Counsel, report to officials of the Office of the Administrator (§ 1201.201). Their responsibilities include providing support and guidance to the Administrator and other Headquarters Offices for NASA-wide activities in their specialized areas of interest and reviewing and assuring effective operations in their functional areas.

(b) *Office of General Counsel.* The Office of General Counsel, headed by the General Counsel, provides legal advice and assistance to all organizational components of NASA; prepares the NASA legislative program and proposed Executive Orders; presents NASA views to the Executive Office of the President; provides legal representation for NASA, as required, and administers the NASA patent program. This Office also adjudicates claims against NASA for bodily injury, death, or property damage or loss.

(c) *Office of Defense Affairs.* The Office of Defense Affairs, headed by the As-

stant Administrator for Defense Affairs, is responsible for relationships and interactions between NASA and all agencies of the Department of Defense (DOD). The Assistant Administrator direct lines of communication between offices and activities of NASA and of DOD to promote the interchange of information and participates in formulating and negotiating NASA-DOD agreements.

(d) *Office of International Affairs.* The Office of International Affairs, headed by the Assistant Administrator for International Affairs, initiates, plans, and coordinates international programs to promote maximum cooperation between NASA and foreign aeronautical and space agencies. This Office coordinates the development of agreements permitting NASA to use the equipment and facilities of foreign governments or agencies and permitting foreign governments or agencies to use NASA facilities. The Assistant Administrator also advises the Administrator on the progress of foreign aeronautical space programs and policies and on the effect abroad of NASA programs and policies.

(e) *Office of Legislative Affairs.* The Office of Legislative Affairs, headed by the Assistant Administrator for Legislative Affairs, monitors and coordinates all communications and relationships between NASA and the Congress; arranges for representation of NASA at Congressional hearings; assists Congressmen in securing appropriate information or assistance concerning NASA activities; and serves as the principal adviser to the Administrator and other NASA officials on executive and legislative matters involving relations with the Congress and State and local governments.

(f) *Office of Policy.* The Office of Policy, headed by the Assistant Administrator for Policy, is responsible for policy development and evaluation of agency programs from the standpoint of policy objectives; the conduct of studies to determine economic, social, and political implications of the aeronautics and space programs; and the planning and coordination of NASA historical activities.

(g) *Office of Program Plans and Analysis.* The Office of Program Plans and Analysis, headed by the Assistant Administrator for Program Plans and Analysis, analyzes, evaluates and synthesizes the program planning activities of other agency elements and complements them with agencywide perspective. It provides an independent engineering, scientific and technical staff capability required by the Administrator and Deputy Administrator on technical requirements and related considerations.

(h) *Office of Public Affairs.* The Office of Public Affairs, headed by the Assistant Administrator for Public Affairs, is responsible for developing an agencywide public affairs program to provide the widest practicable and appropriate dissemination of information concerning NASA activities by (1) releasing information, including motion pictures, television and radio programs and exhibits to news media and other private



individuals and groups; and (2) providing assistance to schools, colleges, and other educational organizations in gaining wider knowledge and understanding of space science and technology. This includes participation in teacher workshops, advising and helping develop instructional resources for use within established curricula; producing or recommending, and assisting in the production of, educational publications, films, and television and radio programs; and conducting lecture demonstrations in assembly halls and classrooms.

#### § 1201.205 Executive Secretariat.

The Executive Secretariat, headed by the Executive Secretary, serves as the major communications system linking the Office of the Administrator with other Headquarters Offices and organizational element in the flow of decision related documents and information needed for planning, coordination and control. It provides an overlay of communications on the normal structure of line and staff communication among the Headquarters Offices and other organizational elements.

### Subpart 3—NASA Field Installations

#### § 1201.300 General.

(a) NASA's 10 field installations have different and broad capabilities. Although these field installations have a primary program responsibility to the Program Office to which they report, they also conduct work for the other Program Offices, including the bulk of the agency's procurement of goods and services.

(b) The mailing address and a brief description of the activities of each field installation follow:

(1) Director, Ames Research Center, Moffett Field, Calif. 94035. Basic and applied research in space environmental physics, including simulation techniques, gas dynamics research at extreme speeds, configuration, stability, structures and guidance and control of aeronautical and space vehicle, biomedical and biophysical research. Also responsible for the Pioneer missions.

(2) Director, Electronics Research Center, 575 Technology Square, Cambridge, Mass. 02139. Basic studies and research in instrumentation, communication, data processing, navigation, and guidance control.

(3) Director, Flight Research Center, Post Office Box 273, Edwards, Calif. 93523. Research in extremely high performance aircraft and spacecraft, including flight operations and flight systems; and structural characteristics of aeronautical and space vehicles.

(4) Director, Goddard Space Flight Center, Greenbelt, Md. 20771. Scientific research in space and unmanned satellites; research and development of meteorological and communications satellites; and tracking and data acquisition operations. Responsible for the management of the National Space Science Data Center (see Subpart 1205.1 of this title).

(5) Director, John F. Kennedy Space Center, NASA, Kennedy Space Center, Fla. 32899. Providing or arranging for services and supporting activities for major launchings collaborating with such elements of the Department of Defense as the Air Force Eastern Test Range and the Army Corps of Engineers to avoid unnecessary duplication of launch facilities, services, and capabilities.

(6) Director, Langley Research Center, Langley Station, Hampton, Va. 23365. Aeronautical and space structures and materials, aerodynamics of reentry vehicles, space environmental physics, life sciences, subsonic and supersonic flight. Also responsible for development of the Lunar Orbiter Spacecraft and mission.

(7) Director, Lewis Research Center, 21000 Brookpark Road, Cleveland, Ohio 44135. Powerplants and propulsion; high energy propellants; nuclear rockets; electric propulsion; and management and procurement of medium launch vehicle programs such as Centaur and Agena.

(8) Director, Manned Spacecraft Center, Houston, Tex. 77058. Research and development of manned spacecraft, such as Apollo; development of life support systems; development and integration of experiments for assigned space flight activities; astronaut training; and manned flight and operations in space.

(9) Director, George C. Marshall Space Flight Center, Huntsville, Ala. 35812. Research and development of launch vehicles and systems to launch manned and unmanned spacecraft; development of the Voyager spacecraft system; and developing and integrating experiments for assigned space flight activities, including some of those for the Apollo Application Program.

(10) Director, Wallops Station, Wallops Island, Va. 23337. Launch facilities and services for other NASA installations which conduct suborbital, orbital, and space probe experiments with vehicles ranging from small rockets to the Scout four-stage solid fuel rocket. Develops techniques for collecting and processing experimental data.

### Subpart 4—Jet Propulsion Laboratory

#### § 1201.400 Jet Propulsion Laboratory.

(a) The Jet Propulsion Laboratory (JPL) is a U.S. Government-owned facility, which is operated by the California Institute of Technology under a contract with NASA. It is not classed as a NASA "Field Installation," but its operation comes under the overall management responsibility of the Office of Space Science and Applications (§ 1201.202(d)).

(b) The JPL is located at 4800 Oak Grove Drive, Pasadena, Calif. 91103.

(c) Research programs carried on at the JPL include projects relating to the exploration of deep space, lunar and interplanetary flights; development of unmanned interplanetary spacecraft; and operation of related tracking and data acquisition systems.

(d) Contractual matters relating to the Jet Propulsion Laboratory are carried out throughout the NASA Pasadena Office (§ 1201.500(f)).

### Subpart 5—NASA Component Installations

#### § 1201.500 General.

NASA also has a number of component installations located apart from the Headquarters Offices or field installations to which they are assigned for management purposes. Such component installations are generally NASA technical facilities which support programmatic activities requiring use of such facilities. A brief description of these component installations follows:

(a) The NASA Daytona Beach Operation at Daytona Beach, Fla., functions under the Office of Manned Space Flight (§ 1201.202(e)). It provides administrative and technical support and services for various elements of NASA and DOD concerned with the design and fabrication of checkout equipment by NASA contractors.

(b) The Goddard Institute for Space Studies in New York City functions under the Goddard Space Flight Center (§ 1201.300(b)(4)). It does theoretical research in fields such as astronomy and meteorology and assists in the analysis of satellite data.

(c) The MSC White Sands Test Facility at Las Cruces, N. Mex., functions under the Manned Spacecraft Center in Houston, Tex. (§ 1201.300(b)(8)). White Sands is currently utilized for operational testing of spacecraft propulsion systems and for the launching of sounding rockets and space probes sponsored by governmental, industrial, and academic institutions.

(d) The Michoud Assembly Facility at Michoud, La., under the Marshall Space Flight Center (§ 1201.300(b)(9)), is used in the manufacture of the first stages of the Saturn family of launch vehicles by NASA contractors.

(e) The Mississippi Test Facility at Bay St. Louis, Miss., under the Marshall Space Flight Center (§ 1201.300(b)(9)), is the agency's static test site for large launch vehicle stages and propulsion systems.

(f) The NASA Pasadena Office in Pasadena, Calif., under the Office of Space Sciences and Applications (§ 1201.202(d)), negotiates, executes, and administers NASA contracts with the California Institute of Technology for the operation of the Jet Propulsion Laboratory.

(g) The Plum Brook Station in Sandusky, Ohio, is operated by the Lewis Research Center (§ 1201.300(b)(7)). It has a 60 megawatt reactor to test components of nuclear power propulsion systems.

(h) The NASA Western Support Office in Santa Monica, Calif., is responsible to the Director of Headquarters Administration, NASA Headquarters (§ 120.203(h)). This office provides administrative, legal, technical, and related services and support for other NASA ele-

ments with projects and programs in western locations.

(i) The KSC Western Test Range Operations Division, at Lompoc, Calif., is under the Kennedy Space Center (§ 120.300(b)(5)). This Division manages the unmanned launch operations at the Western Test Range, including integration, test, and checkout of vehicles launched from that range.

(j) The Joint AEC-NASA Space Nuclear Propulsion Office at Germantown, Md., undertakes research and development, in conjunction with the Atomic Energy Commission, leading to nuclear rocket propulsion for space vehicles, including the nuclear reactor and nonreactor components of such systems. Three field extensions of this office, which are located at Jackass Flats, Nev.; Cleveland, Ohio; and Albuquerque, N. Mex., are involved with various aspects of this joint research and development program.

#### Subpart 6—Boards and Committees § 1201.600 Boards and committees.

Various boards and committees have been established as part of the permanent organizational structure of NASA. These include:

##### (a) Board of Contract Appeals.

(1) Established to adjudicate appeals arising from final decisions by NASA Contracting Officers pursuant to the Disputes clause of NASA contracts.

(2) The Charter of the Board is set forth at Subpart 1 of Part 1209 of this chapter. The Board's rules of procedure are set forth at 41 CFR Part 18-54.

(3) The texts of decisions of the Board are published by Commerce Clearing House, Inc., in Board of Contract Appeals Decisions, and are hereby incorporated by reference. All decisions and orders are available for inspection, and for purchase, from the Recorder of the Board at NASA Headquarters, Washington, D.C. Decisions and orders issued after July 4, 1967, will be available for inspection and for purchase at NASA Information Centers (§ 1206.601). An Index/Digest of Decisions issued between October 1, 1958, and December 31, 1966, and annual supplements to be issued thereto, will be available for inspection and for purchase at NASA Information Centers.

(b) *Contract Adjustment Board.* (1) Established to consider and dispose of requests by NASA contractors for extraordinary contractual adjustments pursuant to Public Law 85-804 (50 U.S.C. 1431-35) and Executive Order 10789 dated November 14, 1958 (23 F.R. 8897).

(2) The Charter of the Board is set forth at Subpart 3 of Part 1209 of this chapter. The Board's rules of procedure are set forth at 41 CFR Part 18-17.

(3) The texts of decisions of the Board are available for inspection and for purchase from the Chairman of the Board, National Aeronautics and Space Administration, Washington, D.C. 20546.

(c) *Inventions and Contributions Board.* (1) Established to consider and

recommend to the Administrator the action to be taken with respect to (i) requests for waiver of rights to any invention or class of inventions made during the performance of NASA contracts, and (ii) applications for award for scientific and technical contributions determined to have significant value in the conduct of aeronautical and space activities pursuant to the National Aeronautics and Space Act, as amended (42 U.S.C. 2457 (f), 2458), and the Government Employees Incentive Awards Act (5 U.S.C. 2121-23), respectively.

(2) The Charter of the Board is set forth at Subpart 4 of Part 1209 of this chapter. The Board's rules of procedure are set forth at 41 CFR Subpart 1240-1 (revised Apr. 21, 1967—cf. 32 F.R. 6272-73).

The texts of decisions of the Board on requests for waiver are published in Petitions for Patent Waiver (NASA Handbook NHB 5500.1A) and are hereby incorporated by reference. They are available for purchase from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

#### Subpart 7—General Information

##### § 1201.700 NASA Procurement Program.

(a) The Procurement Office, headed by the Director of Procurement, who is responsible to the Assistant Administrator for Industry Affairs (§ 1201.203(c)), serves as a central point of control and contact for NASA procurements. Although the procurements may be made by the field installations, contracts in excess of specific dollar amounts or contracts for various special type services are required to be approved by the Director of Procurement prior to their execution. The Procurement Office is also responsible for formulation of NASA procurement policies and provides overall assistance and guidance to NASA field installations to achieve uniformity in NASA procurement processes.

(b) The NASA procurement program is carried out principally at the NASA field installations listed in § 1201.300. The Assistant Administrator for Special Contracts Negotiation and Review (§ 1201.203(d)) is responsible for negotiation and review of certain assigned contracts that involve new policy or administrative arrangements requiring consideration or decision by the Administrator or Deputy Administrator. The Headquarters Contracts Division is responsible for contracts with foreign governments and foreign commercial organizations, and the procurement of materials and services required by Headquarters offices except for minor office supplies and services procured locally. The Office of University Affairs (§ 1201.203(f)) is responsible for grants and research contracts with scientific and educational nonprofit institutions.

(c) All procurements are made in accordance with the NASA Procurement Regulations (41 CFR Ch. 18). With minor exceptions, every proposed procurement in excess of \$10,000 is publicized promptly

in the Commerce Business Daily "Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards." Copies of this publication are available from the U.S. Department of Commerce on an annual subscription basis.

#### § 1201.701 Federal Regional Report Centers.

(See § 1201.203(e)).

Federal Regional Report Centers for scientific and technical information are located at the following places:

California: University of California Library, Berkeley.  
Colorado: University of Colorado Libraries, Boulder.  
District of Columbia: Library of Congress.  
Georgia: Georgia Institute of Technology, Atlanta.  
Illinois: The John Crerar Library, Chicago.  
Massachusetts: Massachusetts Institute of Technology, Cambridge.  
Missouri: Linda Hall Library, Kansas City.  
New York: Columbia University, New York.  
Pennsylvania: Carnegie Library of Pittsburgh.  
Texas: Southern Methodist University, Dallas.  
Washington: University of Washington Library, Seattle.

Effective date: The provisions of this Part 1200 are effective July 4, 1967.

Dated: June 22, 1967.

JAMES E. WEBB,  
Administrator.

[F.R. Doc. 67-7512; Filed, June 30, 1967;  
8:48 a.m.]

#### PART 1206—RELEASE OF INFORMATION AND OTHER AGENCY RECORDS TO MEMBERS OF THE PUBLIC

##### 1. New Part 1206 added.

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Subpart 9—Failure To Release Information or Records to the Public

- 1206.900 Failure to release information or records to the public.

**AUTHORITY:** The provisions of this Part 1206 issued pursuant to 5 U.S.C. 552, as amended by Public Law 90-23.

Subpart 1—Basic Policy

§ 1206.100 Scope of part.

This Part 1206 establishes the policies, responsibilities, and procedures for the release to members of the public of information and other identifiable agency records which are under the jurisdiction of the National Aeronautics and Space Administration. This Part applies to information and agency records located at NASA Headquarters, at NASA Field Installations, and at NASA component installations, as defined in Subparts 2, 3 and 5 of Part 1201 of this chapter.

§ 1206.101 Definitions.

For the purposes of this part, the following definition shall apply:

(a) The term "agency records" or "records" includes all books, papers, microfilm, punched cards, tapes, sound recordings, maps, photographs, slides, movies or other documentary materials, regardless of physical form or characteristics, made or received by NASA in pursuance of Federal law or in connection with the transaction of public business and preserved by NASA as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities or because of the informational value of data contained therein. It does not include objects or articles such as structures, furniture, paintings, sculptures, tangible exhibits or models, vehicles or equipment, or library or museum material made or acquired and preserved solely for reference or exhibition purposes.

§ 1206.102 General policy.

(a) In accordance with section 203 (a) (3) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(a) (3)), it has been and continues to be NASA policy to provide for the "widest practicable and appropriate dissemination

of information concerning its activities and the results thereof."

(b) In compliance with the "Freedom of Information" amendment to the Administrative Procedure Act (5 U.S.C. 552, as amended by Public Law 90-23), a positive and continuing obligation exists for NASA to make available upon request by members of the public to the fullest extent practicable all information and other identifiable agency records under its jurisdiction, as described in Subpart 2 of this part, except to the extent that they may be exempt from disclosure under Subpart 3 of this part. Information and agency records which may be exempt from disclosure under Subpart 3 of this part may nevertheless be made available upon request by a member of the public when no public interest purpose would be served by withholding them.

Subpart 2—Records Available

§ 1206.200 Types of records to be made available.

(a) Information required to be published in the FEDERAL REGISTER. The following information, to the extent it concerns the general public, is required to be published in the FEDERAL REGISTER, for codification in Title 14, Chapter V, of the Code of Federal Regulations:

(1) Description of NASA Headquarters and field organization and the established places at which, the employees from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which NASA's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by NASA;

(5) Each amendment, revision, or repeal of the foregoing.

(b) Agency opinions, orders, statements, and manuals. (1) Unless they are exempt from disclosure under Subpart 3 of this part, or unless they are promptly published and copies offered for sale, NASA will make available the following records for public inspection and copying or purchase:

(i) All final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases, where such opinions and orders have a precedential significance, such as opinions of the NASA Board of Contract Appeals.

(ii) Those statements of NASA policy and interpretations which have been adopted by NASA and are not published in the FEDERAL REGISTER, but which may be relied upon by NASA as precedents.

(iii) Administrative staff manuals (or similar issuances) and instructions to staff that affect a member of the public. This does not apply to materials which do not concern the public, such as manuals or other issuances on property or fiscal accounting, budget administration, vehicle maintenance, personnel administration, and other proprietary functions of NASA.

(2) In connection with all records required to be made available or published under this paragraph (b), identifying details may be deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. However, in each case the justification for the deletion shall be explained fully in writing. A copy of such justification will be attached to the front of the record and submitted to the member of the public seeking the record from which the deletion was made.

(3) In connection with all records required to be made available or published under this paragraph (b) which are issued, adopted, or promulgated after July 4, 1967, except to the extent they are exempt from disclosure under Subpart 3 of this part, a current index providing identifying information will be maintained and made available for public inspection and copying or purchase.

(4) A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied upon, used or cited as precedent by NASA against any member of the public only if it has been indexed and either made available or published as provided by this paragraph (b) or if the member of the public has actual and timely notice of the terms thereof.

(c) Other agency records. In addition to the records made available or published under paragraphs (a) and (b) of this § 1206.200, NASA shall, upon request for other identifiable records made in accordance with this part, make such records promptly available to any person, unless they are exempt from disclosure under Subpart 3 of this part, or unless they may be purchased from other readily available sources, as provided in § 1206.201.

§ 1206.201 Information and records which have been published.

Publication in the FEDERAL REGISTER is a means of making certain information and other records available to the public. Various other publications are on sale by the U.S. Superintendent of Documents, the Clearinghouse for Federal Scientific and Technical Information (Department of Commerce), and, in certain cases, by NASA, or by commercial publishers. Information and records which have been made available by publication will not be reproduced at NASA Information Centers, as set forth in § 1206.401, unless they cannot be purchased from readily available sources.

§ 1206.202 Creation of records.

Records will not be created by compiling selected items from the files at the request of a member of the public,

nor will records be created to provide the requestor with such data as ratios, proportions, percentages, frequency distributions, trends, correlations, or comparisons.

#### § 1206.203 Records of other agencies.

Where a record is requested which is of concern to an agency other than NASA, and such other agency has a paramount interest in the record requested, the request will be referred to that agency for a decision whether to disclose it, after consultation with any other interested agencies. Where a record requested from NASA is the exclusive concern of another agency, the request will be referred to that other agency and the party who requested it will be notified thereof.

#### § 1206.204 Incorporation by reference.

Matter which is reasonably available to the members of the public affected thereby shall be deemed published in the FEDERAL REGISTER (pursuant to the Federal Register Regulation on Incorporation by Reference, 1 CFR Part 20).

#### § 1206.205 Availability for copying.

Except as provided in § 1206.201, the availability of information or other records for inspection shall include the opportunity to make or to purchase copies.

### Subpart 3—Exemptions

#### § 1206.300 Exemptions.

Title 5, United States Code, section 552 authorizes exemptions from disclosure of information and agency records concerning matters that are:

(a) *Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy.* Included, but not by way of limitation, are the following:

(1) Matters classified under Executive Order 10501.

(2) Matters classified or exempted under other Executive orders now or hereafter issued.

(b) *Related solely to the internal personnel rules and practices of NASA.* Included, but not limited to, are the following:

(1) Matters of personnel administration, including personnel policies, interpretations respecting personnel questions, and all other internal matters of personnel administration.

(2) Information related exclusively to internal administration and management of NASA and which are for guidance of agency personnel only, including, but not limited to, guidelines and procedures for NASA investigators or examiners; instructions to NASA negotiators, including information relating to the cost or sales price at which NASA is offering to purchase, sell or lease materials, equipment, facilities, services, land or other property; and information relating to the circumstances under which NASA will conduct unannounced inspections or audits of regulated transactions to determine compliance with regulatory requirements.

(c) *Specifically exempted from disclosure by statute.* Records exempted from disclosure under this provision in-

clude records coming within any statutory provision which specifically exempts a matter from disclosure, prohibits disclosure except as authorized by law, provides for disclosure only as authorized by law, or otherwise protects from disclosure.

(d) *Trade secrets and commercial or financial information obtained from a person and privileged or confidential.* Included, but not by way of limitation, are the following:

(1) Information obtained by the Government through questionnaires, or other inquiries, contract proposals, and other information the disclosure of which would either divulge trade secrets, commercial or financial information of the person submitting such information and considered by him to be confidential and proprietary, or would offend a pledge of confidentiality given by the Government (such as an agreement not to disclose experimenter's data), or the understanding upon which the information was submitted. The protection afforded to information which is customarily privileged or is appropriately given to an agency in confidence is applicable regardless of the presence of the element of commerce or finance, e.g., 18 U.S.C. 1905.

(2) Examples of information protected under this exemption are research designs, salary schedules, business sales statistics, inventories, customer lists, scientific or manufacturing processes or developments, negotiation positions or requirements in the case of labor-management mediations, draft audit reports, technical or scientific data or other information submitted in or with an application for a research grant or in or with a report while research is in progress, as well as information customarily subject to the doctor-patient, lawyer-client, lender-borrower, and other such privileges.

(3) The exemption set forth in this paragraph (d) also covers formulae, designs, drawings, research data and comparable information, which are significant not as records but as items of valuable property.

(e) *Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with NASA.* For purposes of this exemption, the term "memorandums or letters" includes documents, records, reports, and all other items of an informational nature. Included, but not by way of limitation, are the following:

(1) All internal memoranda which would not routinely be disclosed to a party other than a Government agency through the discovery process in litigation with NASA or the U.S. Government, such as internal drafts or memoranda between officials or agencies; opinions, interpretations, and evaluations prepared by staff personnel or consultants for the use of NASA; records of the deliberations of NASA staff groups or advisory committees; staff criteria or guidelines used for auditing or inspection purposes; and documents or information which the agency has received or generated before it com-

pletes the process of awarding a contract or issuing an order, decision, or regulation; agency plans or materials that are in process of preparation or development and are likely to be revised before being finalized, such as budget proposals, long range plans or studies, drafts of speeches or statements, or legislative proposals; agency plans (such as those included in budget justification material) which, even though finalized, would be harmful to public or private interests, if made available in advance of the effective date; and working papers of the agency attorney and documents which come within the attorney-client privilege.

(f) *Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.* For purposes of this exemption, the term "privacy" includes privacy in business affairs as well as in medical and family affairs. Included, but not by way of limitation, are the following:

(1) Private, personal, financial or business information contained in any personnel or medical file or in any other files which, if disclosed to the public, would invade the privacy of any person including any member of the family of the person to whom the information pertains. Examples of such information are statements of financial interests, evaluations of employee work performance, fitness reports on military personnel, disciplinary files, security files, medical files on employees, and official personnel folders.

(g) *Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.* Included, but not by way of limitation, are the following:

(1) Civil Service investigation files or reports.

(2) Civil Rights investigation files or reports.

(3) Employee disciplinary investigation files or reports.

(4) Audit investigation files or reports.

(5) FBI investigation files and reports.

(6) Investigatory information relating to the enforcement of criminal statutes and labor, immigration, and securities laws of concern to NASA.

(7) Litigation files compiled by the Government and files prepared for adjudicative proceedings.

(h) *Information contained in or related to examination, operating, or condition reports prepared by, on behalf of or for use of, any agency responsible for the regulation or supervision of financial institutions.*

(i) *Geological and geophysical information and data, including maps, concerning wells.* This exemption makes clear that geological maps based on exploration by private companies shall not be released to the public, even though they probably are not covered by the trade secrets exemption.

#### § 1206.301 Release of exempt records.

Information or a record which is exempt from disclosure under this Subpart 3 of this part may be released in

accordance with procedures set forth in § 1206.607.

§ 1206.302 Limitation of exemptions.

(a) Nothing in this part 1206 authorizes the withholding of information or other agency records, or limiting their availability, to members of the public except as specifically stated in this Part 1206.

(b) Nothing in this Part 1206 shall be construed as authority to withhold information or other agency records from Congress.

Subpart 4—Locations for Inspection of Information and Other Records

§ 1206.400 Information centers.

NASA will maintain Information Centers as set forth in this subpart.

§ 1206.401 Location of information centers.

(a) NASA will maintain a Headquarters Information Center at the following location:

National Aeronautics and Space Administration, Headquarters Administration Office (Code DH), Washington, D.C. 20546.

(b) NASA will also maintain a Field Information Center at each of the following locations:

- (1) NASA Ames Research Center, Moffett Field, Calif. 94035.
- (2) NASA Electronics Research Center, 575 Technology Square, Cambridge, Mass. 02139.
- (3) NASA Flight Research Center, Post Office Box 273, Edwards, Calif. 93523.
- (4) Goddard Institute for Space Studies, 2880 Broadway, New York, N.Y. 10025.
- (5) NASA Goddard Space Flight Center, Greenbelt, Md. 20771.
- (6) NASA John F. Kennedy Space Center, Kennedy Space Center, Fla. 32899.
- (7) NASA Langley Research Center, Langley Station, Hampton, Va. 23365.
- (8) NASA Lewis Research Center, 21000 Brookpark Road, Cleveland, Ohio 44135.
- (9) NASA Manned Spacecraft Center, Houston, Tex. 77058.
- (10) NASA George G. Marshall Space Flight Center, Huntsville, Ala. 35812.
- (11) NASA Michoud Assembly Facility, Post Office Box 29300, New Orleans, La. 70126.
- (12) NASA Mississippi Test Facility, Bay St. Louis, Miss. 39520.
- (13) NASA Pasadena Office (JPL), 4800 Oak Grove Drive, Pasadena, Calif. 91103.
- (14) NASA Space Propulsion Office—Nevada Nuclear Rocket Development Station, Post Office Box 1, Jackass Flats, Nev. 89023.
- (15) NASA Wallops Station, Wallops Island, Va. 23337.
- (16) NASA Western Support Office, 150 Pico Boulevard, Santa Monica, Calif. 90406.

(c) Information which is under the cognizance of a NASA Installation for which a NASA Field Information Center is not in existence may be requested from the nearest NASA Field Information Center or the NASA Headquarters Information Center.

§ 1206.402 Documents available for inspection at NASA information centers.

The Headquarters and Field Information Centers will have available for inspection, as a minimum, copies of the following documents:

(a) Section 3 of the Administrative Procedure Act (5 U.S.C. 552, as amended by P.L. 90-23);

(b) Title 14, Chapter V, and Title 41, Chapter 18, Code of Federal Regulations (CFR), and material published in the FEDERAL REGISTER for codification but not yet included in the CFR;

(c) NASA Management Issuances;

(d) Scientific and Technical Aerospace Reports (STAR), 1966-67;

(e) Index to NASA News Releases and Speeches, 1963 to 1966;

(f) Index to NASA Tech Briefs (Technology Utilization) and Selected Listing of NASA Reports (including Index to Technology Utilization Reports), 1964-65;

(g) Index Digest of Decisions, NASA Board of Contract Appeals.

§ 1206.403 Duty hours.

(a) The NASA Headquarters Information Center of NASA will be open to the public during all regular work days, from 9 a.m. to 4:30 p.m.

(b) The Field Information Centers will be open for a comparable period of time during the normal duty hours of the respective installation.

§ 1206.404 Published documents.

Copies of information published in the FEDERAL REGISTER or available for purchase from the Superintendent of Documents, the Clearinghouse for Federal Scientific and Technical Information (Department of Commerce), or other readily available sources will not be reproduced unless they cannot be obtained from such sources. This does not apply to information published in the FEDERAL REGISTER which has been reproduced for free distribution to interested parties, such as the NASA Patent Waiver Regulations.

Subpart 5—Responsibilities

§ 1206.500 Assistant Administrator for Public Affairs.

The Assistant Administrator for Public Affairs is responsible for overall execution and coordination of the NASA program for release of information and other agency records under this Part 1206 and for making necessary determinations regarding the release of exempt records under § 1206.607.

§ 1206.501 NASA Headquarters.

(a) *Director for Headquarters Administration.* The Director for Headquarters Administration is responsible for the NASA Headquarters program for release of information and other agency records under this Part 1206 and for the release of such information and records in the possession of NASA Headquarters offices.

(b) *General Counsel.* The General Counsel is responsible for the interpretation of the requirements of 5 U.S.C. 552, and this part, and will be consulted with respect to those requests for release of information or other agency records in the possession of NASA Headquarters offices where it is not certain whether or not such information or record may be

exempt from disclosure under Subpart 3 of this part.

§ 1206.502 Field and component installations.

(a) *Director.* The Director of each NASA Field Installation or the Official-in-Charge of each Component Installation is responsible for release of information or other agency records under this part which are in the possession of his respective Installation.

(b) *Legal counsel.* The Chief Counsel of each NASA Field Installation or the Counsel charged with providing legal advice to each NASA Component Installation is responsible for the interpretation of the requirements of 5 U.S.C. 552, and this part, and will be consulted with respect to those requests for release of information or other agency records in the possession of the respective Installation where it is not certain whether or not such record or information may be exempt from disclosure under Subpart 3 of this part.

Subpart 6—Procedures

§ 1206.600 Requests for information or records.

Requests for information or records desired by a member of the public may be made in person or by mail to the Information Center having cognizance over the information or record requested, to the Information Center located nearest to the person requesting the information or record or to the NASA Headquarters Information Center.

§ 1206.601 Mail requests.

(a) In order to facilitate filing requests by mail, the requestor should:

- (1) Submit two copies of a request.
- (2) Identify the record adequately (name or brief description, number, and date when applicable). The identification should be specific enough that a record can be identified and found.

(3) For information or records for which there is a fee (see § 1206.605) include a check or money order payable in the exact amount to "Treasurer of the United States." Cash or stamps will not be accepted. If the amount of the fee cannot be determined by the requestor, he should request that NASA determine the fee.

(4) Include his name and complete mailing address.

(5) Allow a reasonable amount of time for obtaining reply.

§ 1206.602 Identity of records.

(a) Information or records requested must be readily identifiable. Thus a member of the public who requests information or a record must provide a reasonably specific description of the particular document sought which will enable it to be identified and located. Blanket requests in indefinite, all-inclusive terms such as "the entire file" or "all matters relating to" will not be honored.

(b) No obligation is undertaken by NASA to compile or create information or records not already in existence at the time of the request.

### § 1206.603 Reasonable time for search.

A reasonable time must be allowed for the conduct of a search, for the information or records to be located, conveyed to the proper place, copied and mailed, or otherwise made available. Normally, requests will be fulfilled, or denied subject to appeal under Subpart 8 of this part, within 30 days or less.

### § 1206.604 Records in use.

Information or records in current use by an employee in carrying out the activities of NASA will not be immediately available for inspection and copying or purchase until such time as they are no longer required for the activity.

### § 1206.605 Payment of fee.

Except to the extent that information or a record requested is normally furnished by NASA to interested parties free of charge, each request for production of information or a record, whether made by mail or in person, must be accompanied by payment of a preestablished fee, as set forth in § 1206.700, which will cover the cost of processing the request, including searching charges where applicable. NASA will not simply produce for examination all documents requested by a member of the public under this part, free of charge, and then charge him only for the copies he decides to buy, except where such documents are kept available for inspection as required under § 1206.402. The prescribed fee must be paid in full prior to release of the information or record or copy thereof.

### § 1206.606 Copies.

The furnishing of a single copy of the requested information or record will constitute compliance with this part. Additional copies may be furnished upon request, but this is not required under this part.

### § 1206.607 Release of exempt records.

Where information or a record which has been requested is exempt from disclosure under Subpart 3 of this part, the request will be referred to the Assistant Administrator for Public Affairs for a determination whether the information or record should nevertheless be made available on the ground that no public interest purpose would be served by withholding the information or record.

### § 1206.608 Denial of record.

A request for information or a record is not to be considered finally denied until it has been denied by the Administrator of NASA or his designee for this purpose. See Subpart 8 of this part for appeals procedure.

## Subpart 7—Schedule of Fees

### § 1260.700 Schedule of fees.

Charges for searching for and making available copies of information or other records requested by a member of the

public will be made in accordance with the following schedule of fees, except that where the search for information or a record takes less than 15 minutes, it may be waived, unless a minimum search charge is provided for:

(a) *Construction and engineering information.* (1) Copies of aerial photographic maps, specifications, permits, charts, blueprints, and other technical engineering documents—

Searching, per ¼ hour or fraction thereof	\$1.50
First print (per square foot)	0.50
Each additional print of same document (per square foot)	0.10

(b) *Nontechnical documents.* (1) Letters, memoranda, statements, reports, contracts, and other documents not otherwise provided for—

Searching, per ¼ hour or fraction thereof	\$1.50
Processing, per ½ hour or fraction thereof (minimum charge ½ hour)	1.50
Each photocopy (per page)	0.10

(c) *Photography (f.o.b. Washington, D.C.).* (1) Still pictorial or documentary black-and-white photographic prints. Unlisted standard sizes of black-and-white prints may be furnished, if available, at proportionate fees.

8" x 10" single weight glossy or matte finish:	
1 to 5 prints, each	\$0.70
6 to 10 prints, each	0.40
11" x 14" single weight glossy or matte finish, each print	0.75
16" x 20" single weight glossy or matte finish, each print	2.00
20" x 30" single weight glossy or matte finish, each print	4.50
35mm. color transparencies (cardboard mount), each	0.95
4" x 5" color transparencies or color negative, each	3.00
8" x 10" color transparencies or color negative, each	3.50
Search time, per hour	4.00

### (2) Motion picture footage:

	Per 16mm. foot	
	Single roll	A and B
16mm. optical master printed on Ektachrome camera stock	\$0.35	\$0.42
16mm. color positive master from 16mm. internegative	.162	
16mm. reduction color positive master from 35mm. color negative	.25	
16mm. contact master printed on Ektachrome camera stock	.141	.161
16mm. 1-lite Kodachrome dailies	.92	
16mm. timed Kodachrome dailies dailies printed on Ektachrome stock add.	.04	
16mm. contact dupe negative	.96	.116
16mm. optical dupe negative	.221	.281
16mm. black-and-white 1-lite dailies	.040	

Minimum charge color—\$10 per item  
 Minimum charge black-and-white—\$7.50 per item  
 Edge numbering—\$0.01 ft.

	Per 35mm. foot	
	Single roll	A and B
35mm. black-and-white master positive	0.07'	
35mm. black-and-white dupe negative	0.125'	
35mm. black-and-white blow-up dupe negative	0.235'	
35mm. black-and-white dailies	0.055	
35mm. color internegative	0.43	0.59
35mm. color interpositive	0.53	0.59
35mm. color dailies one-lite	0.13'	
35mm. color dailies corrected	0.30'	
35mm. color blow-up internegatives	0.60	0.65

Fades—\$3.50 each.  
 Dissolves—\$7 each.  
 Minimum charge blow-up color—\$40 per item.  
 Minimum charge color—\$15 per item.  
 Minimum charge black-and-white—\$10 per item.

### (3) Sound services:

	Per hour
Rerecording from one source	\$42.50
16mm. magnetic film full coat	0.24 per ft.
¼" magnetic tape:	
Per 1900' reel	3.00
Per 2500' reel	7.30
Search time	7.00 per hour

(d) *Information or records requested in connection with claims or litigation.*

(1) Requests from litigants pertaining to private litigation—

Searching per ½ hour or fraction thereof	\$1.50
Processing per ½ hour (minimum charge ½ hour)	1.50
Each photocopy (per page)	0.10
Certification and validation with seal, each	0.75
Certification and validation without seal, each	0.50

(2) Requests pertaining to cases in which the United States is a party and where court rules provide for reproduction of records without cost to the Government—

Searching per ½ hour or fraction thereof	\$1.50
Processing per ½ hour (minimum charge ½ hour)	1.50
Each photocopy (per page)	0.10
Certification and validation with seal, each	0.75
Certification and validation without seal, each	0.50

(3) *Furnishing information from Investigative Reports, e.g., automobile collision investigations, safety reports.*

Each report or portion thereof charge per ½ hour (minimum charge ½ hour)

(e) *Miscellaneous.* Charges for any additional services not specifically provided in this Subpart 1206.7 will be made by NASA at the following rates:

Searching per ½ hour or fraction thereof	\$1.50
Processing per ½ hour or fraction thereof (minimum charge ½ hour)	1.50

Each photocopy (per page).....	0.10
Certification and validation with seal, each.....	0.75
Certification and validation without seal, each.....	0.50

**Subpart 8—Administrative Appeal**

**§ 1260.800 Appeal from withholding of information or a record.**

There is provided in this subpart an appeal from the initial decision to withhold information or other record. No appeal shall be taken until a request for an identified record has been initially denied in writing.

**§ 1206.801 Time for appeal.**

An appeal shall be initiated within 30 days of the date of the initial denial of a request. The 30-day limitation may be waived for good cause shown.

**§ 1206.802 To whom appeal is made.**

The appeal shall be made to the Administrator, NASA, Washington, D.C. 20546.

**§ 1206.803 Contents of appeal.**

The appeal shall include a copy of the request, if the request was in writing, the initial denial, and the reasons for objection to the denial.

**§ 1206.804 Consideration of appeal.**

The Administrator, or his designee for this purpose, will consider the appeal. No personal appearance, oral argument, or hearing will be permitted.

**§ 1206.805 Decisions on appeal.**

(a) Decisions on appeal will be in writing, will briefly give the reasons for the decision, and will be promptly communicated to the requestor.

(b) Where the decision is in favor of the requestor, the decision may order a record made available to the requestor as provided in the decision.

**Subpart 9—Failure To Release Information or Records to the Public**

**§ 1206.900 Failure to release information or records to the public.**

(a) With respect to the types of information required to be made available under § 1206.200(b), no final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects any member of the public may be relied upon, used or cited as precedent by NASA against any private party unless it has been indexed and either made available or published or unless that private party shall have had actual and timely notice of the terms thereof.

(b) With respect to the information or other records required to be made available under § 1206.200(c), failure to release agency records not exempt from disclosure under Subpart 3 of this part establishes the necessary jurisdiction for injunction proceedings to be commenced in a U.S. District Court. Upon complaint, the District Court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated shall have jurisdiction to enjoin NASA from the withholding of

agency records improperly withheld from the complainant. In such cases, the Court shall determine the matter de novo and the burden shall be upon NASA to sustain its action. In the event of noncompliance with the Court's order, the District Court may punish the responsible officers for contempt. Except as to those causes which the Court deems of greater importance, proceedings before the District Court on the matter involved herein shall take precedence on the docket over all other cases and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

Effective date: The provisions of this Part 1206 are effective July 4, 1967.

Dated: June 22, 1967.

JAMES E. WEBB,  
Administrator.

[F.R. Doc. 67-7513; Filed, June 30, 1967; 8:48 a.m.]

**Title 19—CUSTOMS DUTIES**

**Chapter I—Bureau of Customs, Department of the Treasury**

[T.D. 67-152]

**AVAILABILITY OF INFORMATION**

The Act of June 5, 1967, Public Law 90-23, amended section 552, Title 5, United States Code, effective July 4, 1967. The description of the Bureau of Customs central and field organization; the places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions in customs matters; the general course and method by which customs functions are channeled and determined, which section 552, as amended, requires to be published will appear in the FEDERAL REGISTER as a separate document.

All Bureau of Customs rules of procedure, descriptions of and availability of forms; substantive rules of general applicability and statements of general policy or interpretations of general applicability have been and will continue to be published in the FEDERAL REGISTER. Rules of general applicability are currently codified in Title 19, Chapter I, Code of Federal Regulations and are also available in a loose-leaf form entitled "Customs Regulations" which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

In order to conform the disclosure provisions in the Customs Regulations to the requirements of subsections (a) (2)-(4) and (b) of amended section 552, the Customs Regulations are being amended. Part 26 of the Customs Regulations, containing the Bureau of Customs general disclosure of information rules, is being revised. Sections 14.6a and 17.11(d) of the regulations, relating, respectively, to the availability of information in antidumping proceedings, and information available to complainants in connection

with complaints under section 516 of the Tariff Act of 1930 (19 U.S.C. 1516), are being amended. Section 31.15 of the regulations, relating to the availability of information pertaining to the licensing of customhouse brokers, is being deleted, since the general disclosure of information rules in Part 26 of this chapter will govern the availability of this type of information.

To accomplish these changes the Customs Regulations are amended as follows:

**PART 14—APPRAISEMENT**

1. The heading and the first sentence of § 14.6a are amended to read:

**§ 14.6a Availability of information in antidumping proceedings.**

(a) *Information generally available.* In general, all information, but not necessarily all documents, obtained by the Treasury Department, including the Bureau of Customs, in connection with any antidumping proceeding will be available for inspection or copying by any person. \* \* \*

(Sec. 407, 42 Stat. 18; 19 U.S.C. 173, 5 U.S.C. 552, as amended)

**PART 17—PROTESTS AND REAPPRAISEMENTS**

2. Section 17.11(d) is amended to read:

**§ 17.11 American producers' appeals and protests; procedure.**

(d) A complainant shall not be permitted in any case to inspect any documents or papers of the consignee or importer if such documents or papers are exempted from disclosure under § 26.7 of this part.

(5 U.S.C. 552, as amended)

3. Part 26—Disclosure of Information, is revised to read:

**PART 26—AVAILABILITY OF INFORMATION**

Sec.	Scope.
26.1	Availability of customs documents.
26.2	Other customs records.
26.3	Application for inspection, copying, or otherwise obtaining copy of customs documents.
26.4	Deletion of identifying details from documents.
26.5	Public facilities for inspection and copying—Customs reading rooms.
26.6	Classes of customs documents exempt from disclosure.
26.7	Information for the press and associations.
26.8	Sanction for improper disclosure by customs officer or employee.
26.9	Statements for publication.
26.10	Testimony or the production of documents in court.
26.11	

AUTHORITY: The provisions of this Part 26 issued under 5 U.S.C. 301, 552 as amended.

**§ 26.1 Scope.**

This part contains the regulations governing the inspection, copying, or otherwise obtaining copies of customs

opinions, orders made in the adjudication of cases, rulings and records. It also contains the general rules covering the release of certain information to the press and the giving of testimony or the production of customs documents in court.

#### § 26.2 Availability of customs documents.

(a) *Administrative manuals and instructions to staff.* Except as exempted by § 26.7, all administrative staff manuals and instructions to staff that affect any member of the public and indices thereto, are available for public inspection and copying in the Bureau of Customs Reading Rooms (§ 26.6). The following are some of the administrative manuals or instructions to staff which will be available:

Catalogue of Customs Forms.  
Customs Laboratory Methods.  
Marking Digest.  
Monthly Checklists of Bureau of Customs Circular Letters.

(b) *Opinions, orders, rulings of precedential significance, statements of policy, and interpretations.* An index to the Bureau of Customs opinions, orders made in the adjudication of cases, rulings which are relied upon, used, or cited as precedents, statements of policy and interpretations not published in the FEDERAL REGISTER, if any (except opinions, orders, rulings, statements of policy and interpretations which are exempted from the requirement for disclosure under § 26.7), is available for public reference in the Bureau of Customs Reading Rooms (§ 26.6). For the most part such opinions, orders, rulings, and interpretations are in the form of letters addressed to regional commissioners or district directors of customs or to parties in interest, ruling upon questions arising under customs and navigation laws, and other related laws. Abstracts of such opinions, orders, or rulings are published in the Customs Bulletin. Copies of the abstracted documents are available for public inspection and copying in the Bureau of Customs Reading Room at Washington, D.C. (§ 26.6). Copies of such opinions, orders, or rulings addressed to customs field officers or promulgated by customs field officers and relied upon, used, or cited as precedents also are available in the Reading Rooms serving the respective customs offices to which they relate (§ 26.6).

(c) *Fee for copies.* A fee for copies furnished under paragraphs (a) and (b) will be charged in accordance with § 24.12 of this chapter.

#### § 26.3 Other customs records.

(a) *General.* In general, all other documents issued by the Secretary of the Treasury, the Commissioner of Customs, or other officials of the Treasury Department or the Bureau of Customs in matters administered by the Bureau of Customs, if sufficiently identified, and unless exempted from disclosure under § 26.7, are available for inspection. Copies thereof may be obtained by request in person, or by correspondence. (§§ 26.4, 26.6.) However, documents contained in

files on pending matters may be withheld from inspection or copying in the interest of effective operation.

(b) *Classes of records available for inspection and copying.* The following classes of records of the Bureau of Customs may be inspected and copied, upon request. Individual documents in certain records may be exempt from disclosure under § 26.7, or may be made available with identifying details deleted. The list does not purport to be exhaustive:

- (1) Records relating to—
  - (i) Comments submitted by private parties in response to a published notice of proposed rulemaking and of proposed changes in tariff classification, unless the submitter states clearly that the information is privileged or confidential, giving reasons therefor, and the Commissioner of Customs agrees that the information contained therein is entitled to exemption from disclosure under § 26.7.
  - (ii) Advisory committees on customs matters.
  - (iii) Rosters of licensed customhouse brokers.
  - (iv) Names of individual licensed customhouse brokers.
  - (v) Names and titles of all customs personnel.
  - (vi) Performance awards.
  - (vii) Suggestion awards.
  - (viii) Proceedings under the countervailing duty provision of the Tariff Act of 1930, after publication of notice or order to countervail.
  - (ix) The administration of and decisions concerning import quotas.
  - (x) Proceedings under the Antidumping Act, 1921 (19 U.S.C. 160, et seq.) as provided for in § 14.6a of this chapter.

(2) Records relating to decisions concerning—

- (i) Matters arising under the Tariff Schedules of the United States.
- (ii) Whether or not specific items, articles, or merchandise qualify for entry under the Trade Fair Act of 1959 (19 U.S.C. 1751 et seq.), and decisions concerning disposition of articles previously entered under the Trade Fair Act; customs participation and assistance at Trade Fairs.
- (iii) The dutiable status of gifts pursuant to section 321, Tariff Act of 1930 (19 U.S.C. 1321).
- (iv) The eligibility of vehicles used in international traffic pursuant to section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)) and other instruments of international traffic generally for duty-free entry.
- (v) Prohibition from entry of merchandise produced by convict, forced, or indentured labor.
- (vi) The entry or valuation of merchandise.
- (vii) Liens in cases arising under section 564, Tariff Act of 1930 (19 U.S.C. 1564).
- (viii) Bills of lading, carriers' certificates, or rights in respect of merchandise, cases arising under section 483 or 484 (c), (h), or (i), Tariff Act of 1930 (19 U.S.C. 1483, 1484).

(ix) Trade-marks, trade names, copyrights, patents, and related matters.

(x) Country of origin marking requirements of section 304, Tariff Act of 1930 (19 U.S.C. 1304), as amended.

(xi) Psittacine or other birds, bird feathers, bird skins, monkeys, dogs, cats, and other animals and pets prohibited entry or subject to restrictions and controls on entry.

(xii) Entry of articles admitted temporarily free of duty under bond as provided in Schedule 8, Part 5C, Tariff Schedules of the United States.

(xiii) Tonnage taxes (regular, special, and discriminatory) and light money.

(xiv) The entry, clearance, and use of vessels and permits for them to proceed coastwise.

(xv) The regulation of vessels in the foreign, coastal, fishing, and other trades of the United States.

(xvi) The limitation of the use of foreign vessels in waters under the jurisdiction of the United States.

(xvii) Salvage operations by vessels within the territorial waters of the United States.

(xviii) The assessment and collection of duties on equipment or repairs of vessels or aircraft under section 466, Tariff Act of 1930 (19 U.S.C. 257, 258) and decisions regarding the remission or refund of such duties.

(xix) Requirements for entry, clearance, and use of aircraft.

(xx) The arrival or departure and the use of motor vehicles, railway trains, or other vehicles.

(xxi) Adequacy of premises at customs bonded warehouses and control of the merchandise stored therein.

(xxii) Use of protective customs seals and labels.

#### § 26.4 Application for inspection, copying, or otherwise obtaining copy of customs documents.

(a) *Where to apply.* Permission to inspect or to obtain copies of customs documents which are not exempted from disclosure under § 26.7 may be obtained by application in person or by correspondence. Application in person may be made at the Bureau of Customs Reading Rooms (§ 26.6); application in writing should be addressed to:

Assistant Commissioner of Customs, Office of Regulations and Rulings, Bureau of Customs, 2100 K Street NW., Washington, D.C. 20226.

or if a record desired to be inspected is in a customs regional or district office the application shall be addressed to the Regional Commissioner or District Director of Customs.

(b) *Description of document requested.* An application to inspect or copy a document must provide such a reasonably specific description of the particular document sought as will reasonably enable the record clerk to locate it. The burden of identification is that of the applicant.

(c) *Processing of application.* Upon receipt of a request to inspect, copy, or purchase a copy of any customs document, the applicant will be advised



whether the information, or any part thereof, may be released to the applicant, with or without the deletion of identifying details. If it is concluded that the document or any part thereof may be released to the applicant he will be advised of the cost of securing the information or a copy of the document and the manner of making payment. Upon receipt of this amount, or of a guarantee of payment, the information or copy will be made available.

(d) *Grant of request.* If the document may be inspected, copied, or otherwise released the applicant shall be so advised. If it is decided that the document may be released, but that certain identifying details should be deleted to prevent the disclosure of information exempted from disclosure under § 26.7, the applicant shall be advised and the reason for the deletion shall be stated (§ 26.5). In either case the applicant will be advised of the fee charged for securing the files and cost of copying the material (§ 24.12 of this chapter).

(e) *Denial of request.* Any decision that a document should not be inspected, copied, or otherwise released, shall be reviewed by the Commissioner of Customs, except cases clearly covered by a previous decision made by the Commissioner. The Commissioner of Customs will promptly advise the applicant of the result of his review. If the Commissioner finds that the request should be denied such denial will state the reason therefor.

#### § 26.5 Deletion of identifying details from documents.

(a) *General.* Where an opinion, order, ruling, or other customs document contains information of the type described in paragraph (b) but the actual opinion, order, ruling, or substance of the document can be separated from the exempted matter, partial copies containing only such parts as can properly be disclosed will be furnished insofar as practicable.

(b) *Reasons for deletion.* Ordinarily, information will be deleted which:

(1) relates to details of business transactions of private parties the disclosure of which may be detrimental to the interests of the parties involved;

(EXAMPLE: The name of the importer or exporter, or other member of the public directly concerned, generally will be deleted from any document if its inclusion in the document would disclose trade secrets, the operations of his business, or other commercial or financial information.)

(2) was submitted in reliance upon a long-established assurance that such information will be kept in confidence and used only for official purposes, or

(3) is prohibited from disclosure by law.

(c) *Decision to delete.* Any document from which identifying details have been deleted must be accompanied by a statement in writing expressing the reason for the deletion.

#### § 26.6 Public facilities for inspection and copying—Customs Reading Rooms.

Facilities for locating, inspecting, and copying Bureau of Customs indexed rulings will be located in the Bureau of Customs Reading Rooms.

(a) The Reading Room in the Bureau of Customs at Washington, D.C., is located at:

2100 K Street NW., Washington, D.C. 20226.

(b) The Reading Rooms outside the Washington area are located at the headquarters offices for each customs region:

##### REGION I—BOSTON

24th Floor, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

##### REGION II—NEW YORK

220 Customhouse, Bowling Green, New York, N.Y. 10004.

##### REGION III—BALTIMORE

40 South Gay Street, U.S. Customhouse, Baltimore, Md. 21202.

##### REGION IV—MIAMI

51 Southwest First Avenue, Room 1604, Miami, Fla. 33130.

##### REGION V—NEW ORLEANS

Room 13036, Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

##### REGION VI—HOUSTON

Room 7208, New Federal Building, 515 Rusk Avenue, Post Office Box 61149, Houston, Tex. 77061.

##### REGION VII—LOS ANGELES

New Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

##### REGION VIII—SAN FRANCISCO

New Federal Building, 450 Golden Gate Avenue, Box 36117, San Francisco, Calif. 94102.

##### REGION IX—CHICAGO

623 South Wabash Avenue, Chicago, Ill. 60605.

The Reading Rooms are open to the public from 9 a.m. to 4:30 p.m. unless other hours are posted, Monday through Friday of each week, exclusive of national holidays. A fee for copies of requested material will be charged. (§ 24.12 of this chapter.)

#### § 26.7 Classes of customs documents exempt from disclosure.

Bureau of Customs opinions, orders, rulings, statements of policy, interpretations, and records generally may be inspected, copied or otherwise obtained unless they relate to the following:

(1) Matters specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy. This includes:

(i) Special category export shipments the disclosure of which might endanger the security of the United States. Such restriction upon disclosure is in effect during any period covered by a finding by the President under section 1 of the Act of August 9, 1950, as amended (50 U.S.C. 191). Such a finding was made

by Executive Order No. 10173, October 18, 1950 (3 CFR 1949-1953 Comp. p. 356; 15 F.R. 7005).

(ii) Material classified as "Top Secret," "Secret," or "Confidential" under Executive Order No. 10501, of November 5, 1953, 18 F.R. 7049, as amended.

(2) Information relating solely to the internal personnel rules and practices. This includes guidelines, operational rules, and procedural manuals for the guidance of customs officers and employees which relate to such functions as investigation, inspection, auditing, and other functions of a like nature. Examples of this type of information are:

Audit Manual.  
Audit Standards and Techniques Manual.  
Customs Accounting Manual.  
Emergency Planning Manual.  
Enforcement and Technical Investigation Manuals.  
Inspectors' Manual.  
Sampling Guide.

(3) Information specifically exempted from disclosure by statute. This includes information pertaining to trade secrets, business operations, and commercial or financial information of importers, exporters, and other persons who transact customs business (18 U.S.C. 1905).

(4) Trade secrets and commercial or financial information obtained from any person and privileged or confidential. The information contained in invoices, entries, vessels' manifests, export declarations, official reports of investigating officers, records pertaining to the licensing of and the revocation or suspension of a license of a customhouse broker, and other papers or documents filed with customs officers for any official purpose which contain trade secrets, or commercial or financial information, is exempt from disclosure, except for the purpose for which such documents are required to be filed. However, information contained in vessels' manifests and summary statistical reports of importations and exportations are available for inspection and copying by certain representatives of the press to the extent permitted by § 26.8. Further, importers and exporters or their duly authorized brokers, attorneys, or agents, may be permitted to examine manifests with respect to any consignment of goods in which they have a proper and legal interest as principal or agent, but shall not be permitted to make any general examination of manifests or make any copies or notations from them except with reference to the particular importation or exportation in which they have a proper and legal interest. Information obtained in connection with investigations under the Anti-dumping Act, 1921 (19 U.S.C. 160 et seq.), is available for disclosure under the provisions of § 14.6a of this chapter.

(5) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation. This information includes, but is not limited to, memoranda expressing the views of subordinates, comments endorsing or dissenting from conclusions reached in official rulings, work

papers, and other informal expressions of view, certain documents addressed to other Government agencies (unless such documents are released for disclosure by the recipient).

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. These include, but are not limited to, leave records of individual employees, personnel investigative records, personnel security records, personnel financial statements submitted in connection with conflicts of interest and other records which relate to the private, personal, financial, or business affairs of an individual employee or members of his family, unless the person concerned or his duly authorized agent authorizes disclosure, or unless otherwise made available in this part.

(7) Investigatory files compiled for law enforcement purposes except to the extent that they are available by law to a private party. Some examples of records included in this category are investigative reports relating to: The value and classification for tariff purposes of imported merchandise; suspected violations of section 592 of the Tariff Act of 1930 (19 U.S.C. 1592); allegations of the importation of merchandise into the United States in contravention of the countervailing duty provision (19 U.S.C. 1303); the importation of certain books, pictures, or other articles in contravention of the so-called "obscenity statute" (19 U.S.C. 1305). This listing is intended to be illustrative only, and is not intended to be, and is not, an exhaustive listing.

#### § 26.8 Information for the press and associations.

(a) *Disclosure to members of the press.* Although the following classes of information are exempt from the requirement of disclosure under the provisions of § 26.7, accredited representatives of the press, including newspapers, commercial magazines, trade journals, and similar publications may be permitted to examine vessels' manifests and summary statistical reports of imports and exports and to copy therefrom for publication information and data not of a confidential nature, subject to the following rules:

(1) Of the information and data appearing on outward manifests, only the general character, destination, and quantity (or value) of the commodity, name of vessel, and country of destination may be copied and published. Where the manifests show both quantity and value, either may be copied and published, but not both in any instance.

(2) Commercial or financial information, such as the names of the shippers and consignees, marks and numbers, and both quantities and values of commodities shall not be copied from outward manifests or any other papers.

(3) Of the information shown on inward manifests, only the name of the consignee, the general character of the commodity, the quantity (or value), name of vessel, and the country of dispatch shall be copied and published.

When an inward manifest shows both quantity and value of the commodity, either may be copied and published, but not both in any instance.

(b) *Review of data.* All copies and notations from inward or outward manifests shall be submitted for examination by a customs officer designated for that purpose.

(c) *Disclosure to members of associations.* Accredited representatives of regularly established associations, whether incorporated or not, shall be permitted to obtain information from, but not examine, vessels' manifests for the purpose of securing data relative to merchandise of the kind or class in the importation of which the association is interested, subject to the foregoing rules, but this authority does not extend to attorneys, agents, or customhouse brokers acting on behalf of individual importers.

(d) *Suspension of disclosure.* (1) Except as provided in § 26.11, upon written application of a consignee or importer access to the name of such consignee or importer on a manifest will thereafter be refused.

(2) If any individual shall abuse the privilege granted him of examining inward and outward manifests or shall make any improper use of any information or data obtained from such manifests or other papers filed in the customhouse, both he and the party or publication which he represents shall thereafter be denied access to such papers.

#### § 26.9 Sanction for improper disclosure by customs officer or employee.

The disclosure of the confidential information contained in customs documents or the disclosure to one importer or exporter of information relative to the business of another importer or exporter acquired by any customs officer or employee by reason of his official employment shall constitute grounds for dismissal from the Service, suspension, or other disciplinary action, and if done for a valuable consideration will subject such person to criminal prosecution.

#### § 26.10 Statements for publication.

District directors of customs and other customs officers shall refrain from disclosing facts concerning seizures, investigations, and other pending cases until customs action is completed. The district director of customs or other authorized customs officer, may make public information concerning any case involving an offense against the customs and navigation laws after completion of the investigation and the case has been closed by final customs action, such as settlement of a civil liability or reference of a case to the U.S. attorney for handling. Field officers shall exercise proper restraint and judgment in disclosing local transactions.

#### § 26.11 Testimony or the production of documents in court.

(a) *General.* In answer to a legal process or demand from a court issued in behalf of the United States or an officer

thereof, customs officers or employees shall produce in court in customs custody, and may testify with respect to, any official customs papers or documents demanded. When any such process or demand is issued in behalf of a party other than the United States, it shall be complied with only to the extent that the party in whose behalf the papers or documents are demanded is permitted under these regulations to inspect or copy such papers or documents. Exceptions to this rule shall be made only on the written order of the Commissioner of Customs. When requested, copies may be authenticated pursuant to the provisions of section 1733, title 28, United States Code.

(b) *Request of Customs Court.* Except as stated in § 26.7, nothing in this part shall preclude customs officers or employees from producing in the U.S. Customs Court in customs custody any customs papers or documents or from testifying or otherwise rendering all proper assistance to the court in proceedings before it when request therefor is made by the court; nor from furnishing to counsel for the U.S. information in, and permitting him to inspect, customs papers, or documents requested by him, nor from testifying on behalf of the United States or otherwise assisting him in the performance of his official duties.

(c) *Subpoena or Subpoena duces tecum.* Upon being served with a subpoena or subpoena duces tecum from a court or officer thereof calling for testimony or the production of papers or documents in cases not covered by paragraphs (a) or (b) of this section, or in cases where the testimony or documents desired would disclose matters the disclosure of which would be contrary to these regulations, the matter shall be referred to the Bureau for instructions, with a report which shall specifically describe the testimony or documents desired; shall set forth the view of the submitting officer whether the giving of the testimony or the furnishing of the documents would disclose information not permitted to be disclosed under these regulations; and shall state in what particulars, if any, the disclosure of the information and work incidental thereto would interfere with the orderly conduct of customs business. If instructions are not received prior to the date set for appearance or production of documents, or if the Bureau declines to permit their production or the disclosure of the information contained therein or otherwise within the knowledge of the customs officer or employee whose testimony is requested, the customs officer or employee shall appear in court or before the officer concerned in answer to the subpoena and respectfully decline to produce the documents called for or to testify, except to the extent specifically authorized elsewhere in this section, citing this regulation as authority for his refusal. If the matter has not already been referred to the Bureau for instructions, the customs officer or employee shall advise the court or officer that it will be so referred.

**PART 31—CUSTOMHOUSE BROKERS**

§ 31.15 [Deleted]

4. Section 31.15 is deleted.

(5 U.S.C. 552, as amended)

These amendments and revision shall become effective on July 4, 1967.

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

Approved: June 26, 1967.

**TRUE DAVIS,**  
*Assistant Secretary  
of the Treasury.*

[P.R. Doc. 67-7492; Filed, June 30, 1967;  
8:46 a.m.]

**Title 20—EMPLOYEES'  
BENEFITS**

**Chapter III—Social Security Admin-  
istration, Department of Health, Ed-  
ucation, and Welfare**

[Regs. No. 5]

**PART 405—FEDERAL HEALTH INSUR-  
ANCE FOR THE AGED (1965 -----)**

**Subpart P—Certification and  
Recertification**

On January 20, 1967, there was published in the FEDERAL REGISTER (32 F.R. 668) a notice of proposed rule making relating to certification and recertification by physicians as to the medical necessity for services furnished beneficiaries under title XVIII of the Social Security Act. Interested persons were given the opportunity to submit written comments within 30 days after publication.

All of the written comments submitted were considered; and a new paragraph (§ 405.1627(a)(2)) relating to physician recertification for inpatient hospital services, has been added. This substantive addition provides that the physician can recertify to the need for continued hospitalization in situations where the physician determines the patient needs posthospital extended care services but no bed is available in a participating extended care facility.

Chapter III, Title 20, is amended by adding thereto Subpart P of Part 405 to read as set forth below. The addition of Subpart P of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: June 12, 1967.

[SEAL] **ROBERT M. BALL,**  
*Commissioner of Social Security.*

Approved: June 23, 1967.

**WILBUR J. COHEN,**  
*Acting Secretary of Health,  
Education, and Welfare.*

**Subpart P—Certification and Recertification**

Sec.  
405.1625 Certification and recertification by  
physicians; general.

Sec.  
405.1626 Inpatient hospital services; certification.  
405.1627 Inpatient hospital services; recertification.  
405.1628 Inpatient hospital services; timing of recertifications.  
405.1629 Inpatient tuberculosis hospital services and inpatient psychiatric hospital services; certification and recertification.  
405.1630 Certification and recertification for beneficiary admitted to a hospital before entitlement to benefits.  
405.1631 Outpatient hospital diagnostic services; certification.  
405.1632 Post hospital extended care services; certification and recertification.  
405.1633 Home health services; certification and recertification.  
405.1634 Medical and other health services covered by the supplementary medical insurance program furnished by a participating provider of services; certification.

**AUTHORITY:** The provisions of this Subpart P issued under secs. 1102, 1814, 1835, 1871, 49 Stat. 647 as amended; 79 Stat. 294; 79 Stat. 303; 79 Stat. 331; 42 U.S.C. 1302, 1395, et seq.

§ 405.1625 Certification and recertification by physicians; general.

(a) The health insurance program recognizes the physician as the key figure in determining utilization of health services; the physician decides upon admission to a hospital, orders tests, drugs and treatments, and determines the length of stay. In recognition of this, title XVIII of the Act calls for substantiation of physician decisions as an element of proper administration and fiscal control. The Act requires that payment for covered services may be made to a provider of services only if there is a physician's certification concerning the necessity of the services furnished. For certain services continued over a period of time the Act requires as a further condition of payment that a physician recertify to the continued need for the covered services.

(b) The provider of services is responsible for obtaining the required physician certification and recertification statements and for retaining them in file for verification, if needed, by the intermediary, or by the Social Security Administration if the provider deals directly with the Government. The provider itself certifies, on the appropriate billing form, that the required physician certification and recertification statements have been obtained and are on file.

(c) Each provider of services determines the method by which the required physician certification and recertification statements are to be obtained. There is no requirement that a specific procedure or specific forms be used, so long as the approach adopted by the provider permits a verification to be made that the requirement of physician certification and recertification, set forth in this Subpart P, is met. Certification and recertification statements may be entered on or included in forms, notes, or other records a physician normally signs in caring for a patient, or a separate form may be

used. Each certification and recertification statement is to be separately signed by a physician, except as otherwise specified in this Subpart P.

(d) The requirements for recertification set forth in this Subpart P specify certain information that is to be included in the physician's recertification statement. It should be noted that this required information need not be repeated in a separate statement if, for example, it is contained in physician's progress notes. The physician's recertification statement may merely indicate that the required information is contained in the patient's medical record, if this is so.

(e) Providers of services are expected to obtain timely certifications and recertifications. However, delayed certifications and recertifications can be honored when, for example, the patient was unaware of his eligibility for the benefits when he was treated. Delayed certifications and recertifications are to include or be accompanied by an explanation for the delay, including any medical or other evidence the physician or provider considers relevant for explaining the delay. A delayed certification and one or more delayed recertifications may appear in one signed statement.

§ 405.1626 Inpatient hospital services; certification.

The required physician's statement should certify that inpatient hospital services were required for the patient's medical treatment or for medically required inpatient diagnostic study. The certification should be obtained at the time of admission or as soon thereafter as is reasonable and practicable, and be signed by the physician responsible for the case, or by another physician having knowledge of the case who is authorized to do so by the responsible physician or by the hospital's medical staff.

§ 405.1627 Inpatient hospital services; recertification.

(a) (1) The recertification statement should contain the following information:

(i) An adequate written record of the reasons for continued hospitalization;

(ii) The estimated period of time the patient will need to remain in the hospital; and

(iii) Any plans, where appropriate, for post hospital care.

(2) A physician may recertify to the need for continued hospitalization if he determines the patient could receive proper treatment in an extended care facility but no bed is available in a participating extended care facility. Where this is the basis for the physician's recertification, the recertification statement should so indicate; also, the physician should attempt on a continuing basis to place his patient in a participating extended care facility as soon as a bed becomes available.

(b) Recertifications should be signed by the physician responsible for the case, or by another physician having knowledge of the case who is authorized to do

so by the responsible physician or by the hospital's medical staff.

(c) A separate recertification statement is not necessary where the requirements for a third or subsequent recertification are satisfied through utilization review (see § 405.1628(b)). It is sufficient if records of the utilization review committee show that consideration was given to the reasons for continued hospitalization, estimated time the patient will need to remain in the hospital, and plans for post hospital care.

**§ 405.1628 Inpatient hospital services; timing of recertifications.**

(a) The first recertification is required no later than as of the 14th day of hospitalization. A hospital may, at its option, provide for the first recertification to be made earlier, or it may vary the timing of the first recertification within the 14-day period by diagnostic or clinical categories. A second recertification is required no later than as of the 21st day of hospitalization. Thereafter, subsequent recertifications are to be made at intervals established by the utilization review committee (on a case-by-case basis if it so chooses), but in no event may the prescribed interval between recertifications exceed 30 days.

(b) At the option of the hospital, review of a stay of extended duration, pursuant to the hospital's utilization review plan, may take the place of the third and any subsequent physician recertifications. Such review may be performed before the date on which such physician recertification would otherwise be required, but would be considered timely if performed as late as the 7th day following such date. The next physician recertification would need to be made no later than the 30th day following such review; if review by the utilization review committee took the place of this physician recertification, the review could be performed as late as the 7th day following such 30th day.

(c) The hospital should have available in its files a written description of the procedure it adopts on timing of recertifications—that is, the intervals at which recertifications are required and whether review of long-stay cases by the utilization review committee serves as an alternative to recertification by a physician in the case of the third or subsequent recertifications.

**§ 405.1629 Inpatient tuberculosis hospital services and inpatient psychiatric hospital services; certification and recertification.**

Except for the content of the certification and recertification statements, the requirements for physician certification and recertification for inpatient psychiatric and tuberculosis hospital services are the same as for inpatient hospital services. The content requirements differ because of recognition that there is often a significant difference between treatment provided in mental and tuberculosis hospitals and the treatment provided in other hospitals. Often the care provided in such hospitals is purely custodial, while the health insurance

program's intent is to cover only active care in such hospitals and not to cover custodial care.

(a) *Inpatient psychiatric hospital services certification.* In the case of inpatient psychiatric hospital services, the required physician's statement should certify that such services were required for either:

(1) Treatment which could reasonably be expected to improve the patient's condition; or

(2) Diagnostic study.

(b) *Inpatient psychiatric hospital services recertification.* In the case of inpatient psychiatric hospital services the recertification statement should indicate:

(1) That inpatient psychiatric hospital services furnished since the previous certification or recertification were, and continue to be, required for either:

(i) Treatment which could reasonably be expected to improve the patient's condition; or

(ii) Diagnostic study; and

(2) That the hospital records indicate that the services furnished were either intensive treatment services, admission and related services necessary for diagnostic study, or equivalent services.

(c) *Inpatient tuberculosis hospital services certification.* In the case of inpatient tuberculosis hospital services, the required physician's statement should certify that such services were required for treatment which could reasonably be expected either to:

(1) Improve the patient's condition; or

(2) Render the condition noncommunicable.

(d) *Inpatient tuberculosis hospital services recertification.* In the case of inpatient tuberculosis hospital services the recertification statement should indicate:

(1) That the inpatient tuberculosis hospital services furnished since the previous certification or recertification were, and continue to be, required for treatment which could reasonably be expected either to:

(i) Improve the patient's condition; or

(ii) Render the condition noncommunicable; and

(2) That the hospital records so indicate.

**§ 405.1630 Certification and recertification for beneficiary admitted to a hospital before entitlement to benefits.**

If an individual is admitted to a hospital (including a psychiatric or tuberculosis hospital) before he is entitled to hospital insurance benefits (for example, before he reaches age 65), the following rules are applicable when he does become entitled:

(a) No certification is required with respect to an inpatient admission prior to entitlement.

(b) Recertifications are required as of the time they would be required if the patient had been admitted to the hospital on the day he became entitled. For example, if a patient becomes en-

titled on September 1, but was admitted prior to that date, the first recertification is required no later than September 14; the second, no later than September 21; subsequent recertifications are required at intervals not to exceed 30 days.

**§ 405.1631 Outpatient hospital diagnostic services; certification.**

The certification statement should indicate that outpatient hospital diagnostic services were required for diagnostic study, and should be signed by a physician who has knowledge of the case. The certification may be made on the copy of the summary prepared at the conclusion of the study that is retained by the hospital, or a special form may be used; also, a written physician's order designating the diagnostic services required would be acceptable. Recertification is not required for outpatient hospital diagnostic services. However, a new certification is required for each diagnostic study, as described in § 405.144.

**§ 405.1632 Posthospital extended care services; certification and recertification.**

(a) *Certification.* (1) The required physician's statement should certify that posthospital extended care services were required to be given on an inpatient basis because of the individual's need for skilled nursing care on a continuing basis for any conditions for which he was receiving inpatient hospital services (see § 405.116), or services which would constitute inpatient hospital services if the institution met the conditions of participation for hospitals (see Subpart J of this Part 405) except those relating to utilization review and health and safety requirements, prior to transfer to the extended care facility.

(2) The certification should be signed by the physician responsible for the case or, where so authorized by the responsible physician, by a physician on the staff of the extended care facility or the physician who is available in case of an emergency who has knowledge of the case, and should be obtained at the time of admission, or as soon thereafter as is reasonable and practicable.

(b) *Recertification.* (1) The recertification statement should contain the following information: (i) An adequate written record of the reasons for the continued need for extended care services; (ii) the estimated period of time the patient will need to remain in the facility; and (iii) any plans, where appropriate, for home care. If the continued need for extended care services is for a condition which arose after the patient's transfer to the extended care facility, and while the patient was still in the facility for treatment of the condition(s) for which he had received inpatient hospital services, the recertification statement should so indicate.

(2) Recertifications are to be signed by the physician responsible for the case or, where so authorized by the responsible physician, by a physician on the staff of the extended care facility or the

physician who is available in case of an emergency who has knowledge of the case.

(c) *Timing of recertification.* The first recertification is required no later than as of the 14th day of extended care services. An extended care facility may, at its option, provide for the first recertification to be made earlier, or it can vary the timing of the first recertification within the 14-day period by diagnostic or clinical categories. Subsequent recertifications are to be made at intervals not exceeding 30 days. Such recertifications may be made at shorter intervals as established by the utilization review committee and the extended care facility. At the option of the extended care facility, review of a stay of extended duration, pursuant to the facility's utilization review plan, may take the place of the second and any subsequent physician recertifications. The extended care facility should have available in its files a written description of the procedure it adopts with respect to the timing of recertifications—that is, the intervals at which recertifications are required, and whether review of long-stay cases by the utilization review committee serves as an alternative to recertification by a physician in the case of the second or subsequent recertifications.

(d) *Certification and recertification requirement where individual admitted to facility before January 1, 1967.* A physician certification is not required in the case of individuals who became inpatients of an extended care facility prior to January 1, 1967. Instead, recertifications should be provided as of the time they would be required if the patient had been admitted to the extended care facility on January 1, 1967. In these cases, the first recertification must state that posthospital extended care services were required on an inpatient basis either because of a condition for which the individual was receiving inpatient hospital services prior to transfer to the extended care facility, or for a condition which arose after the transfer to such facility and while he was still in the facility for treatment of the condition or conditions for which he received inpatient hospital services.

**§ 405.1633 Home health services; certification and recertification.**

(a) (1) In the case of both the hospital insurance and the supplementary medical insurance programs (see §§ 405.170 and 405.250), the required physician's statement should certify that: (i) The home health services were required because the individual was confined to his home (except when receiving outpatient services); (ii) the individual needed skilled nursing care on an intermittent basis or he needed physical or speech therapy; (iii) a plan for furnishing such services to the individual has been established and is periodically reviewed by a physician; and (iv) the services were furnished while the individual was under the care of a physician.

(2) In addition, for posthospital home health services under the hospital insurance program, the required physician's

statement should certify that the services were needed to treat any of the conditions for which the beneficiary received inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the conditions of participation for hospitals (see Subpart J of this Part 405), except those relating to utilization review and health and safety), or post-hospital extended care services during the related hospital or extended care facility stay (see § 405.131). The certification should be signed by the same physician who establishes the plan of treatment and should be obtained at the time the plan is established or as soon thereafter as possible.

(b) A recertification is required at intervals of at least once every 2 months, should be signed by the physician who reviews the plan of treatment, and should preferably be obtained at a time when the plan of treatment is reviewed. The recertification statement should indicate the continuing need for services and should estimate how long home health services will be needed.

**§ 405.1634 Medical and other health services covered by the supplementary medical insurance program furnished by a participating provider of services; certification.**

The certification statement should indicate that the medical and other health services furnished by, or under arrangements made by, the provider were medically required, and should be signed by a physician who has knowledge of the case. The certification statement should be obtained at the time covered medical and other health services are furnished, or as soon thereafter as is reasonable and practicable. No recertification of the continued need for covered services is required. Where covered services are provided on a continuing basis, such as in the case of an individual receiving periodic physical therapy services, the physician certification can be obtained either at the beginning or end of the series of visits.

[P.R. Doc. 67-7533; Filed, June 30, 1967; 8:49 a.m.]

**Title 24—HOUSING AND HOUSING CREDIT**

**Chapter II—Federal Housing Administration, Department of Housing and Urban Development**

**SUBCHAPTER A—GENERAL**

**PART 200—INTRODUCTION**

**Miscellaneous Amendments**

In Part 200 in the Table of Contents new §§ 200.59a and 200.59b are added and pertinent section headings are amended as follows:

- Sec.  
200.43 Regional Operations Commissioners.  
200.54 Regional Operations Commissioners and Deputies.

- Sec.  
200.59a Chief of the Insured Project Mortgage Servicing Branch.  
200.59b Chief of the FHA-Held Project Mortgage Servicing Branch.  
200.84c Director of the Multifamily Housing Insuring Office (New York).  
200.96 Field Office Directors, Deputy Directors and Assistant Directors; and Director, Multifamily Housing Insuring Office (New York).  
200.97 Assistant Commissioner for Field Operations and Deputy; Assistant Commissioner for Home Mortgages and Deputy; Regional Operations Commissioners and Deputies; Assistant Commissioner for Property Improvement and Deputy; and the Assistant Commissioner for Multifamily Housing and Deputy and Division Directors under their supervision.  
200.106 Assistant Commissioner for Field Operations and Deputy; Regional Operations Commissioners and Deputies; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration; Director of Personnel; and Deputy Director of Personnel.

**Subpart C—Organization and Management**

Section 200.43 is amended to read as follows:

**§ 200.43 Regional Operations Commissioners.**

The territory served by the Federal Housing Administration is divided into geographical regions comprised of a group of field insuring offices. Each region is headed by a Regional Operations Commissioner who is responsible to the Assistant Commissioner for Field Operations for the supervision, direction and coordination of all functions and responsibilities of the several officers within the jurisdiction established for the particular region.

**Subpart D—Delegations of Basic Authority and Functions**

In § 200.52a paragraph (c) is amended to read as follows:

**§ 200.52a Assistant Commissioner for Field Operations and Deputy.**

(c) To be responsible for coordination and general supervision of the Regional Operations Commissioners.

In § 200.54 the heading thereof and the introductory text are amended to read as follows:

**§ 200.54 Regional Operations Commissioners and Deputies.**

To the position of Regional Operations Commissioner and to each of them, and under their general supervision to the position of Deputy Regional Operations Commissioner and to each of them there is delegated the following basic authority and functions:

In § 200.57 paragraph (d) is amended to read as follows:

**§ 200.57 Assistant Commissioner for Multifamily Housing and Deputy.**

(d) To approve the sale and terms of sale of mortgages taken as security in selling property acquired in connection with Federal Housing Administration insurance claims and to approve the modification in the terms of project mortgages insured by the Federal Housing Administration and to approve the modification of or authorize the foreclosure of any project mortgage acquired and held as a result of assignment under the terms of the insurance contract or taken back and held in connection with the sale of an acquired property.

In § 200.59 paragraph (c) is amended to read as follows:

**§ 200.59 Director of the Project Mortgage Servicing Division and Deputy.**

(c) To approve modification in the terms of project mortgages insured by the Federal Housing Administration and to approve the modification of or authorize the foreclosure of any project mortgage acquired and held as a result of assignment under the terms of the insurance contract or taken back and held in connection with the sale of an acquired property.

In Part 200 new §§ 200.59a and 200.59b are added to read as follows:

**§ 200.59a Chief of the Insured Project Mortgage Servicing Branch.**

To the position of Chief of the Insured Project Mortgage Servicing Branch there is delegated the following authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for servicing insured project mortgages.

(b) To grant extensions of time within which the mortgagee must make its election either to assign the mortgage or to tender title to the property under the contract of mortgage insurance.

**§ 200.59b Chief of the FHA-Held Project Mortgage Servicing Branch.**

To the position of Chief of the FHA-Held Project Mortgage Servicing Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for servicing project mortgages held by the Government as a result of FHA operations.

(b) To approve Provisional Work Out Arrangements for the continued holding of project mortgages although in default.

Section 200.84c is amended to read as follows:

**§ 200.84c Director of the Multifamily Housing Insuring Office (New York).**

To the position of Director of the Multifamily Housing Insuring Office

(New York) there is delegated the following duties and functions:

(a) To direct multifamily housing mortgage insurance operations and project mortgage servicing operations in the State of New York and to provide advice, guidance, and assistance on multifamily housing to other insuring offices in departmental Region I.

In § 200.97 the heading thereof and the introductory text are amended to read as follows:

**§ 200.97 Assistant Commissioner for Field Operations and Deputy; Assistant Commissioner for Home Mortgages and Deputy; Regional Operations Commissioners and Deputies; Assistant Commissioner for Property Improvement and Deputy; and the Assistant Commissioner for Multifamily Housing and Deputy and Division Directors under their supervision.**

To the positions of Assistant Commissioner for Field Operations and his Deputy; Regional Operations Commissioner, and to each of them; and Deputy Regional Operations Commissioner, and to each of them; and as they apply to home mortgage insurance operations to the positions of Assistant Commissioner for Home Mortgages and his Deputy; and as they apply to property improvement loans under section 2 of title I of the National Housing Act to the positions of Assistant Commissioner for Property Improvement and his Deputy; and as they apply to multifamily housing mortgages to the positions of Assistant Commissioner for Multifamily Housing and his Deputy, and as they apply to multifamily housing project mortgage servicing to the positions of Director, Project Mortgage Servicing Division, and his Deputy and to the positions of branch chief and to each of them under their supervision, and as they apply to project mortgage insurance initiation to the positions of Director, Project Mortgage Insurance Division, and his Deputy and to the positions of branch chief and to each of them under their supervision, there is delegated the following duties and functions:

Section 200.103 is amended to read as follows:

**§ 200.103 Division Directors and their superiors; the General Counsel; Field Office Directors, Deputies, and Assistants, and others.**

To the position of Assistant Commissioner and Deputy Assistant Commissioner, Special Assistant and Deputy Special Assistant, Assistant to the Commissioner, Defense Coordinators, General Counsel and Associate General Counsel, Division Director and Deputy Division Director, Regional Operations Commissioner, Field Office Director, Deputy Field Office Director, Assistant Field Office Director, there is delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government, pursuant to 31 U.S.C. 680a (section 4 of

the Act approved May 10, 1939, 53 Stat. 738).

In § 200.106 the heading thereof and paragraph (a) are amended to read as follows:

**§ 200.106 Assistant Commissioner for Field Operations and Deputy; Regional Operations Commissioners and Deputies; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration; Director of Personnel; and Deputy Director of Personnel.**

(a) To the Assistant Commissioner for Field Operations; Deputy Assistant Commissioner for Field Operations; Regional Operations Commissioner; Deputy Regional Operations Commissioner; Directors, Deputy Directors, Assistant Directors, Administrative Officers, and Chief Clerks in FHA Field Offices; the Assistant Commissioner for Administration; the Director of Personnel; and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal Government, or any other oath required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., June 27, 1967.

PHILIP N. BROWNSTEIN,  
Federal Housing Commissioner.

[F.R. Doc. 67-7488; Filed, June 30, 1967; 8:46 a.m.]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6924]

#### SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

#### PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

#### Sales of Oil for Nonlubricating Use and of Oil Seldom Used as Lubricant

On July 1, 1966, notice of proposed rule making to amend the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under section 4091 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (31 F.R. 9086). After consideration of all such relevant matter as was presented by interested persons regarding the rules

proposed, the amendment of the regulations as proposed is hereby adopted subject to changing paragraph (c) of § 48.4091-6, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, to read as follows:

§ 48.4091-6 Sales after December 31, 1965, of oil seldom used as a lubricant.

(c) Oils determined before July 1, 1966, to be "seldom used as a lubricant." The requirement of an exemption certificate is waived in respect of sales by the manufacturer of oils which, before July 1, 1966, the Commissioner determined to be seldom used as a lubricant but used almost exclusively for nonlubricating purposes.

[SEAL] SHELDON S. COHEN,  
Commissioner of Internal Revenue.

Approved: June 27, 1967.

STANLEY S. SURREY,  
Assistant Secretary  
of the Treasury.

PARAGRAPH 1. Section 48.4091-4 is amended by adding the following new paragraph at the end thereof:

§ 48.4091-4 Sales of oil for nonlubricating use.

(f) Taxable years affected. This section applies only to sales by the manufacturer on or before December 31, 1965. For rules relating to sales by the manufacturer on or after January 1, 1966, see § 48.4091-6.

PAR. 2. There is added immediately following § 48.4091-5 the following new section:

§ 48.4091-6 Sales after December 31, 1965, of oil seldom used as a lubricant.

(a) General rule. If the Commissioner determines that an oil suitable for use as a lubricant is seldom so used, but is used almost exclusively for nonlubricating purposes, the sale by the manufacturer of such oil direct to a purchaser for nonlubricating use by him or for resale by him for nonlubricating use may be made tax free. Except as provided in paragraph (c) of this section, the manufacturer, in order to establish the right to sell lubricating oil tax free under this section, must obtain from the purchaser and retain in his possession a properly executed exemption certificate.

(b) Exemption certificates—(1) Form of certificate. The following form of certificate will be acceptable and must be adhered to in substance:

EXEMPTION CERTIFICATE

(For use by purchaser of lubricating oil, otherwise subject to tax under section 4091 of the Internal Revenue Code of 1954, as amended, which the Commissioner of Internal Revenue has determined to be seldom used as a lubricant, for use by the purchaser for nonlubricating purposes or for resale for nonlubricating use.)

-----, 19--  
(Date)  
The undersigned certifies that he, or the  
-----  
(Name of purchaser if other than  
undersigned)  
of which he is -----, is in the  
(Title)  
business of -----  
-----  
(State business and, except in case of a purchase for resale, article or articles manufactured)  
and that the oil covered by the accompanying order or contract for purchase from  
-----  
(Name and address of vendor)  
of oil produced by -----  
-----  
(Name and address of producer if other than vendor)  
is -----  
(Type or types of oil which the Commissioner has determined to be seldom used as a lubricant)  
and is purchased for—

CHECK ONE

- The following nonlubricating purposes: -----
- Resale for nonlubricating use (specify use or uses if known): -----

The purchaser understands that, if any of the oil purchased tax free by use of this certificate is resold by him for nonlubricating use or for further resale for such use, he must obtain a similar certificate from his vendee. The purchaser further understands that he must be prepared to establish by satisfactory evidence the actual use or disposition made of such oil, and that upon use of the oil for a lubricating purpose, or sale for a lubricating purpose, he is required to notify the vendor named above. The purchaser also understands that if his vendee notifies him that the oil covered by this certificate has been used for a lubricating purpose or sold for a lubricating purpose he is required to so notify the vendor from whom he purchased the oil covered by this certificate. In addition, the purchaser understands that the above listed oils which are purchased tax free by use of this certificate do not qualify for the tax credit or refund under sections 39(a)(3) and 6424 of the Code.

The undersigned understands that he and all guilty parties will, for fraudulent use of this certificate for the purpose of purchasing oil tax free, be subject to a fine of not more than \$10,000, or imprisonment for not more than 5 years, or both, together with the costs of prosecution.

-----  
(Signature)

-----  
(Address)

(2) Period covered. Where only occasional sales of an oil which the Commissioner has determined to be seldom used as a lubricant are made to a purchaser for nonlubricating use, a separate exemption certificate shall be furnished for each order. However, where sales of such oil for nonlubricating use are regularly or frequently made to a purchaser, a certificate covering all orders for a specified period, not to exceed four calendar quarters, will be acceptable. The certificates and proper records of invoices, orders, etc., relative to sales of lubricating oil under this section must be kept for inspection by the district director as provided in section 6001.

(3) Certificate not obtained prior to filing of manufacturer's excise tax return. Except as provided in paragraph (c) of this section, if an exemption certificate in respect of any sale to which this section has application is not obtained prior to the time the manufacturer files a return covering taxes due for the period during which the sale was made, the manufacturer must include the tax on the sale in his return for that period. The manufacturer will not be entitled to file a claim for credit or refund of tax thus paid even if a certificate is later obtained.

(4) Duty of manufacturer to ascertain validity of certificate. A manufacturer making a sale under an exemption certificate must use reasonable diligence to satisfy himself that the use of the certificate is warranted under this section. If the manufacturer has knowledge at the time of his sale that the oil is not intended for nonlubricating use, the manufacturer is liable for tax on the sale.

(c) Oils determined before July 1, 1966, to be "seldom used as a lubricant." The requirement of an exemption certificate is waived in respect of sales by the manufacturer of oils which, before July 1, 1966, the Commissioner determined to be seldom used as a lubricant but used almost exclusively for nonlubricating purposes.

(d) Oil sold for nonlubricating use but not so used. If the manufacturer receives information establishing that oil sold tax free, pursuant to the provisions of this section, to a purchaser for use by him has not been and will not be used by him for nonlubricating purposes, or that oil sold tax free, pursuant to the provisions of this section, to a purchaser for resale by him has been resold for lubricating purposes or has not been and will not be used by the ultimate purchaser for nonlubricating purposes, the tax applicable to the sale by the manufacturer shall be included in the manufacturer's return for the return period in which such information is received.

(e) Tax-paid oil used for nonlubricating purpose. If oil, with respect to which the manufacturer has paid tax under section 4091, is subsequently used for a nonlubricating purpose, the ultimate purchaser of the oil may file a claim for refund under section 6424 or for credit under section 39(a)(3).

(Sec. 7805 of the Internal Revenue Code of 1954; 88A Stat. 917; 28 U.S.C. 7805)

[P.R. Doc. 67-7491; Filed, June 30, 1967; 8:46 a.m.]

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Freedom of Information

This part as filed with the FEDERAL REGISTER on June 29, 1955, was last amended by an amendment published in the FEDERAL REGISTER for June 7, 1967 (32 F.R. 8135). The amendments made herein to Subparts F and G of this part reflect the changes made by the Act of

July 4, 1966 (Public Law 89-487, 80 Stat. 250), codified as 5 U.S.C. 552 by the Act of June 5, 1967 (Public Law 90-23, 81 Stat. 54), which provides for the protection and clarification of the right of the public to information. The following amendments are made:

PARAGRAPH 1. Paragraphs (b) and (d) of § 601.601 are amended to read as follows:

§ 601.601 Rules and regulations.

(b) *Comments on proposed rules.* Interested persons are privileged to submit any data, views, or arguments with respect to proposed rules. Any person submitting comments in response to a notice of proposed rule making published pursuant to 5 U.S.C. 553 shall specifically designate that portion, if any, of his comments which in his opinion contains confidential information or data. Any comments or any portion thereof not specifically designated as confidential will be made available pursuant to paragraph (c) of § 601.702 upon request. Any comments or any portion thereof specifically designated as confidential will not be disclosed to the public. The name of the person submitting the comments will not be treated as confidential unless such person requests that his name be so treated. Any portion of a comment which is designated as confidential shall be set forth on pages separate from the balance of the comment. The disclosure by the Internal Revenue Service of any name, or of any comments or any portion thereof, not specifically designated as confidential by the person submitting the comments will be a disclosure authorized by law within the meaning of any statute governing the disclosure of information. The name of any person requesting a public hearing and the issues which may be discussed at the hearing are not confidential. This paragraph applies only to comments submitted on or after August 2, 1967.

(d) *Publication of rules and regulations.* All internal revenue regulations and Treasury decisions are published in the FEDERAL REGISTER and in the Code of Federal Regulations. See paragraph (a) of § 601.702. The Treasury decisions are also published in the weekly Internal Revenue Bulletin and the semiannual Cumulative Bulletin. The Internal Revenue Bulletin is the authoritative instrument of the Commissioner for the announcement of official rulings, decisions, opinions, and procedures, and for the publication of Treasury decisions, Executive orders, tax conventions, legislation, court decisions, and other items pertaining to internal revenue matters. It is the policy of the Internal Revenue Service to publish in the bulletin all substantive and procedural rulings of importance or general interest, the publication of which is considered necessary to promote a uniform application of the laws administered by the Service. It is also the policy to publish in the bulletin all rulings which revoke, modify, amend, or

affect any published ruling. Rules relating solely to matters of internal practices and procedures are not published; however, statements of internal practices and procedures affecting rights or duties of taxpayers, or industry regulation, which appear in internal management documents, are published in the bulletin. No unpublished ruling or decision will be relied on, used, or cited by any officer or employee of the Internal Revenue Service as a precedent in the disposition of other cases.

PAR. 2. Paragraph (c) of § 601.602 is amended to read as follows:

§ 601.602 Forms and instructions.

(c) *Procurement of forms and instructions.* Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from district directors or, where appropriate, from assistant regional commissioners (alcohol and tobacco tax). Descriptions of many of the forms and publications of the Internal Revenue Service for public use are contained in Publication No. 480, *Description of Available Forms Relating to Alcohol and Tobacco Tax Division Activities*, and Publication No. 481, *Description of Principal Federal Tax Returns, Related Forms, and Publications*. Publication No. 480 and Publication No. 481 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

PAR. 3. Section 601.701 is amended to read as follows:

§ 601.701 Publicity of information.

(a) *General.* Effective July 4, 1967, section 552 of title 5 of the United States Code is amended to prescribe revised provisions regarding the publicizing of information by Federal agencies. Generally, such section divides agency information into three major categories and provides methods by which each category is to be made available to the public. The three major categories, for which the disclosure requirements of the Internal Revenue Service are set forth in § 601.702, are as follows:

- (1) Information required to be published in the FEDERAL REGISTER;
- (2) Information required to be made available for public inspection and copying or, in the alternative, to be published and offered for sale; and
- (3) Information required to be made available to any member of the public upon specific request.

The revised provisions of section 552 are intended to protect, subject to specified safeguards, the right of the public to information. Section 552 is not authority to withhold information from Congress.

(b) *Exemptions.*—(1) *In general.* Under 5 U.S.C. 552(b), the disclosure requirements of section 552 do not apply to certain matters described in nine specific exemptions, as follows:

(i) Matters specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(ii) Matters related solely to the internal personnel rules and practices of an agency, such as staff manuals or instructions, or parts thereof, which set forth guidelines, operating rules, or other criteria for officers or employees in auditing or inspection procedures, or in the selection or handling of cases, such as operational tactics, allowable tolerances, or criteria for the defense, prosecution, or settlement of cases;

(iii) Matters specifically exempted from disclosure by statute, as described in subparagraph (2) of this paragraph;

(iv) (a) Trade secrets and (b) commercial, financial, or other information, which is privileged or confidential and thus would not customarily be made public by the person from whom it is obtained, such as business sales statistics, inventories, customer lists, scientific or manufacturing processes or developments, personal correspondence, or matter which the agency has obligated itself in good faith not to disclose;

(v) Interagency or intraagency memorandums or letters which would not be available by law to a party in litigation with an agency, including communications (such as internal drafts, memorandums between officials or agencies, opinions and interpretations prepared by agency staff personnel or consultants for the use of the agency, and records of the deliberations of the agency or staff groups) which the agency has received from another agency, or which the agency generates, in the process of issuing an order, decision, ruling, or regulation, drafting proposed legislation, or otherwise carrying out its functions and responsibilities, if such communications would not routinely be available to such party through use of the discovery process;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of any officer or employee of an agency or of any other person;

(vii) Investigatory files compiled for any law enforcement purpose, including files prepared in connection with related Government litigation and adjudicative proceedings, except to the extent available by law to a party other than an agency;

(viii) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(ix) Geological and geophysical information and data, including maps, concerning wells, such as seismic reports and other exploratory findings of oil companies.

(2) *Matters specifically exempted from disclosure by statute.* For purposes of subparagraph (1) (iii) of this paragraph, statutory provisions which either specifically exempt certain matters from disclosure by officers or employees of the Internal Revenue Service or specifically provide for disclosure under appropriate circumstances include the following



sections of the Code and the regulations thereunder:

(i) Section 4102, relating to inspection by certain State or local government officers of records with respect to taxes on petroleum products;

(ii) Section 4773, relating to inspection by certain Government officials of records with respect to narcotic drugs and marihuana;

(iii) Section 4775, relating to requests for names of persons listed as special taxpayers under the provisions of the Code dealing with narcotic drugs and marihuana;

(iv) Section 6103, relating to publicity of certain returns and disclosure of information as to persons filing income tax returns;

(v) Section 6104, relating to publicity of information required from certain exempt organizations and certain trusts;

(vi) Section 6105, relating to publication in the FEDERAL REGISTER of compilation of relief from excess profits tax cases;

(vii) Section 6106, relating to publicity of unemployment tax returns;

(viii) Section 6107, relating to the keeping of lists of special taxpayers for public inspection;

(ix) Section 6108, relating to the publication of statistics of income;

(x) Section 7213, relating to penalties for unauthorized disclosure of information by Federal officers or employees or other persons; and

(xi) Section 7237 (e), relating to penalties for unlawful disclosure of information on returns or order forms pertaining to narcotic drugs or marihuana.

A reference in this subparagraph to a provision of the Code will be considered to be a reference also to any corresponding provisions of prior law and the regulations promulgated thereunder. See also 18 U.S.C. 1905, which provides penalties for the unlawful disclosure by Federal officers or employees of certain information coming to them in the course of their employment. See paragraph (d) of § 601.702 for special rules pertaining to the disclosure of information in the case of certain specified matters.

(3) *Application of exemptions.* Even though an exemption described in subparagraph (1) of this paragraph may be fully applicable to a matter in a particular case, the Internal Revenue Service may, if not precluded by law, elect under the circumstances of that case not to apply the exemption to such matter. The fact that the exemption is not applied by the Service in that particular case has no precedential significance as to the application of the exemption to such matter in other cases but is merely an indication that in the particular case involved the Service finds no compelling necessity for applying the exemption to such matter.

PAR. 4. Section 601.702 is amended to read as follows:

§ 601.702 **Publication and public inspection.**

(a) *Publication in the Federal Register.*—(1) *Requirement.* Subject to the application of the exemptions described in

paragraph (b) of § 601.701 and subject to the limitations provided in subparagraph (2) of this paragraph, the Internal Revenue Service is required under 5 U.S.C. 552(a) (1) to separately state and currently publish in the FEDERAL REGISTER for the guidance of the public the following information:

(i) Descriptions of its central and field organization and the established places at which, the persons from whom, and the methods whereby, the public may obtain information, make submissions or requests, or obtain decisions, from the Service;

(ii) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures which are available;

(iii) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(iv) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Service; and

(v) Each amendment, revision, or repeal of matters referred to in subdivisions (i) through (iv) of this subparagraph.

Pursuant to the foregoing requirements, the Commissioner publishes in the FEDERAL REGISTER from time to time a statement, which is not codified in this chapter, on the organization and functions of the Internal Revenue Service, and such amendments as are needed to keep the statement on a current basis. In addition, there are published in the FEDERAL REGISTER the rules set forth in this part (Statement of Procedural Rules), such as those in subpart E, relating to conference and practice requirements of the Internal Revenue Service; the regulations in Part 177 of this chapter (Interstate Traffic in Firearms and Ammunition); the regulations in Part 200 of this chapter (Rules of Practice in Permit Proceedings); the regulations in Part 301 of this chapter (Procedure and Administration Regulations); the various substantive regulations under the Internal Revenue Code of 1954, such as the regulations in Part 1 of this chapter (Income Tax Regulations), in Part 20 of this chapter (Estate Tax Regulations), in Part 31 of this chapter (Employment Tax Regulations), in Part 47 of this chapter (Documentary Stamp Tax Regulations), or Part 201 of this chapter (Distilled Spirits Plants Regulations); and the substantive regulations under the Federal Alcohol Administration Act (49 Stat. 977, as amended, 27 U.S.C. 201 et seq.), such as 27 CFR Part 1 (Basic Permit Regulations), 27 CFR Part 4 (Wine Labeling and Advertising Regulations), or 27 CFR Part 5 (Distilled Spirits Labeling and Advertising Regulations).

(2) *Limitations.*—(i) *Incorporation by reference in the Federal Register.* Matter which is reasonably available to the

class of persons affected thereby, whether in a private or public publication, will be deemed published in the FEDERAL REGISTER for purposes of subparagraph (1) of this paragraph when it is incorporated by reference therein with the approval of the Director of the Federal Register. The matter which is incorporated by reference must be set forth in the private or public publication substantially in its entirety and not merely summarized or printed as a synopsis. Matter the location and scope of which are familiar to only a few persons having a special working knowledge of the activities of the Internal Revenue Service may not be incorporated in the FEDERAL REGISTER by reference. Matter may be incorporated by reference in the FEDERAL REGISTER only pursuant to the provisions of 5 U.S.C. 552(a) (1) and 1 CFR Part 20.

(ii) *Effect of failure to publish.* Except to the extent that a person has actual and timely notice of the terms of any matter referred to in subparagraph (1) of this paragraph which is required to be published in the FEDERAL REGISTER, such person is not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is not incorporated by reference therein pursuant to subdivision (i) of this subparagraph. Thus, for example, any such matter which imposes an obligation and which is not so published or incorporated by reference will not adversely change or affect a person's rights.

(b) *Public inspection and copying.*—(1) *In general.* Subject to the application of the exemptions described in paragraph (b) of § 601.701, the Internal Revenue Service is required under 5 U.S.C. 552(a) (2) to make available for public inspection and copying or, in the alternative, to promptly publish and offer for sale the following information:

(i) Final opinions, including concurring and dissenting opinions, and orders, if such opinions and orders are made in the adjudication of cases, such as opinions and orders by the Alcohol and Tobacco Tax Division pursuant to § 200.116 of this chapter in administrative procedures on applications for, or to suspend, revoke, or annul, permits under the alcohol, alcoholic beverages, and tobacco permit systems;

(ii) Those statements of policy and interpretations which have been adopted by the Internal Revenue Service but are not published in the FEDERAL REGISTER; and

(iii) Its administrative staff manuals and instructions to staff that affect a member of the public.

The Internal Revenue Service is also required by 5 U.S.C. 552(a) (2) to maintain and make available for public inspection and copying current indexes identifying any matter described in subdivisions (i) through (iii) of this subparagraph which is issued, adopted, or promulgated after July 4, 1967, and which is required to be made available for public inspection or published. No matter described in subdivisions (i) through (iii) of this subparagraph which is required by this subparagraph to be made available for public inspection or

published may be relied upon, used, or cited as precedent by the Internal Revenue Service against a party other than an agency unless such party has actual and timely notice of the terms of such matter or unless the matter has been indexed and either made available for inspection, or published, as provided by this subparagraph. This subparagraph applies only to matters which have precedential significance. It does not apply, for example, to administrative manuals on property or fiscal accounting, vehicle maintenance, personnel administration, and similar proprietary functions of the Internal Revenue Service. Nor does it apply to any ruling or advisory interpretation which is issued to a taxpayer on a particular transaction or set of facts and applied only to that transaction or set of facts. This subparagraph does not apply to matters which have been made available pursuant to paragraph (a) of this section.

(2) *Deletion of identifying details.* To prevent a clearly unwarranted invasion of personal privacy, the Internal Revenue Service will, in accordance with 5 U.S.C. 552(a)(2), delete identifying details contained in any matter described in subparagraph (1) (i) through (iii) of this paragraph before making such matter available for inspection or publishing it. However, in every case where identifying details are so deleted, the justification for the deletion must be explained in writing. The written justification for deletion will be placed as a preamble to the document from which the identifying details have been deleted, except in the case of any matter which is published in the Internal Revenue Bulletin. An introductory statement will be placed in each Internal Revenue Bulletin providing that identifying details, including the names and addresses of persons involved, and information of a confidential nature are deleted to prevent unwarranted invasions of personal privacy and to comply with statutory provisions, such as section 7213 and 18 U.S.C. 1905, dealing with disclosure of information obtained from members of the public.

(3) *Public reading rooms.*—(i) *In general.* The National Office and each regional office of the Internal Revenue Service will provide a reading room or reading area where the matters described in subparagraph (1) (i) through (iii) of this paragraph which are required by such subparagraph to be made available for public inspection or published, and the current indexes to such matters, will be made available to the public for inspection and copying. In addition, the reading rooms will contain other matters determined to be helpful for the guidance of the public, including a complete set of the rules and regulations contained in this title and title 27, any internal revenue matters which may be incorporated by reference in the FEDERAL REGISTER pursuant to paragraph (a) (2) (i) of this section, a set of Cumulative Bulletins, and copies of various Internal Revenue Service publications, such as the description of forms or publi-

cations contained in Publication No. 480 and Publication No. 481. Fees will not be charged for the use of the materials in the reading rooms, but fees will be charged for copying and certification services, as provided in subdivision (iii) of this subparagraph. The public will not be allowed to remove any record from a reading room.

(ii) *Addresses of public reading rooms.* The addresses of the reading rooms are as follows:

#### NATIONAL OFFICE

Mail address: Director, Public Information Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224.

Location: Same as mail address.

#### NORTH ATLANTIC REGION

Mail address: Regional Public Information Officer, Room 1102, 90 Church Street, New York, N.Y. 10007.

Location: Same as mail address.

#### MID-ATLANTIC REGION

Mail address: Regional Public Information Officer, Post Office Box 12805, Philadelphia, Pa. 19106.

Location: 401 North Broad Street.

#### SOUTHEAST REGION

Mail address: Regional Public Information Officer, Post Office Box 926, Atlanta, Ga. 30301.

Location: Federal Office Building, 275 Peachtree Street.

#### MIDWEST REGION

Mail address: Regional Public Information Officer, 17 North Dearborn Street, Chicago, Ill. 60602.

Location: Same as mail address.

#### CENTRAL REGION

Mail address: Regional Public Information Officer, Room 7106, Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.

Location: Same as mail address.

#### SOUTHWEST REGION

Mail address: Regional Public Information Officer, 1114 Commerce Street, Dallas, Tex. 75202.

Location: Same as mail address.

#### WESTERN REGION

Mail address: Regional Public Information Officer, Flood Building, 870 Market Street, San Francisco, Calif. 94102.

Location: Same as mail address.

(iii) *Copying facilities.* The National Office and each regional office will provide facilities whereby a person may obtain copies of material which is on the shelves of the reading room. Certification services with respect to copies will also be provided. The fees in respect of material on the shelves of the reading rooms are as follows:

Photocopies; each page.....	\$0.25
Certification of photocopies by appropriate official; each certification.....	1.00
Sale of unpriced printed material; each 25 pages or fraction thereof.....	.25
Minimum charge applicable when one or more of the above charges is assessed.....	1.00

Generally, forms and instructions described in § 601.602 which may be obtained from district directors or from assistant regional commissioners (alcohol and tobacco tax) will not be available

in the reading rooms. However, where such forms or instructions are available for distribution in the reading rooms, the fee listed in this subdivision for the sale of unpriced printed material will not apply. While certain relevant publications which are available for sale through the Government Printing Office will be placed on the shelves of the reading rooms, such publications will not be available for sale in the reading rooms. Persons desiring to purchase such publications, for example, Internal Revenue Bulletins and Cumulative Bulletins, should contact the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. However, copies of pages of such publications on the reading room shelves may be obtained at the reading rooms in accordance with the schedule of fees set forth in this subdivision.

(iv) *Inability to use public reading rooms.* If a person is unable or unwilling to visit a reading room in person but wishes to inspect identifiable reading room material, he may request permission to inspect such material at any office of the Internal Revenue Service. To the extent that requested material is available for inspection at the reading rooms and is also readily available for inspection at the office where the request is made, such material will promptly be made available for inspection at such office to the person making the request for inspection and, where facilities are available, for copying in accordance with the schedule of fees prescribed by subdivision (iii) of this subparagraph. Copies of the requested material may also be mailed to such person by such office upon request. If the requested reading room material is not readily available for inspection at the office where the request is made, then the request will be referred by such office to one of the reading rooms of the Internal Revenue Service. If the copies are to be transmitted by mail, the person making the request will promptly be advised of the cost of copying the requested material in accordance with the prescribed schedule of fees. Upon receipt of such fees, the requested material will be copied and mailed to the person making the request. Prepayment of fees is not required where the total fees with respect to the request are \$5 or less and the request is filled by mail.

(c) *Specific requests for other identifiable records.*—(1) *In general.* Subject to the application of the exemptions described in paragraph (b) of § 601.701, the Internal Revenue Service is required under 5 U.S.C. 552(a)(3) to make identifiable records, other than those made available pursuant to paragraphs (a) and (b) of this section, promptly available to any person upon request. The request for records under section 552(a)(3) must be made in accordance with the rules set forth in this paragraph. This paragraph applies only to records in being which are in the possession or control of the Internal Revenue Service. Where a record in the possession or control of the Internal Revenue Service is the paramount or exclusive concern of another agency, the

request for such record will be transferred to that agency, and the requester notified to that effect, to insure that the determination to disclose or withhold the record will be made by that agency. In applying this paragraph, the Internal Revenue Service will not compile a record pursuant to a request, or procure a record from sources outside the Service.

(2) *Form of request.* The request for records must be in writing and signed by the person making the request. The request is required to identify the requested records in accordance with subparagraph (4) of this paragraph. The request must set forth the address where the person making the request desires to be notified of the determination by the Internal Revenue Service as to whether the request will be granted. If the requester desires to make the inspection in an office other than the office to which the request is delivered or mailed, the request should designate the office of the Internal Revenue Service where inspection is desired. Where the person making the request desires to have a copy of the requested records sent to him without first inspecting such records, his request should so state.

(3) *Time and place for making request.* The request for records may be made at any office of the Internal Revenue Service. A request delivered to an office in person must be delivered during the regular office hours of that office. The person making the request should allow a reasonable period of time for processing the request.

(4) *Identification of records.* The request for records must describe the records in reasonably sufficient detail to enable personnel of the Internal Revenue Service to locate the records. While no specific formula for adequate identification of a record may be established, it will generally suffice if the requester gives the name, subject matter, and, if known, the date and location of the requested record. However, the person making the request is advised to furnish the Internal Revenue Service with any additional information which will more clearly identify the requested records, since he has the burden of properly identifying them. The identification requirement will not be used by officers or employees of the Internal Revenue Service as a device for improperly withholding records from the public.

(5) *Fees.* A schedule of fees for the services and costs required of the Internal Revenue Service in locating, making available, copying, and certifying records pursuant to this paragraph is as follows:

Records search; each hour or fraction thereof	\$3.50
Photocopies; each page	.25
Certification of photocopies by appropriate official; each certification	1.00
Minimum charge with respect to photocopies	1.00

Such fees are intended to make any services performed with respect to the request self-sustaining to the extent possible. See title V, Act of August 31, 1951 (65 Stat. 290, 31 U.S.C. (Supp. II) 483a). If the Internal Revenue Service esti-

mates that the total fees for costs incurred in complying with the request will amount to \$50 or more, the person making the request may be required to enter into a contract for the payment of actual fees with respect to the request before the Service will undertake actions necessary to comply with the request.

(6) *Processing a request.*—(i) *In general.* The person making a request will be promptly advised in writing that the request has been received, that action is being taken thereon, and that he will be notified in writing of the determination as to whether the request is granted. If the request does not sufficiently identify a record, the person making the request will be promptly advised of such fact and notified that a more detailed description of the record is required by the Internal Revenue Service in order to proceed with the request.

(ii) *Determination by National Office.* Except in a case described in subdivision (iii) of this subparagraph, a request sufficiently identifying records will be immediately transmitted to the Assistant Commissioner (Compliance), Attention: CP:C:D, for prompt consideration. A copy of the requested records or a description thereof will also be transmitted to the Assistant Commissioner (Compliance) for consideration in connection with the request. The Assistant Commissioner (Compliance) will notify the requester in writing of his determination with respect to the request.

(iii) *Determination by a field office.* Where disclosure authorization with respect to the requested records has been delegated to an officer or employee of the Internal Revenue Service other than the Assistant Commissioner (Compliance), such other officer or employee will make the determination as to whether the request for records should be granted or denied and will notify the requester in writing of his determination with respect to the request.

(7) *Granting of request.* If it is determined that the request is to be granted, the person making the request will be notified in writing of the determination, of the fees involved in complying with the request, and of the locations where such fees are payable. Upon receipt by the Internal Revenue Service of the fees stated in its reply, the person making the request will be promptly advised, in writing, of the time and place where inspection may be made; or, if he has requested that a copy of the records be sent to him without first inspecting the records or if it has been necessary to reproduce the records in order to provide for inspection, a copy of the records will be mailed to him for his retention. In the usual case, the records will be made available for inspection at the office of the Internal Revenue Service where the request was made. However, if the person making the request has expressed a desire to inspect the records at an office of the Service other than the office where the request was made, every reasonable effort will be made to comply with the request. Records will be made

available for inspection at such reasonable and proper times as not to interfere with their use by the Internal Revenue Service or to exclude other persons from making inspections. In addition, reasonable limitations may be placed on the number of records which may be inspected by a person on any given date. The person making the request will not be allowed to remove the records from the office where inspection is made. If, after making inspection, the person making the request desires copies of all or a portion of the requested records, copies will be furnished to him upon payment of the established fees prescribed by subparagraph (5) of this paragraph. Prepayment of fees is not required where the total fees with respect to the request are \$5 or less and the request is filled by mail.

(8) *Denial of request.* If it is determined that the request for records should be denied, the person making the request will be notified of such determination by mail. The letter of notification will specify the city or other location where the requested records are situated, contain a brief statement of the grounds for denial, and advise the requester of his right to appeal to the Commissioner in accordance with subparagraph (9) of this paragraph.

(9) *Administrative appeal.* At any time within 30 days after the date of the letter of notification described in subparagraph (8) of this paragraph, the person making the request may file an appeal to the Commissioner. The appeal must be in the form of a statement signed by the appellant and mailed to the Commissioner of Internal Revenue, 1111 Constitution Avenue NW., Washington, D.C. 20224. The statement must contain the following information:

- (i) The appellant's name and address.
- (ii) The identification of the records requested.
- (iii) The date of the request and the date of the letter denying the request, and
- (iv) A request that the Commissioner consider the denial.

The appeal will be promptly considered by the Commissioner and the request either granted or denied by the Commissioner or referred by him to the Secretary for determination. The appellant will be notified of the determination by mail, and such determination shall be final.

(10) *Judicial review.* If the request is denied upon appeal pursuant to subparagraph (9) of this paragraph, or if no determination is made on the appeal within 30 days after filing, the appellant may commence an action in a U.S. district court pursuant to 5 U.S.C. 552(a)(3). The statute authorizes an action only against the agency. With respect to records of the Internal Revenue Service, the agency is the Internal Revenue Service, not an officer or employee thereof. Service of process in such an action shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C. App.) applicable to actions against an agency of the United States. Where

provided in such Rules, delivery of process upon the Internal Revenue Service must be directed to the Commissioner of Internal Revenue: Attention: CC:OP: OS, 1111 Constitution Avenue NW., Washington, D.C. 20224. The district court will determine the matter de novo, and the burden will be upon the Internal Revenue Service to sustain its action in not making the requested records available.

(d) *Rules for disclosure of certain specified matters*—(1) *Inspection of certain tax returns.* The inspection of certain returns is governed by the provisions of the internal revenue laws and rules promulgated by the President or by the Secretary of the Treasury and approved by the President pursuant to such provisions. See section 6103 and the regulations thereunder in Part 301 of this chapter (Procedure and Administration Regulations).

(2) *Information as to persons filing income tax returns.* Information as to whether any person has filed an income tax return for a particular taxable year will be furnished to an inquirer as provided in § 301.6103(f)-1 of this chapter. See section 6103(f).

(3) *Public lists of persons paying special taxes.* Lists of persons paying special taxes under subtitle D (relating to miscellaneous excise taxes) or subtitle E (relating to alcohol, tobacco, and certain other excise taxes) of the Code are available for public inspection in the offices of district directors pursuant to the provisions and limitations of section 6107. See § 301.6107-1 of this chapter. For rules relating to the inspection of Record 10, see § 151.477 of this chapter (Regulatory Taxes on Narcotic Drugs) and § 152.131 of this chapter (Regulatory Taxes on Marihuana).

(4) *Record of seizure and sale of real estate.* Record 21, "Record of seizure and sale of real estate", is open for public inspection in offices of district directors and copies are furnished upon application, as provided in § 301.9000-1(e) of this chapter. However, Record 21 does not list real estate seized for forfeiture under the internal revenue laws (see sec. 7302).

(5) *Public lists of employers making returns under the Federal Unemployment Tax Act.* Information as to whether an employer has made an annual return on Form 940 under the Federal Unemployment Tax Act (chapter 23 of the Code) will be furnished to an inquirer as provided in §§ 301.6103(f)-1 and 301.6106-1 of this chapter. See sections 6103(f) and 6106.

(6) *Information returns of certain tax-exempt organizations and certain trusts.* Information furnished on the public portion of Form 990-A and information furnished pursuant to section 6034 (relating to annual information required of trusts claiming deduction under sec. 642(c)) on Form 1041-A is available for public inspection. The public inspection portion of Form 990-A is, however, only retained for a 4-year period. Information furnished on Form 1041-A for years ending before December 31, 1962, will be available for public inspection

in the office of the district director with whom Form 1041-A was filed. Information furnished for years ending on or after December 31, 1962, will be available for public inspection in the Office of the Director, Public Information Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, as well as in the office of the district director with whom Form 990-A or Form 1041-A was filed. See section 6104(b) and § 301.6104-2 of this chapter.

(7) *Applications of certain organizations for tax exemption.* Applications, and certain papers submitted in support of such applications, filed by organizations described in section 501(c) or (d) and determined to be exempt from taxation under section 501(a) are open to public inspection in the Office of the Director, Public Information Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224. Copies of such applications filed after September 2, 1958, are open to public inspection in the offices of district directors. See section 6104(a) and § 301.6104-1 of this chapter.

(8) *Accepted offers in compromise*—(i) *Income, profits, estate, or gift tax.* For a period of 1 year, a copy of the Abstract and Statement for each accepted offer in compromise in respect of income, profits, capital stock, estate, or gift tax liability is made available for inspection (a) in the Office of the Director, Public Information Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, when the offer covers a liability of \$5,000 and over, and (b) in the office of the appropriate district director when the offer covers a liability of less than \$5,000. See 26 CFR (1939) 458.313 (17 F.R. 7688); § 301.6103(a)-1(j) of this chapter; and section 10 of Rev. Proc. 64-44 (C.B. 1964-2, 974, 979).

(ii) *Liquors.* For each offer in compromise submitted and accepted pursuant to section 7122 in any case arising under Chapter 51 of the Code (relating to distilled spirits, wine, and beer), or pursuant to section 7 of the Federal Alcohol Administration Act (27 U.S.C. 207) in any case arising under that Act, a copy of the Abstract and Statement relating to the offer will be available for public inspection, for a period of 1 year from the date of acceptance, in—

(a) The office of the assistant regional commissioner (alcohol and tobacco tax) who received the offer, or the office of the district director for the internal revenue district in which the offer was submitted, in the case of offers accepted pursuant to the Code, or

(b) The office of the assistant regional commissioner (alcohol and tobacco tax) who received the offer, in the case of offers accepted pursuant to that Act.

Information will not be disclosed, however, concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data or any other matter within the prohibition of 18 U.S.C. 1905.

(9) *Information regarding liquor permits*—(i) *Applications for permits.* Information with respect to the handling

of applications for basic permits under the Federal Alcohol Administration Act (27 U.S.C. 204), operating permits under section 5171, and industrial use permits under section 5271 is maintained for public inspection in the offices of assistant regional commissioners (alcohol and tobacco tax) until the expiration of 1 year following final action on such applications. See 27 CFR 1.59.

(ii) *Card index record of permits.* A current card index record for—

(a) All persons to whom industrial use permits have been issued pursuant to section 5271,

(b) All proprietors of distilled spirits plants to whom operating permits have been issued pursuant to section 5171 to cover distilling for industrial use, bonded warehousing of spirits for industrial use, or denaturing of spirits, and

(c) All applicants for such industrial use and operating permits.

is available for public inspection in the offices of assistant regional commissioners (alcohol and tobacco tax).

(10) *List of plants and permittees.* Upon request, the assistant regional commissioner (alcohol and tobacco tax) will furnish a list of any type of qualified proprietor or permittee located in his region.

(11) *Information relating to certificates of label approval for distilled spirits, wine, and malt beverages.* Upon written request, the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 will furnish information as to the issuance, pursuant to section 5(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) and 27 CFR Part 4, 5, or 7, of certificates of label approval, or of exemption from label approval, for distilled spirits, wine, or malt beverages. The request must identify the class and type and brand name of the product and the name and address of the bottler or importer thereof or of the person to whom the certificate was issued. The person making the request may obtain reproductions or certified copies of such certificates upon payment of the established fees prescribed by paragraph (c) (5) of this section. Information will not be disclosed, however, concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data or any other matter within the prohibition of 18 U.S.C. 1905.

(12) *State liquor cases or State firearms cases.* Assistant regional commissioners (alcohol and tobacco tax) may, in the interest of Federal and State law enforcement, upon receipt of demands or requests of State authorities, and at the expense of the State, authorize investigators and other employees under their supervision to attend trials and administrative hearings in liquor cases or firearms cases in which the State is a party, produce records, and testify as to facts coming to their knowledge in their official capacities, provided that information will not be divulged contrary to section 7213 by such production or testimony. See also § 301.9000-1(f) of this chapter.

(13) *Excess profits tax relief; publication of allowances.* There is published from time to time in the FEDERAL REGISTER the information specified in section 6105 relative to excess profits tax relief allowed particular taxpayers. See § 301.6105-1 of this chapter.

(14) *Publication of statistics of income.* Statistics with respect to the operation of the income tax laws are published annually in accordance with section 6108 and § 301.6108-1 of this chapter.

(e) *Other disclosure procedures.* For procedure to be followed by officers and employees of the Internal Revenue Service upon receipt of a request or demand for certain internal revenue records or information the disclosure procedure for which is not covered by this section, see § 301.9000-1 of this chapter.

(5 U.S.C. 301 and 552)

[SEAL] WILLIAM H. SMITH,  
Acting Commissioner  
of Internal Revenue.

[F.R. Doc. 67-7511; Filed, June 30, 1967;  
8:48 a.m.]

## Title 29—LABOR

### Chapter I—National Labor Relations Board

#### PART 101—STATEMENTS OF PROCEDURE, SERIES 8

#### PART 102—RULES AND REGULATIONS, SERIES 8

#### Miscellaneous Amendments

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following further amendments to its Statements of Procedure and to its Rules and Regulations, Series 8, as amended, which it finds necessary to carry out the provisions of said Act, such amendments to be effective July 4, 1967.

National Labor Relations Board Statements of Procedure and Rules and Regulations, Series 8, as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated, Washington, D.C., June 26, 1967.

By direction of the Board.

OGDEN W. FIELDS,  
Executive Secretary.

I. Part 101 is amended as follows:

#### Subpart B—Unfair Labor Practice Cases Under Section 10(a) to (i) of the Act and Telegraph Merger Act Cases

1. Sections 101.6 and 101.9 are amended to read as follows:

§ 101.6 Dismissal of charges and appeals to general counsel.

If the complainant refuses to withdraw the charge as recommended, the region-

al director dismisses the charge. The regional director thereupon informs the parties of his action, together with a simple statement of the grounds therefor, and the complainant of his right of appeal to the general counsel in Washington, D.C., within 10 days. If the complainant appeals to the general counsel, the entire file in the case is sent to Washington, D.C., where the case is fully reviewed by the general counsel with the assistance of his staff. Oral presentation of the appeal issues may be permitted a party on timely written request, in which event the other parties are notified and afforded a like opportunity at another appropriate time. Following such review, the general counsel may sustain the regional director's dismissal, stating the grounds of his affirmation, or may direct the regional director to take further action.

#### § 101.9 Settlement after issuance of complaint.

(a) Even though formal proceedings have begun, the parties again have full opportunity at every stage to dispose of the case by amicable adjustment and in compliance with the law. Thus, after the complaint has been issued and a hearing scheduled or even begun, the attorney in charge of the case and the regional director afford all parties every opportunity for the submission and consideration of facts, argument, offers of settlement, or proposals of adjustment, except where time, the nature of the proceeding, and the public interest do not permit.

(b) (1) After the issuance of a complaint, the agency favors a formal settlement agreement, which is subject to the approval of the Board in Washington, D.C. In such an agreement, the parties agree to waive their right to hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily the formal settlement agreement also contains the respondent's consent to the Board's application for the entry of a decree by the appropriate circuit court of appeals enforcing the Board's order.

(2) In some cases, however, the regional director, pursuant to his authority to withdraw the complaint before the hearing (§ 102.18 of this chapter), may conclude that an informal settlement agreement of the type described in § 101.7 is appropriate. Such an agreement is not subject to approval by the Board and does not provide for a Board order. It provides for the withdrawal of the complaint.

(c) (1) If after issuance of complaint but before opening of the hearing, the charging party will not join in a settlement tentatively agreed upon by the regional director, the respondent, and any other parties whose consent may be required, the regional director serves a copy of the proposed settlement agreement on the charging party with a brief written statement of the reasons for proposing its approval. Within 5 days after service of these documents, the

charging party may file with the regional director a written statement of any objections to the proposed settlement. Such objections will be considered by the regional director in determining whether to approve the proposed settlement. If the settlement is approved by the regional director notwithstanding the objections, the charging party is so informed and provided a brief written statement of the reasons for the approval.

(2) If the settlement agreement approved by the regional director is a formal one, providing for the entry of a Board order, the settlement agreement together with the charging party's objections and the regional director's written statements, are submitted to Washington, D.C., where they are reviewed by the general counsel. If the general counsel decides to approve the settlement agreement, he shall so inform the charging party and submit the agreement and accompanying documents to the Board, upon whose approval the settlement is contingent. Within 7 days after service of notice of submission of the settlement agreement, he shall so inform the charging party may file with the Board in Washington, D.C., a further statement in support of his objections to the settlement agreement.

(3) If the settlement agreement approved by the regional director is an informal one, providing for the withdrawal of the complaint, the charging party may appeal the regional director's action to the general counsel, as provided in § 102.19 of this chapter.

(d) (1) If the settlement occurs after the opening of the hearing and before issuance of the trial examiner's decision and there is an all-party informal settlement, the request for withdrawal of the complaint must be submitted to the trial examiner for his approval. If the all-party settlement is a formal one, final approval must come from the Board. If any party will not join in the settlement agreed to by the other parties, the trial examiner will give such party an opportunity to state on the record or in writing its reasons for opposing the settlement.

(2) If the trial examiner decides to accept or reject the proposed settlement, any party aggrieved by such ruling may ask for leave to appeal to the Board as provided in § 102.26 of this chapter.

(e) (1) In the event the respondent fails to comply with the terms of a settlement stipulation, upon which a Board order and court decree are based, the Board may petition the court to adjudge the respondent in contempt. If the respondent refuses to comply with the terms of a stipulation settlement providing solely for the entry of a Board order, the Board may petition the court for enforcement of its order, pursuant to section 10 of the National Labor Relations Act.

(2) In the event the respondent fails to comply with the terms of an informal settlement agreement, the regional director may set the agreement aside and institute further proceedings.

**Subpart C—Representation Cases Under Section 9(c) of the Act and Petitions for Clarification of Bargaining Units and for Amendment of Certifications Under Section 9(b) of the Act**

2. Sections 101.17 and 101.18 (a) and (c) are amended to read as follows:

**§ 101.17 Initiation of representation cases and petitions for clarification and amendment.**

The investigation of the question as to whether a union represents a majority of an appropriate grouping of employees is initiated by the filing of a petition by any person or labor organization acting on behalf of a substantial number of employees or by an employer when one or more individuals or labor organizations present to him a claim to be recognized as the exclusive bargaining representative. If there is a certified or currently recognized representative, any employee, or group of employees, or any individual or labor organization acting in their behalf may also file decertification proceedings to test the question of whether the certified or recognized agent is still the representative of the employees. If there is a certified or currently recognized representative of a bargaining unit and there is no question concerning representation, a party may file a petition for clarification of the bargaining unit. If there is a unit covered by a certification and there is no question concerning representation, any party may file a petition for amendment to reflect changed circumstances, such as changes in the name or affiliation of the labor organization involved or in the name or location of the employer involved. The petition must be in writing and signed, and either must be notarized or must contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. It is filed with the regional director for the region in which the proposed or actual bargaining unit exists. Petition forms, which are supplied by the regional office upon request, provide, among other things, for a description of the contemplated or existing appropriate bargaining unit, the approximate number of employees involved, and the names of all labor organizations which claim to represent the employees. If a petition is filed by a labor organization seeking certification, or in the case of a petition to decertify a certified or recognized bargaining agent, the petitioner must supply, within 48 hours after filing but in no event later than the last day on which the petition might timely be filed, evidence of representation. Such evidence is usually in the form of cards, which must be dated, authorizing the labor organization to represent the employees or authorizing the petitioner to file a decertification proceeding. If a petition is filed by an employer, the petitioner must supply, within 48 hours after filing, proof of demand for recognition by the labor or-

ganization named in the petition and, in the event the labor organization named is the incumbent representative of the unit involved, a statement of the objective considerations demonstrating reasonable grounds for believing that the labor organization has lost its majority status.

**§ 101.18 Investigation of petition.**

(a) Upon receipt of the petition in the regional office, it is docketed and assigned to a member of the staff, usually a field examiner, for investigation. He conducts an investigation to ascertain (1) whether the employer's operations affect commerce within the meaning of the act, (2) the appropriateness of the unit of employees for the purposes of collective bargaining and the existence of a bona fide question concerning representation within the meaning of the act, (3) whether the election would effectuate the policies of the act and reflect the free choice of employees in the appropriate unit, and (4) whether, if the petitioner is a labor organization seeking recognition, there is a sufficient probability, based on the evidence of representation of the petitioner, that the employees have selected it to represent them. The evidence of representation submitted by the petitioning labor organization or by the person seeking decertification is ordinarily checked to determine the number or proportion of employees who have designated the petitioner, it being the Board's administrative experience that in the absence of special factors the conduct of an election serves no purpose under the statute unless the petitioner has been designated by at least 30 percent of the employees. However, in the case of a petition by an employer, no proof of representation on the part of the labor organization claiming a majority is required and the regional director proceeds with the case if other factors require it unless the labor organization withdraws its claim to majority representation. The field examiner, or other member of the staff, attempts to ascertain from all interested parties whether or not the grouping or unit of employees described in the petition constitutes an appropriate bargaining unit. The petition may be amended at any time prior to hearing and may be amended during the hearing in the discretion of the hearing officer upon such terms as he deems just.

(c) For the same or similar reasons the regional director may request the petitioner to withdraw its petition. If the petitioner, despite the regional director's recommendations, refuses to withdraw the petition, the regional director then dismisses the petition, stating the grounds for his dismissal and informing the petitioner of his right of appeal to the Board in Washington, D.C. The petition may also be dismissed in the discretion of the regional director if the petitioner fails to make available necessary facts which are in its possession. The petitioner may within 10 days appeal from the regional director's dismissal by filing

such request with the Board in Washington, D.C., after a full review of the file with the assistance of its staff, the Board may sustain the dismissal, stating the grounds of its affirmance, or may direct the regional director to take further action.

II. Part 102 is amended as follows:

**Subpart B—Procedure Under Section 10 (a) to (i) of the Act for the Prevention of Unfair Labor Practices<sup>1</sup>**

I. Sections 102.19, 102.33, and 102.46(e) are amended to read as follows:

**§ 102.19 Appeal to the general counsel from refusal to issue or reissue.**

(a) If, after the charge has been filed, the regional director declines to issue a complaint, or having withdrawn a complaint pursuant to § 102.18, refuses to reissue it, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds for his action. The person making the charge may obtain a review of such action by filing an appeal with the general counsel in Washington, D.C., and filing a copy of the appeal with the regional director, within 10 days from the service of the notice of such refusal to issue or reissue by the regional director, except as a shorter period is provided by § 102.81. The appeal shall contain a complete statement setting forth the facts and reasons upon which it is based. A request for extension of time to file an appeal shall be in writing and be received by the general counsel, and a copy of such request filed with the regional director, prior to the expiration of the filing period. Copies of the acknowledgment of the filing of an appeal and of any ruling on a request for an extension of time for the filing of an appeal shall be served on all parties. Consideration of an appeal untimely filed is within the discretion of the general counsel upon good cause shown.

(b) Oral presentation in Washington, D.C., of the appeal issues may be permitted a party on written request made within 4 days after service of acknowledgment of the filing of an appeal. In the event such request is granted, the other parties shall be notified and afforded, without additional request, a like opportunity at another appropriate time.

(c) The general counsel may sustain the regional director's refusal to issue or reissue a complaint, stating the grounds of his affirmance, or may direct the regional director to take further action; the general counsel's decision shall be served on all the parties. A motion for reconsideration of the decision must be filed within 10 days of service of the decision, except as hereinafter provided, and shall state with particularity the error requiring reconsideration. A motion for reconsideration based upon

<sup>1</sup> Procedure under sec. 10 (j) to (i) of the act is governed by Subparts F and G of this part. Procedures for unfair labor practice cases and representation cases under sec. 8(b) (7) of the act is governed by Subpart D of this part.

newly discovered evidence which has become available only since the decision on appeal shall be filed promptly on discovery of such evidence.

**§ 102.33 Transfer of charge and proceeding from region to region; consolidation of proceedings in same region; severance.**

(a) Whenever the general counsel deems it necessary in order to effectuate the purposes of the act or to avoid unnecessary costs or delay, he may permit a charge to be filed with him in Washington, D.C., or may, at any time after a charge has been filed with a regional director pursuant to § 102.10, order that such charge and any proceeding which may have been initiated with respect thereto:

(1) Be transferred to and continued before him for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a regional office or with him; or

(2) Be consolidated with any other proceeding which may have been instituted in the same region; or

(3) Be transferred to and continued in any other region for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such other region; or

(4) Be severed from any other proceeding with which it may have been consolidated pursuant to this section.

(b) The provisions of §§ 102.9 to 102.32, inclusive, shall, insofar as applicable, govern proceedings before the general counsel pursuant to this section, and the powers granted to regional directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the general counsel. After the transfer of any charge and any proceeding which may have been instituted with respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such charge and such proceeding as if the charge had originally been filed in the region to which the transfer is made.

(c) The regional director may, prior to hearing, exercise the powers in paragraph (a) (2) and (4) of this section with respect to proceedings pending in his region.

(d) Motions to consolidate or sever proceedings may be filed before hearing, with the regional director, and during the hearing, with the trial examiner. The regional director shall refer all such motions filed with him to the trial examiner for ruling. Rulings by the trial examiner on motions to consolidate or sever may be appealed to the Board in accordance with § 102.26.

**§ 102.46 Exceptions, cross-exceptions, briefs, answering briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments.**

(e) Any party who has not previously filed exceptions may, within 10 days,

or such further period as the Board may allow, from the last date on which exceptions and any supporting brief may be filed, file cross-exceptions to any portion of the trial examiner's decision, together with a supporting brief, in accordance with the provisions of paragraphs (b) and (j) of this section. The provision for 3 additional days as contained in § 102.114 shall be applicable to this paragraph.

**Subpart C—Procedure Under Section 9(c) of the Act for the Determination of Questions Concerning Representation of Employees<sup>3</sup> and for Clarification of Bargaining Units and for Amendment of Certifications Under Section 9(b) of the Act**

2. Sections 102.69 (c), (d), (e), and (h), and 102.72 are amended to read as follows:

**§ 102.69 Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.**

(c) If objections are filed to the conduct of the election or conduct affecting the result of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the regional director shall investigate such objections or challenges, or both. If a consent election has been held pursuant to § 102.62(b), the regional director shall prepare and cause to be served on the parties a report on challenged ballots or objections, or both, including his recommendations, which report, together with the tally of ballots, he shall forward to the Board in Washington, D.C. Within 10 days from the date of issuance of the report on challenged ballots or objections, or both, or within such further period as the Board may allow upon written request to the Board for an extension received not later than 3 days before such exceptions are due in Washington, D.C., with copies of such request served on the other parties, any party may file with the Board in Washington, D.C., eight copies of exceptions to such report, with supporting brief if desired, which shall be printed or otherwise legibly duplicated, except that carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof together with a copy of any brief filed on the other parties and shall file copies with the regional director. A statement of service shall be made to the Board simultaneously with the filing of exceptions. Within 7 days from the last date on which exceptions and any supporting brief may be filed, or such further period as the Board may allow, a party opposing the exceptions

may file an answering brief with the Board in Washington, D.C.: Except that if personal service of the exceptions and any supporting brief is made upon the Board, 10 days will be allowed. However, 3 days as provided in § 102.114, will not be added to the prescribed time for filing an answering brief. Such brief shall be submitted in eight copies, printed or otherwise legibly duplicated, except that carbon copies shall not be filed and if submitted will not be accepted. Immediately upon the filing of such brief, the party filing the same shall serve a copy thereof on the other parties and shall file a copy with the regional director. A statement of service shall be made to the Board simultaneously with the filing of the answering brief. If no exceptions are filed to such report, the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case. The report on challenged ballots may be consolidated with the report on objections in appropriate cases. If the election has been conducted pursuant to a direction of election issued following any proceeding under § 102.67, the regional director may (1) issue a report on objections or challenged ballots, or both, as in the case of a consent election pursuant to paragraph (b) of this section, or (2) exercise his authority to decide the case and issue a decision disposing of the issues and directing appropriate action or certifying the results of the election. In either instance, such action by the regional director may be on the basis of an administrative investigation or, if it appears to the regional director that substantial and material factual issues exist which can be resolved only after a hearing, he shall issue and cause to be served on the parties a notice of hearing on said issues before a hearing officer. If the regional director issues a report on objections and challenges, the parties shall have the rights set forth in this paragraph (c) and paragraph (e) of this section; if the regional director issues a decision, the parties shall have the rights set forth in § 102.67 to the extent consistent herewith.

(d) Any hearing pursuant to this section shall be conducted in accordance with the provisions of §§ 102.64, 102.65, and 102.66, insofar as applicable, except that upon the close of such hearing, the hearing officer shall, if directed by the regional director, prepare and cause to be served on the parties a report resolving questions of credibility and containing findings of fact and recommendations as to the disposition of the issues. In any case in which the regional director has directed that a report be prepared and served, any party may, within 10 days from the date of issuance of such report, file with the regional director the original and one copy, which may be a carbon copy, of exceptions to such report, with supporting brief, if desired. A copy of such exceptions, together with a copy of any brief filed, shall immediately be served on the other parties and a statement of service filed

<sup>3</sup> Procedure under the first proviso to sec. 8(b) (7) (C) of the act is governed by Subpart D of this part.

with the regional director. Within 7 days from the last date on which exceptions and any supporting brief may be filed, or such further time as the Board may allow, a party opposing the exceptions may file an answering brief with the regional director; except that if personal service of the exceptions and any supporting brief is made upon the Board, 10 days will be allowed. However, 3 days as provided in § 102.114 will not be added to the prescribed time for filing an answering brief. An original and one copy, which may be a carbon copy, shall be submitted. A copy of such answering brief shall immediately be served on the other parties and a statement of service filed with the regional director. If no exceptions are filed to such report, the regional director, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case.

(e) In a case involving a consent election held pursuant to § 102.62(b), if exceptions are filed, either to the report on challenged ballots or objections, or both if it be a consolidated report, and it appears to the Board that such exceptions do not raise substantial and material issues with respect to the conduct or results of the election, the Board may decide the matter forthwith upon the record, or may make other disposition of the case. If it appears to the Board that such exceptions raise substantial and material factual issues, the Board may direct the regional director or other agent of the Board to issue and cause to be served on the parties a notice of hearing on said exceptions before a hearing officer. The hearing shall be conducted in accordance with the provisions of §§ 102.64, 102.65, and 102.66, insofar as applicable. Upon the close of the hearing the agent conducting the hearing, if directed by the Board, shall prepare and cause to be served on the parties a report resolving questions of credibility and containing findings of fact and recommendations to the Board as to the disposition of the challenges or objections, or both if it be a consolidated report. In any case in which the Board has directed that a report be prepared and served, any party may within 10 days from the date of issuance of the report on challenged ballots or objections, or both, or within such further period as the Board may allow, upon written request to the Board for an extension received not later than 3 days before such exceptions are due in Washington, D.C., with copies of such request served on the other parties, file with the Board in Washington, D.C., eight copies of exceptions to such report, with supporting brief if desired, which shall be printed or otherwise legibly duplicated, except that carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof together with a copy of any brief filed, on the other parties and shall file copies with the regional director. A statement of service shall be made to the Board

simultaneously with the filing of exceptions. Within 7 days from the last date on which exceptions and any supporting brief may be filed, or such further period as the Board may allow, a party opposing the exceptions may file an answering brief with the Board in Washington, D.C.; except that if personal service of the exceptions and any supporting brief is made upon the Board, 10 days will be allowed. However, 3 days as provided in § 102.114 will not be added to the prescribed time for filing an answering brief. Such brief shall be submitted in eight copies, printed or otherwise legibly duplicated, except that carbon copies shall not be filed and if submitted will not be accepted. Immediately upon the filing of such brief, the party filing the same shall serve a copy thereof on the other parties and shall file a copy with the regional director. A statement of service shall be made to the Board simultaneously with the filing of the answering brief. If no exceptions are filed to such report, the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case. The Board shall thereupon proceed pursuant to § 102.67: *Provided, however, That in any proceeding wherein a representation case has been consolidated with an unfair labor practice case for purposes of hearing, the provisions of § 102.46 of this chapter shall govern with respect to the filing of exceptions or an answering brief to the exceptions to the trial examiner's decision.*

(h) (1) Notwithstanding paragraphs (c) and (e) of this section to the contrary, if the regional director decides that a hearing on objections or challenged ballots in a consent election held pursuant to § 102.62(b) is necessary, he may direct a hearing before a hearing officer, or a trial examiner if the case is consolidated with an unfair labor practice proceeding. Such action on the part of the regional director shall constitute a transfer of the case to the Board, and the provisions of § 102.65(c) shall apply with respect to special permission to appeal to the Board from any such direction of hearing.

(2) Exceptions, if any, to the hearing officer's report or to the trial examiner's decision, and any answering brief to such exceptions, shall be filed with the Board in Washington, D.C., in accordance with paragraph (e) of this section.

§ 102.72 Filing petition with general counsel; investigation upon motion of general counsel; transfer of petition and proceeding from region to general counsel or to another region; consolidation of proceedings in same region; severance; procedure before general counsel in cases over which he has assumed jurisdiction.

(a) Whenever it appears necessary in order to effectuate the purposes of the act, or to avoid unnecessary costs or delay, the general counsel may permit a petition to be filed with him in Washington, D.C., or may, at any time after a

petition has been filed with a regional director pursuant to § 102.60, order that such petition and any proceeding that may have been instituted with respect thereto:

(1) Be transferred to and continued before him, for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a regional office or with him; or

(2) Be consolidated with any other proceeding which may have been instituted in the same region; or

(3) Be transferred to and continued in any other region, for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such region; or

(4) Be severed from any other proceeding with which it may have been consolidated pursuant to this section.

(b) The provisions of §§ 102.60 to 102.71, inclusive, shall, insofar as applicable, apply to proceedings before the general counsel pursuant to this section, and the powers granted to regional directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the general counsel. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such petition and such proceeding as if the petition had originally been filed in the region to which the transfer was made.

(c) The regional director may exercise the powers in paragraph (a) (2) and (4) of this section with respect to proceedings pending in his region.

#### Subpart D—Procedure for Unfair Labor Practice and Representation Cases Under Sections 8(b)(7) and 9(c) of the Act

3. Section 102.81 is amended to read as follows:

§ 102.81 Review by the general counsel of refusal to proceed on charge; resumption of proceedings upon charge held during pendency of petition; review by general counsel of refusal to proceed on related charge.

(a) Where an election has been directed by the regional director or the Board in accordance with the provisions of §§ 102.77 and 102.78, the regional director shall decline to issue a complaint on the charge, and he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds for his action. The person making the charge may obtain a review of such action by filing an appeal with the general counsel in Washington, D.C., and filing a copy of the appeal with the regional director, within 3 days from the service of the notice of such refusal by the regional director. The appeal shall contain a complete statement setting forth the facts and reasons upon which it is based. Such appeal shall not operate as a stay of any action by the regional director.



(b) Where an election has not been directed and the petition has been dismissed in accordance with the provisions of § 102.80, the regional director shall resume investigation of the charge and shall proceed in accordance with § 102.74.

(c) If in connection with a section 8(b) (7) proceeding, unfair labor practice charges under other sections of the act have been filed and the regional director upon investigation has declined to issue a complaint upon such charges, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds for his action. The person making such charges may obtain a review of such action by filing an appeal with the general counsel in Washington, D.C., and filing a copy of the appeal with the regional director, within 3 days from the service of the notice of such refusal by the regional director. The appeal shall contain a complete statement setting forth the facts and reasons upon which it is based.

**Subpart I—Service and Filing of Papers**

4. Section 102.111 is amended to read as follows:

**§ 102.111 Service of process and papers; proof of service.**

(a) Charges, complaints, and accompanying notices of hearing, final orders, trial examiners' decisions, and subpoenas of the Board, its member, agent, or agency may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

(b) Whenever these rules require or permit the service of pleadings or other papers upon a party, a copy shall also be served on any attorney or other representative of the party who has entered a written appearance in the proceeding on behalf of the party. If a party is represented by more than one attorney or representative, service upon any one of such persons in addition to the party shall satisfy this requirement.

(c) Process and papers of the Board, other than those specifically named in paragraph (a) of this section, may be forwarded by certified mail. The return post office receipt therefor shall be proof of service of the same.

**Subpart K—Records and Information**

5. Section 102.117 is amended to read as follows:

**§ 102.117 Board materials and formal documents available for public inspection and copying; requests for identifiable records; files and records not subject to inspection; fees for copying and production.**

(a) (1) The following materials are available to the public for inspection and

copying during normal business hours at the Board's offices in Washington, D.C.: (i) All final opinions and orders made by the Board in the adjudication of cases; (ii) administrative staff manuals and instructions that affect any member of the public (excepting those establishing internal operating rules, guidelines, and procedures for the investigation, trial, and settlement of cases); (iii) a record of the final votes of each member of the Board in every agency proceeding; and (iv) a current index of final opinions and orders which may be relied on, used, or cited as precedent by the agency against any private party. Items (ii) and (iv) are also available for inspection and copying during normal business hours at each regional, subregional, and resident office of the Board. Opinions and orders made by regional directors in the adjudication of representation cases pursuant to the delegation of authority from the Board under section 3(b) of the act are available to the public for inspection and copying in the regional office where issued.

(2) A copy of a specific and identified final opinion and order made by the Board in the adjudication of a case, which has not as yet been included in a published volume offered for sale, may be obtained without charge upon request made to the Board's director of information in Washington, D.C. A copy of a specific and identified opinion and order made by a regional director in the adjudication of a representation case may be obtained without charge upon request made to the regional office where issued.

(3) Copies of forms prescribed by the Board for the filing of charges under section 10 or petitions under section 9 may be obtained without charge from any regional, subregional, or resident office of the Board.

(b) (1) The formal documents constituting the record in a case or proceeding are matters of official record and, until destroyed pursuant to applicable statutory authority, are available to the public for inspection and copying during normal business hours, at the appropriate regional office of the Board or at the Board's office in Washington, D.C., as the case may be.

(2) The executive secretary shall certify copies of the formal documents upon request made a reasonable time in advance of need and payment of lawfully prescribed costs.

(c) Requests for the inspection and copying of identifiable records other than those specified in paragraphs (a) and (b) of this section shall be made to the Board through its executive secretary, or to the general counsel, as may be appropriate, in Washington, D.C. Such a request must be in writing and must provide a sufficiently specific description of the record to permit its identification and location. The applicant shall be informed of the time and place at which the record will be made available. Should the Board or the general counsel determine that the request not be granted, prompt notice of the determination shall be given the applicant, accompanied by

a written statement of the reasons for the denial.

(d) Subject to the provisions of §§ 102.31(c) and 102.66(c), all files, documents, reports, memoranda, and records of the agency falling within the exemptions specified in Public Law 89-487, 5 U.S.C. section 552(e), shall not be made available for inspection or copying, unless specifically permitted by the Board, its chairman, or its general counsel.

(e) (1) Copies of materials available under paragraphs (a) and (b) of this section or specifically made available under paragraph (c) of this section, except for those materials otherwise published and offered for sale, shall be supplied upon request and the payment of established fees for such copying. However, no fees shall be charged for copies of those materials listed in paragraph (a) of this section as being obtainable without charge.

(2) In the event the location and production of materials requested by an applicant for his inspection and copying, or for copying by the agency, involve significant cost to the agency, the applicant shall be informed in advance that he will be required to provide reimbursement for the reasonable direct and indirect costs incurred by the agency in such location and production.

(49 Stat. 449; 29 U.S.C. 151-166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151-167); act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168); act of Sept. 14, 1959 (73 Stat. 519; 29 U.S.C. 141-168))

[F.R. Doc. 67-7411; Filed, June 30, 1967; 8:45 a.m.]

**Chapter V—Wage and Hour Division, Department of Labor**

**PART 516—RECORDS TO BE KEPT BY EMPLOYERS**

On January 7, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 140) proposing to revise 29 CFR Part 516 in order to change the recordmaking and recordkeeping requirements promulgated under the Fair Labor Standards Act of 1938 (29 U.S.C. 211) so that they will serve their purpose under that Act as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89-601).

Interested persons were invited to submit written data, views, or argument. After consideration of all relevant matter presented, and pursuant to section 11 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, I hereby revise 29 CFR Part 516 to read as set forth below.

This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

The revised 29 CFR Part 516 reads as follows:

**INTRODUCTORY**

Sec. 516.1 Form of records; scope of regulations.

## Subpart A—General Requirements

- Sec. 516.2 Employees subject to minimum wage or minimum wage and overtime provisions; section 6 or sections 6 and 7(a) of the Act.
- 516.3 Bona fide executive, administrative, and professional employees (including academic administrative personnel and teachers in elementary or secondary schools), and outside sales employees as referred to in section 13(a)(1) of the Act—items required.
- 516.4 Posting of notices.
- 516.5 Records to be preserved 3 years.
- 516.6 Records to be preserved 2 years.
- 516.7 Place for keeping records and their availability for inspection.
- 516.8 Computations and reports.
- 516.9 Petitions for exceptions.
- 516.10 Amendment of regulations.

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

- 516.11 Employees exempt from both minimum wage and overtime pay requirements under section 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), or (14) of the Act.
- 516.12 Employees exempt from overtime pay requirements pursuant to section 13(b)(1), (2), (3), (4), (5), (7), (9), (10), (15), (16), (17), or (18) of the Act, and hotel, motel, and restaurant employees exempt from overtime pay under section 13(b)(8).
- 516.13 Livestock auction employees exempt from overtime pay requirements under section 13(b)(13) of the Act.
- 516.14 Country elevator employees exempt from overtime pay requirements under section 13(b)(14) of the Act.
- 516.15 Local delivery employees exempt from overtime pay requirements pursuant to section 13(b)(11) of the Act.
- 516.16 Commission employees of a retail or service establishment exempt from overtime pay requirements pursuant to section 7(i) of the Act.
- 516.17 Seamen exempt from overtime pay requirements pursuant to section 13(b)(6) of the Act.
- 516.18 Employees employed in industries "of a seasonal nature" who are partially exempt from overtime pay requirements pursuant to section 7(c) of the Act.
- 516.19 Employees engaged in industries handling and processing perishable agricultural commodities who are partially exempt from overtime pay requirements pursuant to section 7(d) of the Act.
- 516.20 Employees under certain collective bargaining agreements who are partially exempt from overtime pay requirements as provided in section 7(b)(1) or section 7(b)(2) of the Act.
- 516.21 Bulk petroleum employees partially exempt from overtime pay requirements pursuant to section 7(b)(3) of the Act.
- 516.22 Employees of residential care establishments or bowling establishments partially exempt from overtime pay requirements pursuant to section 13(b)(8) or 13(b)(19) of the Act.
- 516.23 Hospital employees compensated for overtime work on the basis of a 14-day work period pursuant to section 7(j) of the Act.
- 516.24 Employees employed under section 7(f) "Belo" contracts.

- Sec. 516.25 Employees paid for overtime on the basis of "applicable" rates provided in sections 7(g)(1) and 7(g)(2) of the Act.
- 516.26 Employees paid for overtime at premium rates computed on a "basic" rate authorized in accordance with section 7(g)(3) of the Act.
- 516.27 "Board, lodging, or other facilities" under section 3(m) of the Act.
- 516.28 Tipped employees.
- 516.29 Employees under more than one minimum hourly rate.
- 516.30 Learners, apprentices, messengers, students, or handicapped workers employed under special certificates as provided in section 14 of the Act.
- 516.31 Industrial homeworkers.
- 516.32 Employees subject to the equal pay provisions of the Act, as set forth in section 6(d).
- 516.33 Employees employed in agriculture.

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

## INTRODUCTORY

## § 516.1 Form of records; scope of regulations.

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

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

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

der the generally applicable recordkeeping requirements of Subpart A of this part.

## Subpart A—General Requirements

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

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

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

(2) Home address, including zip code,

(3) Date of birth, if under 19,

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

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

(6) (i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the Act, (ii) basis on which wages are paid (such as "\$2 hr."; "\$16 day"; "\$80 wk."; "\$80 wk. plus 5 percent commission on sales over \$800 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(e) of the Act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data).

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

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

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

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

items which make up the total additions and deductions.

(11) Total wages paid each pay period.  
(12) Date of payment and the pay period covered by payment.

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

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

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

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

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

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

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

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

§ 516.4 *Posting of notices.*

Every employer employing any employees who are (a) engaged in commerce or in the production of goods for commerce or (b) employed in an enterprise engaged in commerce or in the production of goods for commerce, and who are not specifically exempt from both the minimum wage provisions of

section 6 and the overtime provisions of section 7(a) of the Act, shall post and keep posted such notices pertaining to the applicability of the Act, as shall be prescribed by the Wage and Hour Division, in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy on the way to or from their place of employment.

§ 516.5 *Records to be preserved 3 years.*

Each employer shall preserve for at least 3 years:

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

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

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

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

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

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

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

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

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

§ 516.6 *Records to be preserved 2 years.*

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

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

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

(3) *Worktime schedules.* From their last effective date, all schedules or tables

of the employer which establish the hours and days of employment of individual employees or of separate workforces.

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

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

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

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

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

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

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

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

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

§ 516.8 *Computations and reports.*

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

§ 516.9 *Petitions for exceptions.*

(a) *Submission of petitions for relief.* Any employer or group of employers who,

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

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

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

#### § 516.10 Amendment of regulations.

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

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

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

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

With respect to each and every employee covered by the Act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of

section 13(a) (2), (3), (4), (5), (8), (9), (10), (11), (12), (13), or (14) of the Act, employers shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, information indicating the place or places of employment.

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

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

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

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

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

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

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

(a) With respect to each and every employee covered by the Act, but to

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

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

- (i) Name in full,
- (ii) Name of employer, and
- (iii) Occupation in which employed in the elevator.

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

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

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

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

With respect to employees of a retail or service establishment who are exempt from the overtime pay requirements pursuant to the provisions of section 7(i), employers shall maintain and preserve payroll and other records, with respect

to each and every such employee, containing all the information and data required by § 516.2 except paragraph (a) (6) through (12), and in addition records which clearly indicate:

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

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

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

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

(b) (1) For each workweek:

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

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

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

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

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

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

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

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

(3) For each representative period:

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

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

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

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

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

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

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

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

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

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

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

NOTICE—OVERTIME PAYMENT

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

This week completes the \_\_\_\_\_ week of the permissible exempt workweeks.

Date \_\_\_\_\_  
Signed \_\_\_\_\_

(2) On the date when employees are paid for any pay period which includes any workweek or part thereof during which the establishment operates under the exemption provided under section 7(c) of the Act, the employer shall, after making appropriate notations in the

blank spaces in the above form, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

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

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

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

NOTICE—OVERTIME PAYMENTS

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

This week completes the \_\_\_\_\_ week of the permissible exempt workweeks.

Date \_\_\_\_\_  
Signed \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

**§ 516.22 Employees of residential care establishments or bowling establishments partially exempt from overtime pay requirements pursuant to section 13(b)(8) or 13(b)(19) of the Act.**

Every employer, with respect to each of his employees employed pursuant to

the provisions of section 13(b)(8) of the Act providing a partial exemption from the overtime pay requirements for employees employed by a residential care establishment described therein, or employed pursuant to the provisions of section 13(b)(19) providing a partial exemption from the overtime requirements for employees of a bowling establishment, shall maintain and preserve the records prescribed in § 516.2(a), except that the record of the regular hourly rate of pay under § 516.2(a)(6)(1) shall be required only in any week when overtime is worked and overtime excess compensation is due under section 13(b)(8) or section 13(b)(19) of the Act, as the case may be.

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

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

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

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

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

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

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

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

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

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

(a) Total weekly guaranteed earnings,

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

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

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

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

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

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

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

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

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

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

(a) (1) The hourly rates, piece rates, or commission rates applicable to each type of work performed by the employee, (2) the computation establishing the basic rate at which the employee is compensated for overtime hours (if the employee is part of a workforce or employed in or by an establishment all of whose workers have agreed to accept this method of compensation, a single entry of this computation will suffice), (3) the amount and nature of each payment which, pursuant to section 7(e) of the Act, is excluded from the "regular rate."

(b) (1) Identity of representative period for computing the basic rate, (2) the period during which the established basic rate is to be used for computing overtime compensation, (3) information which establishes that there is no significant difference between the pertinent

terms, conditions and circumstances of employment in the period selected for the computation of the basic rate and those in the period for which the basic rate is used for computing overtime compensation, which could affect the representative character of the period from which the basic rate is derived.

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

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

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

(1) Such records shall include itemized accounts showing the nature and amount of any expenditures entering into the computation of the reasonable cost as defined in Part 531 of this chapter, and shall contain the data required

to compute the amount of the depreciated investment in any assets allocable to the furnishing of the facilities, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets. If the assets include merchandise held for sale to employees, the records should contain data from which the average net investment in inventory can be determined.

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

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

(c) The records specified in this § 516.27 are not required with respect to an employee in any workweek in which he is not subject to the overtime provisions of the Act and receives not less than the applicable statutory minimum wage in cash for all hours worked in that workweek. (The application of section 3(m) of the Act in nonovertime weeks is discussed in § 531.36 of this chapter.)

**§ 516.28 Tipped employees.**

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

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

(2) Weekly or monthly amount reported by the employee, to the employer, of tips received (this may consist of reports made by the employees to the employer on IRS Form 4070).

(3) Amount by which the wages of each tipped employee have been deemed to be increased by tips as determined by the employer (not in excess of 50 percent of the applicable statutory minimum wage). The amount per hour which the employer takes as a tip credit shall be reported to the employee in writing each

time it is changed from the amount per hour taken in the preceding week.

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

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

**§ 516.29 Employees under more than one minimum hourly rate.**

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

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

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

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

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

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

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

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

(a) *Items required.* With respect to persons employed as learners, appren-

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

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

#### § 516.30 Industrial homeworkers.

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

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

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

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

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

(2) Home address, including ZIP code,

(3) Date of birth if under 19,

(4) With respect to each lot of work:

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

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

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

(iv) Piece rates paid,

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

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

(vii) Deductions for Social Security taxes,

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

(5) With respect to each week:

(i) Hours worked each week,

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

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

(iv) Total wages earned each week,

(v) Deductions for Social Security taxes,

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

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

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

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

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

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

Every employer of employees subject to the equal pay provisions of the Act shall maintain and preserve all records re-

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

#### § 516.33 Employees employed in agriculture.

(a) No records, except as required under paragraph (f) of this section, need be maintained by an employer who did not use more than 500 man-days of agricultural labor in any quarter of the preceding calendar year, unless it can reasonably be anticipated that more than 500 man-days of agricultural labor (including agricultural workers supplied by crew leaders who are not bona fide independent contractors) will be used in at least one calendar quarter of the current calendar year.

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

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

(2) Home address, including zip code.

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

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

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

(c) For the entire year following a year in which the employer used more than 500 man-days of agricultural labor in any calendar quarter, exclusive of members of the employer's immediate family and hand harvest laborers as defined in sections 13(a)(6)(B) and (C) of the Act, he shall in addition to the



records required by paragraph (b) of this section, maintain and preserve the following records with respect to every covered employee (other than members of the employer's immediate family, hand harvest laborers and livestock range employees as defined in sections 13(a)(6) (B), (C), (D), and (E) of the Act):

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

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

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

(4) Total daily or weekly earnings.

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

(6) Total wages paid each pay period.

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

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

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

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

(1) Name in full,

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

(3) Date of birth.

Signed at Washington, D.C., this 27th day of June 1967.

CLARENCE T. LUNDQUIST,  
Administrator.

[P.R. Doc. 67-7510; Filed, June 30, 1967;  
8:48 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 113—INFORMATION ON POSTAL SERVICE AND RECORDS RELATING TO OPERATION OF THE DEPARTMENT

##### PART 117—MAIL TREATED IN CONFIDENCE

Pursuant to Public Law 90-23, known as the Freedom of Information Act, a new Part 113 is published and the material presently contained in Part 113 is redesignated as Part 117.

As it is necessary that these regulations become effective on the effective date of the Freedom of Information Act, notice of proposed rule making and a delayed effective date are impracticable. In addition, since these regulations relate to agency management and to public property, notice of proposed rule making and a delayed effective date are unnecessary.

Accordingly, these new regulations are incorporated in new Part 113 read as follows and are effective on July 4, 1967:

##### Sec.

113.1 Inquiries.

113.2 Opinions, orders, administrative manuals and instructions to staff.

113.3 Availability of other matters.

113.4 Denials and appeal procedure.

113.5 Schedule of fees.

113.6 Compliance with subpoenas duces tecum and summonses.

113.7 Mail covers.

**AUTHORITY:** The provisions of this Part 113 issued under 5 U.S.C. 301, 552, 10002, 31 U.S.C. 938a, 39 U.S.C. 501.

##### § 113.1 Inquiries.

(a) *Mail and other local services.* Make inquiries regarding mail and other post office services to local postmasters.

(b) *Departmental records, documents and other data.* (1) This part contains information as to the availability of, and the procedures to be followed by persons outside the Federal Government to inspect and copy the various records and data concerning operation of the Department. Make further inquiries regarding availability of location of Department records, administrative manuals and other documents to the head of the office at which the record is maintained, if known. In other cases, inquiries may be made to the local postmasters, regional directors, directors, postal data centers, or the Special Assistant to the Postmaster General for Public Information, Post Office Department, Washington, D.C. 20260.

(2) Parties in litigation or adversary proceedings with the Department in any Federal or State court, Federal board or commission will be furnished Department records, documents and other data, excluding postal inspectors' reports and Postal Inspection Service records, only as provided by the rules or Orders of such courts, boards or commissions. Postal inspectors' reports and Postal Inspection Service records will be disclosed

only if prior approval for such disclosure is obtained from Headquarters, Post Office Department, Washington, D.C. 20260, or in response to an Order issued by a judge of a Federal court.

(c) *Office, business hours.* Records may be inspected during regular business hours Monday through Friday (exclusive of legal holidays) and only at those postal installations where they are maintained, unless otherwise specifically authorized. However, the public will not be permitted to inspect records at the Postal Data Centers. Records which are maintained at the Postal Data Centers may, if made available, be inspected at the Regional Office designated by the Director of the Postal Data Center.

(d) *Definitions.* The following terms as used herein shall mean:

(1) "Department": Post Office Department Headquarters, Washington, D.C. 20260, regional offices, postal data centers, all post offices and other postal installations.

(2) "Records": Includes prior and contemporaneous books, papers, reports, maps, photographs, forms or other documentary materials, regardless of physical form or characteristics, made or received by the Department in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by the Department or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government or because of the informational value of data contained therein. Library or museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in this regulation.

(3) "Opinions and orders": Final Opinions (including Concurring and dissenting Opinions) and Orders rendered by the Postmaster General, the Judicial Officer, Board of Contract Appeals, or other board or official acting on behalf of the Postmaster General in any particular matter.

(e) *Exemptions.* The following classes of records may be withheld from inspection or copying. Records which are:

(1) Specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy. For example, the actual geographical location of Army Post Office addresses when classified in the interest of national defense.

(2) Related solely to the internal personnel rules, guidelines practices of the Department. For example, operating rules, guidelines and manuals of procedure for postal inspectors.

(3) Specifically exempted from disclosure by statute. For example, contents of first-class mail, section 4057, Title 39 U.S. Code.

(4) Trade secrets and commercial or financial information and other privileged or confidential information obtained from any person. For example, identity of post office box holders; or confidential financial or proprietary data furnished by a prospective contractor during negotiations for a contract.

(5) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the Department. For example, internal drafts and memoranda between officials of the Department and legal memoranda from the General Counsel or Regional Counsel to a Department official.

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. For example, official personnel folders, medical reports and Bureau of Employee Compensation case files, and disciplinary files.

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party. For example, inspection service reports in deprecation or similar matters.

(8) The names, addresses and telephone numbers of post office box holders shall not be disclosed except to a recognized law enforcement agency or in compliance with a subpoena or court order issued after the litigant has made a showing of special need.

(9) Records and related data pertaining to methods of handling valuable registered mail.

(10) Data concerning postage meters and prototypes submitted for Department approval prior to leasing to mailers.

(11) These regulations do not require the Department to make available records which would disrupt the work of the Department.

(12) Records of postal savings accounts, except as provided in § 173.3 of this chapter. However, names of depositors may be disclosed.

(13) Records of money orders, except as provided in § 171.4 of this chapter.

However, for good cause shown, the General Counsel, after consultation with the head of the cognizant Bureau or Office which has custody and control of the record involved, may permit disclosure of such record, except as may be prohibited by law, executive order or regulation of another Federal agency which is charged with the responsibility for the maintenance and control of such record.

#### § 113.2 Opinions, orders, administrative manuals and instructions to staff.

(a) *Opinions.* All final Opinions (including concurring and dissenting Opinions) and Orders made in the adjudication of cases involving contract appeals under contract with this Department, fraud orders, mailability matters, revocation or denial of second-class mailing privileges, disbarment proceedings, proceedings under Executive Order 11246 (Equal Employment Opportunity), and

other matter except in cases or classes of cases which are not required to be made public, are on file and available for inspection and copying in the Library, Room 6012, Post Office Department Building, Washington, D.C. 20260, unless otherwise specified.

(b) *Administrative manuals and instructions to staff.* Section 114.2 identifies and describes the various manuals, instructions and other publications and issuances of the Department and indicates how, where and if they may be obtained. Those which are listed, but not available for sale, may be inspected in the Library, Room 6012, Post Office Department Building, Washington, D.C. 20260. If copies are desired, they may be obtained by payment therefor in accordance with the Schedule of Fees in § 113.5 of this chapter.

(c) *Limitations.* If it is determined that disclosure of any of the matters in § 113.2 (a) and (b) would constitute an unwarranted invasion of personal privacy, the appropriate official may delete identifying details therefrom either when it is disclosed for inspection or published.

(d) *Public index.* (1) The Department Library maintains a public index which identifies information as to all final Opinions and Orders made in the adjudication of cases; Department policy statements and interpretations not published in the FEDERAL REGISTER; and administrative staff manuals and instructions to staff that affect any member of the public.

(2) The index will contain matters issued only after July 4, 1967. However, the Department in its discretion may thereafter include matters which may have occurred prior to July 4, 1967.

(3) The public index may be inspected and copies may be purchased from the Department Library General Reference Section, Room 6012, Post Office Department Building, Washington, D.C. 20260, in accordance with the Schedule of Fees in § 113.5.

(4) The index shall not contain any matter which the General Counsel has determined should not be disclosed under these regulations.

(e) *Public availability of matters in the public index.* Any matter which is listed in the public index is available to the public subject to the limitation in § 113.2(c).

(1) Any person may make arrangements for the inspection of any matter which is listed in the public index in accordance with the procedures hereinafter specified.

(2) Copies of the public index, and to the extent practicable, copies of matters listed in the public index will be provided upon request and payment therefor in accordance with the Schedule of Fees in § 113.5.

#### § 113.3 Availability of other matters.

(a) *Records covered by this section.* (1) This section covers all records which are not covered by § 113.2 and which are not of the kind listed in § 113.1(e).

(2) The best guide to the location of any matter covered by this section is

chapter 8 of the Postal Manual which contains a description of Departmental organization and of the function of the Bureaus and Offices at Headquarters, Regional Offices, Postal Data Centers and Post Offices. Because of the manifold variety of records and the large number of separate postal facilities, it is impractical to prepare an itemized directory of matters covered by this section. (See § 113.1(b) for further information.)

(3) Change of address of a postal patron may be furnished upon request in accordance with § 113.3(b) and upon payment of the fee set forth in the Schedule of Fees in § 113.5.

(b) *Procedure.* All records covered by this section may be made available pursuant to the following procedures:

(1) Submit a written request to the local postmaster, or if known, to the head of the installation at which the record is maintained, identifying the material sought by name, subject matter or number, regardless of whether the request is for inspection or copy only. If the request is for inspection, it shall also include a statement that the private party inspecting the record shall not make, alter or falsify a record, conceal, destroy, mutilate or remove any record or part thereof under penalty of law (18 U.S. Code 494 and 2071).

(2) Installations receiving requests which describe records located elsewhere in the Department or at another agency of the Federal Government will forward the request to the appropriate office.

(3) Installations receiving requests for inspection or copy which do not contain sufficient information to identify the record will answer the request as soon as possible. The answer will state that the installation is unable to identify the record from the information in the request, or if possible, what additional information would be necessary in order to identify the record requested or that there is no known record containing the information requested and that the Department will not compile data or otherwise create any record except when it is in the furtherance of Post Office Department business.

(4) Installations receiving requests for inspection or copies of records in their custody will answer the request as soon as possible. The answer will state:

(i) Whether the record or copy can be made available and, if not, the reason therefor.

(ii) The fees, if any, for retrieval of the record and any copies requested, which must be paid in advance.

(iii) When the record will be available for inspection (unless purchase of copy only is requested).

(iv) The place the record will be made available for inspection.

(v) Inspection and copying shall be monitored by a postal employee.

#### § 113.4 Denials and appeal procedure.

(a) *Denials.* (1) If a request to inspect or copy a record is denied by the organizational segment of the Department to which the request is made, or in which the records are maintained, the private party may appeal such a denial to the

General Counsel, Post Office Department, Washington, D.C. 20260.

(2) The General Counsel's decision shall constitute the final decision of the Department on the legal right to inspect or copy a record. The notice of denial shall advise the requesting party of his right to appeal to the General Counsel.

(b) *Appeal.* The appeal to the General Counsel shall be submitted in writing within 10 days from the date of denial. The letter of appeal shall include:

(1) Complete identification of the material to which access was denied.

(2) A copy of the request and any related correspondence.

(3) The date of denial and a copy thereof.

The General Counsel's decision shall be made as soon as possible.

#### § 113.5 Schedule of fees.

(a) *Record retrieval.* (1) For identifiable computer data the minimum charge is \$120 for the first hour or any portion thereof and \$30 for each 15 minutes or portion thereof in excess of the first hour.

(2) For other identifiable records the minimum charge is \$8 for the first hour or any portion thereof and \$2 for each 15 minutes or portion thereof in excess of the first hour.

(b) *Reproduction.* (1) For each copy of an identifiable page of any record, publication, etc., available under these regulations, the charge shall be \$0.25 per page. There shall be a minimum charge of \$1 for any record reproduction regardless of number of pages requested.

(2) The Department reserves the right to make available coin operated copy machines at any given location. In such event, the party desiring copies will make the copies.

(3) The Department is not required nor shall it furnish more than one copy of any record, publication, etc.

(c) *Change of address record.* The fee for furnishing the last recorded change of address, is \$1 per change of address, except as may be otherwise provided.

(d) *Waiver of fees.* If it is determined to be in the interest of and for the convenience of the Department to furnish a copy of any particular record, publication, etc., except a copy of a change of address or information in connection therewith, only the Bureau, Office or installation head having jurisdiction over such record may waive the fees set out in § 113.5 (a) and (b). In addition the General Counsel may for good cause shown, permit waiver of said fees.

#### § 113.6 Compliance with subpoenas duces tecum and summonses.

(a) *Compliance with subpoena duces tecum.* (1) Time, leave and payroll records of postal employees are subject to production when a subpoena duces tecum has been served. Authority is hereby delegated to Regional Directors, Postal Data Center Directors, and in those regions

which have regional counsels, to the regional counsels to authorize the production of time, leave and payroll records in response to a properly served subpoena duces tecum. The custodian of the records may designate a postmaster, postal inspector, or other postal official conveniently located to the court to present the records. The presentation by such a designee must meet with the approval of the attorneys for each side.

(2) If the subpoena calls for employee records involving a job-connected injury, the records are under the exclusive jurisdiction of the Bureau of Employees' Compensation, Department of Labor. Such records may not be produced without the prior consent of that Department. Requests for authorization for the production of these records shall be addressed to: Bureau of Employees' Compensation, U.S. Department of Labor, Washington, D.C. 20210.

(3) If the subpoena calls for employee medical records, they may not be released except as stated herein. These records are primarily under the exclusive jurisdiction of the U.S. Civil Service Commission. The Civil Service Commission has delegated authority to this Department and to the Commission's Regional Directors to release medical information, in response to proper requests and upon competent medical advice, in accordance with the following criteria which have been prescribed to adequately safeguard the interests of the Government and the employee:

(i) Except in response to a subpoena, no medical information about an employee will be released to any non-Federal entity or individual without authorization from the employee.

(ii) With authorization from the employee, this Department's Regional Directors, Postal Data Center Directors, or regional counsels will respond as follows to a request from a non-Federal source for medical information:

(a) If in the opinion of a Federal Medical Officer the medical information indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the Regional Director, Postal Data Center Director, or regional counsel will not release the medical information to the employee or to any individual designated by him, except to a physician, or Postal Data Center Director designated by the employee in writing. The Regional Director, or regional counsel will release such medical information, with a caution against divulgence, in response to a subpoena.

(b) If in the opinion of a Federal Medical Officer the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome,

the Regional Director, Postal Data Center Director, or regional counsel will release it in response to a subpoena or to the employee or to any person, firm, or organization he authorizes in writing to have it.

(c) If a Federal Medical Officer is not available, the Regional Director, Postal Data Center Director, or regional counsel should refer the request to the Civil Service Commission regional office with the medical certificates or other medical reports concerned.

(4) In no event will any records containing information as to the employee's security and loyalty be released.

(5) Subpoenas calling for the production of records may be honored only when disclosure is authorized by these regulations.

(6) When employees are authorized to comply with a subpoena duces tecum, they will not leave the records themselves with the court, but will leave copies prepared for that purpose. Comply with § 721.643 of the Postal Manual in those cases in which the United States is not a party.

(b) *Compliance with summons.* (1) A postmaster or other postal employee will comply with a summons requiring his appearance in court. He will not testify as to any matters exempted under § 113.1 (e).

(2) Postal Inspectors and other employees having possession of inspectors' reports or Inspection Service records are prohibited from presenting such reports or records in either State or Federal courts in which the United States is not a party in interest, unless authorized by the Department. (See § 113.1(b)(ii).) Should an attempt be made to compel production of exempted matter (See § 113.1(e)), the inspector or employee will decline to produce the information or matter, and state that it is exempted and cannot be disclosed or produced without specific approval of the Department. The Department will offer every possible assistance to the courts, but the question of disclosing exempted information is a matter entirely at the discretion of the head of the Department.

#### § 113.7 Mail covers.

Authority to order a mail cover is restricted to the Chief Postal Inspector or your postal inspector in charge. Upon request of either of these officials, furnish them with information regarding the address, return address or postmarks on mail. When specifically requested by the Chief Postal Inspector or your inspector in charge furnish such information to a designated postal inspector. Do not give such information to anyone else. Requests for mail covers shall be treated confidentially and there shall be strict compliance with the instructions outlined in the request.

TIMOTHY J. MAY,  
General Counsel.

JUNE 27, 1967.

[P.R. Doc. 67-7495; Filed, June 30, 1967; 8:50 a.m.]

# Title 31—MONEY AND FINANCE: TREASURY

## Subtitle A—Office of the Secretary of the Treasury

### PART 1—DISCLOSURE OF RECORDS

Part 1, Subtitle A of Title 31 of the Code of Federal Regulations is hereby amended in the following ways:

1. By revising the part heading to read as set forth above;

2. By transferring Subpart B to Subtitle B, Chapter II, Subchapter A of Title 31, redesignating that subpart as Part 256, redesignating the two sections as §§ 256.1 and 256.2, and

3. By deleting the subpart heading now reading "Subpart A—Disclosure of Official Information and Testimony in Court," and revising the regulations contained in §§ 256.1 and 256.2, and

- Sec.
- 1.1 Purpose of regulations.
  - 1.2 Scope of regulations.
  - 1.3 Definitions.
  - 1.4 Records made available.
  - 1.5 Records exempt from disclosure.
  - 1.6 Fees for services.
  - 1.7 Appeal.
  - 1.8 Records not to be otherwise withdrawn or disclosed.
  - 1.9 Oral information.
  - 1.10 Testimony or the production of records in a court or other proceeding.
  - 1.11 Regulations not applicable to official requests.

**AUTHORITY:** The provisions of this Part 1 issued under U.S.C. 301 and 552.

#### § 1.1 Purpose of regulations.

The regulations in this part are issued to implement the public information provisions of Public Law 89-487, codified by Public Law 90-23 as 5 U.S.C. 552. The publication requirements of 5 U.S.C. 552(a)(1) are met through the publication in the FEDERAL REGISTER of statements of agency organization, functions and procedures available of the Office of the Secretary and of other offices and bureaus of the Department, and revisions thereof, and through the continuing publication therein of substantive and procedural regulations of the Department. A current synopsis of the statements of agency organization, functions and procedures available will be published annually by the Office of the Federal Register in the U.S. Government Organization Manual.

#### § 1.2 Scope of regulations.

The regulations in this part apply to the disclosure of records of the Treasury Department which are not covered by regulations issued under 5 U.S.C. 552 by the bureau or office of the Department to which the records belong. Specifically, but without limitation, the regulations in this part apply to the records of the Office of the Secretary of the Treasury (including the Offices of the Under Secretaries, the General Counsel, the Assistant Secretaries, the Special Assistant to the Secretary (for Enforcement), the Fiscal Assistant Secretary, and the Assistant Secretary for Administration),

the Bureau of Engraving and Printing, the U.S. Savings Bonds Division, and the U.S. Secret Service.

#### § 1.3 Definitions.

As used in this part the following definitions shall apply:

(a) An "opinion" is a statement of reasons accompanying an "order."

(b) An "order" is a final disposition having precedential significance of an adjudicative proceeding.

(c) "Statements of policy and interpretations" are statements and interpretations of limited rather than general applicability adopted by the Department upon which the Department may rely as governing policy or precedents. They do not include advisory interpretations on a specific set of facts addressed to a particular person which are not relied on, used or cited as precedent in the disposition of other cases.

(d) "Administrative staff manuals and instructions to staff" are internal instructions that affect a member of the public, but they do not include instructions which set forth criteria or guidelines for the staff in auditing, or inspection procedures, or in the selection or handling of cases, such as operational tactics, allowable tolerances or criteria for defense, prosecution or settlement of cases.

(e) The term "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Treasury Department in pursuance of Federal law or in connection with the transaction of public business, and preserved or appropriate for preservation by the Department as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of informational value of data contained therein. Extra copies of documents preserved only for convenience of reference are not records. The term "records" refers only to records in being and in the possession or under the control of an office or bureau covered by the regulations in this part. It does not include the compiling or procuring of a record not already in existence. Nor does it include objects or articles such as structures, vehicles, equipment, etc.

(f) The term "identifiable" means a reasonably specific description of the particular record sought which will enable a Treasury employee to locate the requested record. The burden of identification rests with the person seeking the record.

(g) The term "available" means provided for inspection, copying, and purchase of copies.

#### § 1.4 Records made available.

(a) *Records covered.* Within the meaning of the foregoing definitions, the following records of the Treasury Department covered by the regulations in this part, unless determined to be exempt from disclosure under the provisions of 5 U.S.C. 552 and the regulations in this part, will be made available, upon re-

quest, in accordance with the procedures provided in the regulations in this part: (1) Opinions and orders, (2) statements of policy and interpretations, (3) administrative staff manuals and instructions to staff, and (4) identifiable records.

(b) *Determination of availability.* The determination of which records are available under this section will be made by the head of the bureau or office, or his delegate, to which the record belongs, subject to the appeal provided in § 1.7. If a record is of concern to another Federal agency or body whose interest in the record is paramount, the request shall be referred to that other agency or body for determination; the person requesting the record shall be advised of the referral, and the record shall be made available or not in accordance with that determination.

(c) *Means of access.* (1) The matters covered by paragraph (a)(1), (2), and (3) of this section, which are issued, adopted, or promulgated on or after July 4, 1967, will be made available during office hours in the public reading room of the Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220, or in such other reading room as the Assistant Secretary for Administration or the head of the appropriate bureau or office, or his delegate, may designate. Such matters issued, adopted or promulgated prior to July 4, 1967, are shelved and indexed and are available in the designated public reading room to the extent feasible. If not so shelved and indexed, they may be requested as identifiable records and shall be subject to the same fees as for identifiable records.

(2) Identifiable records covered by paragraph (a)(4) of this section will be made available upon request in writing to the Assistant Secretary for Administration or to the head of the appropriate bureau or office. A person appearing in the public reading room to request an identifiable record may complete a request for record form, to be sent to the appropriate bureau or office, or he may be directed to the appropriate bureau or office. Time will be required to obtain a record not at hand. The person requesting a record will be informed as promptly as possible of the time required to obtain it and the approximate cost of making the record available. The person requesting the record will be required to make arrangements for payment of the estimated cost prior to the search for the record.

(d) *Provision of copies.* Copies of records made available in the public reading room from under paragraph (c) of this section may be made in that room through photocopy or similar process on payment of the fees therefor set forth in § 1.6. Copies made available by mail in response to written request therefor, or to a requester appearing personally, will be subject to the same charge.

(e) *Deletion of identifying details.* Before any records are made available under paragraph (a)(1), (2), or (3) of this section any identifying details the disclosure of which would be a clearly

unwarranted invasion of personal privacy will be deleted by the appropriate official and justification therefor will be made in writing.

(f) *Deletion of matters exempt.* To the extent that a bureau or office of the Department may find it feasible and consistent with the purposes of 5 U.S.C. 552, records that would be made available under paragraph (a) (1), (2), or (3) of this section, if not for the application of § 1.5, nevertheless may be made available after deletion of those matters outlined in § 1.5 that the bureau or office determines need be held exempt.

(g) *Indexes.* Indexes will be periodically prepared and made available in the public reading room and such other places as the Secretary of the Treasury or his delegate may designate, with respect to the records having precedential significance to be made available under paragraph (a) (1), (2), and (3) of this section, relating to matters which are issued, adopted or promulgated on or after July 4, 1967.

**§ 1.5 Records exempt from disclosure.**

(a) As determined by the head of the bureau or office of the Department to which the record belongs, or his delegate, subject to the appeal provided in § 1.7, the following classes of records covered by the regulations in this part are exempt from disclosure:

(1) Matters that are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, including specifically Executive Order 10501, as amended;

(2) Matters related solely to the internal personnel rules and practices of an agency, including instructions, manuals, and other records, or parts thereof, which set forth operating rules, guidelines, procedures or other criteria for Treasury employees in audits, examinations, inspections, investigations, and negotiations, or in the selection or handling of cases, such as operational tactics, allowable tolerances or criteria for defense, prosecution, or settlement of cases;

(3) Matters specifically exempted from disclosure by statute; see, for example, 18 U.S.C. 1905 and 26 U.S.C. 6103 and 7213;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential. This exemption protects records which would not customarily be made public by the person from whom it was obtained by the Department. It includes, but is not limited to, business sales statistics, inventories, customer lists, scientific or manufacturing processes or developments; information customarily subject to protection as privileged in a court or other proceeding, such as information protected by the doctor-patient, lawyer-client, or lender-borrower privilege; information submitted by any person to the Department in confidence or where the Department has obligated itself not to disclose information it received; formulae, designs, drawings, research

data and other records developed by or for the Government which are significant as items of valuable property;

(5) Interagency or intraagency memorandums or letters which would not be available by law to a party (other than an agency) in litigation with the agency, such as, internal drafts, memoranda between officials or agencies, opinions and interpretations prepared by Government employees for the use of the Department, and records of the deliberations of the Department or staff groups which would not routinely be disclosed to a private party through the discovery process in litigation with the Department. This exemption is also designed to protect from premature disclosure Government plans, such as those undergoing development and those final plans which cannot be made available in advance of their effectuation without harm to the authorized and appropriate purpose for which they are being used;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. In addition to exempting all personnel and medical files, this exemption protects all private or personal information contained in other files, which, if disclosed to the public, would amount to a clearly unwarranted invasion of the privacy of any person, including a Government employee;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency. This exemption protects from disclosure, except to litigants in accordance with law, investigatory files compiled to enforce all kinds of laws and is not limited to files compiled to enforce criminal statutes;

(8) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) A record which may be classified as exempt pursuant to paragraph (a) of this section nevertheless may be made available, in whole or in part, if it is determined in a particular case that there is no need to rely on the exemption.

**§ 1.6 Fees for services.**

Fees for services performed by the Treasury Department will be imposed and collected as set forth in this section.

(a) As to all records made available pursuant to § 1.4(a), the following fees will be imposed and collected:

(i) For furnishing facsimile copies of records by photocopy or similar process:

	<i>Each page (one side) cents, each</i>
<i>Size</i>	
Up to 8½" X 14"-----	10

(ii) For certifications and validations of a record, with Treasury seal \$2, without Treasury seal \$1.

(iii) For certifications of any determination concerning records made under

this part, with Treasury seal \$2, without Treasury seal \$1. This fee will not be imposed or collected for a written determination, not certified, concerning records.

(iv) For making available a record by mail an appropriate fee to cover the cost of postage and any packaging or special handling.

(b) (1) As to records requested pursuant to § 1.4(a)(4), a fee of \$3.50 an hour will be imposed and collected to defray the costs of searching for the requested records and to defray the other direct or indirect costs incurred by the Treasury Department in attempting to make the records available. The fee will be computed as follows: (i) A minimum fee of \$2 will be charged for searches up to one-half hour; (ii) for searches requiring more than one-half hour and not in excess of 1 hour, the full hourly rate of \$3.50 will apply; (iii) for searches in excess of 1 hour, the charge will be made in one-quarter hour units at the rate of \$1 per one-quarter hour. However, where full hours are required, the hourly rate of \$3.50 will apply.

(2) The fee will be imposed and collected if the requested record is made available or after a reasonable search it is determined that the requested identifiable record does not in fact exist and that it never existed. The fee will not be imposed if it is determined that: The requested identifiable record did in fact exist but that after a reasonable search it cannot be located; the record was destroyed pursuant to law; or the record is exempt from disclosure pursuant to § 1.5 and should not be made available.

(c) Should services other than those described in paragraphs (a) and (b) of this section be requested and authorized to be rendered, appropriate fees will be established by the Director of the Office of Administrative Services or his delegate pursuant to 5 U.S.C. 140 (1964 ed.) and such fees shall be imposed and collected.

(d) No charge will be made for services performed at the request of other governmental agencies or officers thereof acting in their official capacities.

**§ 1.7 Appeal.**

(a) Any person denied access to records requested under § 1.4 may, within 30 days after notification of such denial, file an appeal to the Under Secretary, General Counsel, or Assistant Secretary who has supervision of the bureau or office to which the record belongs, as set forth in Treasury Department Order No. 190 (revision 4), published 30 F.R. 15769, December 21, 1965, or such subsequent revision of that order as may hereinafter be published. Such an appeal shall be in writing addressed to the appropriate official, Treasury Department, Washington, D.C. 20220. The appeal shall provide the name and address of the appellant, the identification of the record denied, and the dates of the original request and its denial.

(b) The appeal will be promptly considered. The granting or denial of the request upon appeal shall constitute final agency action.

**§ 1.8 Records not to be otherwise withdrawn or disclosed.**

Except in accordance with this part, or as otherwise authorized, Treasury Department officers and employees are prohibited from making available to any person, not an officer or employee of the Department, and are prohibited from withdrawing from the files, possession or control of the Department, records or duplicates thereof.

**§ 1.9 Oral information.**

(a) Officers and employees of the Department may, in response to requests, provide orally information contained in records of the Department which are determined to be available to the public. If the obtaining of such information requires search of the records, a written request and the payment of the fee for record search set forth in § 1.6 will be required.

(b) Information with respect to activities of the Department not a matter of record shall not be disclosed if the information involves matters exempt from disclosure under 5 U.S.C. 552 or the regulations in this part, or if the disclosure of such information would give the person requesting the information advantages not accorded to other citizens. 31 CFR 0.735-47.

**§ 1.10 Testimony or the production of records in a court or other proceeding.**

(a) Treasury Department officers and employees are prohibited from testifying or otherwise furnishing information obtained as a result of their official capacities or in connection with the transaction of public business, in compliance with a subpoena or other order or demand of any court or other authority without the prior approval of an officer authorized to determine the availability of records under these regulations.

(b) Treasury Department officers and employees are prohibited from furnishing any record in compliance with subpoenas duces tecum or other order or demand of any court or other authority, without the prior approval of an officer authorized to determine the availability of records under the regulations in this part.

(c) In court cases in which the United States or the Treasury Department is not a party, where the giving of testimony is desired, an affidavit by the litigant or his attorney, setting forth the information with respect to which the testimony of such officer or employee is desired, must be submitted before permission to testify will be granted. Permission to testify will, in all cases, be limited to the information set forth in the affidavit or to such portions thereof as may be deemed proper.

(d) Where approval to testify or to furnish records in compliance with a subpoena, order or demand is not given the person to whom it is directed shall, if possible, appear in court or before the other authority and respectfully state his inability to comply in full with the subpoena, order or demand, relying for his action upon this section.

**§ 1.11 Regulations not applicable to official requests.**

The regulations in this part shall not be applicable to official requests of other governmental agencies or officers thereof acting in their official capacities, unless it appears that granting a particular request would be in violation of law or inimical to the public interest. Cases of doubt should be referred for decision to the supervisory official designated in § 1.7.

*Effective date.* These regulations shall be effective as of July 4, 1967.

Dated: June 28, 1967.

[SEAL] HENRY H. FOWLER,  
Secretary of the Treasury.

[P.R. Doc. 67-7610; Filed, June 30, 1967; 8:50 a.m.]

**Chapter II—Fiscal Service, Department of the Treasury**

**PART 256—PAYMENTS UNDER JUDGMENTS AND PRIVATE RELIEF ACTS**

*CROSS REFERENCE:* For a document redesignating Subpart B of Part 1 of Subtitle A of this title as Part 256 of Chapter II and recodifying §§ 1.10 and 1.11 as §§ 256.1 and 256.2, see P.R. Doc. 67-7610, Subtitle A of this title, *supra*.

**Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT**

**Chapter 105—General Services Administration**

**SUBCHAPTER B—ARCHIVES AND RECORDS**

**PART 105-60—PUBLIC AVAILABILITY OF AGENCY RECORDS AND INFORMATIONAL MATERIALS**

The following regulations implement the provisions of 5 U.S.C. 552 (popularly known as the "Freedom of Information Act") whereby General Services Administration makes available (1) certain general agency information concerning its organization, functions, decision-making channels, and rules and regulations through publication of such information in the FEDERAL REGISTER; (2) agency final opinions, policy statements, and staff manuals; (3) agency records; and (4) records in agency proceedings. The regulations set forth the pertinent statutory requirements (including the exemptions which permit nondisclosure of certain records and other materials), establish policies under which these requirements will be carried out, and prescribe procedures to be followed by interested persons and GSA personnel regarding the public availability of agency records and informational materials. Also included are procedures with respect to the service of subpoenas or other legal demands concerning records, and authentication and attestation of copies of records.

Chapter 105 is amended by adding new Part 105-60, reading as follows:

Sec.	
105-60.000	Scope of part.
<b>Subpart 105-60.1—General Provisions</b>	
105-60.101	Purpose.
105-60.102	Application.
105-60.103	Legal custody.
105-60.104	Definitions.
105-60.105	Policy.
105-60.105-1	Availability of records and other informational materials.
105-60.105-2	Exemptions.
105-60.106	Congressional information.
105-60.107	Records and informational materials of other agencies.
105-60.108	Inconsistent issuances of GSA superseded.
<b>Subpart 105-60.2—Publication of General Agency Information and Rules in the Federal Register</b>	
105-60.201	Published information and rules.
105-60.202	Published materials available for sale to the public.
105-60.203	Effect of failure to publish.
105-60.204	Coordination of publication.
105-60.205	Incorporation by reference.
<b>Subpart 105-60.3—Availability of Opinions, Orders, Policies, Interpretations, Manuals, and Instructions</b>	
105-60.301	General.
105-60.302	Available materials.
105-60.303	Rules for public inspection and copying.
105-60.304	Deletion of identifying details.
105-60.305	Index.
105-60.306	Effect of failure to make informational materials available.
<b>Subpart 105-60.4—Agency Records</b>	
105-60.401	General.
105-60.402	Procedures for making records available.
105-60.402-1	Submission of requests for identifiable records.
105-60.402-2	Review of requests.
105-60.402-3	Approval of requests; inspection of records.
105-60.402-4	Reproduction services.
105-60.403	Denial of request for identifiable records.
105-60.404	Appeal within agency of denial.
105-60.405	Judicial relief available to the public.
<b>Subpart 105-60.5—Agency Proceedings</b>	
105-60.501	Agency proceedings.
<b>Subpart 105-60.6—Exemptions</b>	
105-60.601	General.
105-60.602	Categories of records exempt under 5 U.S.C. 552 from disclosure.
105-60.603	Executive privilege exemption.
105-60.604	Other statutory exemptions.
105-60.605	Exemption of materials not affecting the public or involving clearly unwarranted invasions of personal privacy.
<b>Subpart 105-60.7—Subpoenas or Other Legal Demands for Records and Authentication of Copies of Records</b>	
105-60.701	Service of subpoena or other legal demand.
105-60.702	Compliance.
105-60.703	Authentication and attestation of copies.

**AUTHORITY:** The provisions of this Part 105-60 issued under section 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 552 (Public Law 90-23).

**§ 105-60.000 Scope of part.**

This part sets forth policies and procedures concerning the disclosure and availability to the public of records and information of GSA with respect to: (a) Agency organization, functions, decision-making channels, and rules and regulations of general applicability, (b) agency final opinions and orders, including policy statements and staff manuals, (c) operational and other appropriate agency records, and (d) agency proceedings. The part also covers exemptions from disclosure of such materials, procedures for the guidance of the public in obtaining information and inspecting records, service of subpoena or other legal demand with respect to records, and authentication and attestation of record copies.

**Subpart 105-60.1—General Provisions**

**§ 105-60.101 Purpose.**

This Part 105-60 implements the provisions of 5 U.S.C. 552 (Public Law 90-23 which codified Public Law 89-487, popularly known as the "Freedom of Information Act," which amended section 3 of the Administrative Procedure Act, formerly 5 U.S.C. 1002 (1964 ed.)). It prescribes procedures under which the public may obtain information and inspect records of GSA in a convenient and orderly manner.

**§ 105-60.102 Application.**

This Part 105-60 applies to all records and information generated, developed, or held by GSA which come within the purview of 5 U.S.C. 552.

**§ 105-60.103 Legal custody.**

The Administrator of General Services has legal custody of all records held by GSA.

**§ 105-60.104 Definitions.**

For purposes of this Part 105-60, the following terms have the meanings ascribed to them in this § 105-60.104.

(a) *Records.* The term "records" means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by GSA in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of GSA or because of the informational value of data contained therein. The term does not include:

(1) Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents; or

(2) Objects or articles, such as structures, furniture, paintings, sculpture, models, vehicles, or equipment.

(b) *Availability.* The term "availability" signifies the right of the public to obtain information, purchase materials, and inspect and copy records and other pertinent information.

(c) *Identifiable.* The term "identifiable" means a description of a record which is specific to the extent that it will permit the location of the particular document with a reasonable effort.

(d) *Private party.* The term "private party" means any party other than an agency (as defined in 5 U.S.C. 551(c)).

**§ 105-60.105 Policy.**

**§ 105-60.105-1 Availability of records and other informational materials.**

GSA records and other informational materials are available to the full extent required by 5 U.S.C. 552 and will be promptly furnished to any member of the public at convenient places and times and at an appropriate fee, if any. The person making the request need not have a particular interest in the subject matter, nor must he provide justification for the request. The requirement of 5 U.S.C. 552 that records be available to the public refers only to records in being at the time the request therefor is made. It imposes no obligation to compile a record in response to a request, although where it is not burdensome to do so, GSA will endeavor to compile such requested information.

**§ 105-60.105-2 Exemptions.**

Requests for GSA records or other informational materials may be denied if disclosure is exempted under the provisions of 5 U.S.C. 552, as outlined in Subpart 105-60.6, or precluded by executive privilege (see § 105-60.603). However, authority for nondisclosure will not be invoked unless there is a compelling reason to do so. In the absence of such compelling reason, records and other information will be disclosed although otherwise subject to exemption.

**§ 105-60.106 Congressional information.**

Nothing in this Part 105-60 authorizes withholding information from Congress.

**§ 105-60.107 Records and informational materials of other agencies.**

If a request is submitted to GSA to make available records or informational materials which are the primary responsibility of another Federal agency, but which are in the possession of GSA, the request will be referred by GSA to the agency concerned for instructions.

**§ 105-60.108 Inconsistent issuances of GSA superseded.**

Any policies and procedures contained in any GSA issuance which are inconsistent with the policies and procedures set forth in this Part 105-60 are superseded to the extent of such inconsistency.

**Subpart 105-60.2—Publication of General Agency Information and Rules in the Federal Register**

**§ 105-60.201 Published information and rules.**

In accordance with 5 U.S.C. 552(a)(1), there are separately stated and currently published, or from time to time will be published, in the FEDERAL REGISTER, for the guidance of the public, the following general/informational materials concerning GSA:

(a) Description of the organization of the Central Office and regional offices and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

(b) Statements of the general course and method by which GSA functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by GSA.

(e) Each amendment, revision, or repeal of the foregoing (§ 105-60.201(a)-(d)).

**§ 105-60.202 Published materials available for sale to the public.**

Substantive rules of general applicability adopted by GSA as authorized by law which are published in the FEDERAL REGISTER and which are also available for sale to the public comprise the Federal Procurement Regulations, the General Services Administration Procurement Regulations, the Federal Property Management Regulations, and the General Services Administration Property Management Regulations. These series of regulations are codified in Chapters 1, 5, 101, and 105 of Title 41 of the Code of Federal Regulations and are also published in looseleaf volume form. The looseleaf version of the Federal Procurement Regulations is available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at prices established by that office. In addition, all of these regulations are available for sale by the Superintendent of Documents in (a) daily FEDERAL REGISTER form, and (b) in Code of Federal Regulations form, at prices established by that office.

**§ 105-60.203 Effect of failure to publish.**

5 U.S.C. 552(a)(1) provides that, except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the FEDERAL REGISTER and not so published (see § 105-60.201).

### § 105-60.204 Coordination of publication.

Coordination of GSA materials required to be published in the FEDERAL REGISTER in accordance with § 105-60.201 are coordinated by the Office of Administration, GSA.

### § 105-60.205 Incorporation by reference.

When deemed appropriate, matter covered by § 105-60.201 which is reasonably available to the class of persons affected thereby may be incorporated by reference in the FEDERAL REGISTER in accordance with standards prescribed from time to time by the Director of the FEDERAL REGISTER (see 1 CFR Part 20; 32 F.R. 7899, June 1, 1967).

## Subpart 105-60.3—Availability of Opinions, Orders, Policies, Interpretations, Manuals, and Instructions

### § 105-60.301 General.

(a) GSA makes available for public inspection and copying the materials described in 5 U.S.C. 552(a)(2), which are enumerated in § 105-60.302, together with an index of such materials, at convenient locations and times. All Central Office materials are situated in Washington, D.C.; some are also available at GSA regional offices. Each regional office has the materials of its region. All locations provide public reading rooms for the purpose of inspection and copying of documents. Reasonable copying services are also furnished at appropriate fees.

(b) Reading room type materials may be withheld from inclusion in the reading room only with the approval of appropriate legal counsel. An explanation of such withholding shall be furnished to the appropriate Regional Director of Business Affairs and the Director of Information (Washington, D.C.).

### § 105-60.302 Available materials.

(a) GSA materials which are available under this Subpart 105-60.3 are as follows:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

(2) Those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER.

(3) Administrative staff manuals and instructions to staff that affect a member of the public; unless such materials are promptly published and copies offered for sale. (Any materials published and offered for sale will also be available in each reading room.)

(b) In addition, an index arranged by subject matter of the materials enumerated in paragraph (a) of this § 105-60.302 will be maintained for public inspection in each reading room. This index in each regional office will relate only to materials housed in the particular region. The Washington, D.C. reading

room located at Region 3 will maintain indexes of Central Office and Region 3 materials.

### § 105-60.303 Rules for public inspection and copying.

(a) *Locations.* Reading rooms containing the materials available for public inspection and copying, described in § 105-60.302, are located in the GSA Business Service Centers at the addresses listed below:

Central Office (GSA Headquarters), Washington, D.C. GSA Regional Office Building, Seventh and D Streets SW., Washington, D.C. 20407, Telephone: Area Code 202-963-4147.

Region 1, Boston, Mass. (Comprising the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont). John Fitzgerald Kennedy Federal Building, Boston, Mass. 02203, Telephone: Area Code 617-223-2868.

Region 2, New York, N.Y. (Comprising the States of Delaware, New Jersey, New York, and Pennsylvania; and the Commonwealth of Puerto Rico and the Virgin Islands). 30 Church Street, New York, N.Y. 10007, Telephone: Area Code 212-264-1234.

Region 3, Washington, D.C. (Comprising the District of Columbia and the States of Maryland, Virginia, and West Virginia). GSA Regional Office Building, Seventh and D Streets SW., Washington, D.C. 20407, Telephone: Area Code 202-963-4147.

Region 4, Atlanta, Ga. (Comprising the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee). 1776 Peachtree Street NW., Atlanta, Ga. 30309, Telephone: Area Code 404-526-5661.

Region 5, Chicago, Ill. (Comprising the States of Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin). 219 South Dearborn Street, Chicago, Ill. 60604, Telephone: Area Code 312-353-5383.

Region 6, Kansas City, Mo. (Comprising the States of Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota). 1500 East Bannister Road, Kansas City, Mo. 64131, Telephone: Area Code 816-361-7203.

Region 7, Fort Worth, Tex. (Comprising the States of Arkansas, Louisiana, Oklahoma, and Texas). 819 Taylor Street, Fort Worth, Tex. 76102, Telephone: Area Code 817-334-3284.

Region 8, Denver, Colo. (Comprising the States of Arizona, Colorado, New Mexico, Utah, and Wyoming). Building 41, Denver Federal Center, Denver, Colo. 80225, Telephone: Area Code 303-233-6689.

Region 9, San Francisco, Calif. (Comprising the States of California, Hawaii, and Nevada). 49 Fourth Street, San Francisco, Calif. 94103, Telephone: Area Code 415-556-2114.

Region 10, Seattle, Wash. (Comprising the States of Alaska, Idaho, Montana, Oregon, and Washington). 909 First Avenue, Seattle, Wash. 98104, Telephone: Area Code 206-583-5558.

(b) *Time.* The reading rooms in the GSA Business Service Centers will be open to the public during the established hours of business.

(c) *Copying.* GSA will furnish reasonable copying services at appropriate fees which will be posted at each Business Service Center reading room. However, in suitable circumstances, a member of the public may be authorized to copy materials himself, under such procedures as the Director of Information or

the Regional Director of Business Affairs, as the case may be, may determine.

(d) *Reading room rules.*—(1) *Age.* Permission to inspect materials will not be given to a person under 16 years unless accompanied by an adult who agrees to remain with the minor while the materials are in use.

(2) *Handling of materials.* The unlawful removal or mutilation of materials is forbidden by law and is punishable by fine or imprisonment or both (18 U.S.C. 2071). When requested by a reading room attendant, a person inspecting materials must present for examination any briefcase, notebook, package, envelope, book, or other article that could contain GSA informational materials.

(3) *Reproduction services.* The GSA Business Service Centers will furnish reasonable reproduction services of materials available. Any fees charged will be on the basis of a posted fee schedule and, normally, will be paid in advance by cash, check, or money order made payable to the General Services Administration. If a specific request is in writing, payment should be mailed to the Regional Director of Business Affairs for the Business Service Center having custody of the particular materials desired (see listing in § 105-60.303(a)). Whenever in the judgment of the Regional Director of Business Affairs, there is an indicated urgency of need for documents which are requested by mail or telephone, the requirement for advance payment may be waived, and the inquirer may be requested to make later reimbursement.

(e) *Fees.* The fee to be charged will be fair and equitable, taking into account the cost to the Government, value to the recipient, the public policy or interest served, and other pertinent factors. (For further discussion of this matter, see the so-called "User Statute," section 501, 65 Stat. 290, August 31, 1951 (5 U.S.C. 140 (1964 ed.)), and Bureau of the Budget Circular A-25, September 23, 1959.)

### § 105-60.304 Deletion of identifying details.

To the extent required to prevent a clearly unwarranted invasion of personal privacy, GSA may delete identifying details when making available or publishing an opinion, statement of policy, interpretation, or staff manual or instruction. However, the justification for each deletion will be explained fully in writing, and will require the concurrence of appropriate legal counsel. A copy of the justification will be attached to the material containing the deletion and a copy will also be furnished to the appropriate Regional Director of Business Affairs and the Director of Information (Washington, D.C.).

### § 105-60.305 Index.

The index described in § 105-60.302(b) will be maintained by GSA in the appropriate reading rooms and made available for public inspection and copying. The index will provide current identifying information for the public as to any mat-



ter (see § 105-60.302) which is issued, adopted, or promulgated by GSA and required to be made available or published under 5 U.S.C. 552(a)(2). The index will include all current materials in the reading room regardless of the effective date of the materials.

**§ 105-60.306 Effect of failure to make informational materials available.**

Materials available pursuant to § 105-60.302 that affect a member of the public may be relied upon, used, or cited as precedent by GSA against any private party only if (a) they have been indexed and either made available or published as required by 5 U.S.C. 552(a)(2), or (b) the private party has actual and timely notice of their terms.

**Subpart 105-60.4—Agency Records**

**§ 105-60.401 General.**

Except with respect to the records made available pursuant to subparts 105-60.2 and 105-60.3 GSA, on request for identifiable records made in accordance with § 105-60.402, will make the records promptly available to any person, unless nondisclosure is invoked pursuant to § 105-60.105-2. While the burden of identification rests with the person seeking the record, GSA will render all possible assistance in this regard if so requested.

**§ 105-60.402 Procedures for making records available.**

**§ 105-60.402-1 Submission of requests for identifiable records.**

(a) Requests for identifiable records shall be submitted in writing or in person to the GSA office having custody of the records requested. With respect to records in the custody of the GSA Central Office, excluding the holdings of the National Archives and Records Service, requests shall be addressed to the Director of Information, Office of the Administrator, General Services Administration, Washington, D.C. 20405. As to requests for records in the care of the National Archives and Records Service, see procedures set forth in FPMR (41 CFR) Parts 101-7, 101-9, and 101-10. With respect to records in the custody of the GSA regional offices, requests shall be submitted to the Regional Director of Business Affairs, for the particular region involved at the address listed in § 105-60.303(a).

(b) When the requester does not know which GSA office has custody of an identifiable record, he may address his request to the Regional Director of Business Affairs for the region convenient to him, or to the Director of Information (Washington, D.C.). Where a request is made of a Regional Director of Business Affairs for a record not in the custody of that regional office, the requester should be informed of the location of the record and that, at his preference, either the record will be requested for him or he may directly request it from the holding office.

**§ 105-60.402-2 Review of requests.**

The Director of Information for the Central Office, Washington, D.C., or the Regional Director of Business Affairs for a regional office, or his designee, will forward a request for an identifiable record to the cognizant GSA office having custody thereof. The request will be reviewed in the cognizant office and by appropriate legal counsel in the light of the requirements of 5 U.S.C. 552, the guidelines issued by the Department of Justice (Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act), as well as this Part 105-60.

**§ 105-60.402-3 Approval of requests; inspection of records.**

When a request is approved, records will be promptly made available. They may be inspected at the reading rooms, as provided in § 105-60.303, or at such other places as the Director of Information or the Regional Director of Business Affairs, as the case may be, shall prescribe.

**§ 105-60.402-4 Reproduction services.**

Reasonable reproduction services will be available for the copying of records which have been approved for inspection at appropriate fees in accordance with § 105-60.303(d)(3) and (e). However, in suitable circumstances, a member of the public may be authorized to copy records himself, under such procedures as the Director of Information or the Regional Director of Business Affairs, as the case may be, may determine.

**§ 105-60.403 Denial of request for identifiable records.**

(a) If a request is denied, the person submitting the request shall be promptly advised and furnished the specific reasons therefor in writing. The denial reply will (1) briefly describe the record requested, (2) state the legal basis for nondisclosure (see subpart 105-60.6), and (3) except in cases where the public interest so requires, specify the compelling reasons justifying the denial.

(b) To assure uniformity of determinations in this regard, the Director of Information for the Central Office and each Regional Director of Business Affairs for denials made by his region shall retain a copy of all denial replies. Copies of all regional denials shall be sent to the Director of Information, Washington, D.C., who shall maintain a GSA-wide file of such actions.

**§ 105-60.404 Appeal within agency of denial.**

(a) After notification that his request for identifiable records has been denied, the person submitting the request may appeal the denial. The appeal shall be submitted to the Director of Information, Washington, D.C., with respect to a Central Office matter or to the Regional Director of Business Affairs with respect to a regional matter. The Regional Director of Business Affairs will promptly forward the appeal to the Director of Information who will, as also

in the case of appeals concerning Central Office records, submit the matter for consideration by the Head of the GSA Service or Staff Office concerned with the particular records, in consultation with appropriate Central Office legal counsel. The appeal file will consist of a copy or description (if oral) of the initial request and a copy of the reasons for denial furnished the person submitting the request.

(b) Where the Head of the GSA Service or Staff Office recommends granting the appeal and the Director of Information concurs, the Director will arrange for appropriate disclosure of the records.

(c) If the denial is sustained, the matter will be submitted promptly by the Director of Information to the Assistant Administrator for Administration whose ruling thereon will be furnished in writing to the person requesting the records.

**§ 105-60.405 Judicial relief available to the public.**

A person whose request for identifiable records has been so denied by the Assistant Administrator for Administration may file a complaint, as authorized by 5 U.S.C. 552(a)(3), in a district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated. In such cases, the court will determine the matter de novo and the burden will be on GSA to sustain its action of denial. The court may enjoin GSA from withholding agency records and order the production of any records improperly withheld from the complainant.

**Subpart 105-60.5—Agency Proceedings**

**§ 105-60.501 Agency proceedings.**

A record shall be kept of the final votes of each member in every GSA agency proceeding (as defined in 5 U.S.C. 551(12)) and such record shall be maintained and be available for public inspection in the appropriate reading room listed under § 105-60.303(a). (For rules and procedures of the GSA Board of Contract Appeals, see 41 CFR 5-60.)

**Subpart 105-60.6—Exemptions**

**§ 105-60.601 General.**

(a) The exemptions enumerated in 5 U.S.C. 552(b), under which the provisions for availability of records and informational materials will not apply, are general in nature. GSA will decide each case on its merits, in accordance with the liberal policy of 5 U.S.C. 552, the GSA policy expressed in § 105-60.105-2, and the guidelines issued by the Department of Justice (Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act).

(b) Formulae, designs, patents, drawings, and other records of intrinsic financial value to the Government, which value would be impaired or destroyed by

disclosure, will not be available for inspection or copying.

**§ 105-60.602 Categories of records exempt under 5 U.S.C. 552 from disclosure.**

5 U.S.C. 552(b) provides that the requirements of the statute do not apply to matters that are:

- (a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy.
- (b) Related solely to the internal personnel rules and practices of an agency.
- (c) Specifically exempted from disclosure by statute (see § 105-60.604).
- (d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential.
- (e) Interagency or intraagency memorandums or letters which would not be available by law to a private party in litigation with the agency.
- (f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
- (g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party.
- (h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.
- (i) Geological and geophysical information and data, including maps, concerning wells.

**§ 105-60.603 Executive privilege exemption.**

On signing Public Law 89-489, the President stated "Moreover, this bill in no way impairs the President's power under our Constitution to provide for confidentiality when the national interest so requires." (2 Weekly Compilation of President Documents 895, July 11, 1966.) In appropriate GSA cases where application of the executive privilege exemption is desired, the matter will be forwarded to the President through the Administrator of General Services. However, it is to be emphasized that this exemption is reserved for use by the President only.

**§ 105-60.604 Other statutory exemptions.**

(a) 5 U.S.C. 552(b)(3) provides that the statute does not apply to matters that are specifically exempted from disclosure by other statutes. (For further discussion of this matter, see the Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act (June 1967), pages 31 and 32.)

(b) The following are illustrative of such statutes, but are not all inclusive:

- (1) 18 U.S.C. 1905 (trade and financial information provided in confidence by businesses).

(2) 22 U.S.C. 1934 (technical data concerning war materials subject to the International Traffic in Arms Regulations of the Department of State).

(3) 26 U.S.C. 6103 (publicity of tax returns and lists of taxpayers).

(4) 35 U.S.C. 181-188 (records concerning inventions on which Patent Secrecy Orders have been issued).

(5) 42 U.S.C. 2000e-8 (investigations of employment practices).

(6) 42 U.S.C. 2161 (restricted atomic energy data).

(7) 43 U.S.C. 1398 (confidential information of the Public Land Law Review Commission).

(8) 44 U.S.C. 397 (nondisclosure of certain records in the National Archives (see 41 CFR 101-7.101 and 101-7.109); in Federal Records Centers (see 41 CFR 101-9.103 and 101-9.108); and in Presidential Libraries (see 41 CFR 101-10.102 and 101-10.105)).

(9) 50 U.S.C. 402 note (National Security Agency information).

(10) 50 U.S.C. 403g (nature of CIA functions and organization).

(11) 50 U.S.C. 2023 (technical data relating to articles and materials subject to Export Control Regulations of the Department of Commerce).

**§ 105-60.605 Exemption of materials not affecting the public or involving clearly unwarranted invasions of personal privacy.**

5 U.S.C. 552(a)(2) provides that there need not be made available to the public:

- (1) administrative staff manuals and instructions to staff that do not affect a member of the public; and
- (2) identifying details found in an opinion, statement of policy, interpretation, or staff manual or instruction, to the extent required to prevent a clearly unwarranted invasion of personal privacy. Determinations as to whether materials affect the public will be made in accordance with the policy expressed in § 105-60.105-1. Determinations concerning deletion of identifying details shall recognize that the phrase "clearly unwarranted" does not include factors such as mere personal annoyance or administrative embarrassment. (See also § 105-60.304.)

**Subpart 105-60.7—Subpoenas or Other Legal Demands for Records and Authentication of Copies of Records**

**§ 105-60.701 Service of subpoena or other legal demand.**

(a) A subpoena duces tecum or other legal demand for the production of records held by GSA shall be addressed to the appropriate Regional Director of Business Affairs or Regional Administrator with respect to regional records; to the Director of Information, Washington, D.C., with respect to Central Office records; or to the Administrator of General Services. With respect to National Archives records, see procedures in FPMR (41 CFR) § 101-7.108.

(b) The General Counsel and, with respect to records in a GSA regional office, the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in (a) of this § 105-60.701.

(c) When such subpoena or demand is served on any officer or employee of GSA other than as provided in (a) and (b) of this § 105-60.701, he will, unless otherwise directed by the Administrator, respectfully decline to produce such records on the ground that he is without authority under this Subpart 105-60.7 to do so.

(d) Where GSA has only a custodial interest in the records demanded, the subpoena or legal demand shall be served on the agency having the primary responsibility for the records. Where nevertheless demand for such records is served on GSA, the authority issuing the demand will be promptly informed by GSA of the name and address of the agency having the primary responsibility for the records. However, where the agency having primary responsibility for the records has formally delegated to GSA authority to respond to a subpoena or other legal demand, GSA will do so. When in any such case it is necessary to deny the demanded record, GSA will so advise the agency having primary responsibility for the record.

**§ 105-60.702 Compliance.**

(a) Such served officials will comply with the subpoena or demand insofar as practicable by submitting authenticated copies of the records, or the original records if necessary. However, the records will not be produced where to do so would be contrary to the governing policies stated in 5 U.S.C. 552 and this Part 105-60.

(b) The served official or the Administrator of General Services may determine that such demanded records will be denied. In the event of a determination to deny, the served official will be given the assistance of legal counsel in responding to the legal demand.

**§ 105-60.703 Authentication and attestation of copies.**

The Head of the Service or Staff Office having custody of the records, or his superiors, or if the records are in a GSA regional office, the Head of the Regional Service or Staff Office concerned, or his superiors, are authorized to authenticate and attest, for and in the name of the Administrator of General Services, copies or reproductions of the records. Appropriate fees will be charged for such copies or reproductions (see § 105-60.303(d)(3) and (e)).

*Effective date.* These regulations are effective July 4, 1967.

Dated: June 28, 1967.

LAWSON B. KNOTT, Jr.,

Administrator of General Services.

[F.R. Doc. 67-7486; Filed, June 30, 1967; 8:46 a.m.]

**Title 45—PUBLIC WELFARE**

**Chapter V—Foreign Claims Settlement Commission of the United States**

**SUBCHAPTER A—RULES OF PRACTICE**

**PART 503—PUBLIC INFORMATION**

New Part 503 reads as follows:

- Sec.
- 503.1 Organization and authority—Foreign Claims Settlement Commission.
- 503.2 Material to be published in the FEDERAL REGISTER pursuant to Public Law 89-487.
- 503.3 Effect of nonpublication.
- 503.4 Incorporation by reference.
- 503.5 Public records.
- 503.6 Current index.
- 503.7 Effect of noncompliance.
- 503.8 Documents and records generally available for inspection.
- 503.9 Other records available upon written request.
- 503.10 Identification of records.
- 503.11 Appeal.
- 503.12 Exemptions.
- 503.13 Fees—policy and services available.
- 503.14 Fees for services.
- 503.15 Payment of fees and charges.

**AUTHORITY:** The provisions of Part 503 issued under sec. 3, Administrative Procedure Act, 5 U.S.C. 552, as amended by Public Law 90-23 (81 Stat. 54).

**§ 503.1 Organization and authority—Foreign Claims Settlement Commission.**

(a) The Foreign Claims Settlement Commission of the United States is an independent agency of the Federal Government created by Reorganization Plan No. 1 of 1954 (68 Stat. 1279), effective July 1, 1954. Its duties and authority are defined in the International Claims Settlement Act of 1949, as amended (64 Stat. 12; 22 U.S.C. 1621-1642) and the War Claims Act of 1948 (62 Stat. 1240; 50 U.S.C. 2001-2016).

(b) The Commission has jurisdiction to determine claims of U.S. nationals against foreign governments for compensation for losses and injuries sustained by such nationals, pursuant to programs which may be authorized under either of said Acts. Available funds have their sources in international settlements or liquidation of foreign assets in this country by the Department of Justice or Treasury, and from public funds when provided by the Congress.

(c) The three members of the Commission are appointed by the President with the advice and consent of the Senate to serve for 3-year terms of office as provided by the Act of October 22, 1962 (76 Stat. 1107; 50 U.S.C. 2001). The President designates the Chairman.

(d) All functions of the Commission are vested in the Chairman with respect to the internal management of the affairs of the Commission, including but not limited to: (1) The appointment of personnel employed under the Commission; (2) the direction of employees of the Commission and the supervision of their official duties; (3) the distribution of business among employees and organizational units under the Commission; (4) the preparation of budget estimates;

and (5) the use and expenditures of funds of the Commission available for expenses of administration.

(e) The Chairman pursuant to his responsibility hereby directs that every effort be expended to facilitate the maximum service to the public with respect to the obtaining of information and records in the spirit and the letter of the provisions of Public Law 87-487 amending section 3 of the Administrative Procedures Act, effective July 4, 1967.

(f) Requests for information, decisions, or records may be made in person or in writing to the Clerk, Foreign Claims Settlement Commission.

(g) The offices of the Commission are located at 1111 20th Street NW. (Vanguard Building), Washington, D.C. An information center for the convenience of the public is located on the fourth floor.

**§ 503.2 Material to be published in the Federal Register pursuant to Public Law 89-487.**

The Commission shall separately state and concurrently publish the following materials in the FEDERAL REGISTER for the guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submissions or requests, or obtain decisions.

(b) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency.

(e) Every amendment, revision, or repeal of the foregoing.

**§ 503.3 Effect of nonpublication.**

Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by, any matter required to be published in the FEDERAL REGISTER and not so published.

**§ 503.4 Incorporation by reference.**

For purposes of this part, matter which is reasonably available to the class of persons affected thereby shall be deemed published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the Federal Register.

**§ 503.5 Public records.**

The Commission shall, in accordance with this part, make the following materials available for public inspection and copying:

(a) Proposed and Final Decisions (including dissenting opinions) and all orders made with respect thereto.

(b) Those statements of policy and interpretations which have been adopted by the Commission.

To prevent unwarranted invasion of personal privacy, the Commission may delete identifying details when it makes available or publishes a decision, statement of policy, interpretation, or staff manual or instruction, and shall, in each such case, explain in writing the justification for the deletion.

**§ 503.6 Current index.**

The Commission shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required by § 503.2 of this part to be made available or published. The index shall be available at the information center of the Commission, fourth floor, Vanguard Building, 1111 20th Street NW., Washington, D.C. 20579.

**§ 503.7 Effect of noncompliance.**

No decision, statement of policy, interpretation, or staff manual or instruction that affects any member of the public will be relied upon, used, or cited, as precedent by the Commission against any private party unless it has been indexed and either made available or published as provided by this subpart, or unless that private party shall have actual and timely notice of the terms thereof.

**§ 503.8 Documents and records generally available for inspection.**

The following kinds of documents are available for inspection and copying at the public information center of the Commission.

(a) Rules of practice and procedure.

(b) Semiannual reports of the Commission.

(c) Bound volumes of Commission decisions.

(d) International Claims Settlement Act of 1949, with amendments, the War Claims Act of 1948, with amendments, and related Acts.

(e) Claims Agreements with foreign governments within the jurisdiction of the Commission.

(f) Press releases, biographies, and other miscellaneous information of general interest to the public.

**§ 503.9 Other records available upon written request.**

Any written request to the Clerk, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579, for records listed in paragraphs (a) through (g) inclusive, of this section, shall identify the record as provided in § 503.10. The Clerk shall evaluate each request in conjunction with the official having responsibility for the subject matter area, the General Counsel and the Executive Director, and shall make the record available unless the Clerk shall notify the person making the request that no such record can be found; that the record is needed by the staff; or that the record falls within a specific

exception. The following records are subject to this provision:

- (a) General correspondence.
- (b) Correspondence regarding interpretation or applicability of a statute or rule.
- (c) Correspondence and reports on legislation if made public by the Bureau of the Budget and Congressional Committee.
- (d) Filing and docketing of claims.
- (e) Records regarding final disposition of claims.
- (f) Claims applications of individuals.
- (g) Claims applications of legal entities.

#### § 503.10 Identification of records.

A member of the public who requests permission to inspect or copy a record must identify the record sought in sufficient detail to enable the Commission staff to locate the record.

#### § 503.11 Appeal.

Upon refusal of the Clerk to furnish a record, which has been requested in writing under § 503.9, the requesting person or entity may appeal in writing to the Chairman from the Clerk's action or failure to act.

#### § 503.12 Exemptions.

The following records shall not be available: *Provided, however,* That nothing in this section authorizes withholding of information or limiting the availability of records to the public except as specifically stated in this part, nor shall this part be authority to withhold information from Congress. Moreover, nothing in this paragraph shall preclude the consideration of any request received by the Commission to release information with respect to matters which may come within the exemptions.

(a) Records specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy. This exception may apply to records in the custody of the Commission which have been transmitted to the Commission by another agency which has designated the record as nonpublic under Executive Order.

(b) Records related solely to the internal personnel rules and practices of the Commission.

(c) Records specifically exempted from disclosure by statute.

(d) Information given in confidence. This includes information obtained by or given to the Commission which consti-

tutes confidential commercial or financial information, privileged information, or other information which was given to the Commission in confidence or would not customarily be released by the person from whom it was obtained.

(e) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the Commission. Such communications include interagency memoranda, drafts, staff memoranda transmitted to the Commission, written communications between the Commission, the Executive Director, and the General Counsel, regarding the preparation of Commission decisions, other documents received or generated in the process of issuing a decision, or regulation, and reports and other work papers of staff attorneys, accountants, and investigators.

(f) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party.

#### § 503.13 Fees—policy and services available.

Pursuant to policies established by the Congress, the Government's costs for special services furnished to individuals or firms who request such service are to be recovered by the payment of fees (Act of Aug. 31, 1951—5 U.S.C. 140). Upon written request directed to and within the discretion of the Foreign Claims Settlement Commission, there are available upon payment of the fees hereinafter prescribed, with respect to documents subject to inspection, services as follows:

- (a) Copying records/documents.
- (b) Certification of copies of documents.
- (c) Records search.
- (d) Transcripts of hearings when requested by claimants.

#### § 503.14 Fees for services.

The basic fees set forth below provide for documents to be mailed with ordinary first-class postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postage therefor will be added to the basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(a) The copying of records and documents will be available at the rate of 25 cents per page (one side).

(b) The certification and validation of documents filed with or issued by the Commission will be available at \$1 for each such certification.

(c) To the extent that time can be made available, records and information search will be performed for reimbursement at the following rates:

(1) By clerical personnel at a rate of \$4 per person per hour.

(2) By professional personnel at an actual hourly cost basis to be established prior to search.

(3) Minimum charge, \$2.

(d) Exceptions: No charge will be made by the Commission for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Commission. No charge will be made for single copies of Commission publications individually requested in person or by mail. In addition a subscription to Commission mailing lists will be entered without charge when one of the following conditions is present:

(1) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization.

(2) The recipient is another governmental agency, Federal, State, or local, concerned with claims of nationals of the United States against foreign governments or having a legitimate interest in the proceedings and activities of the Commission.

(3) The recipient is a college or university.

(4) The recipient does not fall into subdivision (1), (2), or (3) of this subparagraph, but is determined by the Commission to be an appropriate recipient in the interest of its program.

(e) Transcripts of testimony and of oral argument taken by a private firm may be purchased directly from the reporting firm.

#### § 503.15 Payment of fees and charges.

The fees charged for special services may be paid by check, draft, or postal money order, payable to the Foreign Claims Settlement Commission, except for charges for transcript of hearings. Fees for transcripts of hearings are payable to the firm providing the services.

*Effective date.* This amendment shall become effective July 4, 1967.

Dated: June 28, 1967.

By the Commission.

EDWARD D. RE,  
Chairman.

[F.R. Doc. 67-7509; Filed, June 30, 1967; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[ Airspace Docket No. 67-AL-1 ]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate controlled airspace in the vicinity of Amchitka, Alaska, as follows:

1. The Amchitka control zone would be designated as that airspace within a 5-mile radius of the Amchitka, Alaska, Airport (latitude 51°22'45" N., longitude 179°15'42" E.); within 2 miles each side of runway 7-25 centerlines extending from the 5-mile radius zone to 5.5 miles east and 5.5 miles west of the Amchitka Airport; within 2 miles each side of the 082° True bearing from the Amchitka RBN (latitude 51°22'53" N., longitude 179°15'23" E.) extending from the RBN to 8 miles east; and within 2 miles each side of the 247° True bearing from the Amchitka RBN, extending from the RBN to 8 miles southwest. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. The Amchitka transition area would be designated as that airspace extending upward from 700 feet above the surface within 8 miles north and 5 miles south of the 082° True bearing from the Amchitka RBN (latitude 51°22'53" N., longitude 179°15'23" E.) extending from the RBN to 11.5 miles east; within 8 miles southeast and 5 miles northwest of the 247° True bearing from the Amchitka, RBN, extending from the RBN to 11.5 miles southwest; and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Amchitka Airport.

The proposed control zone and transition area would provide controlled airspace for aircraft executing prescribed instrument approach, missed approach and departure procedures for the Amchitka Airport.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by

the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

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, Alaskan Region, Attention: Chief Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals 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.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

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

T. McCORMACK,  
*Acting Chief, Airspace and Air  
Traffic Rules Division.*

[F.R. Doc. 67-7617; Filed, June 30, 1967;  
8:50 a.m.]

## FEDERAL TRADE COMMISSION

[ 16 CFR Part 500 ]

### CONSUMER COMMODITY PACKAGING AND LABELING

#### Net Quantity of Contents Declaration, Location

Paragraph (b) of § 500.6 of the proposed regulations under sections 4 and 6 of the Fair Packaging and Labeling Act (Public Law 89-755, approved November 3, 1966; 15 U.S.C. 1453, 1455) as published in the FEDERAL REGISTER, 32 F.R. 9109-9112 is revised to read as follows:

§ 500.6 Net quantity of contents declaration, location.

(b) The declaration of net quantity shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed matter appearing above or below the declaration, and shall not include any term qualifying a unit or weight, measure, or count such as "jumbo quart" or "full gallon". It shall be placed on the principal display panel in close proximity to the most conspicuous statement of the trade or brand name, in lines generally parallel to the base on which the package rests as it is designed to be displayed, and no label information shall appear to either side of the declaration of net quantity on the principal display panel.

Approved: June 28, 1967.

By direction of the Chairman.

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

[F.R. Doc. 67-7539; Filed, June 30, 1967;  
8:49 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

Office of the Solicitor

[Solicitor's Reg. 28]

### ASSOCIATE SOLICITOR ET AL.

#### Compromise of Claims by the United States

JUNE 13, 1967.

Each Associate Solicitor, Regional Solicitor, and, subject to such limitations as the appropriate Regional Solicitor may impose in writing, each Field Solicitor may compromise claims of the United States which do not exceed \$20,000 exclusive of interest arising out of the activities of the Department or any of its bureaus or other Departmental offices. Such authority shall be exercised in accordance with the regulations in 344 DM 3.

(205 DM 7.2, 32 F.R. 9538; 200 DM 2.2, 25 F.R. 325)

FRANK J. BARRY,  
Solicitor.

[F.R. Doc. 67-7488; Filed, June 30, 1967;  
8:45 a.m.]

## DEPARTMENT OF STATE

### Agency for International Development

#### ACADEMIC PUBLICATION

##### Statement of Aid Policy

This is a statement of AID policy on publication, or release to parties other than those specifically authorized, of unclassified materials gathered or developed under contracts with academic institutions.

*Underlying principles.* AID favors and encourages the publication of scholarly research as well as the maximum availability, distribution and use of knowledge developed in its program. Of course, the release of material that is classified for national security reasons is not at issue. However, there may be concerns of national interest, not of sufficient gravity to warrant security classification, but serious enough to jeopardize U.S. foreign relations.

Consequently, in addition to the requirements of courtesy, propriety and confidence which normally guide scholars in their work, other factors to be considered include: (1) The potential repercussions of publication on the relations of the U.S. Government or of U.S. academic and research institutions with foreign governments or institutions; and (2) the potential repercussions of publication on the successful execution of development and other cooperative programs in which the U.S. and foreign countries are involved.

*Operational definitions.* AID draws a distinction between two objectives of a scholar's activity under an AID contract: (1) Conducting research which will enrich the literature or field from which AID and others who are pursuing the same goals must draw their knowledge and techniques; and (2) providing advisory and consulting services for, and specifically requested by, AID or a host-country government.

The Agency also draws a distinction between two kinds of manuscripts which a scholar may wish to publish: (1) A report which is prepared and delivered to the Agency under the terms of the contract; and (2) an article or book based upon experience and information gained under an AID contract but not prepared or delivered under the contract.

There are two kinds of actions, normally specified in the contract, which the Agency can take upon notification of a contractor's desire to publish a manuscript: (1) Comment after review, under which AID and the foreign government involved may examine the manuscript, and have their comments considered seriously by the contractor prior to publication; and (2) authorization after review, which AID may withhold if reconciliation between the national interest and the author's interest is impossible.

*Policy statements.* A. With regard to university research activities (as distinguished from advisory services), AID neither grants nor withholds permission to publish the results of private scholarly research derived from its contract operations, except as otherwise provided in a particular contract. Either type of manuscript (contract or noncontract as defined above) will be subject only to Agency advance review for comment. If it is a contract report, AID reserves the right to disclaim endorsement of the opinions expressed; if it is a noncontract manuscript, AID reserves the right to dissociate itself from sponsorship or publication of that manuscript.

B. With regard to manuscripts resulting from advisory and consulting activities, the publication of those prepared and delivered under the contract will be subject to the Agency's authorization; the publication of those not prepared under the contract will be subject only to Agency advance review for comment and its right of dissociation.

*Implementation.* The successful implementation of this policy on publication rests on a thorough understanding and acceptance of these principles by AID and the prospective contractor. Agreement must be reached on the categories appropriate for the activities contemplated under the proposed contract. The actual publications clause for a particular contract, then, would be so worded as to fit the appropriate activities

and definitions as agreed upon in the contract negotiations.

AID's concern with noncontract manuscripts is related to the identification of a manuscript with the U.S. Government. This concern will be modified by the passage of time following termination of the contract.

The period required for AID's advance review of a manuscript will be related to the size of the manuscript and the number and location of the parties involved.

The Agency will make every effort to expedite this review procedure in accordance with the principles described at the beginning of this statement.

WILLIAM S. GAUD,  
Administrator.

[F.R. Doc. 67-7485; Filed, June 30, 1967;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

Office of the Secretary

### EXTRA LONG STAPLE COTTON

#### Determination of Surplus Supply

Section 3, P.L. 88-638 (7 U.S.C. 1852a) provides that "Notwithstanding any other provision of law, the Commodity Credit Corporation, in order to encourage exports of extra long staple cotton which is in surplus supply at competitive world prices, is directed to offer for sale, whenever extra long staple cotton is in surplus supply, any extra long staple cotton owned by it (except stocks released from the stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act, as amended) at prices not in excess of the prices at which cotton of comparable quality is being offered by other exporting countries, on condition that such cotton be exported or that an equal quantity of extra long staple cotton will be exported within the period specified by the Secretary of Agriculture. The Commodity Credit Corporation may accept bids in excess of the maximum prices specified herein but shall not reject bids at such maximum prices unless a higher bid is received for the same cotton. The Secretary of Agriculture shall make a determination of the amount, if any, of extra long staple cotton which is in surplus supply for the 1964-65 marketing year not later than 30 days after the effective date of this section and for each succeeding marketing year not later than 30 days prior to the beginning of each such marketing year. Extra long staple cotton shall be deemed to be in surplus supply whenever the Secretary of Agriculture determines that the total supply of such cotton (under the formula for determining the 'total supply' of cotton specified in section 301(b)(16)(C) of the

Agricultural Adjustment Act of 1938, as amended, but not including cotton released from such stockpile) is in excess of estimated domestic consumption and estimated exports of such cotton excluding estimated exports made under the authority of this section, plus an allowance for carryover equal to 50 per centum of such estimated consumption and exports. Exports hereunder shall be excluded in making any determination with respect to national marketing quotas under the Agricultural Adjustment Act of 1938, as amended. Nothing herein shall preclude the Corporation from accepting bids which may be made at higher than world prices."

The latest available information and statistics for extra long staple cotton for the 1967-68 marketing year are as follows:

A. Total supply of extra long staple cotton:	Bales
1. Estimated carryover Aug. 1, 1967 (excluding cotton released from the stockpile).....	232,000
2. Estimated production.....	78,000
3. Estimated imports.....	85,000
4. Total supply.....	395,000
<b>B. Disappearance plus allowance for carryover:</b>	
1. Estimated domestic consumption.....	145,000
2. Estimated exports (excluding exports which cannot be taken into account in this determination).....	0
3. Total estimated consumption and exports.....	145,000
4. Allowance for a carryover (145,000 times 50 percent).....	72,500
5. Estimated domestic consumption and exports plus allowance for carryover.....	217,500
<b>C. Surplus supply determination:</b>	
1. Total supply.....	395,000
2. Estimated domestic consumption and exports plus allowance for carryover.....	217,500
3. Surplus supply for the 1967-68 marketing year (395,000 minus 217,500).....	177,500

Pursuant to the provisions of P.L. 88-638, the surplus supply of extra long staple cotton for the 1967-68 marketing year is hereby determined to be 177,500 bales.

(Sec. 3, 78 Stat. 1038; 7 U.S.C. 1852a)

Signed at Washington, D.C., on June 27, 1967,

JOHN A. SCHNITTKER,  
Acting Secretary.

[P.R. Doc. 67-7480; Filed, June 30, 1967; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

### National Bureau of Standards NATIONAL BUREAU OF STANDARDS RADIO STATIONS

#### Notice of Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no change in the phase of seconds pulses emitted from radio sta-

tion WWVB, Fort Collins, Colo., on August 1, 1967. The carrier frequency of WWVB is 60 kHz and is broadcast without offset. These emissions are made following the stepped atomic time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no change in the phase of time pulses emitted from radio stations WWV, Fort Collins, Colo., and WWVH, Maui, Hawaii, on August 1, 1967. These pulses at present occur at intervals which are longer than one second by 300 parts in 10<sup>9</sup>. This is due to the offset maintained in the carrier frequencies of these stations, following the universal time (UTC) system as coordinated by the BIH.

Dated: June 23, 1967.

I. C. SCHOONOVER,  
Acting Director.

[P.R. Doc. 67-7436; Filed, June 30, 1967; 8:45 a.m.]

### NATIONAL BUREAU OF STANDARDS RADIO STATION WWVH

#### Notice of Modification to Broadcasts

In accordance with the National Bureau of Standards policy of giving notices regarding changes in broadcasts from NBS radio stations, notice is hereby given that there will be a change in the distribution in direction of the radiated power of broadcasts from Station WWVH, Maui, Hawaii. Since these changes will be accomplished by installing parasitic reflectors on existing antennas, the exact times cannot be specified in advance, and the changes at different frequencies probably will occur at slightly different times, but they will take place close to August 1, 1967, and will be completed by that date. The design and locations of the reflectors are such as to transmit a maximum of radiation in the direction of Manila with an effective gain of approximately 3 db, and to give no degradation of the radiation intensities in the directions of Alaska and New Zealand. There will be, however, a decrease of about 6 db in the direction of the continental portion of the United States of America. These modifications are intended to improve the reception of Station WWVH in the Pacific and Far East areas.

I. C. SCHOONOVER,  
Acting Director.

[P.R. Doc. 67-7437; Filed, June 30, 1967; 8:45 a.m.]

### AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD

[APTA No. 7-007]

#### CERTAIN WORKERS OF GENERAL MOTORS CORP., ASSEMBLY DIVI- SION, WILMINGTON, DEL.

#### Petition for Determination of Eligibility to Apply for Adjustment Assistance; Summary of Final Determinations

Determinations of the Board. Pursuant to the Automotive Products Trade Act

of 1965 (Public Law 89-283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers in the General Motors Corp. Assembly Division plant at Wilmington, Del., has occurred.

U.S. production of the automotive product concerned—passenger automobiles—has decreased appreciably (sec. 302(b)(2), Act), and U.S. imports from Canada of the automotive product concerned have increased appreciably (sec. 302(b)(3)(A), Act).

However, the operation of the United States-Canadian Automotive Products Agreement has not been the primary factor in causing the dislocation.

Background. A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on April 12, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.), and its Local 435, of Wilmington, Del., on behalf of a group of workers at the Wilmington plant. The petition alleged that the importation of Chevrolet automobiles from the Ste. Therese, Quebec, plant of General Motors of Canada, Ltd., caused the layoff of 741 workers from the Wilmington plant on January 6, 1967. The petition further alleged that the layoff was the result of the Automotive Products Trade Act of 1965.

On April 17, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 6376, Apr. 22, 1967). Neither the petitioners nor any other party requested a hearing and none was held.

The Commission submitted its report on June 6, 1967 (APTA-W-12). The Commission stated that only certain sections of the report could be made public since much of the information it contains was received in confidence (32 F.R. 8396, June 10, 1967).

The Board, in addition, obtained advice from the Departments of the Treasury, Commerce, Labor, and the Small Business Administration under section 302(f)(1) of the Act.

General Motors Corp. Output at the Wilmington plant in the 1964-1967 model years has been limited to full sized Chevrolet models and the Buick "Le Sabre" and "Wildcat" models. Full sized Chevrolets are also produced at nine other U.S. plants and at two Canadian plants—Ste. Therese, from which 31,400 cars have been exported to the United States this year, and Oshawa, which does not produce cars for the U.S. market.

General Motors stated that the United States-Canadian Automotive Products Agreement enabled it to concentrate on production of fewer models in Canada and replace the discontinued models by units produced in the United States. For the 1967 model year, General Motors of Canada stopped producing certain Buick, Oldsmobile, and Corvair passenger cars which could be more economically pro-

duced in the United States and started exporting regular sized Chevrolets to the United States.

U.S. exports to Canada of General Motors cars for the current model year (through April) are 39,400 units, 31,600 more than in the prior year. For the same period, U.S. imports from Canada were 31,400 units. There were no imports in the 1966 model year. The increase in U.S. exports to Canada was primarily regular sized Buicks and Oldsmobiles and smaller sized Chevrolets, while the U.S. imports are regular sized Chevrolets.

In the first 9 months of model year 1967, total production at Wilmington was down 8.5 percent compared with the same period in model year 1966—from 141,700 to 129,600 cars. Chevrolet production has fallen 25 percent, while Buick production has risen 65 percent.

Although Chevrolet production at Wilmington during model year 1967 has declined sharply from model year 1966 levels, the percentage decrease has been somewhat less than that of total U.S. full sized Chevrolet production. Wilmington has maintained a constant share of total North American production of such Chevrolets.

**Conclusions and determinations—Automotive product.** The Board concludes that the petitioners were employed in a plant of General Motors Corp. manufacturing an automotive product as defined by the Act: passenger automobiles.

**Dislocation.** Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

During December 1966 an average of about 3,600 hourly workers were employed at the Wilmington plant. In January, average employment declined to about 3,300 persons and in February it declined to about 3,000 workers. Layoffs at the plant involved more than 600 persons in January and February.

The plant is not divided into separate physical subdivisions—Chevrolet and Buick models are produced on a single assembly line by the same workers.

The Board determines that the entire Wilmington, Del., plant, General Motors Assembly Division, is the appropriate subdivision of General Motors Corp. and that a significant number or proportion of the workers thereof have been dislocated (sec. 302(b)(1), Act; sec. 501.2(1)(2), Board Regulations).

**Role of the operation of the Agreement.** Under section 302(c) of the Act, if there is an appreciable decrease in U.S. production and an appreciable increase in imports from Canada of the Canadian automotive product concerned (sec. 302(b), Act), the appropriate group of workers must be certified as eligible to apply for adjustment assistance unless the Board determines that the operation of the Agreement has not been the primary factor in causing the dislocation.<sup>1</sup>

<sup>1</sup> "For purposes of determining whether the changes specified in sec. 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that 3 to 4 recent consecutive months

The Tariff Commission obtained data covering U.S. passenger automobile production and trade with Canada. In the 4-month period, January-April 1967, U.S. production was 13.7 percent below production during the corresponding months in model year 1964. The data on U.S. imports of automobiles produced in Canada show that there have been appreciable imports in model year 1967, and that there were no such imports from Canada in model year 1964.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

**Conclusions.** The Board notes that the United States-Canadian Agreement resulted in increased U.S. exports to Canada of Buick automobiles—cars of a type produced at the Wilmington plant. The Board further notes that production at Wilmington of such cars increased sharply in model year 1967 in comparison with earlier years.

The Board also observed that the establishment of a new Chevrolet assembly plant at Lordstown, Ohio, which was first available for full production in model year 1967, was a major factor in the allocation of Chevrolet assemblies among the various U.S. plants, including Wilmington. The record indicates that Lordstown output in model year 1967 was almost twice as large as imports of full sized Chevrolets from Canada.

The Board concludes that the operation of the United States-Canadian Automotive Products Agreement has not been the primary factor in causing or threatening to cause the dislocation of the workers at the Wilmington plant.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018, Executive Order 11254, 30 F.R. 13569, the Automotive Agreement Adjustment Assistance Board Regulations, 48 CFR, Part 501; 31 F.R. 827; and Board Order No. 1, 31 F.R. 853)

Dated: June 21, 1967.

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,  
EDGAR I. EATON,  
Executive Secretary.

[F.R. Doc. 67-7469; Filed, June 30, 1967; 8:45 a.m.]

[APTA No. 7-008]

### CERTAIN WORKERS OF GENERAL MOTORS CORP., CHEVROLET, NORTH TARRYTOWN, N.Y.

#### Petition for Determination of Eligibility To Apply for Adjustment Assistance; Summary of Final Determinations and Notice of Certification

**Determinations of the Board.** Pursuant to the Automotive Products Trade

would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be an atypical one.

"With respect to the term 'appreciably' in sec. 302(b), a change of 5 percent in production, imports, or exports would normally be an appreciable one \* \* \*." H. Rept. No. 537 (Committee on Ways and Means), 89th Cong., 1st sess., on H.R. 9042, pp. 21-22.

Act of 1965 (Public Law 89-283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers of the Chevrolet plant, General Motors Corp., North Tarrytown, N.Y., has occurred.

U.S. production of the automotive product concerned—passenger automobiles—has decreased appreciably (sec. 302(b)(2), Act), and U.S. imports from Canada of the Canadian automotive product concerned have increased appreciably (sec. 302(b)(3)(A), Act).

No factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing the dislocation of the group of workers specified in the Board's certification.

**Certification.** The Board hereby certifies that those workers of the Chevrolet plant, General Motors Corp., North Tarrytown, N.Y., who were laid off for an indefinite period after February 19, 1967, and prior to March 15, 1967, are eligible to apply for adjustment assistance.

**Background.** A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on April 14, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.), and its Local 664 on behalf of a group of workers at the North Tarrytown plant of the Chevrolet Division of General Motors Corp. The petition alleged that the importation of Chevrolet automobiles from the Ste. Therese, Quebec, plant of General Motors of Canada, Ltd., caused the layoff of workers from the North Tarrytown Chevrolet plant on February 13, 1967. The petition further alleged that the layoff was the result of the Automotive Products Trade Act of 1965.

On April 19, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 6459, Apr. 26, 1967). Neither the petitioners nor any other party requested a hearing and none was held.

The Commission submitted its report on June 8, 1967 (APTA-W-13). The Commission stated that only certain sections of the report could be made public since much of the information it contains was received in confidence (32 F.R. 8437, June 13, 1967).

The Board, in addition, obtained advice from the Department of the Treasury, Commerce, Labor, and the Small Business Administration under section 302(f)(1) of the Act.

**General Motors Corp.** During the 1964-67 model years, the only passenger automobiles assembled at the North Tarrytown Chevrolet plant have been full-size Chevrolets. Bodies for these cars are produced in the adjacent Fisher Body Division plant. Full-size Chevrolets are also produced at nine other U.S. plants and at two Canadian plants—Ste. Therese, from which 31,400 cars have been exported to the United States this year and



Oshawa, which does not produce cars for the U.S. market.

General Motors stated that the United States-Canadian Automotive Products Agreement enabled it to concentrate on production of fewer models in Canada and replace the discontinued models by units produced in the United States. For the 1967 model year, General Motors of Canada stopped producing certain Buick, Oldsmobile, and Corvair passenger cars which could be more economically produced in the United States and started exporting full-size Chevrolets to the United States.

U.S. exports to Canada of General Motors cars for the current model year (through April) are 39,400 units, 31,600 more than in the prior year. For the same period, U.S. imports from Canada were 31,400 units. There were no imports in the 1966 model year. The increase in U.S. exports to Canada was primarily Buicks and Oldsmobiles and smaller Chevrolets, while the U.S. imports are full-size Chevrolets.

In the first nine months of model year 1967, total production at the North Tarrytown Chevrolet plant decreased 15 percent compared with the same period in 1966—from about 142,000 to 120,000 units. The entire North American production of these Chevrolets has declined by about one-fourth in this same period. The Tarrytown plant's share of total North American production of full-size Chevrolets increased from 11.5 percent in the model year 1966 to 12.7 percent in model year 1967.

**Conclusions and determinations—Automotive product.** The Board concludes that the petitioners were employed in a plant of General Motors Corp. manufacturing an automotive product as defined by the Act; Passenger automobiles.

**Dislocation.** Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

Layoffs at the plant involved approximately 200 persons in February and early March.

The Tariff Commission report states that workers in the North Tarrytown Chevrolet plant have plant-wide "bumping rights" affecting workers with less seniority. Hence, layoffs become plant-wide, even if the jobs eliminated involved but one operation or one shift in the plant.

The Board determines that the entire North Tarrytown, N.Y., plant, Chevrolet Division, is the appropriate subdivision of General Motors Corp. and that a significant number or proportion of the workers thereof have been dislocated (sec. 302(b)(1), Act; sec. 501.2(i)(2), Board Regulations).

**Role of the operation of the agreement.** Under section 302(c) of the Act, if there is an appreciable decrease in U.S. production and an appreciable increase in imports from Canada of the Canadian automotive product concerned (sec. 302(b), Act), the appropriate group of workers must be certified as eligible to apply for adjustment assistance unless

the Board determines that the operation of the Agreement has not been the primary factor in causing or threatening to cause the dislocation.<sup>1</sup>

The Tariff Commission obtained data covering U.S. passenger automobile production and trade with Canada. In the 4-month period, January-April 1967, U.S. production was 13.7 percent below production during the corresponding period in model year 1964. The data on U.S. imports of automobiles produced in Canada show that there have been appreciable imports in model year 1967, and that there were no such imports from Canada in model year 1964.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

**Conclusions.** The Board attached special significance to the increase in imports of full-size Chevrolets from Ste. Therese in 1967, the increase in employment at Ste. Therese, and the decrease in employment at Tarrytown. On the other hand, the Board took into account the general decline in North American production and sales of full-size Chevrolets, and the volume of output at the new plant at Lordstown, Ohio. The Board also considered the shifts in production among General Motors Corp. plants as a result of the rationalization made possible by the United States-Canadian Automotive Agreement.

The Board determines that the primary factor in the dislocation of approximately 135 of the 200 workers laid off during February and March was not the operation of the agreement but was the decline in production and sales of full-size Chevrolets.

The Board determines that no factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing the dislocation of the remaining workers—those laid off after February 19, 1967, and prior to March 15, 1967.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018, Executive Order 11254, 30 F.R. 13569, the Automotive Agreement Adjustment Assistance Board Regulations, 48 CFR, Part 501; 31 F.R. 827; and Board Order No. 1, 31 F.R. 853)

Dated: June 23, 1967.

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,  
EDGAR I. EATON,  
Executive Secretary.

[F.R. Doc. 67-7470; Filed, June 30, 1967; 8:45 a.m.]

<sup>1</sup> For purposes of determining whether the changes specified in section 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that three to four recent consecutive months would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be an atypical one.

"With respect to the term 'appreciably' in section 302(b), a change of 5 percent in production, imports, or exports would normally be an appreciable one \* \* \*."

House Report No. 537 (Committee on Ways and Means), 89th Cong., 1st sess., on H.R. 9042, pp. 21-22.

[APTA No. 7-009]

**CERTAIN WORKERS OF GENERAL MOTORS CORP., FISHER BODY PLANT, NORTH TARRYTOWN, N.Y.**

**Petition for Determination of Eligibility To Apply for Adjustment Assistance; Summary of Final Determinations**

**Determinations of the Board.** Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89-283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers in the General Motors Corp. Fisher Body plant at North Tarrytown, N.Y., has occurred.

U.S. production of the automotive product concerned—passenger automobile bodies—has decreased appreciably (sec. 302(b)(2), Act), and U.S. imports from Canada of the automotive product concerned have increased appreciably (sec. 302(b)(3)(A), Act).

No factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing the dislocation of the group of workers specified in the Board's certification.

**Certification.** The Board hereby certifies that those workers of the Fisher Body plant, General Motors Corp., North Tarrytown, N.Y., who were laid off for an indefinite period after February 19, 1967, and prior to March 15, 1967, are eligible to apply for adjustment assistance.

**Background.** A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on April 17, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.), and its Local 664 of North Tarrytown, N.Y., on behalf of a group of workers at the Fisher Body plant. The petition alleged that the importation of Chevrolet automobiles from the Ste. Therese, Quebec plant of General Motors of Canada, Ltd., caused the layoff of workers from the Fisher Body plant on February 13, 1967. The petition further alleged that the layoff was the result of the Automotive Products Trade Act of 1965.

On April 21, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 6595, Apr. 28, 1967). Neither the petitioners nor any other party requested a hearing and none was held.

The Commission submitted its report on June 13, 1967 (APTA-W-14). The Commission stated that only certain sections of the report could be made public since much of the information it contains was received in confidence (32 F.R. 8739, June 17, 1967).

The Board, in addition, obtained advice from the Departments of the Treasury, Commerce, Labor, and the Small

Business Administration under section 302(f) (1) of the Act.

**General Motors Corp.** Output at the Tarrytown Fisher Body plant in the 1964-67 model years has been limited to bodies for the full-size Chevrolet assembled in the Tarrytown Chevrolet plant. These bodies are also produced at nine other U.S. plants and at two Canadian plants—Ste. Therese, from which 31,400 cars have been exported to the United States this year and Oshawa, which does not produce cars for the U.S. market.

General Motors stated that the United States-Canadian Automotive Products Agreement enabled it to concentrate on production of fewer models in Canada and replace the discontinued models by units produced in the United States. For the 1967 model year, General Motors of Canada stopped producing certain Buick, Oldsmobile, and Corvair passenger cars which could be more economically produced in the United States and started exporting full-size Chevrolets to the United States.

U.S. exports to Canada of General Motors cars for the current model year (through April) are 39,400 units, 31,600 more than in the prior year. For the same period, U.S. imports from Canada were 31,400 units. There were no imports in the 1966 model year. The increase in U.S. exports to Canada was primarily Buicks and Oldsmobiles and smaller Chevrolets, while the U.S. imports are full-size Chevrolets.

In the first 9 months of model year 1967, total production at the Tarrytown Fisher Body plant was down 15 percent compared with the same period in 1966— from about 142,000 to 120,000 bodies. The entire North American production of these Chevrolets has declined by about one-fourth in this same period. The Tarrytown plant's share of total North American production of full-size Chevrolet bodies increased from 11.5 percent in the model year 1966 period to 12.7 percent in model year 1967.

**Conclusions and determinations—Automotive product.** The Board concludes that the petitioners were employed in a plant of General Motors Corp. manufacturing an automotive product as defined by the Act: Passenger automobile bodies.

**Dislocation.** Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

Layoffs at the plant involved about 450 persons in February and early March 1967.

The Tariff Commission report states that the workers whose jobs were eliminated through layoffs have plant-wide "bumping rights" in the Fisher Body plant over workers with less seniority. Hence, layoffs become plantwide, even if the jobs eliminated involved but one operation or one shift in the plant.

The Board determines that the entire Tarrytown Fisher Body plant is the ap-

propriate subdivision of General Motors Corp. and that a significant number or proportion of the workers thereof have been dislocated (sec. 302(b) (1), Act; sec. 501.2(1) (2), Board Regulations).

**Role of the operation of the Agreement.** Under section 302(c) of the Act, if there is an appreciable decrease in U.S. production and an appreciable increase in imports from Canada of the Canadian automotive product concerned (sec. 302 (b), Act), the appropriate group of workers must be certified as eligible to apply for adjustment assistance unless the Board determines that the operation of the Agreement has not been the primary factor in causing or threatening to cause the dislocation.<sup>1</sup>

In its report to the Board, the Tariff Commission stated that the number of automobile bodies produced during any model year is equivalent to the number of automobiles produced. It further stated that the United States neither imports nor exports built-up automobile bodies. Accordingly, data on production and trade in automobiles is the measure of production and trade in automobile bodies.

The Tariff Commission obtained data covering U.S. passenger automobile production and trade with Canada. In the 4-month period, January-April 1967, U.S. production was 13.7 percent below production during the corresponding period in model year 1964. The data on U.S. imports of automobiles produced in Canada show that there have been appreciable imports in model year 1967, and that there were no such imports from Canada in model year 1964.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

**Conclusions.** The Board attached special significance to the increase in imports of full-size Chevrolets from Ste. Therese in 1967, the increase in employment at Ste. Therese, and the decrease in employment at Tarrytown. On the other hand, the Board took into account the general decline in North American production and sales of full-size Chevrolets, and the volume of output at the new plant at Lordstown, Ohio. The Board also considered the shifts in production among General Motors Corp. plants as a result of the rationalization made possible by the United States-Canadian Automotive Agreement.

<sup>1</sup> "For purposes of determining whether the changes specified in section 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that three to four recent consecutive months would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be an atypical one.

"With respect to the term 'appreciable' in section 302(b), a change of 5 percent in production, imports, or exports would normally be an appreciable one \* \* \*"

House Report No. 537 (Committee on Ways and Means), 89th Cong., 1st sess., on H.R. 9642, pp. 21-22.

The Board determines that the primary factor in the dislocation of approximately 400 of the 450 workers laid off during February and March was not the operation of the Agreement but was the decline in production and sales of full-size Chevrolets.

The Board determines that no factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing the dislocation of the remaining workers—those laid off after February 19, 1967, and prior to March 15, 1967.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018, Executive Order 11254, 30 F.R. 13569, the Automotive Agreement Adjustment Assistance Board Regulations, 48 CFR, Part 501; 31 F.R. 827; and Board Order No. 1, 31 F.R. 853)

Dated: June 23, 1967.

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,  
EDGAR I. EATON,  
Executive Secretary.

[F.R. Doc. 67-7471; Filed, June 30, 1967; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16813, 16814; FCC 67 M-1069]

1400 CORP. (KBMI) AND JOSEPH JULIAN MARANDOLA

Order Continuing Hearing

In re applications of 1400 Corp. (KBMI), Henderson, Nev., Docket No. 16813, File No. BR-2937; for renewal of license of station KBMI; Joseph Julian Marandola, Henderson, Nev., Docket No. 16814, File No. BP-16411; for construction permit.

The Hearing Examiner having under consideration a joint motion filed June 23, 1967, in the above-captioned proceeding requesting that the date for exchange of exhibits be extended from June 23, 1967, to September 11, 1967, and the date for commencement of the hearing be extended from June 29, 1967, to September 25, 1967; and

It appearing that the parties have recently engaged in discussions directed toward the execution of an agreement providing for the assignment of Station KBMI from 1400 Corp. to Joseph Julian Marandola, and the additional time is requested to conclude the agreement and file an appropriate petition with the Review Board; and

It further appearing that the Broadcast Bureau has no objection to the immediate consideration and grant of this motion, and good cause for granting said motion having been shown;

It is ordered, That the joint motion filed June 23, 1967, in the above-captioned proceeding is granted, and the date for exchange of exhibits is extended from June 23, 1967, to September 11, 1967, and the date for commencement

of the hearing is extended from June 29, 1967, to September 25, 1967.

Issued: June 26, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 67-7498; Filed, June 30, 1967;  
8:47 a.m.]

[Docket No. 17469; FCC 67M-1071]

### BLUEFIELD TELEVISION CABLE AND BLUEFIELD CABLE CORP.

#### Statement and Order After Further Prehearing Conference

In re petition of Bluefield Television Cable, Bluefield, W. Va., request for waiver of § 74.1103 of the Commission's rules and cease and desist order to be directed against Bluefield Cable Corp., Owner and operator of a CATV system at Bluefield, W. Va.; Docket No. 17469.

At the prehearing conference of June 23, 1967, among other things: *It was ordered*, That the hearing is rescheduled from July 12, to July 25, 1967.

Issued: June 26, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 67-7499; Filed, June 30, 1967;  
8:47 a.m.]

[Docket No. 17333; FCC 67M-1076]

### CALIFORNIA WATER AND TELEPHONE CO., ET AL.

#### Order Scheduling Hearing Conference

In the matter of California Water and Telephone Co.; The Associated Bell Systems Companies; The General Telephone System; and United Utilities, Inc., Companies, applicability of section 214 of the Communications Act with regard to Tariffs for Channel Service for Use by Community Antenna Television Systems; Docket No. 17333.

In the light of certain exigencies in the above matter, of which the parties are well aware: *It is ordered*, That a hearing conference in this matter shall be held commencing at 9 a.m., July 11, 1967, in the Commission's offices in Washington, D. C.

Issued: June 27, 1967.

Released: June 28, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 67-7500; Filed, June 30, 1967;  
8:47 a.m.]

[Docket Nos. 17470, 17471; FCC 67M-1068]

### COMMUNITY BROADCASTERS, INC., AND WEST-STATE BROADCASTING CO.

#### Memorandum and Order Following Prehearing Conference

In re applications of Community Broadcasters, Inc., Grand Haven, Mich., Docket No. 17470, File No. BPH-5650; Charles E. Rich, John R. Parker, Diane E. LaBoueff, and Jack L. Maciejewski, doing business as West-State Broadcasting Co., Grand Haven, Mich.; Docket No. 17471; File No. BPH-5697; for construction permits.

At a prehearing conference held today agreement was reached on the subjects covered below.

Formal prehearing exchange of showings will be made on engineering presentations only. These dates will govern that exchange: preliminary exchange July 31, 1967, final exchange August 15, 1967. It is understood that substantial change in showings will not be made following final exchange.

Counsel will informally arrange for exchange of West-State Broadcasting's presentation under the financial qualification issue (Issue one).

A further prehearing conference will be held on August 21, 1967, at which a date for hearing will be set.

Accordingly, it is ordered, That hearing now scheduled for July 20, 1967, will be continued to a date to be determined at a further prehearing conference to be held at 9 a.m., August 21, 1967.

Issued: June 23, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 67-7501; Filed, June 30, 1967;  
8:47 a.m.]

[Docket No. 17474; FCC 67M-1052]

### MEL-LIN, INC. (WOBS)

#### Order Re Procedural Dates

In re application of Mel-Lin, Inc. (WOBS), Jacksonville, Fla., Docket No. 17474, File No. BP-14323; for construction permit.

Pursuant to a prehearing conference on June 22, 1967, the following procedural dates were established:

Preliminary exchange of exhibits—August 29, 1967;

Final exchange of exhibits—September 12, 1967;

Notification of witnesses desired for cross-examination—on or before September 15, 1967.

*It is ordered*, That the hearing now scheduled for July 19, 1967, be and the same is hereby rescheduled for September 19, 1967, at 10 a.m., in the Commission's offices, Washington, D.C.

Issued: June 22, 1967.

Released: June 28, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 67-7502; Filed, June 30, 1967;  
8:47 a.m.]

[Docket Nos. 17420-17422; FCC 67M-1015]

### MICHAEL S. RICE ET AL.

#### Memorandum and Order Following Prehearing Conference

In re applications of Michael S. Rice, St. Charles, Mo., Docket No. 17420, File No. BP-17043; First Capitol Radio, Inc., St. Charles, Mo., Docket No. 17421, File No. BP-17155; Cecil W. Roberts, St. Charles, Mo., Docket No. 17422, File No. BP-17156; for standard broadcast construction permits.

A prehearing conference was held today. At that conference two items were the subject of discussion: (1) Date for hearing; (2) exchange procedures.

As to date of hearing, the Examiner announced his inability to meet the hearing date now scheduled due to the condition of his own docket. In this connection, he stated that he could meet no hearing date that would fall substantially before November 1, 1967. Under the circumstances, the parties agreed to the date set forth in the ordering clause.

Exchange procedures were discussed at some length. Effort to work out an agreement establishing a formal set of exchange procedures broke down on counsel for Roberts' inability to agree that after some fixed date, before hearing, exchange material would not be subject to alteration (freeze date). Counsel did indicate that they would, among themselves, attempt to work out a set of informal exchange procedures. In this connection, it is understood that the Examiner will not be called upon to resolve private disputes between counsel that may arise during the course of these arrangements.

Accordingly, it is ordered, That hearing in this matter now scheduled for July 5, 1967, is continued to October 31, 1967.

Issued: June 16, 1967.

Released: June 19, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 67-7503; Filed, June 30, 1967;  
8:47 a.m.]

[Docket Nos. 17454, 17455; FCC 67M-1067]

### NEW YORK UNIVERSITY AND FAIR- LEIGH DICKINSON UNIVERSITY

#### Order Continuing 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.

The Hearing Examiner having under consideration future procedural steps and dates in the above matter, and

It appearing that no official reporter was present to take the prehearing conference which was held on June 23, 1967, with all counsel present but that counsel for the applicants agreed to stipulate as to the agreements reached and that the same shall be embodied in a future order of the Hearing Examiner, and

It further appearing that one of the matters agreed to was the date for the hearing,

It is ordered, That the hearing now scheduled for July 24, 1967 is hereby rescheduled to commence at 10 a.m., October 17, 1967, in the Commission's offices in Washington, D.C.

Issued: June 23, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-7504; Filed, June 30, 1967;  
8:47 a.m.]

[Docket Nos. 17541, 17542; FCC 67-739]

#### S R C, INC. AND SAN ANGELO INDEPENDENT SCHOOL DISTRICT NO. 226-903

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of S R C, Inc., San Angelo, Tex.; Docket No. 17541, File No. BPCT-3764; San Angelo Independent School District No. 226-903, San Angelo, Tex.; Docket No. 17542, File No. BPCT-3783; 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 6, San Angelo, Tex. It appears that the applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Based on information contained in the application of School District, the applicant will require approximately

<sup>1</sup>The Commission also has before it for consideration a petition to dismiss, filed Jan. 12, 1967, by S R C, Inc., against the School District application; an opposition thereto, filed Jan. 25, 1967, by School District; a reply thereto, filed Feb. 6, 1967, by S R C, Inc.; a postamendment "Supplement to Petition to Dismiss", filed Apr. 21, 1967, by S R C, following School District's amendment of its application on Mar. 9, 1967; an opposition thereto, filed May 4, 1967, by School District; and a reply thereto, filed May 15, 1967, by S R C. The pleadings are concerned with the financial aspects of the School District application.

\$160,000 in cash to construct and operate the proposed station for the first year.<sup>2</sup> To meet these requirements, the applicant relies upon the availability of \$335,000 in existing capital, matching funds from the State of Texas of \$10,500, a loan of \$200,000 from Central National Bank of San Angelo, and donations of \$5,000 from the Texas Cablevision Corp. and \$25,000 from the Express Publishing Co. It cannot be determined the extent to which the alleged \$335,000 in existing capital will be available for use for the proposed television station since all or part of it may represent funds earmarked for other purposes. Moreover, it cannot be ascertained whether matching funds will be available from the State of Texas since it cannot be determined whether the applicant has funds available to advance or whether funds will be available from the State of Texas for use of a noncommercial educational station on a channel not specifically reserved for that purpose. The proposed bank loan is for one year only and because it must be repaid within the year, the extent to which it represents available capital is offset by a corresponding increase in cash requirements in the first year. Moreover, the bank commitment is to expire, by its terms, August 31, 1967. Finally, the alleged donations are not supported by balance sheets or financial statements showing the financial ability of the proposed donors to meet their commitments. Consequently, it cannot be determined that the applicant is financially qualified.

3. School District, a noncommercial educational applicant, seeks a construction permit on an unreserved VHF channel although there is an unused reserved UHF channel (Channel \*21) allocated to San Angelo. The applicant proposes to devote 22½ hours to in-school programming out of a total of 55 hours of programming per week, representing approximately 41 percent of total broadcast time. Under these circumstances, a question arises as to whether School District can accomplish its purposes by other means and whether the proposed use represents the best available use of the VHF channel. Flower City Television Corp., FCC 65-403, 5 RR 2d 434. Where, as here, one applicant proposes to use an unreserved channel for general commercial programming and another applicant proposes to use the channel for specialized programming, i.e., educational programming, and there is available for the latter's use a reserved channel in the same community which it has chosen not to utilize, a question arises as to which of the programming proposals would, on a comparative basis, better serve the public interest. Accordingly, because of the significant difference in the programming proposals of the applicants, evidence will be admissible under the standard comparative issue as to the pro-

<sup>2</sup>Consisting of down payment on equipment (\$47,600), repayments on equipment (\$35,700), interest on equipment (\$5,712), land (\$200), buildings (\$6,000), miscellaneous expenses (\$30,000), and operating expenses (\$35,000), totalling \$160,212.

gramming proposals. Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901; Warf L. Jones, FCC 67-82, released January 25, 1967 (Docket No. 17117).

4. Except as indicated by the issues specified below, each of the applicants appears to be qualified to construct, own and operate the proposed new television broadcast station. The Commission, however, is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity and is of the opinion that they must be designated for hearing in a consolidated proceeding upon the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of S R C, Inc. and San Angelo Independent School District No. 226-903 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, in connection with the application of San Angelo Independent School District:

a. The amount of cash which will be required to construct and operate the proposed station in the first year, the funds which will be available to meet those requirements, and, in the light of these facts, whether the applicant is financially qualified.

b. Whether the proposed use by the applicant represents the best available use of the VHF channel.

2. To determine which of the proposals would better serve the public interest, convenience, and necessity.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, 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 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 section 1.594(g) of the rules.

Adopted: June 21, 1967.

Released: June 28, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-7508; Filed, June 30, 1967;  
8:47 a.m.]

<sup>1</sup> Commissioner Cox absent.

[Docket Nos. 16924-16926; FCC 67M-1072]

**SUNSET BROADCASTING CORP. ET AL.****Order Scheduling Further Prehearing Conference**

In re applications of Sunset Broadcasting Corp., Yakima, Wash., Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc., Yakima, Wash., Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co. (a joint venture), Yakima, Wash., Docket No. 16926, File No. BPCT-3672; for construction permit for new television broadcast station at Yakima, Wash.

The Review Board having released an order herein on June 26, 1967;

It is ordered, That a further prehearing conference shall convene on July 6, 1967, at 9 a.m. in the offices of the Commission, Washington, D.C.

Issued: June 27, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] BEN F. WAPLE,  
Secretary.[P.R. Doc. 67-7506; Filed, June 30, 1967;  
8:47 a.m.]

[Docket No. 17442; FCC 67M-1070]

**VALLEY VISION, INC.****Order Continuing Prehearing Conference**

In regard 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.

The Hearing Examiner having under consideration a petition filed June 23, 1967, on behalf of the above-captioned applicant requesting that the further prehearing conference scheduled for July 6, 1967, be continued until after the Commission has acted on applicant's petition for reconsideration; and

It appearing that the applicant, on June 14, 1967, filed a petition for reconsideration of the Commission's order to show cause which, if granted, would render it unnecessary to have a hearing in this proceeding; and

It further appearing that the Broadcast Bureau interposes no objection to the petition for continuance, and good cause for a continuance of the prehearing conference having been shown;

It is ordered, That the petition filed June 23, 1967, on behalf of the above-captioned applicant is granted to the extent that the further prehearing conference is continued from July 6, 1967, to July 31, 1967, beginning at 9 a.m. in the offices of the Commission, Washington, D.C.

Issued: June 26, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] BEN F. WAPLE,  
Secretary.[P.R. Doc. 67-7507; Filed, June 30, 1967;  
8:47 a.m.]**FEDERAL MARITIME COMMISSION**[Independent Ocean Freight Forwarder  
License 1010]**TRANS ATLANTIC SHIPPING CO., LTD.****Revocation of License**

Whereas, by order to show cause served June 19, 1967, the Federal Maritime Commission ordered that Trans Atlantic Shipping Co., Ltd., 52 Broadway, New York, N.Y. 10006, on or before June 23, 1967, either (1) submit a valid bond effective on or before June 28, 1967, or (2) show cause in writing or request a hearing to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916 (46 U.S.C. 841b); and

Whereas, Trans Atlantic Shipping Co., Ltd. has failed within the time allotted to comply with the Commission's order to show cause;

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in its order to show cause served June 19, 1967:

It is ordered, That the independent ocean freight forwarder license of Trans Atlantic Shipping Co., Ltd. be and is hereby revoked, effective 12:01 a.m. June 28, 1967.

It is further ordered, That Trans Atlantic Shipping Co., Ltd. return Independent Ocean Freight Forwarder License No. 1010 to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on licensee.

JAMES E. MAZURE,  
Director,

Bureau of Domestic Regulation.

[P.R. Doc. 67-7497; Filed, June 30, 1967;  
8:47 a.m.]

[Commission Order No. 1 (Rev.); Amdt. 1]

**ORGANIZATION AND FUNCTIONS**

Commission Order 1 (Revised) is hereby amended as follows:

Section 2.033(3) — Organizational Components, Managing Director, is amended as follows:

- (3) Bureau of Compliance
  - a. Office of Hearing Counsel
  - b. Office of Carrier Agreements (Foreign Commerce)
  - c. Office of Tariffs and Informal Complaints (Foreign Commerce)
  - d. Office of Transport Economics

Section 5.033 is amended as follows:

The Bureau of Compliance administers the program activities of the Office of Hearing Counsel, the Office of Carrier Agreements (Foreign Commerce), the Office of Tariffs and Informal Complaints (Foreign Commerce), and the Office of Transport Economics as hereinafter stated.

Section 5.033(b) is amended to read:

b. The Office of Carrier Agreements (Foreign Commerce) (1) receives and examines agreements and modifications thereto filed by common carriers by water in the foreign commerce of the United States for approval under statutory requirements; conducts negotiations and correspondence with parties to such agreements for the purpose of obtaining information and data thereon; prepares and publishes notices of filing of agreements in the FEDERAL REGISTER; prepares recommendations for approval, disapproval, or modification, or for formal investigation or hearing with respect thereto (these agreements include conference agreements, transshipment agreements, joint service agreements, pooling agreements, sailing agreements, passenger interchange agreements, and other cooperative working arrangements); (2) receives, examines, and processes requests for permission to use contract rate systems as required under section 14b of the Shipping Act, 1916; (3) reviews annual and special reports submitted by common carriers by water in the foreign commerce of the United States and conferences of such carriers, including minutes of conference meetings, shippers' requests and complaints reports, reports of self-policing, pooling statements and informal complaints arising directly from possible violations of approved agreements and operations under alleged unfiled and unapproved agreements; and takes necessary action with respect to any such reports or activities which indicate possible violations of applicable statutes or Commission regulations; (4) conducts studies and surveys for the purpose of recommending new or revised policy and standards or publication of rules and regulations with respect to carrier agreements subject to Commission approval.

Section 5.033(c) is renumbered as section 5.033(d) and there is added a new section 5.033(c) as follows:

c. The Office of Tariffs and Informal Complaints (Foreign Commerce) (1) reviews the rates and practices of common carriers by water engaged in the foreign commerce of the United States and conferences of such carriers in accordance with the requirements of law and the rules, orders, and regulations of the Commission; takes action with respect to applications for special permission to file tariffs on less than statutory notice or for waiver of tariff filing rules and regulations; (2) reviews informal complaints or protests against the practices, methods, and operations of common carriers in the foreign commerce

of the United States or conferences of such carriers, against existing or proposed tariffs, rates, charges, regulations, or rules of such carriers or conferences; develops information and facts from the parties on a voluntary basis (but does not conduct formal investigation); and (a) concludes such complaints and protests by process of voluntary agreement between the parties or administrative determination that the complaint or protest fails to represent a violation of the shipping statutes or the rules or orders of the Commission or (b) requests the Bureau of Investigation to develop additional information and data through field investigation, and (c) prepares recommendations, collaborating with the Bureau of Hearing Counsel, for formal action and proceedings by the Commission; (3) conducts studies and surveys for the purpose of recommending new or revised policy and standards, or publication of rules and regulations with respect to tariffs and informal complaints filed by common carriers by water in the foreign commerce of the United States, and conferences of such carriers.

The organizational designations within the Bureau of Compliance as they appear elsewhere in the Manual of Orders are hereby changed to be consistent with this Order.

Effective: July 2, 1967.

JOHN HARLLEE,  
Rear Admiral, U.S. Navy (Retired)  
Chairman.

[P.R. Doc. 67-7611; Filed, June 30, 1967;  
8:50 a.m.]

[Commission Order 251 (Rev.)]

## INFORMAL COMPLAINTS

### Responsibility and Procedures for Handling

**SECTION 1. Purpose.** 1.01 The purpose of this order is to assign responsibility for, and establish procedures for, the handling of informal complaints.

**SEC. 2. Responsibility of the District Managers.** 2.01 The District Managers shall be responsible for receiving, evaluating and concluding all informal complaints filed directly with them or referred by the Washington staff under the following conditions:

1. Informal complaints referred by the Washington Bureaus the substance of which indicates the probability of faster resolution of the problems by the District Managers.

2. Informal complaints received directly by the District Managers providing the substance thereof, if true, would not constitute statutory violations or violations of the Commission's own rules and orders, except as limited by section 7.

**SEC. 3. Responsibility of the Alaska Area Representative.** 3.01 The Alaska Area Representative shall be responsible for evaluating and concluding all informal complaints referred by the Washington Bureaus for such action.

**SEC. 4. Responsibilities of the Bureau of Compliance, Office of Tariffs and Informal Complaints (Foreign Commerce) and the Bureau of Domestic Regulation, Division of Domestic Offshore Carriers.**

4.01 The Office of Tariffs and Informal Complaints (Foreign Commerce) and the Division of Domestic Offshore Carriers, within their respective functional areas, shall be responsible for receiving, evaluating and concluding all informal complaints, the handling of which has not been assigned to the District Offices by sections 2 and 3 of this order.

**SEC. 5. Submission of informal complaints by the public.** 5.01 There are no forms or specific requirements for the filing of an informal complaint with the Commission. It may be submitted in the form of a letter addressed to any one of the officials designated below at the locations indicated. These officials also are available for information and advice concerning the filing of informal complaints.

Chief, Office of Tariffs and Informal Complaints (Foreign Commerce) Bureau of Compliance, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573.

Chief, Division of Domestic Offshore Carriers, Bureau of Domestic Regulation, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573.

District Manager, Federal Maritime Commission, 45 Broadway, Room 603, New York, N.Y. 10006.

District Manager, Federal Maritime Commission, Post Office Box 30550, 600 South Street, Room 946, New Orleans, La. 70130.

District Manager, Federal Maritime Commission, 450 Golden Gate Avenue, Room 15001, Post Office Box 36087, San Francisco, Calif. 94102.

Area Representative, Federal Maritime Commission, Federal Building, Room 30, Anchorage, Alaska 99501.

5.02 Informal complaints involving a request for adjustment of a freight rate, including the establishment of an initial rate on a commodity for which a rate has not previously been filed, should contain:

1. An identification of the commodity and rate adjustment sought, past and estimated future movement of the commodity, and trade area involved.

2. The complainant's reasons for requesting the adjustment and why he disagrees with the position taken by the carriers or conferences.

3. The names of the carriers or conferences involved together with copies of any correspondence which he has had with them or a résumé of facts if the shipper contacted the carriers or conferences in person.

5.03 Informal complaints involving matters other than requests for establishment or adjustment of rates, such as alleged discriminatory actions, rebates, or other unfair practices of the carrier or conference, or other alleged violations of the statute, should contain:

1. A statement of the nature of the violation.

2. An explanation of how the complainant is being harmed by the action complained of.

3. The name and address of the carrier, conference, terminal operator, or freight forwarder against whom the complaint is being made.

4. The dates on which the actions complained of took place.

5. A statement of pertinent facts, such as the name of the vessel involved, date of sailing, date of entry or exit at port of loading or discharge, date on which cargo was booked or date of other significant events.

6. Copies of any pertinent documents.

7. Copies of correspondence with the carrier and/or conference, terminal operator, or freight forwarder concerning the complaint matter.

8. A statement whether the complainant has any objection to disclosure of his identity, since it may be necessary for the Commission to communicate with the person against whom the complaint was made.

**SEC. 6. Internal procedure.** 6.01 Upon receipt of an informal complaint, it shall be reviewed as to the jurisdiction of the Federal Maritime Commission over the parties involved and the subject matter. Those complaints not within the jurisdiction of the Commission shall be immediately acknowledged with copy to the agency having jurisdiction, and the complainant so informed of this fact.

6.02 Complaints within the jurisdiction of the Commission shall be acknowledged in writing or by phone upon receipt or as soon thereafter as appropriate to avoid followup correspondence by the complainant; thereafter the procedure outlined in sections 6.03 through 6.05 of this Order shall be followed.

6.03 All informal complaints within the jurisdiction of the Commission and which could involve statutory violations shall be discussed fully with the Director, Bureau of Investigation, or his designee if the complaint is within the area of responsibility of the Office of Tariffs and Informal Complaints (Foreign Commerce) or the Division of Domestic Offshore Carriers; complaints within the area of responsibility of the District Managers shall in all cases be discussed fully with the Chief Investigator in his district. These initial contacts are for the express purpose of developing any information or facts having a bearing upon the parties or the substance of the complaint, and the most feasible method of handling the matter.

6.04 For informal complaints not falling within the limitations of section 7, the District Managers and the Office of Tariffs and Informal Complaints (Foreign Commerce) and the Division of Domestic Offshore Carriers, within their respective functional areas, shall develop full and accurate facts essential to the resolution of the complaint.

6.05 The District Managers, and the Alaska Area Representative, the Office of Tariffs and Informal Complaints (Foreign Commerce) and the Division of Domestic Offshore Carriers, within their respective spheres of activity shall determine substance or lack of substance of the complaint and shall take the action indicated below:

1. District Managers shall (a) if the complaint lacks substance or does not represent a violation of statute or the Commission's rules and orders, advise the interested parties of this fact, obtaining where feasible and possible a settlement of the matter through mutual agreement of the parties; or (b) if the complaint contains substance, in the form of a violation of the statutes or the Commission's own rules and orders, refer the complaint and a report of all information and facts developed to the appropriate Washington Bureau; in this connection, the District Managers shall refer to the appropriate Washington bureau any complaint, wherever the facts developed to date indicate in his judgment an apparent violation of law or the Commission's rules or orders (upon making this determination, the District Managers shall terminate all efforts in the development of further information or facts); (c) in addition complaints shall be referred to the appropriate Washington Bureau when they require legal interpretation or present legal argument, involve complex questions as to rates or classifications, involve questions of policy or interpretation of statutes or orders, rules or regulations of the Commission for which no precedent has been established or involves the resolution of a matter having far-reaching effect.

2. The Office of Tariffs and Informal Complaints (Foreign Commerce) and Division of Domestic Offshore Carriers shall (a) if the complaint lacks substance or does not represent a violation of statutes or the Commission's rules and orders, advise the interested parties of this fact, obtaining where feasible and possible a settlement of the matter through mutual agreement; or (b) if the complaint contains substance in the form of a violation of statute or the Commission's rules and orders, request, as appropriate, the Bureau of Investigation to conduct such investigation as may be necessary to develop full facts and upon receipt of the investigative report, resolve the matter within the framework of existing policy or prepare a memorandum to the Commission recommending appropriate action.

3. The Alaska Area Representative (a) after acknowledgment required by section 6.02, shall refer all complaints filed directly with the area office, to the Deputy Managing Director for determination of course of action; (b) as to those complaints referred pursuant to section 3, if the complaint lacks substance or does not represent a violation of statute or the Commission's rules and orders, advise the interested parties of this fact, obtaining where feasible and possible a settlement of the matter through mutual agreement of the parties.

Sec. 7. *Limitations.* 7.01 Whenever an informal complaint relates directly or indirectly to a matter under formal investigation and hearing or pending other action of the Commission, it shall be referred by the District Managers, or Washington staff personnel to the Director, Bureau of Compliance or Director, Bureau of Domestic Regulation as

appropriate, for determination of course of action to be taken; acknowledgment of such complaints shall be made by the Washington Bureau.

7.02 The District Managers shall refer to the appropriate Washington Bureau all complaints from Members of Congress, Governors of States or heads of Government agencies after acknowledgment as provided in section 6.02; copy of such referral shall be forwarded to the Deputy Managing Director.

7.03 The Commission will follow a policy of nondisclosure of the identity of the complainant whenever it appears that disclosure would be inimical to the complainant's interests, or whenever the complainant requests that his identity be kept confidential.

Sec. 8. *Review of staff action.* 8.01 A complainant not satisfied with the disposal of his informal complaint by the staff, as provided in section 6.05 of this order, may request the matter be reopened and reviewed by the Managing Director.

Sec. 9. *Effect on other orders.* 9.01 In the Federal Maritime Commission Manual of Orders, this supersedes Commission Order No. 251 dated June 15, 1964.

Approved: June 28, 1967.

EDWARD SCHMELTZER,  
Managing Director.

[F.R. Doc. 67-7612; Filed, June 30, 1967;  
8:50 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. E-7360]

### CONSUMERS POWER CO.

#### Notice of Application

JUNE 22, 1967.

Take notice that on June 9, 1967, Consumers Power Co. (Applicant), filed an application pursuant to section 203 of the Federal Power Act seeking an order authorizing the acquisition of the electric facilities of the city of Allegan, Mich.

Applicant is incorporated under the laws of the State of Maine with its principal business office at Jackson, Mich., and is engaged in the electric and gas utility business in 67 of the 68 counties in the Lower Peninsula of Michigan.

Allegan is a municipal corporation organized under the laws of the State of Michigan and is engaged in the generation and distribution of electricity in the city of Allegan, Mich., and environs, serving a total of 1,482 residential and 356 commercial and industrial customers. Applicant presently distributes electricity in the city of Allegan to 224 residential and to 44 commercial and industrial customers.

The facilities to be acquired comprise an electric generating and distribution system presently providing service to the city of Allegan and includes, among other things, a 2,550 kw hydroelectric plant licensed as FPC Project No. 785, a 4,576 kw diesel plant, 7 miles of a 25 kv transmission circuit and approxi-

mately 30 miles of associated distribution circuits, including a street lighting system.

Applicant plans to serve Allegan from its integrated electric system and to incorporate the acquired generating facilities into its system. After the transaction Applicant proposes to operate the hydroelectric plant 8 hours per day rather than 24 hours as is presently the case. Applicant has agreed to pay \$1,782,000 for the subject facilities.

Any person desiring to be heard or to make any protest with reference to the application should, on or before July 15, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 67-7541; Filed, June 30, 1967;  
8:50 a.m.]

[Docket No. E-7361]

### PACIFIC POWER & LIGHT CO.

#### Notice of Application

JUNE 22, 1967.

Take notice that on June 12, 1962, Pacific Power & Light Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the acquisition of the electric utility system of Farm Light and Power Co. (Farm).

Applicant is incorporated under the laws of the State of Maine with its principal business office at Portland, Oreg., and is engaged in the electric utility business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho.

Farm is incorporated under the laws of Wyoming and is engaged in the distribution of electric energy for sale to its members near the city of Powell, Park County, Wyo.

The facilities to be acquired consist of all the electric distribution system and associated facilities owned, operated, and maintained by Farm. These facilities provide service to approximately 231 customers, of which 212 are residential, 18 are commercial and industrial and one is a government and municipal customer. Applicant has agreed to pay \$140,000 for these facilities.

Any person desiring to be heard or to make any protest with reference to the application should, on or before July 15, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 67-7542; Filed, June 30, 1967;  
8:50 a.m.]

[Docket No. E-7362]

**PACIFIC POWER & LIGHT CO.****Notice of Application**

JUNE 23, 1967.

Take notice that on June 19, 1967, Pacific Power & Light Co. (Applicant) filed an application pursuant to section 203 of the Federal Power Act authorizing the acquisition of certain electric facilities now owned by the United States.

Applicant is incorporated under the laws of the State of Maine with its principal business office at Portland, Oreg., and is engaged in the electric utility business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho.

The facilities to be acquired consist of 5.4 miles of 23 kv electric power transmission line extending from the bus at Bonneville Power Administration's Astoria Substation to the Tongue Point Substation and other associated electric equipment all located near Astoria, Oreg. Applicant proposes to pay \$117,750 for these facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 67-7543; Filed, June 30, 1967;  
8:50 a.m.]

**FEDERAL RESERVE SYSTEM****Federal Open Market Committee****RULES OF ORGANIZATION**

Effective July 4, 1967, the Rules of Organization of the Federal Open Market Committee are as follows:

**SECTION 1** Basis and scope. These rules are issued by the Federal Open Market Committee (the "Committee") pursuant to the requirement of section 552 of Title 5 of the United States Code that every agency shall publish in the FEDERAL REGISTER a description of its central and field organization.

**Sec. 2** *Composition and meetings of committee.* (a) *Members.* The Federal Open Market Committee consists of the members of the Board of Governors of the Federal Reserve System and five representatives of the Federal Reserve Banks who are Presidents or First Vice Presidents of such banks. The representatives of the Federal Reserve Banks, and an alternate for each representative, are elected in accordance with section 12A of the Federal Reserve Act for terms of one year commencing on March 1 of each year.

(b) *Chairman and Vice Chairman.* At its first meeting on or after March 1

of each year, the Committee selects a Chairman and a Vice Chairman from among its membership.

(c) *Meetings.* The Committee meets at Washington, D.C., on call by the Chairman of the Board of Governors of the Federal Reserve System or at the request of three members of the Committee, at least four times each year and oftener if deemed necessary.

**SEC. 3** *Personnel.* (a) *Official Staff.* The official staff of the Federal Open Market Committee includes its Secretary and Assistant Secretaries, General Counsel and Assistant General Counsel, and Economist and Associate Economists, who perform the duties indicated by their titles. These staff members are selected from among the officers and employees of the Board of Governors of the Federal Reserve System and the Federal Reserve Banks. In addition, one of the Federal Reserve Banks is selected by the Committee to execute transactions for the System Open Market Account; and the Committee selects a Manager of the System Open Market Account and a Special Manager for foreign currency operations for such Account, both of whom shall be satisfactory to such Federal Reserve Bank.

(b) *Others.* The services of other officers and employees of the Board of Governors of the Federal Reserve System and Federal Reserve Banks are made available and are utilized by the Committee as required.

Dated at Washington, D.C., this 20th day of June 1967.

By order of the Federal Open Market Committee.

ROBERT C. HOLLAND,  
Secretary.

[F.R. Doc. 67-7523; Filed, June 30, 1967;  
8:49 a.m.]

**AUTHORIZATION AND DIRECTIVES**

In accordance with its Rules Regarding Availability of Information (12 CFR Part 271), as revised effective July 4, 1967, there are set forth below the following authorization and directives of the Committee: (A) Authorization for system foreign currency operations, (B) foreign currency directive, (C) continuing authority directive with respect to domestic open market operations, and (D) current economic policy directive issued at the meeting held on April 4, 1967.<sup>1</sup>

**A.** Authorization for system foreign currency operations (as amended effective May 17, 1967).

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for System Open Market Account, to the extent nec-

<sup>1</sup> The record of policy actions of the Committee for the first four meetings during 1967 is filed as a part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

essary to carry out the Committee's foreign currency directive:

**A.** To purchase and sell the following foreign currencies in the form of cable transfers through spot or forward transactions on the open market at home and abroad, including transactions with the U.S. Stabilization Fund established by section 10 of the Gold Reserve Act of 1934, with foreign monetary authorities, and with the Bank for International Settlements:

Austrian schillings.	Japanese yen.
Belgian francs.	Mexican pesos.
Canadian dollars	Netherlands
Danish kroner.	guilders.
Pounds sterling.	Norwegian kroner.
French marks.	Swedish kronor.
German marks.	Swiss francs.
Italian lire.	

**B.** To hold foreign currencies listed in paragraph A above, up to the following limits:

(1) Currencies held spot or purchased forward, up to the amounts necessary to fulfill outstanding forward commitments;

(2) Additional currencies held spot or purchased forward, up to the amount necessary for System operations to exert a market influence but not exceeding \$150 million equivalent; and

(3) Sterling purchased on a covered or guaranteed basis in terms of the dollar, under agreement with the Bank of England, up to \$200 million equivalent.

**C.** To have outstanding forward commitments undertaken under paragraph A above to deliver foreign currencies, up to the following limits:

(1) Commitments to deliver to the Stabilization Fund foreign currencies in which the U.S. Treasury has outstanding indebtedness, up to \$200 million equivalent;

(2) Commitments to deliver Italian lire, under special arrangements with the Bank of Italy, up to \$500 million equivalent; and

(3) Other forward commitments to deliver foreign currencies, up to \$275 million equivalent.

**D.** To draw foreign currencies and to permit foreign banks to draw dollars under the reciprocal currency arrangements listed in paragraph 2 below, provided that drawings by either party to any such arrangement shall be fully liquidated within 12 months after any amount outstanding at that time was first drawn, unless the Committee, because of exceptional circumstances, specifically authorizes a delay.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under § 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:



Foreign bank	Amount of arrangement (millions of dollars equivalent)	Maximum period of arrangement (months)
Austrian National Bank	100	12
National Bank of Belgium	150	12
Bank of Canada	500	12
National Bank of Denmark	100	12
Bank of England	1,350	12
Bank of France	100	3
German Federal Bank	400	6
Bank of Italy	600	12
Bank of Japan	450	12
Bank of Mexico	130	12
Netherlands Bank	150	3
Bank of Norway	100	12
Bank of Sweden	100	12
Swiss National Bank	200	6
Bank for International Settlements:		
System drawings in Swiss francs	200	6
System drawings in authorized European currencies other than Swiss francs	200	6

3. All transactions in foreign currencies undertaken under paragraph 1(A) above shall be at prevailing market rates and no attempt shall be made to establish rates that appear to be out of line with underlying market forces. Insofar as is practicable, foreign currencies shall be purchased through spot transactions when rates for those currencies are at or below par and sold through spot transactions when such rates are at or above par, except when transactions at other rates (i) are specifically authorized by the Committee, (ii) are necessary to acquire currencies to meet System commitments, or (iii) are necessary to acquire currencies for the Stabilization Fund; *Provided*, That these currencies are resold forward to the Stabilization Fund at the same rate.

4. It shall be the practice to arrange with foreign central banks for the coordination of foreign currency transactions. In making operating arrangements with foreign central banks on System holdings of foreign currencies, the Federal Reserve Bank of New York shall not commit itself to maintain any specific balance, unless authorized by the Federal Open Market Committee. Any agreements or understandings concerning the administration of the accounts maintained by the Federal Reserve Bank of New York with the foreign banks designated by the Board of Governors under § 214.5 of Regulation N shall be referred for review and approval to the Committee.

5. Foreign currency holdings shall be invested insofar as practicable, considering needs for minimum working balances. Such investments shall be in accordance with section 14(e) of the Federal Reserve Act.

6. A subcommittee consisting of the Chairman and the Vice Chairman of the Committee and the Vice Chairman of the Board of Governors (or in the absence of the Chairman or of the Vice Chairman of the Board of Governors

the members of the Board designated by the Chairman as alternates, and in the absence of the Vice Chairman of the Committee his alternate) is authorized to act on behalf of the Committee when it is necessary to enable the Federal Reserve Bank of New York to engage in foreign currency operations before the Committee can be consulted. All actions taken by the subcommittee under this paragraph shall be reported promptly to the Committee.

7. The Chairman (and in his absence the Vice Chairman of the Committee, and in the absence of both the Vice Chairman of the Board of Governors) is authorized:

A. With the approval of the Committee, to enter into any needed agreement or understanding with the Secretary of the Treasury about the division of responsibility for foreign currency operations between the System and the Secretary;

B. To keep the Secretary of the Treasury fully advised concerning System foreign currency operations, and to consult with the Secretary on such policy matters as may relate to the Secretary's responsibilities; and

C. From time to time, to transmit appropriate reports and information to the National Advisory Council on International Monetary and Financial Policies.

8. Staff officers of the Committee are authorized to transmit pertinent information on System foreign currency operations to appropriate officials of the Treasury Department.

9. All Federal Reserve Banks shall participate in the foreign currency operations for System Account in accordance with paragraph 3G(1) of the Board of Governors' Statement of Procedure with Respect to Foreign Relationships of Federal Reserve Banks dated January 1, 1944.

10. The Special Manager of the System Open Market Account for foreign currency operations shall keep the Committee informed on conditions in foreign exchange markets and on transactions he has made and shall render such reports as the Committee may specify.

B. Foreign currency directive (as re-adopted Mar. 7, 1967).

1. The basic purposes of System operations in foreign currencies are:

A. To help safeguard the value of the dollar in international exchange markets;

B. To aid in making the system of international payments more efficient;

C. To further monetary cooperation with central banks of other countries having convertible currencies, with the International Monetary Fund, and with other international payments institutions;

D. To help insure that market movements in exchange rates, within the

limits stated in the International Monetary Fund Agreement or established by central bank practices, reflect the interaction of underlying economic forces and thus serve as efficient guides to current financial decisions, private and public; and

E. To facilitate growth in international liquidity in accordance with the needs of an expanding world economy.

2. Unless otherwise expressly authorized by the Federal Open Market Committee, System operations in foreign currencies shall be undertaken only when necessary:

A. To cushion or moderate fluctuations in the flows of international payments, if such fluctuations (1) are deemed to reflect transitional market unsettlement or other temporary forces and therefore are expected to be reversed in the foreseeable future; and (2) are deemed to be disequilibrating or otherwise to have potentially destabilizing effects on U.S. or foreign official reserves or on exchange markets, for example, by occasioning market anxieties, undesirable speculative activity, or excessive leads and lags in international payments;

B. To temper and smooth out abrupt changes in spot exchange rates, and to moderate forward premiums and discounts judged to be disequilibrating. Whenever supply or demand persists in influencing exchange rates in one direction, System transactions should be modified or curtailed unless upon review and reassessment of the situation the Committee directs otherwise;

C. To aid in avoiding disorderly conditions in exchange markets. Special factors that might make for exchange market instabilities include (1) responses to short-run increases in international political tension, (2) differences in phasing of international economic activity that give rise to unusually large interest rate differentials between major markets, and (3) market rumors of a character likely to stimulate speculative transactions. Whenever exchange market instability threatens to produce disorderly conditions, System transactions may be undertaken if the Special Manager reaches a judgment that they may help to reestablish supply and demand balance at a level more consistent with the prevailing flow of underlying payments. In such cases, the Special Manager shall consult as soon as practicable with the Committee or, in an emergency, with the members of the Subcommittee designated for that purpose in paragraph 6 of the Authorization for System foreign currency operations; and

D. To adjust System balances within the limits established in the Authorization for System foreign currency operations in light of probable future needs for currencies.

3. System drawings under the swap arrangements are appropriate when necessary to obtain foreign currencies for the purposes stated in paragraph 2 above.

4. Unless otherwise expressly authorized by the Committee, transactions in forward exchange, either outright or in conjunction with spot transactions, may be undertaken only (i) to prevent forward premiums or discounts from giving rise to disequilibrating movements of short-term funds; (ii) to minimize speculative disturbances; (iii) to supplement existing market supplies of forward cover, directly or indirectly, as a means of encouraging the retention or accumulation of dollar holdings by private foreign holders; (iv) to allow greater flexibility in covering System or Treasury commitments, including commitments under swap arrangements; (v) to facilitate the use of one currency for the settlement of System or Treasury commitments denominated in other currencies; and (vi) to provide cover for System holdings of foreign currencies.

C. Continuing authority directive with respect to domestic open market operations (as amended Mar. 7, 1967).

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, to the extent necessary to carry out the most recent current economic policy directive adopted at a meeting of the Committee:

(a) To buy or sell U.S. Government securities in the open market, from or to Government securities dealers and foreign and international accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the System Open Market Account at market prices and, for such Account, to exchange maturing U.S. Government securities with the Treasury or allow them to mature without replacement; provided that the aggregate amount of such securities held in such Account at the close of business on the day of a meeting of the Committee at which action is taken with respect to a current economic policy directive shall not be increased or decreased by more than \$2 billion during the period commencing with the opening of business on the day following such meeting and ending with the close of business on the day of the next such meeting;

(b) To buy or sell prime bankers' acceptances of the kinds designated in the Regulation of the Federal Open Market Committee in the open market, from or to acceptance dealers and foreign accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the account of the Federal Reserve Bank of New York at market discount rates; pro-

vided that the aggregate amount of bankers' acceptances held at any one time shall not exceed (1) \$125 million or (2) 10 percent of the total of bankers' acceptances outstanding as shown in the most recent acceptance survey conducted by the Federal Reserve Bank of New York, whichever is the lower;

(c) To buy U.S. Government securities, obligations that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, and prime bankers' acceptances with maturities of 6 months or less at the time of purchase, from non-bank dealers for the account of the Federal Reserve Bank of New York under agreements for repurchase of such securities, obligations, or acceptances in 15 calendar days or less, at rates not less than (1) the discount rate of the Federal Reserve Bank of New York at the time such agreement is entered into, or (2) the average issuing rate on the most recent issue of 3-month Treasury bills, whichever is the lower: *Provided*, That in the event Government securities or agency issues covered by any such agreement are not repurchased by the dealer pursuant to the agreement or a renewal thereof, they shall be sold in the market or transferred to the System Open Market Account: *And provided further*, That in the event bankers' acceptances covered by any such agreement are not repurchased by the seller, they shall continue to be held by the Federal Reserve Bank or shall be sold in the open market.

2. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York to purchase directly from the Treasury for the account of the Federal Reserve Bank of New York (with discretion, in cases where it seems desirable, to issue participations to one or more Federal Reserve Banks) such amounts of special short-term certificates of indebtedness as may be necessary from time to time for the temporary accommodation of the Treasury: *Provided*, That the rate charged on such certificates shall be a rate one-fourth of 1 percent below the discount rate of the Federal Reserve Bank of New York at the time of such purchases: *And provided further*, That the total amount of such certificates held at any one time by the Federal Reserve Banks shall not exceed \$1 billion.

D. Current economic policy directive issued at meeting held on April 4, 1967 (in effect until May 2, 1967).

The economic and financial developments reviewed at this meeting support earlier indications of a marked slowing of expansion in overall economic activity. Retail sales have continued sluggish and curtailment in the rate of business inventory accumulation is in process. Average commodity prices have changed little

recently, but unit labor costs in manufacturing have risen further. Bank credit expansion has remained vigorous, short-term interest rates have declined markedly further, and long-term rates have moved down somewhat despite very heavy securities market fluctuations. The balance of payments deficit increased in the first quarter despite some improvement in the foreign trade surplus. In several important countries abroad, monetary and fiscal policies have eased further in response to slackened economic activity. In this situation, it is the Federal Open Market Committee's policy to foster money and credit conditions, including bank credit growth, conducive to combatting the effects of weakening tendencies in the economy, while recognizing the need for progress toward reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to attaining somewhat easier conditions in the money market, and to attaining still easier conditions if bank credit appears to be expanding significantly less than currently anticipated.

Dated at Washington, D.C., this 20th day of June 1967.

By order of the Federal Open Market Committee:

[SEAL] ROBERT C. HOLLAND,  
Secretary.

[P.R. Doc. 67-7524; Filed, June 30, 1967;  
8:49 a.m.]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 67-1]

LEONARD R. SAYLES

Certification to Act Before NASA on  
Behalf of National Academy of  
Sciences

In accordance with the authority contained in Title 18, U.S. Code, section 205, and for purposes of sections 203 and 205 of Title 18, I hereby certify that in my judgment the national interest requires that Dr. Leonard R. Sayles be permitted to act before NASA on behalf of the National Academy of Sciences in connection with the performance of work under NASA Contract No. 09-012-(914).

Effective date: June 1, 1967.

JAMES E. WEBB,  
Administrator.

[P.R. Doc. 67-7508; Filed, June 30, 1967;  
8:47 a.m.]

## GENERAL SERVICES ADMINISTRATION

### ORGANIZATION AND FUNCTIONS

The following description of the General Services Administration is published in accordance with Public Law 90-23, approved June 5, 1967 (5 U.S.C. 552).

**Creation and Authority.** The General Services Administration was established by Section 101 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 379), effective July 1, 1949. The act consolidated and transferred to the Administration a variety of real and personal property and related functions formerly assigned to various agencies.

**Purpose.** The General Services Administration was established to provide for the Government an economical and efficient system for the management of its property and records, including such phases as construction and operation of buildings, procurement and distribution of supplies, disposal of surplus property, traffic and communications management, stockpiling of strategic and critical materials, and creation, preservation, and disposal of records.

**Organization.** The General Services Administration is an independent agency in the executive branch of the Government. The work of the Administration as a whole is directed by the Administrator, assisted by the Deputy Administrator. The services and staff offices are described below.

**General Regulations.** Regulations of the General Services Administration and its components are codified in the Code of Federal Regulations under Title 41, Chapters 1, 5, 5A-5D, 101, and 105. Title 41 of the Code of Federal Regulations is available at most legal and depository libraries, at the General Services Administration and its regional offices, and copies may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices established by that office.

**Locations of Material Available for Public Inspection.** Locations of reading rooms containing materials available for public inspection and copying are outlined under Chapter 105, Part 105-60, Title 41, Code of Federal Regulations.

**Addresses and Telephone Numbers.** The Office of the Administrator, the staff offices, and the principal offices of each of the services, except the National Archives and Records Service, are located in the General Services Building, 18th and F Streets, NW., Washington, D.C. 20405. The telephone is Area Code 202-343-1100. The National Archives and Records Service is located in the Archives Building, Eighth and Pennsylvania Avenue, NW., Washington, D.C. 20408. The telephone is Area Code 202-963-6404. The addresses of the 10 regional offices are provided in a table under that heading.

#### OFFICE OF THE ADMINISTRATOR

The Administrator of General Services, appointed by the President by and with the advice and consent of the Senate,

directs the programs of the General Services Administration. The Deputy Administrator, who is appointed by the Administrator, assists him in directing the programs of the Administration, and serves as Acting Administrator of General Services during the absence or disability of the Administrator. The Assistant Administrator, also appointed by the Administrator, assists, as directed, in executive direction of the agency, and directs specific programs for congressional liaison, legislation, public information, and business services and small business.

#### Staff Officers

##### OFFICE OF ADMINISTRATION

This Office, headed by the Assistant Administrator for Administration, is responsible for the planning, implementation, direction, and coordination of all financial management, personnel management, and administrative management services and programs of GSA; for provision of centralized data processing services for all internal programs of GSA; for the conduct of internal and contract audit and compliance and security programs; for coordination of GSA implementation of the Government-wide Planning-Programming-Budgeting System; for administering the Government-wide Federal Procurement Regulations System, planning the development of the Federal Procurement Regulations and the GSA procurement regulations, and monitoring the development of the Government-wide Federal Property Management Regulations; for the conduct of a management studies program; and for GSA emergency mobilization functions. This office functions through the following offices:

**Office of Administrative Services.** This office administers the internal administrative services program of GSA and furnishes printing, duplicating, and publications services for GSA and other agencies.

**Office of Budget.** This office formulates, presents, and executes all budget administration operations of the agency including participation in the determination of program and financing policies.

**Office of Data Processing.** This office is responsible for the provision and management of data processing services within GSA.

**Office of Finance.** This office is responsible for the establishment and execution of accounting systems and related financial reports; the extension of credit and accountability of property custodians; the determination of financial responsibility of all contractors with GSA; the servicing of financial provisions of contracts including insurance; the expenditure and collection of funds administered by GSA; and the maintenance of a world inventory of real property owned by and leased to the Federal Government. This office assists other agencies in the development of property accounting systems.

**Office of Management Investigations and Review.** This office directs and coordinates on an agencywide basis all

centralized management investigations and review activities including conduct of the contract and internal audit programs; the investigations and security programs; and the manpower utilization, management review, management improvement, and cost reduction programs.

**Office of Personnel.** This office directs and coordinates the GSA nationwide personnel management program including internal training and coordinates the GSA program to provide mission-oriented training to employees of other Federal agencies.

##### OFFICE OF GENERAL COUNSEL

This office performs all legal services in connection with the programs and activities of the General Services Administration. This office also provides legal counsel to the Administrator and other officials of GSA in such areas as (1) utilization and disposal of excess and surplus property, (2) records management, finance, and administration, (3) public buildings and real estate transactions, (4) transportation, communication, and public utilities matters, and (5) procurement of personal property and services. This office also directs and coordinates GSA activities related to civil rights.

##### FEDERAL SUPPLY SERVICE

**Creation and Authority.** The Federal Supply Service was established December 11, 1949, by the Administrator of General Services to supersede the Bureau of Federal Supply of the Department of the Treasury which was abolished by the Federal Property and Administrative Services Act of 1949.

**Purpose.** The Federal Supply Service determines supply requirements, procures personal property and nonpersonal services for all Federal agencies, stores and distributes common-use items of supply to all Federal agencies, and regulates supply functions performed by other agencies including the development and publication of Federal Specifications and Standards and maintenance of the Federal Catalog System.

**Office of Automated Data Management Services.** This office is responsible for the direction and coordination of a comprehensive Government-wide program for the management, procurement, utilization, and redistribution of automatic data processing equipment and services.

**Office of Procurement.** This office manages a nationwide program to provide purchasing and contracting services for all Federal agencies and inventory management services in support of the supply distribution program.

**Office of Standards and Quality Control.** This office is responsible for control of the quality of materials procured, for the development of Federal Specifications and Federal Standards for common-use items procured by Federal agencies, for development of safety standards for Government motor vehicles, and for maintenance of a uniform Federal Catalog System.

**Office of Supply Distribution.** This office manages a nationwide supply depot system for the storage and distribution of common-use items of supply to

all Federal agencies, including support to overseas activities.

**Office of Supply Management.** This office develops, coordinates, and monitors for GSA an integrated Government-wide supply system for the efficient and economical procurement and supply of personal property and nonpersonal services, conducts surveys and studies of Federal agencies' supply operations to improve their effectiveness, develops and promulgates supply management policies, procedures, and methods through regulatory issuances and information media, and coordinates the design, installation, and maintenance of the automated supply data processing and communications systems utilized by the Federal Supply Service.

**Regulations.** Regulations of the Federal Supply Service are published in the Code of Federal Regulations in Title 41, Chapters 5A and 101, Subchapter E. Availability of this material is outlined under General Regulations stated above.

#### PROPERTY MANAGEMENT AND DISPOSAL SERVICE

**Creation and Authority.** The Property Management and Disposal Service was established on July 29, 1966, by the Administrator of General Services. Transferred to the Service were functions formerly assigned to the Defense Materials Service and the Utilization and Disposal Service.

**Purpose.** The Property Management and Disposal Service acquires, stores, and otherwise manages inventories of strategic and critical materials essential to the military and industrial requirements of the United States in times of national emergency, and disposes of such materials when they are no longer needed; supports the Department of Defense and the Department of Health, Education, and Welfare in the management of civil defense emergency programs and the National Industrial Equipment Reserve; aids in expansion and maintenance of production of industrial raw materials; provides technical advice and assistance to the Department of Agriculture in connection with its barter programs; and administers the lead-zinc stabilization program. In addition, this service promotes maximum utilization of exchange/sale personal property and excess personal and real property by executive agencies, transfers excess property among Federal agencies and provides for maintenance, repair, rehabilitation, and reclamation of in-use and excess personal property. It is also responsible for disposal of real and personal property no longer needed by the Federal Government by donation, sale, and other methods authorized by existing legislation.

**Office of Research and Planning.** This office provides program planning and coordination of all activities of the Service; develops long-range disposal plans for materials no longer required for stockpile objectives and coordinates plans with affected sources in industry and Government; and is responsible for data collection and economic analyses of all factors bearing on stockpile materials, such as supply, demand, consumption,

and prices. It is also responsible for the appraisal of excess and surplus real property as well as the coordination of regulations, standards, and methods governing such appraisals.

**Office of Property Disposal.** This office conducts the Service programs for: maintenance, repair, rehabilitation and reclamation of in-use and excess property to minimize new procurement; promotion of further use by the Federal Government of exchange/sale personal property and of real and personal property excess to the needs of a particular executive agency; sale of strategic and critical materials excess to stockpile requirements; sale or donation of surplus personal property; sale of personal property under exchange/sale authority; and disposal of surplus real property by sale, lease, exchange, or other methods authorized by existing legislation.

**Office of Inventory Management.** This office coordinates and manages nationwide programs and activities of the Service relating to the storage, handling, inspection and quality control, maintenance, protection and distribution of strategic and other materials, civil defense emergency materials and supplies, and equipment in the National Industrial Equipment Reserve. This office also coordinates and manages nationwide programs and activities of the Service for the acquisition, beneficiation, upgrading, processing, refining, and rotation of strategic and other materials, and administers the program for the stabilization of lead and zinc mining by small domestic producers.

**Regulations.** Regulations of the Property Management and Disposal Service are published in the Code of Federal Regulations in Title 41, Chapters 5C and 101, Subchapters C and H. Availability of this material is outlined under General Regulations stated above.

#### PUBLIC BUILDINGS SERVICE

**Creation and Authority.** The Public Buildings Service was established December 11, 1949, by the Administrator of General Services, to supersede the Public Buildings Administration which was abolished by the Federal Property and Administrative Services Act of 1949.

**Purpose.** The Public Buildings Service is responsible for the design, construction, management, maintenance, operation, alteration, extension, remodeling, preservation, repair, improvement, protection, and control of buildings, both federally owned and leased, in which are provided housing accommodations for Government activities, where authorized. It also has the responsibility for the acquisition, utilization, custody, and accountability for GSA real property and related personal property.

**Program Management.** This office provides staff service in policy development, program planning, progress analysis, and Government-wide real property management; evaluates long- and short-range program plans and accomplishments; identifies areas requiring new or modified policies and assists in policy development. This office identifies the need for PBS participation in Govern-

ment-wide real property management and recommends action accordingly.

**Office of Building Management.** This office plans, directs, and coordinates, on a nationwide basis, the management, operation, maintenance, repair, and protection of public buildings and related real and personal property, and accident prevention, fire prevention, physical protection, and assigned civil defense activities. It conducts research in materials and equipment to improve the design, operation, protection, and maintenance of public buildings and related systems and equipment, and develops and maintains statistics relative to space costs and management.

**Office of Design and Construction.** This office plans, directs and coordinates, on a nationwide basis, the design, construction, extension, and remodeling of public buildings. It also provides professional architectural, mechanical and electrical engineering, estimating, and construction contracting and supervision services for other Federal agencies, as requested.

**Office of Space Management.** This office plans, directs, and coordinates nationwide policies, programs, and procedures to identify, evaluate, and recommend means for fulfilling agency space requirements; acquires, by lease or purchase, real property to meet Federal agency space needs; administers leases and other use agreements, and develops and promotes application of space quality and quantity standards to attain maximum utilization of Government-owned and leased space. It assigns and reassigns space to Federal agencies, provides space layout services, and maintains space management liaison with other Federal agencies.

**Regulations.** Regulations of the Public Buildings Service are published in the Code of Federal Regulations in Title 41, Chapters 5B and 101, Subchapter D. Availability of this material is outlined under General Regulations stated above.

#### TRANSPORTATION AND COMMUNICATIONS SERVICE

**Creation and Authority.** The Administrator of General Services established the Transportation and Public Utilities Service on July 1, 1955, incorporating certain functions formerly assigned to the Federal Supply Service and the Emergency Procurement Service. It was redesignated the Transportation and Communications Service on October 19, 1961, and also assigned the motor equipment operations and management functions previously assigned to the Federal Supply Service, the communications functions of the former Office of Telecommunications, and the telecommunications operations formerly assigned to the Public Buildings Service.

**Purpose.** The Transportation and Communications Service is responsible for the development and administration of programs for the procurement and utilization of transportation, public utilities, and communications services in the executive agencies.

**Office of Transportation.** This office is responsible for providing Government-wide leadership in the development and

operation of transportation programs; maintaining liaison with other GSA services, Federal agencies, and with industry to assure necessary coordination of the transportation programs; and providing technical direction and guidance to regional transportation officials in carrying out assigned transportation operations and evaluating their performance. It provides for development and conduct of economic and statistical studies and analyses of executive agency transportation, and develops and implements procedures for improving the motor equipment management, operation, and rehabilitation programs of the Federal Government, including assigning, regulating, or performing the operation of interagency motor pools and motor transport systems. It also is responsible for developing policies and regulations governing the identification of Federal motor vehicles. It recommends action by Office of General Counsel in transportation proceedings before Federal and State-regulatory bodies, providing technical assistance and testimony of expert witnesses. This office provides transportation management service for other GSA services and Federal agencies, including rate negotiations, service agreements, contracts, and special rate studies for specific transportation problems or programs, and develops plans and recommendations for revision of policies, programs, regulations, and procedures.

*Office of Communications.* This office is responsible for planning and coordinating the development, design, establishment, and operation of the Federal civil agencies' communications programs. It establishes policies and procedures and issues directives governing the establishment and operation of the Federal Telecommunications System; recommends to the Commissioner policies, regulations, and procedures pertaining to civil agencies' communications and the public utility operations, facilities, and services; and coordinates the Federal Telecommunications System with those of the Department of Defense and with the Director of Telecommunications Management, Office of Emergency Planning. This office procures, by negotiated or advertised contracts, leased circuit facilities, services, terminal and special purpose equipment; designs rates and rate structures to meet Government requirements for utility services, including communications; and recommends and assists in the development of public utilities policies, programs, regulations, and procedures. It also recommends action by Office of General Counsel in communication and public utility proceedings before Federal and State regulatory bodies, providing technical assistance and testimony of expert witnesses in such cases.

*Regulations.* Regulations of the Transportation and Communications Service are published in the Code of Federal Regulations in Title 41, Chapters 5D and 101, Subchapters F and G. Availability of this material is outlined under General Regulations stated above.

#### NATIONAL ARCHIVES AND RECORDS SERVICE

*Creation and Authority.* The National Archives and Records Service, under the direction of the Archivist of the United States, was established on December 11, 1949, by the Administrator of General Services to succeed the National Archives Establishment originally established by act of June 19, 1934 (48 Stat. 1122).

*Purpose.* The National Archives and Records Service is responsible for selecting, preserving, and making available to the Government and the public the permanently valuable noncurrent records of the Federal Government and for promoting improved current records management and paperwork practices in Federal agencies. It is also responsible for publishing the laws, constitutional amendments, Presidential documents, and administrative regulations having general applicability and legal effect, and for the administration of the Presidential libraries.

*Office of Administration and Technical Services.* This office administers for the Service the Planning-Programming-Budgeting System in NARS; educational programs; technical and administrative activities, such as document preservation and reproduction, printed and microfilm publication sales, and library service; and the development and implementation of special programs, such as those relating to audiovisual records and the application of automated processes to archival administration.

*Office of The National Archives.* This office preserves records of permanent value, arranges and publishes guides to them, makes them available for use, and exhibits those of historical significance and timely interest. To make selected bodies of important research materials available throughout the country, the National Archives reproduces them on microfilm, positive prints of which are for sale at moderate cost. Historic documents, such as the Bill of Rights, are reproduced in facsimile for sale to the public.

*Office of Federal Records Centers.* This office directs and coordinates the programs of the Federal Records Centers for the economical storage of noncurrent Federal records and the administration of regional collections of records of permanent value; evaluates agency records maintenance and disposition programs; and assists agencies in the efficient management of their records.

*Office of Records Management.* This office directs and coordinates programs for evaluating and reporting on the recordmaking and recordkeeping practices of Federal agencies; for developing standards for efficient paperwork practices and promoting their adoption by Federal agencies; for assisting agencies to improve their paperwork systems including letterwriting, handling of mail, control of forms, reports, directives, and source data mechanization; and for conducting research in automatic data processing as it applies to Federal records.

*Office of the Federal Register.* This office files, makes available for public inspection, and publishes in the daily

FEDERAL REGISTER Presidential proclamations and Executive orders, Federal administrative regulations, orders, and notices affecting a class of the public or describing organization, practice, and procedure, and publishes the codification of all regulatory documents in the Code of Federal Regulations. Descriptions of the organization and functions of the Government are published by the Office in the United States Government Organization Manual. The text of most of the public messages and statements of the Presidents is published in the annual volumes of the Public Papers of the Presidents of the United States. The text of White House releases is published in the Weekly Compilation of Presidential Documents.

The Office is also responsible for the receipt and publication of constitutional amendments and of acts of Congress in slip form and in the United States Statutes at Large, and for carrying out the procedures in connection with the certification of Constitutional amendments, Presidential electors, and electoral votes cast for President and Vice President. The Office maintains a program of assistance to agencies in connection with their rule-making and rule-drafting activities. It also maintains an information service covering the foregoing documents, publications, and procedures.

*Office of Presidential Libraries.* This office establishes and coordinates policies with regard to the Presidential libraries—the Herbert Hoover Library, the Franklin D. Roosevelt Library, the Harry S. Truman Library, and the Dwight D. Eisenhower Library—and participates in planning for the John F. Kennedy and Lyndon B. Johnson Libraries. The libraries preserve, describe, and render reference service on Presidential papers and collections therein; acquire related historical materials; prepare documentary and descriptive publications; and display exhibits of historical documents and museum items.

*Regulations.* Regulations of the National Archives and Records Service are published in the Code of Federal Regulations in Title 41, Chapter 101, Subchapter B. Availability of this material is outlined under General Regulations stated above.

#### REGIONAL OFFICES

Regional offices are established in 10 cities throughout the United States. Within its area of jurisdiction, each regional office is responsible for executing the General Services Administration programs with respect to the procurement and supply of personal property and management of federally owned and leased space and property, the utilization of available real and personal property, and records management. The organization plan established for each regional office provides for completely integrated operations and parallels the pattern established for the Central Office. Operating authorities and responsibilities have been delegated to the Regional Administrators, with the exception of several special activities.

## REGIONAL OFFICES—GENERAL SERVICES ADMINISTRATION

Region	Regional Administrator	Address and telephone
No. 1. Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	Paul Lazzaro.....	620 Post Office and Courthouse, Boston, Mass. 02109, Area Code 617-223-2601.
No. 2. Delaware, New Jersey, New York, Pennsylvania, Puerto Rico, the Virgin Islands.	Edward V. Kline, Acting	30 Church Street, New York, N.Y. 10007, Area Code 212-264-2600.
No. 3. District of Columbia, Maryland, Virginia, West Virginia.	David Phillips.....	Seventh and D Streets SW., Washington, D.C. 20407, Area Code 202-963-6146.
No. 4. Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.	Wilbur H. Sanders.....	1776 Peachtree Street N.W., Atlanta, Ga. 30309, Area Code 404-526-5600.
No. 5. Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin.	Robert L. Pendergast, Acting	219 South Dearborn Street, Chicago, Ill. 60604, Area Code 312-828-5195.
No. 6. Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.	Richard W. Austin.....	1509 East Bannister Road, Kansas City, Mo. 64131, Area Code 816-361-7201.
No. 7. Arkansas, Louisiana, Oklahoma, Texas.	John M. McGee.....	819 Taylor Street, Fort Worth, Tex. 76102, Area Code 817-334-2321.
No. 8. Arizona, Colorado, New Mexico, Utah, Wyoming.	Gerald E. McNamara.....	Building 41, Denver Federal Center, Denver, Colo. 80225, Area Code 303-233-8525.
No. 9. California, Hawaii, Nevada.	Thomas E. Hannon.....	49 Fourth Street, San Francisco, Calif. 94103, Area Code 415-556-3221.
No. 10. Alaska, Idaho, Montana, Oregon, Washington.	Eugene R. Thissen.....	GSA Center, Auburn, Wash. 98002, Area Code 206-833-6223.

Dated: June 27, 1967.

LAWSON B. KNOTT, Jr.,  
Administrator of General Services.

[P.R. Doc. 67-7481; Filed, June 30, 1967; 8:46 a.m.]

## NATIONAL LABOR RELATIONS BOARD

### Organization and Functions

The National Labor Relations Board is an independent agency created by the National Labor Relations Act, enacted July 5, 1935 (49 Stat. 449; 29 U.S.C. 151-166); as amended by the Labor Management Relations Act, 1947, enacted June 23, 1947 (61 Stat. 136; 29 U.S.C. 151-167); amended by Act of October 21, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168); and as amended by the Labor-Management Reporting and Disclosure Act of 1959, enacted September 14, 1959 (73 Stat. 519; 29 U.S.C. 141 et seq.). The responsibilities and functions of the Agency under the statutes are carried out through an organization directed and controlled by the National Labor Relations Board and its General Counsel, who, in addition to independent authority under the statute, exercises other authority by delegation from the Board.

#### PART 201—DESCRIPTION OF ORGANIZATION

##### SUBPART A—DESCRIPTION OF CENTRAL ORGANIZATION

SEC. 201 *The Board.* The Board, composed of five Members, has its central and principal office in Washington, D.C. Each of the Members is appointed by the President, with the approval of the Senate, for a term of 5 years. One Member is designated by the President to serve as Chairman of the Board. The Board is created by virtue of the provisions of the National Labor Relations Act, 49 Stat. 449, as amended by the Labor Management Relations Act, 1947, 61 Stat. 136, and the Labor-Management Reporting and Disclosure Act, 1959, 73 Stat. 519.

The Board has two principal functions under the National Labor Relations Act, as amended: (1) The prevention of statutorily defined unfair labor practices on the part of employers and labor organizations or the agents of either, and (2) the conduct of secret ballot elections among employees in appropriate collective-bargaining units to determine whether or not they desire to be represented by a labor organization.

The Board is further empowered by the Act:

To conduct secret ballot elections among employees who have been covered by a union-shop agreement, when requested by 30 percent of the employees, to determine whether or not they wish to revoke their union's authority to make such agreements.

To determine in cases involving jurisdictional disputes which of the competing groups of workers is to be assigned the work task involved.

To conduct secret ballot elections among employees in national emergency situations.

The Board exercises full and final authority over the Office of the Executive Secretary, the Office of the Solicitor, the Division of Information, and the Security Office. The Board appoints trial examiners and, subject to the provisions of the Administrative Procedure Act and section 4(a) of the National Labor Relations Act, as amended, exercises authority over the Division of Trial Examiners. Each Board Member exercises full and final authority over a staff of legal assistants, each staff being under the immediate supervision of the Chief Counsel of the respective Board Member.

The Board, with the General Counsel, approves the budget, opens new offices as deemed necessary, and appoints regional directors and officers-in-charge.

The Board establishes and publishes the agency's Rules and Regulations and Statements of Procedure.

SEC. 201.1 *The Board's staff.* The Board's staff consists (in addition to its Chief Counsels and legal assistants referred to in sec. 201, above) of the Office of the Executive Secretary, the Solicitor, the Division of Trial Examiners, and the Division of Information.

SEC. 201.1.1 *The Office of the Executive Secretary.* The Executive Secretary is the chief administrative and judicial management officer of the Board, represents the Board in dealing with parties to cases, and communicates on behalf of the Board with labor organizations, employers, employees, Members of Congress, other agencies, and the public. The Office of the Executive Secretary receives, docket, and acknowledges all formal documents filed with the Board; issues and serves on the parties to cases all Board decisions and orders; and certifies copies of all documents which are a part of the Board's files or records.

SEC. 201.1.2 *The Solicitor.* The Solicitor is the Board's chief legal officer and advises the Board on questions of law and policy; adoption, revision, or rescission of Rules and Regulations and Statements of Procedure; pending legislation amending or affecting the Act; litigation affecting the Board, etc. The Office of the Solicitor drafts advisory opinions and declaratory orders for the Board concerning whether the Board would assert jurisdiction in a particular case.

SEC. 201.1.3 *The Division of Trial Examiners.* The Chief Trial Examiner supervises the operations of this division. Trial examiners are responsible for the conduct of all hearings and for the preparation of all trial examiners' decisions in unfair labor practice cases. The Chief Trial Examiner has final authority to designate trial examiners who conduct hearings and make rulings; to assign dates for hearings presided over by trial examiners; and to rule upon requests for extensions of time within which to file briefs, proposed findings, and conclusions.

SEC. 201.1.4 *The Division of Information.* The Director of Information maintains liaison with the press and other communications media and prepares press and other types of public releases. He furnishes information to members of the general public who wish to be informed concerning the Board and the General Counsel and arranges for the distribution of decisions and weekly summaries of decisions.

SEC. 202 *The General Counsel.* The General Counsel is appointed by the President, with the approval of the Senate, for a term of 4 years. He derives specific authority for some of his functions from the provisions of section 3(d) of the National Labor Relations Act, as amended, and derives certain other authority by delegation from the Board (20 F.R. 2175, as amended at 23 F.R. 6966, 24 F.R. 6866, and 26 F.R. 3911). By virtue of these combined authorities, the General Counsel exercises general supervision over attorneys employed by the Board (other than trial examiners, legal assistants to Board Members, the Executive Secretary, and the Solicitor), and over the officers and employees in

the regional offices. He has final authority, on behalf of the Board, in respect to the investigation of charges and issuance of complaints under section 10, and in respect to the prosecution of such complaints before the Board. He prosecutes, on behalf of the Board, injunction proceedings pursuant to section 10(i) and 10(j) of the Act. He handles court of appeals proceedings to enforce or review Board orders, other miscellaneous court litigation, and efforts to obtain compliance with Board orders. He is responsible for the processing by field personnel of representation petitions under section 9 of the Act and jurisdictional dispute cases under section 10(k), and in the conduct of employee referenda under sections 209(b) and 203(c) of the Labor Management Relations Act, 1947.

**Sec. 202.1 The General Counsel's Washington staff.** The General Counsel's Washington staff consists of three main divisions: The Division of Operations, the Division of Litigation, and the Division of Administration.

**Sec. 202.1.1 The Division of Operations.** The Associate General Counsel for the Division of Operations is responsible for the effective operation and administration of the regional, subregional, and resident offices of the agency—including the prompt and adequate investigation of all complaint cases before formal action; preparation of cases for trial; and, absent settlement, the trial of those cases. He is also responsible for the prompt investigation and hearing of representation cases and the conduct of elections. He directs the activities of regional directors and supervises the regional offices for the General Counsel, through several assistant general counsels and their deputies. Under his supervision, the Advice Branch reviews regional offices' requests for advice and formulates policy on novel or unsettled procedural and substantive matters arising in unfair labor practice cases.

**Sec. 202.1.2 The Division of Litigation.** The Associate General Counsel who heads the Division of Litigation is responsible for all legal services required in discharging the court litigation functions of the General Counsel, whether authorized by statute or delegated by the Board, including those involved in the enforcement and review of Board orders, injunction proceedings, and other litigation. The work of this division entails, among other tasks, the preparation of court records, pleadings, briefs, stipulations, decrees, and other legal documents, and the presentation of oral arguments. These functions are performed through several branches, including the Supreme Court Branch, the Appellate Court Branch, and the District Court Branch.

The Office of Appeals is another principal part of the Division of Litigation. This office reviews appeals from regional directors' refusals to issue complaints in unfair labor practice cases and recommends the action to be taken thereon by the General Counsel. Pursuant to request, the director of the office also hears informal oral presentations in Washing-

ton of argument by counsel or other representatives of the parties in support of, or in opposition to, the appeals.

**Sec. 202.1.3 The Division of Administration.** The Director of Administration is responsible generally for the administrative management, service, and fiscal functions of the General Counsel. His activities are carried out with the assistance of branches dealing with personnel, budget, finance, general services, organization, and methods, and administrative statistics. These functions are also performed in behalf of the Board and its Members.

#### SUBPART B—DESCRIPTION OF FIELD ORGANIZATION

**Sec. 203 The regional offices.** There are 31 regional offices through which the Board conducts its business. Certain of the regions have subregional offices or resident offices in addition to the central regional office. The areas constituting the regions, and the location of the regional, subregional, and resident offices are set forth in an appendix hereto. Each regional office staff is headed by a regional director appointed by the Board on the recommendation of the General Counsel and includes a regional attorney, field attorneys, field examiners, and clerical staff. Each subregional office is headed by an officer-in-charge appointed in the same manner as the regional directors. Each resident office is headed by a resident officer.

**Sec. 203.1 The regional directors.** Under the general supervision of the Office of the General Counsel, the regional director supervises a staff of attorneys and field examiners in the processing of representation, unfair labor practice, and jurisdictional dispute cases. He is empowered to issue notices of hearing in representation cases; issue complaints in unfair labor practice cases; conduct elections pursuant to agreement of the parties or direct elections pursuant to the decision making authority delegated by the Board to him under section 3(b) of the Act, and issue certification of representatives or certify the results of elections where appropriate; conduct employee referenda under sections 209(b) and 203(c) of the Labor Management Relations Act; obtain settlement of unfair labor practice charges; obtain compliance with trial examiner, Board, and court decisions; investigate and report on, or decide, objections to elections and challenges to determinative ballots; and otherwise act in behalf of the General Counsel in the discharge of his statutory and delegated functions.

In addition, the regional director may initiate and prosecute in the district courts injunctions under section 10(i) of the Act. He also has authority to process petitions for unit clarification, for amendment of certification, and for rescission of a labor organization's authority to make an agreement pursuant to the proviso of section 8(a)(3).

The regional director is also responsible for the administrative management of the office and of any subregional and resident offices in his region.

**Sec. 203.2 The regional attorneys.** The regional attorney is the principal legal adviser to the regional director and, as the chief legal officer in the region, supervises the regional office attorneys in the performance of their duties. He may exercise any authority given attorneys and field examiners in the region.

**Sec. 203.3 The field attorneys.** The field attorneys are charged in general with the duty of performing all necessary legal services for the regional director in the region. They are directly responsible to the regional attorney, and through him to the regional director, for performance of these services. Under the direction of the regional attorney, they:

(a) Investigate petitions concerning the representation of employees (including the taking of secret ballots of employees), in accordance with section 9(c) of the National Labor Relations Act;

(b) Conduct hearings in proceedings under section 9 of the National Labor Relations Act and section 7(b) of the Fair Labor Standards Act;

(c) Investigate charges of unfair labor practices under section 8 of the Act;

(d) Appear and participate as counsel in Board hearings and, when designated, in other Board litigation and proceedings;

(e) Prosecute any inquiry necessary to the functions of the General Counsel, have access to and the right to copy evidence, administer oaths and affirmations, examine witnesses, and receive evidence;

(f) Perform all other and necessary acts required of them in connection with the foregoing and the published rules and regulations of the Board.

**Sec. 203.4 The field examiners.** The field examiners in each of the regional offices are directly responsible to the regional director and work under his direction. Essentially, they:

(a) Investigate petitions concerning the representation of employees, in accordance with section 9 of the National Labor Relations Act, and conduct secret ballot elections where such procedure is required under the Act;

(b) Investigate charges of unfair labor practices under section 8 of the Act, have access to and the right to copy evidence, administer oaths and affirmations, examine witnesses, and receive evidence;

(c) Conduct hearings in proceedings under section 9 of the National Labor Relations Act and section 7(b) of the Fair Labor Standards Act;

(d) Perform all other and necessary acts required of them in connection with the foregoing and the published rules and regulations of the Board.

**Sec. 203.5 The officers-in-charge and resident officers.** The officer-in-charge of a subregional office or the resident officer of a resident office is directly responsible to the regional director and, under his direction, supervises the processing of cases arising within the geographical area of his office. Under special delegation from the General Counsel, an officer-in-charge may be authorized to exercise the functions of the regional director, subject to statutory limitations.

*Effective date.* This Description of Organization shall be effective as of July 4, 1967.

Dated, Washington, D.C., June 26, 1967.

By direction of the Board.

OGDEN W. FIELDS,  
*Executive Secretary.*

APPENDIX—REGIONAL AND SUBREGIONAL OFFICES

Alphabetical list of States showing location in relation to regions and subregions. (Note that respective region number follows subregion number to facilitate locating areas serviced.)

	Region and subregion Nos.
Alabama	10, 15
Alaska	19
Arizona	28
Arkansas	26
California	20, 21, 31
Colorado	27
Connecticut	1, 2
Delaware	4, 5
District of Columbia	5
Florida	12, 15
Georgia	10
Hawaii	S-37(20)
Idaho	19
Illinois	13, 14, S-38 (13)
Indiana	9, 13, 25
Iowa	18, S-38 (13)
Kansas	17
Kentucky	9, 25
Louisiana	15
Maine	1
Maryland	5
Massachusetts	1
Michigan	7, 30
Minnesota	18
Mississippi	15, 26
Missouri	14, 17
Montana	19
Nebraska	17
Nevada	20, 31
New Hampshire	1
New Jersey	4, 22
New Mexico	28
New York	2, 3, 29
North Carolina	11
North Dakota	18
Ohio	8, 9
Oklahoma	16
Oregon	S-36(19)
Pennsylvania	4, 6
Rhode Island	1
South Carolina	11
South Dakota	18
Tennessee	5, 10, 26
Texas	16, 23, 28
Utah	27
Vermont	1
Virginia	5
Washington	19, S-36 (19)
West Virginia	5, 6, 9
Wisconsin	18, 30
Wyoming	27
Puerto Rico	24
U.S. Virgin Islands	24

AREAS SERVED BY REGIONAL AND SUBREGIONAL OFFICES

(Listed in numerical order except that subregions appear directly under respective regions.)

*Region 1.* Boston, Mass. 02203, 20th Floor, John F. Kennedy Federal Building, Cambridge and New Sudbury Streets. Services

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and all Connecticut counties except Fairfield.

*Region 2.* New York, N.Y. 10022, Fifth Floor, Squibb Building, 745 Fifth Avenue. Services Fairfield County in Connecticut and Bronx, New York, Orange, Putnam, Rockland, and Westchester Counties in New York.

*Region 3.* Buffalo, N.Y. 14202, Fourth Floor, The 120 Building, 120 Delaware Avenue. Services all New York State counties except the metropolitan area counties serviced by Regions 2 and 29.

Persons may also obtain service at the resident office located in Albany, N.Y. 12207, Seventh Floor, Drislane Building, 60 Chapel Street.

*Region 4.* Philadelphia, Pa. 19107, 1700 Bankers Securities Building, Walnut and Juniper Streets. In Pennsylvania, services Adams, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties; in New Jersey, services Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties; and in Delaware, services New Castle County.

*Region 5.* Baltimore, Md. 21201, Federal Building, Room 1019, Charles Center. Services Maryland and Virginia; the District of Columbia; Kent and Sussex Counties in Delaware; the city of Bristol in Sullivan County, Tenn.; and, in West Virginia, Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton Counties.

*Region 6.* Pittsburgh, Pa. 15222, 1536 Federal Building, 1000 Liberty Avenue. In Pennsylvania, services Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, and Westmoreland Counties; in West Virginia, Barbour, Brooke, Doddridge, Hancock, Harrison, Lewis, Marion, Marshall, Monongalia, Ohio, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur, Webster, and Wetzel Counties.

*Region 7.* Detroit, Mich. 48226, 500 Book Building, 1249 Washington Boulevard. In Michigan, services Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalamazoo, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Mainstem, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford Counties.

*Region 8.* Cleveland, Ohio 44115, 720 Bulkley Building, 1501 Euclid Avenue. In Ohio, services Allen, Ashland, Ashtabula, Auglaize, Belmont, Carroll, Champaign, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, DeLancey, Delaware, Erie, Fulton, Geauga, Guernsey, Hancock, Hardin, Harrison, Henry, Holmes, Huron, Jefferson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Miami, Morrow, Muskingum, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Wayne, Williams, Wood, and Wyandot Counties.

*Region 9.* Cincinnati, Ohio 45202, Room 2407, Federal Office Building, 550 Main Street. In Ohio, services Adams, Athens, Brown, Butler, Clark, Clermont, Clinton, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Lawrence, Madison, Meigs, Monroe, Mont-Lawrence, Madison, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Vinton, Warren, and Washington Counties; services all counties in Kentucky except Daviess and Henderson; in Indiana, services Clark, Dearborn, and Floyd Counties; and in West Virginia, services Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pleasants, Putnam, Raleigh, Ritchie, Roane, Summers, Tyler, Wayne, Wirt, Wood, and Wyoming Counties.

*Region 10.* Atlanta, Ga. 30308, Room 701, 730 Peachtree Street NE. Services Georgia; in Tennessee, services Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Clay, Cooke, Cumberland, Fentress, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White Counties; in Alabama, services Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Madison, Marion, Marshall, Morgan, Perry, Pickens, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston Counties.

Persons may also obtain service at the resident office in Birmingham, Ala. 35203, 1417 City Federal Building, 2026 Second Avenue.

*Region 11.* Winston-Salem, N.C. 27000, 1624 Wachovia Building, 301 North Main Street. Services North Carolina and South Carolina.

*Region 12.* Tampa, Fla. 33602, Room 706, Federal Office Building, 500 Zack Street. In Florida, services Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Flagler, Gadsden, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, and Wakulla Counties.

Persons may also obtain service at the resident offices in Miami, Fla. 33130, Room 828, Federal Office Building, 51 Southwest First Avenue, and in Jacksonville, Fla. 32202, Federal Building, 400 West Bay Street.

*Region 13.* Chicago, Ill. 60604, 881 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street. Services Cook, DuPage, Kane, Lake and Will Counties in Illinois, and Lake County in Indiana.

*Subregion 38.* Peoria, Ill. 61602, 4th Floor, Citizens Building, 225 Main Street. In Illinois, services Boone, Bureau, Carroll, Cass, Champaign, De Kalb, De Witt, Douglas, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kankakee, Kendall, Knox, La Salle, Lee, Livingston, Logan, Macon, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Morgan, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Stark, Stephenson, Tazewell, Vermillion, Warren, Whiteside, Winnebago, and Woodford counties; in Iowa, services Clinton, Des Moines, Dubuque,



Jackson, Lee, Muscatine, Scott, and Louisa Counties.

**Region 14.** St. Louis, Mo. 63102, 1040 Boatmen's Bank Building, 314 North Broadway. In Illinois, services Adams, Alexander, Bond, Brown, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, 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, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties; and in Missouri, services Audrain, Bollinger, Butler, Callaway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Independent City of St. Louis, Iron, Jefferson, Knox, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, St. Genevieve, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne Counties.

**Region 15.** New Orleans, La. 70113, T6024 Federal Building (Loyola), 701 Loyola Avenue. Services Louisiana; in Mississippi, services Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Issaquena, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lincoln, Madison, Marion, Neshoba, Newton, Pearl River, Perry, Pike, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson, and Yazoo Counties; in Alabama, services Baldwin, Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Dallas, Escambia, Geneva, Henry, Houston, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Pike, Russell, Washington, and Wilcox; in the State of Florida, the counties of Bay, Calhoun, Escambia, Franklin, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, and Washington Counties.

**Region 16.** Fort Worth, Tex. 76102, Room 8A24, Federal Office Building, 819 Taylor Street. Services Oklahoma and the following counties in Texas: Anderson, Andrews, Angelina, Archer, Armstrong, Bailey, Baylor, Bell, Borden, Bosque, Bowie, Brewster, Briscoe, Brown, Burnett, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kaufman, Kent, Kimble, King, Knox, Lamar, Lamb, Lampasas, Leon, Limestone, Lipscomb, Llano, Loving, Lubbock, Lynn, Madison, Marion, Martin, Mason, McCulloch, McLennan, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Macogdoches, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Rains, Randall, Reagan, Red River, Reeves, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Trinity, Upshur, Upton, Van Zandt, Ward, Wheller, Wichita, Wilbarger, Williamson, Winkler, Wise, Wood, Yoakum, and Young.

**Region 17.** Kansas City, Mo. 64106, 610 Federal Building, 601 East 12th Street. Services Nebraska and Kansas and the following counties in 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, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Pulaski, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright.

**Region 18.** Minneapolis, Minn. 55401, 316 Federal Building, 110 South 4th Street. Services North Dakota, South Dakota, and Minnesota and the following counties in Iowa: Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson, Emmett, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jasper, Jefferson, Johnson, Jones, Keokuk, Kosuth, Linn, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth, and Wright; and the following counties in the State of Wisconsin: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, and Washburn.

**Region 19.** Seattle, Wash. 98101, 327 Logan Building, 500 Union Street. Services Alaska, Montana, Idaho, and Washington.

**Subregion 36.** Portland, Oreg. 97204, 612 Lincoln Building, 208 Southwest Fifth Avenue. Services Oregon and Clark County in Washington.

**Region 20.** San Francisco, Calif. 94102, 13050 Federal Building, 450 Golden Gate Avenue, Box 36047. In Nevada, services Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe, White Pine; and the following counties in California: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties.

**Subregion 37.** Honolulu, Hawaii 96814, Suite 308, 1311 Kapiolani Boulevard. Services Hawaii.

**Region 21.** Los Angeles, Calif. 90014, Eastern Columbia Building, 849 South Broadway. Services the following counties in California: Imperial, Orange, Riverside, and San Diego, and that portion of Los Angeles County lying east of Harbor Freeway and south of Pasadena Freeway (Arroyo Boulevard, U. S. Highway 66).

**Region 22.** Newark, N.J. 07102, 614 National Newark Building, 744 Broad Street. In New Jersey, services Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties.

**Region 23.** Houston, Tex. 77002, 6617 Federal Office Building, 515 Rusk Avenue. In

Texas, services Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerry, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, McMullen, Matagorda, Maverick, Medina, Montgomery, Newton, Nueces, Orange, Polk, Real, Refugio, San Jacinto, San Patricio, Starr, Travis, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Zapata, and Zavala Counties.

**Region 24.** Hato Rey, P.R. 00917, Seventh Floor, El Hato Rey Building, 255 Ponce de Leon Avenue, Box UU. Services Puerto Rico and the U.S. Virgin Islands.

**Region 25.** Indianapolis, Ind. 46204, 614 ISTA Center, 150 West Market Street. Services Indiana, with the exception of Lake, Clark, Dearborn, and Floyd Counties, and Daviess and Henderson Counties in Kentucky.

**Region 26.** Memphis, Tenn. 38103, 746 Federal Office Building, 167 North Main Street. Services Arkansas and the following counties in Tennessee: Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Coffee, Crockett, Davidson, Decatur, De Kalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marshall, Maury, Montgomery, Moore, Obion, Perry, Robertson, Rutherford, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, and Wilson; also services the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Talahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, and Yalobusha.

Persons may also obtain service at the resident offices in Little Rock, Ark. 72201, 3507 Federal Building, 700 West Capitol Avenue, and in Nashville, Tenn., Room 671, U.S. Courthouse, 800 Broadway.

**Region 27.** Denver, Colo. 8202, Room 260, New Customhouse, 721 19th Street. Services Wyoming, Colorado, and Utah.

**Region 28.** Albuquerque, N. Mex. 87101, 7011 Federal Building and U.S. Courthouse, 500 Gold Avenue SW. Services Arizona and New Mexico, and Culberson, El Paso, and Hudspeth Counties in Texas.

Persons may also obtain service at the resident office in El Paso, Tex. 79901, Room 400, The Mart Building, 206 San Francisco Street, and in Phoenix, Ariz. 85013, Room 207, Camelback Building, 100 West Camelback Road.

**Region 29.** Brooklyn, N.Y. 11201, Fourth Floor, 16 Court Street. In New York, services Kings, Nassau, Queens, Richmond, and Suffolk Counties.

**Region 30.** Milwaukee, Wis. 53203, 2d Floor, Commerce Building, 744 North 4th Street. In Wisconsin, services the following counties: Adams, Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Florence, Fond du Lac, Forest, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Milwaukee, Monroe, Oconto, Oneida, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Vilas, Walworth, Waushara, Washington, Waukesha, Waupaca,

Winnebago, and Wood; in Michigan, services the following counties: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.

Region 31, Los Angeles, Calif. 90014, 10th Floor, Bartlett Building, 215 West 7th Street. Services the following counties in California: Inyo, Kern, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura; that portion of Los Angeles County lying west of Harbor Freeway and north of Pasadena Freeway (Arroyo Boulevard, U.S. Highway 66); in Nevada, services Nye, Lincoln, and Clark Counties.

[F.R. Doc. 67-7417; Filed, June 30, 1967; 8:45 a.m.]

## OFFICE OF ECONOMIC OPPORTUNITY

### SECRETARY OF HEALTH, EDUCATION, AND WELFARE

#### Delegation of Authority Regarding Follow Through Program

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964, as amended (hereafter the "Act"), I hereby delegate to the Secretary of Health, Education, and Welfare (hereafter the "Secretary") concurrent authority pursuant to sections 204, 205, and 211-1(a) of the Act for the purpose of carrying out, within the limitations of those sections, a program to assist the development and education of disadvantaged children in the early years of elementary school, particularly children who have previously attended a full school year Head Start or other quality comprehensive preschool program. The program shall be known as the "Follow Through Program."

2. In connection with the foregoing, I further delegate to the Secretary such concurrent authority as may be necessary and appropriate pursuant to sections 206(a), 207, 208, 209, 602, and 610-1(c) of the Act in order to carry out his functions and to provide training, technical assistance, research, demonstration, and evaluation activities, related to the Follow Through Program. All such research and demonstration activities shall be conducted in accordance with a plan developed and revised, as necessary, from time to time by the Department of Health, Education, and Welfare (hereafter the "Department") in accordance with the requirements of section 207. Such plan shall be developed and revised in consultation with, and with the concurrence of, the Office of Economic Opportunity (hereafter the "Office").

3. In order to ensure compliance with section 203 of the Act, the Director of the Office of Economic Opportunity shall retain final authority over the availability and allocation of funds. The Department and the Office shall consult from time to time concerning proposed allocations of such funds.

4. The powers hereby delegated shall be exercised pursuant to regulations and major policy guidelines which shall be

developed by the Department after consultation with the Office; *Provided, however*, That pending promulgation thereof, the initial pilot projects shall be developed and operated in accordance with policies already agreed to by the Department and the Office. Such regulations and major guidelines shall include statements of the nature and objectives of the Follow Through Program, priorities for assistance of particular types of projects and activities, criteria for program evaluation, and other policy matters of fundamental importance. To the extent provided for in any Memorandum of Understanding entered into between the Department and the Office, such regulations and guidelines shall require concurrence of the Office. In other cases, if the Office raises objections during the consultative process, the Department will notify the Office of its intention to proceed at least 10 days before issuing the policy.

5. All operating information, evaluation reports, and other data concerning the Follow Through Program shall be freely exchanged between the Department and the Office pursuant to sections 602(d) and 611 of the Act. The Department shall make quarterly reports to the Office concerning administration of the Follow Through Program as well as such other reports as the Office may require. After prior notification to the Department, the Office may conduct such joint and independent site visits as it may deem necessary.

6. The powers hereby delegated shall be exercised in accordance with such memoranda of understanding as may be entered into between the Department and the Office.

7. The powers hereby delegated may be redelegated by the Secretary to the Commissioner of Education with or without authority for further redelegation. The Office shall be advised of all such redelegations.

Dated: June 26, 1967.

SARGENT SHRIVER,  
Director,

Office of Economic Opportunity.

Approved: June 26, 1967.

LYNDON B. JOHNSON,  
President of the United States.

[F.R. Doc. 67-7487; Filed, June 30, 1967; 8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

### CHEMALLOY MINERALS, LTD.

#### Order Suspending Trading

JUNE 27, 1967.

In the matter of trading in securities of Chemalloy Minerals, Ltd., Toronto, Ontario, Canada.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common shares being traded otherwise than on

a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 28, 1967, through July 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 67-7472; Filed, June 30, 1967; 8:45 a.m.]

[File No. 1-2618]

### GOLDFIELD CORP.

#### Order Suspending Trading

JUNE 27, 1967.

In the matter of trading in securities of The Goldfield Corp., File No. 1-2618.

The Capital Stock, listed and registered on the San Francisco Mining Exchange and having unlisted trading privileges on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the San Francisco Mining Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 28, 1967, through July 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 67-7473; Filed, June 30, 1967; 8:45 a.m.]

### INTERAMERICAN INDUSTRIES, LTD.

#### Order Suspending Trading

JUNE 27, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be sum-

marily suspended, this order to be effective for the period June 28, 1967, through July 7, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 67-7474; Filed, June 30, 1967;  
8:45 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Rev. 3)]

### AREA COORDINATORS ET AL., SOUTHWESTERN AREA, DALLAS, TEX.

#### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, dated January 7, 1967, and Amendment 1, 32 F.R. 8113, dated June 8, 1967, the following authority is hereby re-delegated to the positions as indicated herein:

I. Area Coordinators: A. *Economic Development Coordinator*. \*\*1. To approve or decline section 501 State Development Company loans without dollar limitation and section 502 Local Development Company loans up to \$350,000 (SBA share).

2. To close and disburse section 501 and 502 loans.

3. To extend the disbursement period on section 501 and 502 loan authorizations or undisbursed portions of section 501 and 502 loans.

4. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

6. Eligibility determinations (for financial assistance only): To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

7. Size determinations (for financial assistance only): To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Supervisory Loan Officer (Economic Development)*. 1. To close and disburse section 501 and 502 loans. 2. To extend the disbursement period on section 501 and 502 loan authorizations or undisbursed portions of section 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due

thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Loan Officer (Economic Development)*. 1. To close and disburse section 501 and 502 loans.

2. To extend the disbursement period on Section 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and 40 percent First Mortgage Plan—501 and 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of \$500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed \$500.

D. *Liquidation and disposal coordinator*. 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired col-

lateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

E. *Supervisory liquidation and disposal officer.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights charges on and interest in or to property of any kind, legal, and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (c) the cancellation of authority to liquidate.

F. *Area claims review committee.* To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and

consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of \$5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of \$5,000 but not exceeding \$100,000 (including CPC advances but excluding interest).

G. *Financial Assistance Coordinator—1. Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Procurement and Management Assistance Coordinator—1. Eligibility determinations (for PMA activities only).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

I. *Area Administrative Officer.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *Regional Directors: A. Financial assistance.* 1. To approve business and disaster loans not exceeding \$350,000 (SBA share) and economic opportunity loans not exceeding \$25,000 (SBA share).

2. To decline business, economic opportunity, and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator  
By \_\_\_\_\_  
(Name)  
Regional Director  
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undischarged portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

\*\*10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposits, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

C. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

D. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).*

1. *Size determinations for financial assistance only:* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only:* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

3. To approve business and disaster loans not exceeding \$350,000 (SBA share), and economic opportunity loans not exceeding \$25,000 (SBA share).

4. To close and disburse approved business, economic opportunity, and disaster loans.

5. To decline business, economic opportunity, and disaster loans of any amount.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator  
By \_\_\_\_\_  
(Name)  
(Title of person signing)

8. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the

Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

F. *Supervisory Loan Officer.* 1. To approve or decline direct loans not in excess of \$50,000 and participation loans not in excess of \$50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of \$25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business loan participation agreements with banks.

5. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator  
By \_\_\_\_\_  
(Name)  
(Title of person signing)

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be

appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation of guaranty agreement.

11. Size determinations for financial assistance only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. Eligibility determinations for financial assistance only: To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

G. *Loan Officer*. 1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of \$200 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed \$200.

2. To close and disburse approved business, economic opportunity and disaster loans.

H. *Regional Counsel [Reserved]*.

I. *Chief, Accounting, Clerical, and Training Division*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

J. *Assistant Chief, Accounting, Clerical, and Training Division*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. *Branch Managers [Reserved]*.

IV. The specific authority delegated herein, indicated by double asterisks (\*\*) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: April 6, 1967.

ROBERT E. WEST,  
Area Administrator,  
Southwestern Area.

[F.R. Doc. 67-7484; Filed, June 30, 1967; 8:46 a.m.]

## TARIFF COMMISSION

[AA 1921-50]

### CAST IRON SOIL PIPE FROM POLAND

#### Notice of Hearing

Notice is hereby given that the U.S. Tariff Commission, on June 27, 1967, ordered a public hearing to be held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to cast iron soil pipe from Poland. Notice of institution of this investigation was published in the FEDERAL REGISTER on June 10, 1967 (32 F.R. 8396).

The hearing will be held in the Hearing Room, Tariff Commission Building,

Eighth and E Streets NW., Washington, D.C., at 10 a.m., e.d.s.t., on August 4, 1967. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least 3 days in advance of the date set for the hearing.

Issued: June 28, 1967.

By order of the Commission.

[SEAL] DONN N. BENT,  
Secretary.

[F.R. Doc. 67-7489; Filed, June 30, 1967; 8:46 a.m.]

[APTA-W-16]

### CERTAIN WORKERS OF EATON, YALE, AND TOWNE STAMPING DIVISION, CLEVELAND, OHIO

#### Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Upon receipt on June 26, 1967, of a request therefor from the Automotive Agreement Adjustment Assistance Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, and its Local 307, on behalf of a group of workers at the Eaton, Yale, and Towne Stamping Division, Cleveland, Ohio, which manufactured among other products automotive stampings, automotive hub caps, heavy duty truck brake drums and lining, radiator and gas tank caps, and automotive filler necks. The petition alleges that dislocation of the group of workers has occurred and that the operation of the United States-Canadian Automotive Agreement has been the primary factor in causing such dislocation. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

No hearing has been scheduled. A hearing will be held on request of any party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 at the Customhouse.

Issued: June 28, 1967.

By order of the Commission.

[SEAL] DONN N. BENT,  
Secretary.

[F.R. Doc. 67-7490; Filed, June 30, 1967; 8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 28, 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. 41061—*Caustic soda to Beverly, Mass.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2890), for interested rail carriers. Rates on sodium (soda) caustic (sodium hydroxide), in solution subject to Rule 35, in multiple tank car shipments of not less than three (3) cars per shipment, from Grasselli, N.J., and other specified points in New Jersey, to Beverly, Mass.

Grounds for relief—Unregulated water and market competition.

Tariff—Supplement 36 to The Central Railroad Co. of New Jersey tariff ICC F-374.

FSA No. 41062—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 114), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 2 to Central States Motor Freight Bureau, Inc., agent, tariff MP-ICC 1242.

FSA No. 41063—*TOFC rates—between points in western trunk line territory.* Filed by Western Trunk Line Committee, agent (No. A-2504), for interested rail carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in Minnesota, and North Dakota, also Superior, Wis., on the one hand, and Ironwood, Mich., Rhinelander and Waukesha, Wis., on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 3 to Western Trunk Line Committee, agent, tariff ICC A-4662.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[P.R. Doc. 87-7530; Filed, June 30, 1967;  
8:48 a.m.]

[Notice 412]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 28, 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 95540 (Sub-No. 703 TA), filed June 26, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Dunn, N.C., to points in Florida, Missouri, Oklahoma, and Kansas; for 180 days. Supporting shipper: Wellons Candy Co., Inc., Dunn, N.C. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 107064 (Sub-No. 57 TA), filed June 26, 1967. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, 2808 Fairmount Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sulphur and sulphur products*, in bags, from Lehman, Tex., to points in Colorado, Arkansas, New Mexico, Louisiana, Oklahoma, Kansas, Nebraska, Iowa, Mississippi, and Missouri; for 150 days. Supporting shipper: National Sulphur Co., 1300 V and J Tower, Midland, Tex. 79701. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 107496 (Sub-No. 573 TA), filed June 26, 1967. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 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: *Liquid corn syrup, and blends thereof*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Mississippi; for 180 days. Supporting shipper: A. E. Staley

Manufacturing Co., Post Office Box 151, Decatur, Ill. 62525. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 116014 (Sub-No. 32 TA), filed June 26, 1967. Applicant: OLIVER TRUCKING COMPANY, INC., North Bloomfield Road, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite and warehouses of Rockwell-Standard Corp., at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia; for 180 days. Supporting shipper: Rockwell-Standard Corp., Winchester, Ky. 40391 (Ralph L. Groen, General Manager). Send protests to: R. W. Schneiter, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 207 Exchange Building, 147 North Upper Street, Lexington, Ky. 40507.

No. MC 124212 (Sub-No. 41 TA), filed June 23, 1967. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: Falsgraf, Kundtz, Reidy and Shoup, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsite of Lehigh Portland Cement Co., located at Fogelsville, Pa., to the plantsite of Lehigh Portland Cement Co., located at Baltimore, Md.; for 180 days. Supporting shipper: Lehigh Portland Cement Co., Allentown, Pa. Send protests to: G. J. Baccel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior, Cleveland, Ohio 44114.

No. MC 127551 (Sub-No. 3 TA), filed June 22, 1967. Applicant: GEORGE F. DAVIS, JR., doing business as GEORGE DAVIS TRUCKING COMPANY, 429 East Waterloo, Rapid City, S. Dak. 57701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Rapid City, S. Dak., to points in Weston, Crook, Campbell, Johnson, and Sheridan Counties, Wyo.; for the account of Black Hills Packing Co., Rapid City, S. Dak.; for 180 days. Supporting shipper: Black Hills Packing Co., Drawer 3104, Rapid City, S. Dak. (James R. Howard, President). Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Com-

merce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 129063 (Sub-No. 1 TA), filed June 26, 1967. Applicant: JIMMY T. WOOD, Route No. 6, Ripley, Tenn. 38063. Applicant's representative: Robert E. Joyner, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and shale cinders*, in bulk, in dump trailers or dump trucks, from England, Ark., and points in Crittendon County, Ark., to points in Tennessee west of the Tennessee River; points in Mississippi within 100 miles of Memphis, Tenn.; and points in Missouri on and east of U.S. Highway 67; for 180 days. Supporting shipper: Arkansas Lightweight Aggregate Corp., (ARKA-LITE), England, Ark. 72046. Send protests to: W. W. Garland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 129063 (Sub-No. 2 TA), filed June 26, 1967. Applicant: JIMMY T. WOOD, Route No. 6, Ripley, Tenn. 38063. Applicant's representative: Robert E. Joyner, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue*, in bulk, in dump vehicles, from points in Shelby County, Tenn., to the Union Carbide Corp., Vanadium Recovery Plant, near Hot Springs, Ark.; for 120 days. Supporting shipper: Union Carbide Corp., 270 Park Avenue, New York, N.Y., 10017 (E. T. Woods, Traffic Assistant). Send protests to: W. W. Garland, District Supervisor,

Bureau of Operations, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-7531; Filed, June 30, 1967;  
8:48 a.m.]

[Notice 1]

### MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 28, 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. MC-FC-69703. By order of June 22, 1967, the Transfer Board approved the transfer to Plante's Motor Transport Co., a corporation, Woonsocket, R.I., of the certificate of registration in No. MC-97894 (Sub-No. 1), issued December 30,

1963, to Lucien R. Plante, doing business as Plante's Motor Transport, Woonsocket, R.I., evidencing the right to engage in transportation in interstate or foreign commerce solely within the State of Rhode Island, corresponding to certificate of public convenience and necessity No. MC-247, dated December 8, 1950, issued by the Public Utility Administrator of the State of Rhode Island. Omer A. Sutherland, 1 Social Street, Woonsocket, R.I., attorney for applicants.

No. MC-FC-69705. By order of June 22, 1967, the Transfer Board approved the transfer to Anthony J. Gringeri, doing business as Gringeri Trucking Co., West Newton, Mass., of the operating rights in permit No. MC-76180, issued May 22, 1943, to Clarence Oliver Ashforth, doing business as Clarence O. Ashforth, Waltham, Mass., authorizing the transportation, over irregular routes, of studio couches and chairs, uncrated, mattresses, pillows, new bedding, beds and parts thereof, waterproof cloth, and advertising material, from Newton, Mass., to specified points in New Jersey and Pennsylvania and points in Connecticut, Rhode Island, New Hampshire, Vermont, New York, and southern Maine; ticking from Jewett City, Conn., and New York, N.Y., to Newton, Mass.; finished lumber, cut for furniture frames, from Bath, Maine, to Newton, Mass.; and excelsior from Manchester, N.H., to Newton, Mass. John F. Curley, 33 Broad Street, Boston, Mass., attorney for applicants.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-7532; Filed, June 30, 1967;  
8:48 a.m.]